



Rhythms of Law: Aboriginal Jurisprudence and the Anthropocene

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Abstract

On 1 December 2019, over one hundred Aboriginal nations performed ancestral and creation dances in synchrony across the Australian continent. One of the communities that danced was the Anaiwan nation from the north-eastern region of New South Wales, Australia. Since 2014 I have been working with Anaiwan people in a collaborative activist research project, creating and maintaining an Aboriginal community garden on the fringes of my hometown of Armidale as a site for land reclamation and decolonising, multispecies research. The community garden is adjacent to the site of the old East Armidale Aboriginal Reserve, where over one hundred dispossessed Aboriginal people were forced to live on the municipal town garbage depot in the mid-twentieth century. This paper positions both the Nation Dance 2019 movement, and the Armidale Aboriginal Community Garden, as rhythmic events that activate Aboriginal Law and sovereignty that is held enduring in the land but that has been buried alive by the settler-colonial state. Focusing on the tensions between deep Indigenous ancestral temporality and colonial territoriality, I argue that the emergence of the Anthropocene reveals a dangerous dissonance between the rhythms of Aboriginal Law patterned through present-day Australian environments and the grid-based structures of colonial governance imposed upon them.

Keywords Aboriginal jurisprudence · Anthropocene · Community gardens · Decolonisation · Property

On the first of December, 2019, the Anaiwan community from the northern tableland region of New South Wales in the continent now known as Australia gathered in a community garden in Armidale to perform a creation dance—*Darigari Njinga Nyami*. Arms painted in white ochre waved eucalypt branches and leaves against the earth to the beat of a collective chant. While bare feet left hundreds of foot prints in the soil the percussive rhythm of clap sticks carved patterns in time.

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After months of prolonged, severe drought the garden itself was mostly dirt. The grass had died and the soil shattered, each little piece of earth hardened and split apart from the next until the ground looked like a thousand fractured continents broken up by tectonic forces. Dallas Ramage, who helped to organise the dance in Armidale, explained that the ceremony would begin to heal song lines ruptured by centuries of colonial violence and dispossession. 'We haven't had a Corroboree on this land since 1883', Ramage said to the local newspaper, 'This day is going to break history, and hopefully break the drought' (cited in Green 2019).

As the Anaiwan people danced their creation dance abiding rhythms of Aboriginal Law reverberated across the entire Australian continent. The Anaiwan nation was one of over one hundred Aboriginal communities performing ancestral and creation dances from their respective homelands in synchrony to heal and uplift land, waters and song lines at a time when catastrophic drought and bushfire was ravaging the country. In rhythmic relation with an ancient emplaced past the dancing wove communities thousands of kilometres apart, and people separated by centuries, together. As communities danced for their ancestors and for their children, time poured through bodies in motion like a torrent of life-sustaining rain. The beating of feet on dry soil followed the cadence of deep ancestral stories and songs activating Aboriginal Law that is held enduring in the land but that has been buried alive (Watson 2002) by the settler-colonial state.

In this paper I am focusing on the poly-temporal rhythms embodied in Indigenous ancestral and creation dances to draw attention to modes of time that rupture the empty homogenous time of colonial historicism and the Anthropocene (Benjamin 1969). Colonial history, European legal traditions, and the Anthropocene discourse itself are all based in understandings of time that contravene Aboriginal rhythms of Law embedded in the Indigenous land that underlies the Australian nation state. In the following discussion I argue that settler colonial violation of Indigenous ancestral continuities is producing the ongoing environmental devastation which has ushered in the environmental crises associated with the Anthropocene.

It is clear that the emergence of the Anthropocene is inextricably entangled with colonial violence. Imperial and colonial expansion has depended on devastating assaults on Indigenous peoples and Indigenous ecologies across the globe, a destruction that lay the groundwork for the environmental catastrophes we now face as a species. Yet the Anthropocene discourse often obscures this foundational violence, and in this obfuscation threatens to reproduce social and environmental injustice and devastation. Presented as a radically new moment in global history, the discourse of the Anthropocene is grounded in narratives of disjunction and rupture (DeLoughrey 2019) that 'fail to grapple with the inheritance of violent dispossession of Indigenous land' (Yusoff 2018, p. 2) while also suppressing and hiding the Indigenous ancestral labours that are embodied in that land. This is extremely dangerous in Australia, as ignoring the ancestral continuities that shape present-day ecologies leaves the settler colonial state mired in a state of fatal ignorance about the real conditions of the environment.

Through a situated story of ongoing colonial dispossession and Aboriginal resistance this paper works to provincialise the Anthropocene discourse, revealing polyrhythmic experiences of our planetary 'moment' that illuminate

Indigenous ancestral continuities. Drawing on the work of Dipesh Chakrabarty (2000) and Elizabeth DeLoughrey (2019), this paper contributes to scholarship that seeks to trouble and contest the Eurocentric and universalising tendencies of the Anthropocene discourse by grounding abstract geologic narratives in specific histories and communities, while centering Aboriginal ontologies of time and place.

Within Aboriginal cosmologies, layers of time fold over and into one another through the endurance of place and the ongoing responsibilities of Indigenous custodians to follow and care for the immutable Laws of the land. People alive today are understood to be in rhythmic relation with the pulse of ancestral time that is held in Country, and ‘Land—rather than humans and their customs—is the source of the law’ (Black 2011, p. 25). In this paper I develop the analytic of ‘rhythms of law’ to radically question the ontologies of time that dominate settler colonial history and jurisprudence in Australia and their entanglement with the Anthropocene. Rhythm is produced by repetition and difference, defined as ‘the patterned recurring alternations of contrasting elements of sound and speech’ (American Heritage College Dictionary 1993, p. 1172). Rhythm is thick and heterogeneous, rather than empty and homogenous (as one might conceptualise a musical beat). Life lived on Earth is also inherently rhythmic—think of the changing of seasons, the diurnal cycles of night and day, the migration of animals, the flowering of plants, the beating of a heartbeat, and the repetitive oscillatory movements of cells. These rhythms of life draw the past into the present creating intricate patterns to ‘rescue complex chemical systems and budding dissipative structures from thermodynamic equilibrium’ (Margulis and Sagan 2000, p. 86). In its polytemporal patterning, rhythm as an analytic reveals ‘the disjointed nature of any particular “now” one may inhabit’ (Chakrabarty 2000, p. 108) and the ongoing, vital and life-sustaining presence of the past in every moment.

In this paper I explore rhythms of Aboriginal law in dialogue with the disjunctive temporality of colonialism and Eurocentric historicism to argue that rhythmic events, such as creation dances, activate deep ancestral time materialising an abiding Aboriginal sovereignty that can neither be stolen nor owned. Sovereignty is a complex and contested concept in Indigenous Australia. It is beyond the scope of this paper to engage deeply with the many debates within sovereignty discourse. I use the term here specifically to refer to the enduring connection Aboriginal peoples hold to the land that underlies the settler-colonial nation, and their rights and responsibilities for custodianship of ancestral Country that are incommensurable with, and irreducible to, settler-colonial concepts of ownership (Moreton-Robinson 2015). This incommensurate relation is further articulated in this paper through the distinction between *property* and *land*.

I am a settler-colonial descendant of English, Scottish and Danish ancestry. I was raised on Anaiwan lands on a 35-acre property of partially cleared bushland on the outskirts of Armidale that my parents purchased in 1982. Since 2014 I have been working alongside Anaiwan people, and Armidale’s wider Aboriginal community, to create and maintain the Armidale Aboriginal Community Garden. The Armidale Aboriginal Community Garden can be understood as an imperfect enactment of what Naama Blatman-Thomas has termed ‘property as land’. Unlike state-sanctioned systems of land reclamation, such as the *Aboriginal Land Rights Act 1983*

and the *Native Title Act 1993*, assertions of property as land recognise ownership beyond liberal, legal orders of possession. Blatman-Thomas (2019) writes:

Property as land challenges the liberal possessive logic by vesting meaning with property *not* as possession to be bartered, but as a pedagogy formed ‘through a compassionate web of interdependent relationships’. (Simpson 2014, p. 11)

The Armidale Aboriginal Community Garden is at the heart of a scholarly-activist postdoctoral research project I have been undertaking through the University of New England, simultaneously functioning as a place of anticolonial resistance and a field-site for decolonial, collaborative multispecies research. In this paper I position the garden as an intervention into colonial structures of dispossession that, like a creation dance, recuperates ancestral rhythms held in Aboriginal land to assert Aboriginal sovereignty. Rhythm can be understood as a pattern in motion, a pattern made of sound and time. Our community garden is a rhythmic event, composed of multispecies refrains and choreographed through materiality and movement. To see a garden this way, though, requires an adjustment of our vision of place to a dynamic *event* taking place (Massey 2006, p. 46). We typically understand time as something that is in motion, and place as something that is static, but each ecological formation is a ‘happening, a moment that will again be dispersed’ (Massey 2006, p. 46). As quantum physicist Carlo Rovelli explains ‘the world is not so much made of stones as of fleeting sounds, or of waves moving through the sea’ (Rovelli 2018, p. 88). Looking at places as though they are fixed and stable is like trying to take still photographs of a current in a river. What endures on our entropic planet is not still but in motion and sustained by rhythms and patterns. In a continent that has been inhabited by Indigenous peoples for 65,000 to 80,000 years, these rhythms embody ancestral ties to immemorial sovereignty.

The man who spearheaded the *Nation Dance* movement, Gooreng Gooreng and Wakka Wakka activist Alwyn Doolan, visited the Armidale Aboriginal Community Garden in January 2019. When he arrived at our little garden by foot on a sunny Wednesday afternoon, Doolan was in the middle of an 8500 km walk from the northern tip of Queensland to Parliament House in the nation’s capital of Canberra. In his hands were three message-sticks—carefully carved and painted pieces of wood decorated with feathers—which he was planning to deliver to the Australian government as ‘an invitation and a challenge to embrace the ancient sovereignty’ of Aboriginal people (Doolan, cited in Morgan 2019). As Doolan followed the song lines of his ancestors he carried the message sticks through multiple Aboriginal nations, his footsteps echoing an Indigenous ancestral practice of delivering messages across vast distances and to disparate language groups through the material language of intricately encoded wood carvings.

After walking for twelve months and with voices from the communities on the ground resonating through the wood in his fingers Doolan arrived in Canberra. The Prime Minister’s Office refused multiple invitations to meet with him and gave no explanation as to why the meetings were denied. A few months later Doolan put out a call on social media that filtered through the many Aboriginal nations he had traversed on his long walk south. The call was to dance in unison as ‘an act

of sovereignty and empowerment’ (Doolan and Dare 2020) that would ‘honour our people & the Land of our many song lines and creation stories’ (Doolan 2019). Thousands of people answered Doolan’s call to dance on Country affirming the integrity of a nation-wide system of interwoven Indigenous laws and practices that has survived colonial invasion and occupation, yet nonetheless remains threatened by the extractive systems that underpin the settler-colonial state.

Kombumerri and Munaljahlai legal scholar Christine Black describes Aboriginal jurisprudence as a body of law that ‘vibrates in song’ through legal traditions that are ‘woven across’ the body of the country. Song lines are trade routes, ancestral tracks and Dreaming tracks. They are navigational—when you reach a particular part of a song, you know you are in a particular place—and they are also ceremonial and lawful, instructing humans how to live well and abide by the Laws of the places they are moving through and singing up. In this poetic map, language, rhythm and time carry the patterns of place. Black explains that song lines embody a very different conception of ownership than what is represented by colonial property law, noting that song lines are ‘trade routes of intellectual property—an intellectual property that affords the owner the songs that sing up and actualize the Law of the Land’ (2011, pp. 15–16). Tanganekald legal scholar Irene Watson explains that Aboriginal Laws:

come from a time the old one’s call Kaldowinyeri—the Dreaming, the place of lawfulness, a time before, a time now, and a time we are always coming to. A time when the first songs were sung, as they sung the law. Laws were birthed as were the ancestors—out of the land and the songs and stories recording our beginnings and birth connections to homelands and territories now known as Australia. (2002, p. 253)

The Dreaming is an Indigenous creation story that tells of ancestral beings who arose from the soil to shape the land and create the landscape. Before this time, the earth was a barren and empty plain, but beneath its surface were the Ancestors, ‘sleeping in a state of potentiality’ (Graham 2008). At this time humans were also asleep in embryonic forms in a state of proto-humanity. At a certain point the Creator Beings were disturbed and erupted from beneath the earth. They hunted, fought, danced, ran, made love and killed all over the country and their vibrant activity shaped the contours of the continent.

Alwyn Doolan provided a statement for each community to read before commencing the Nation Dance ceremonies. The final line of this statement is: ‘We dance for our people, we dance for our land, we dance for our creator and we embody this moment of Nation Dance 2019 *as one in time*’ (Doolan 2019, my emphasis). In traditional dance, the stomping of feet on soil, the clapping of hands, the vibration of didgeridoos, the percussive pattern of clap sticks, the cadence of a collective chant, all reverberate through the spectrum of sound to reactivate the Dreaming. The Dreaming is not just something that occurred way back in time; rather, it is always happening, right here and right now, and custodianship through song and dance is necessary for the maintenance of Law to keep ancestral energy and power in the country. Stephen Muecke explains ‘Dreaming stories are both irreversible and endlessly repeated’ (Muecke 2019, p. 48). A creation dance is not a *representation* of a

Dreaming story, but an enactment and extension of it that establishes living continuity with the past: 'a pulse in the life of country' (Rose 2000, p. 294). The rhythms of Aboriginal creation dances energise 'a plurality of times existing together,' revealing 'the noncontemporaneity of the present with itself' (Chakrabarty 2000, p. 109).

Because culture and nature have never been separate, ancestral energies are also embodied in ecologies that have been shaped by 65,000–80,000 years of Aboriginal custodianship, discernible in the genetic make-up of plants and animals, in the organic layers of forests, in the lively stratigraphy of the entire ecosystem. In contrast to myths of pristine, untouched wilderness, pre-colonial environments were intensely managed (Gammage 2011; Pascoe 2014), and Indigenous land management has transformed even the reproductive mechanisms of the forests (Langton 1996). Failing to attend to the complex interconnections between people, their practices and place formed over tens of thousands of years, the settler-colonial state has changed the way the past moves through bodies and environments, violating ancestral Law in ways that are disfiguring the future.

The Eurocentrism of the Anthropocene discourse focuses on the significant environmental impacts produced through the European industrial revolution. Yet, in foregrounding northern hemisphere history, the Anthropocene discourse reproduces some of the problematic, fundamental assumptions of historicism that underscore colonial violence and domination. Linear narratives of civilisation, progress and development have worked to confine Aboriginal agency and sovereignty to a premodern past, actively forgetting the Aboriginal land management that has, over tens of thousands of years, shaped the ecologies of the continent. Positioning the Anthropocene as a radical differentiation between the past (when humans were not active on the carbon cycle), and the present/future (when humans have become geologically agential), suggests that the most important agents of planetary change have been modern Europeans, ignoring the vital role Indigenous ancestral labour has played in conditioning the environment. The Anthropocene discourse thus centres on a rupture in historical time, rather than recognising the emergence of this geological epoch as a polyrhythmic condensation of past, present and future.

Where the Anthropocene discourse focuses on the disjunction between the present and the past, in this paper I am attending to the rhythms of ancestral time to reveal the importance of maintaining continuities and contemporaneity between the present and the past. One example of where ancestral continuities have been ignored with disastrous consequences is Australia's recent bushfire crisis, and the predicted recurrence of extreme fire seasons. Through their use of fire, Aboriginal peoples created and maintained disequilibriums, extending the range of pyrophytic plants that require fire for their reproduction (Jones 2012; Neale 2018). Fires are becoming increasingly deadly in Australia because colonial occupation has extinguished the cultural burning that would have mitigated fire risk, while at the same time Aboriginal lands have been pillaged for the coal, oil, and gas that is fuelling the climate crisis, creating hot and dry combustible environments. Situating discussions of settler colonialism in the extended coordinates of deep Indigenous ancestral time reveals a dangerous dissonance between the rhythms of Aboriginal law and sovereignty patterned through the ecologies of Indigenous lands, and the linear beat of extractive colonialism that overlays them. Through an ancestral song line logic grounded in

Aboriginal jurisprudence, one can imagine the checkerboard grid of colonial fences and roads that territorialise this country as slices into the integrity of the rhythms of place—cuts, blockages, and perversions of arterial ancestral energies that nourish the body of the country.

White Houses on Black Lands

The Armidale Aboriginal Community Garden is located in the small city of Armidale in a region of Australia known as the New England tablelands, a name that articulates the temporal and spatial erasures and disjunctions at the heart of the colonial ‘new world’-making project. The New England tableland region overlays Anaiwan, Dunghutti, Gamilaroi, Gumbaynggirr and Ngarabal lands but the fictions of colonial history confine Aboriginal sovereignty to the pre-colonial past—an era that is deemed to have ended. In his *Ninth Thesis on the Philosophy of History* Walter Benjamin argued that the notion of ‘progress’, so foundational to accounts of settler-colonial development, relies on the empty and homogenous time of historicism. Historicism, argued Benjamin, in its commitment to the notion of a linear historical continuum, reproduces conformist and reified conceptions of history that inevitably empathise with the victors, and deny and obscure their crimes (1969). In Australia, historicism is intimately entangled with colonial property law. Goenpul researcher Aileen Moreton-Robinson observes that in colonial narratives ‘Captain Cook is placed at the beginning of Australian history’ and the myth of Cook’s discovery of an unpossessed and savage land functions to imbue white Australians with a sense of belonging and ownership, disciplining white citizens ‘to invest in the nation as a white possession’ (2015, p. 109).

In my childhood, my own understanding of how my family came to be in this pocket of the world was dominated by romantic aesthetics of exploration I was taught through history books, my mind populated by sailing ships and white men in military regalia. At primary school we celebrated Captain Cook, and in performative lessons we wrote letters and drew maps from imaginary ships sailing the Pacific Ocean into Aboriginal ‘wilderness’, our young hands retracing in lead pencil some the most violent crimes committed on this country’s soil. While we learned to emulate, and therefore empathise with, the victors and their ‘journey of discovery’ we learned nothing of the colonial violence that had created ‘New England’. Despite my primary school being 800 m from the site of the East Armidale Aboriginal Reserve where over 100 dispossessed Indigenous peoples were forced to live on top of the town’s municipal garbage depot just 30 years earlier, no history class ever touched upon this topic.

It was not until I was conducting interviews with Aboriginal Elders from the region during my PhD research on decolonisation and connection to place, at the age of 25, that I learned anything about a Reserve that was located on my hometown’s rubbish dump. It was at this time, in January 2011, that Anaiwan Elder Uncle Steve Widders shared with me his idea to create a community garden on the old Reserve site as a place for healing, community building and cultural revival. Four years later, in May 2015, the community garden opened. The garden was initially managed by

a committee of Aboriginal and non-Aboriginal community members and organisational representatives, chaired by Uncle Steve Widders, and is now coordinated by the Nēwara Aboriginal Corporation, of which Widders is also a member. Through place-making, the community garden has become an alternative way of remembering the past that subverts colonial historicism. In collaboration with the more than human world, the community garden fights the settler colonial state's occupation of place and time through material counter-narratives to myths of conquest and replacement that obscure the ongoing violence that is foundational to the nation.¹

Ambēyan language revivalist Callum Clayton-Dixon's study of the colonisation of the New England tableland region demonstrates that colonial invasion began in the 1830s and was extremely violent, rapid and intense. By the end of the 1860s, the number of colonisers in the Tableland vastly outnumbered the Indigenous inhabitants, and colonial livestock, mining, cropping and ringbarking had devastated native ecosystems. Homelands were divided into pastoral stations, where most Aboriginal people were forced to live, 'co-opted into serving the colonial economy, but relegated to the margins of the society they were forced to depend on for survival' (Clayton-Dixon 2019, p. 132). Those who did not live and work on stations furthering the colonial project were often left 'scratching out a meagre existence in fringe camps' (Clayton-Dixon 2019, p. 132).

In Armidale, people began settling on the municipal garbage depot in the early 1950s as a means of survival because amongst the rubbish was material that could be gleaned to create shelter from Armidale's bitterly cold winters. By 1956 about one hundred dispossessed Aboriginal people were 'living in poverty in hessian and corrugated iron humpies² on the old superseded municipal dump' (Franklin 1995, p. 17). Armidale's municipal garbage depot was an open landfill for the entire community's waste, including hazardous industrial waste. It had no drainage or seepage system to prevent contamination of groundwater or surrounding soil, and no barriers to prevent people, including children, from accessing the waste site. Anaiwan Elder Auntie Pat Cohen moved onto the Dump when she was 16 years old. She remembers:

There were about 30 or 40 little shacks all around. It wasn't a Reserve in those days, it was just a rubbish dump where the rubbish was laying around, and the blackfellers, well they made their camp, their huts out of the bits and pieces that were laying around... At that time there was a lot of sickness going around, there was a terrible lot of deaths out that way. A lot of young kids were dying of diarrhoea—and older people. My mother's husband was Nick White—he died of gastroenteritis—and at one stage I remember there were five young children died within a week from gastroenteritis out there. (Cohen and Somerville 1990)

¹ For more information about decolonising history at the Armidale Aboriginal Community Garden see Wright (2019).

² The word 'humpy' comes from the Jagera language, and refers to a small temporary shelter traditionally made out of branches and bark, but following invasion and colonisation it may refer to any temporary building made from available material, including corrugated iron, canvas, metal drums etc.

In November 1958, with over 100 people living in tents and shacks on top of the contaminated soils of the town dump, with one unreliable tap to service everyone, no electricity, and no sewerage, the area was declared the East Armidale Aboriginal Reserve, bringing it under the disciplinary arm of the Aboriginal Welfare Board.

Despite the Board now having the responsibility to manage and maintain the Reserve the area remained a neglected fringe camp, and much needed and promised basic services, including sewerage, more taps, and electricity, were not provided. The Armidale City Council Garbage Depot was revoked in the same year the area was designated as a Reserve. No environmental remediation work was undertaken however, and the depot was relocated to an area in very close proximity to the Reserve. Anaiwan Elder Uncle Colin Ahoy who grew up on the East Armidale Aboriginal Reserve and still lives in that same part of town recalls:

In the early days when I was only a young kid it used to be called the Dump then because we lived on an old rubbish dump... And straight up the back from where we are today, they moved the rubbish dump from here straight up the hill, which didn't make it any safer for us because when it rained, the seepage from the rubbish came down the hill, through the mission. So it didn't make too much difference. (2018)

Two of the first people to move onto the dump were Gumbaynggirr man Frank Archibald and his wife, Sarah Archibald (née Morris) who had been dispossessed from their homelands. The Archibalds relocated to the fringe camp after the local council bulldozed the humpy they were sheltering in, in La Perouse, Sydney, just before Christmas in 1954. They were followed by many relations. A survey undertaken in 1961 by the Armidale Association for the Assimilation of Aborigines showed that of a total population of one hundred and fifteen people living on the dump, eighty-two were directly related to the Archibalds (Franklin 1995, p. 17).

The Catholic Church arranged to build a house for the Archibalds on land adjacent to the fringe camp to provide at least some accommodation for this community. The house was completed in January 1957 and many of Archibald's relations moved in. Frank and Sarah Archibald's grandson, Gumbaynggirr Elder Uncle Richard Vale, recounted to me one afternoon at the community garden, 'The Catholic Church built a house here for Gran and Grandfather, we used to call it "the white house"' (Vale 2015). The local newspaper, *The Armidale Express*, reported that 'Father Kelly said Frank Archibald owned the house, but not the land' and the Archibalds were charged £1 a week to live in this 'white house' (1957). In a colonial cartography of dispossession, the Archibalds were calculated out of their country, which had been transformed into a series of rectangular blocks to be owned and managed by white institutions.

While the land of the East Armidale Aboriginal Reserve was handed over to the Armidale Local Aboriginal Land Council (ALALC) in 1983, under the Aboriginal Land Rights Act, the adjacent church-owned land where the Archibald's house stood was purchased by a local private boys' school under the Torrens title system of land registration and land transfer. The community garden committee leased this land through a Community Use Agreement between The Armidale

School and the University of New England, incorporating the community garden into the institutional frames of colonial property law.

Legal scholar Sarah Keenan has argued that the Torrens title system enables the ongoing dispossession of Aboriginal people whose relations with land pre-date the existence of the Torrens registry, and so are legally invalidated. Within the disjunctive temporality of the Torrens system ‘Aboriginal people are demarcated as inhabiting a historical period that has now ended... and treated as waste to be contained and removed from the land’ (2017). In Armidale, this wasting of people and their sovereignty materialised as a community being forced to literally take shelter in the discarded waste of white modernity. Marco Armiero and Massimo De Angelis have coined the term ‘wasteocene’ to refer to the way waste and contamination are embodied in subaltern communities and subjects, illuminating ‘the stratification, or the embodying, of the Anthropocene’s violence in the organosphere’ (2017, p. 347). Through a global order of racial capitalism, regimes of colonial extractivism plunder Indigenous lands for ‘resources’ while leaving Indigenous peoples across the world to dwell in degraded or polluted landscapes. The Aboriginal people confined to Armidale’s town dump had the Anthropocene inscribed into their flesh before the word even existed. Metis scholar Zoe Todd asks:

What does it mean to have a reciprocal discourse on catastrophic end times and apocalyptic environmental change in a place where ... Indigenous peoples faced (and face) the end of worlds with the violent incursion of colonial ideologies and actions? What does it mean to hold, in simultaneous tension, stories of the Anthropocene in the past, present and future? (2016).

Not only have Indigenous communities historically been, and continue to be, disproportionately exposed to environmental harms, many Indigenous peoples have already experienced the apocalyptic world-ending scenarios envisioned in the Anthropocene imagination, including ecosystem collapse, species loss, economic crash, drastic relocation and cultural disintegration (Whyte 2018, p. 226). That Indigenous and settler experiences of the Anthropocene are non-contemporaneous reveals the polyrhythmic nature of Anthropocene violence. In focusing on rupture—the novelty of environmental crises, rather than continuity—ongoing dispossession and disaster caused by imperialism and colonialism (DeLoughrey 2019, p. 2), the Anthropocene discourse ‘projects violence into the future, or into the past, the debate on the original sin producing it, but stays largely blind to ongoing violence’ (Armiero and De Angelis 2017, p. 357). This disjunctive and linear trajectory mirrors the historicism that enabled colonisers to see themselves as agents of history, and to imagine the dispossession and massacre of Aboriginal people as part of an inevitable tide of historical progress. Deborah Bird Rose (2004, p. 65) explains:

Looking at frontier practices of ‘now’, we see a long transitive moment that neutralises the present. The coloniser celebrates his pre-presence in glorifying ‘wilderness’ as a place where he can encounter his own absence. On another side of the frame, the coloniser celebrates his post-presence in mourning the Aborigine whose living presence has been erased. Knowledge of brutality is

concealed, both because it was covered over in the past, and because the punctuation of time disassociates present consequences from past action.

In place of ideas of conquest and replacement that dominate conservative historicism, Aboriginal ontologies of ancestral time and Law reveal extractive settler colonialism to be a protracted moment of *occupation*. Anthropologist Ghassan Hage has suggested that occupation is a mode of habitation that has led to environmental crisis and ushered in the Anthropocene. He argues that social and ecological domination both follow logics of occupation where an occupying force imposes its own interests as law, subordinates others for the extraction of value, and eradicates and exterminates what gets in the way (2017). Viewing the violences of the Anthropocene through the lens of Aboriginal cosmologies of enduring ancestral time, it is clear that colonial structures of occupation and dispossession, materialised through the intersection of property and power, do not obviate Aboriginal Law and sovereignty which lies buried beneath all those white houses.

Rhythms of Resurgence

The community garden is a site of joint multispecies inhabitation that is incorporated into a capitalist and colonial property metabolism (Sandilands 2017), yet nonetheless exceeds those structures, creating rhythms that rupture their extractive and possessive logic. If, as Hugo Reinart observes, extractive resource capitalism is an ‘ontological machine—an engine that continuously remakes the world... in ways that facilitate surplus value extraction’ (2016), the hybrid multispecies research taking place through the community garden is a form of worlding that works against this destructive and reductive ontology. At the community garden, research and activism are undertaken *with* plants, *with* soils, *with* animals and insects, and this *with-ness* itself materialises a relational foundation that challenges doctrines of individualism and predatory capitalism that structure colonial society. Like a collective dance, the bodies of the diverse and multiplicitous critters in the garden interact with other bodies and with the living world, and through moments of improvisational encounter activate ancestral rhythms that draw the past into the present.

A garden is sustained by a vibrant rhizosphere of non-individuated organisms within its soils. Roots and rhizomes, mycorrhiza and minerals, worms and bacteria, coalesce, twist, entangle, and whirl together, becoming the nourishing terrain of Country (Rose 1996). While soil is vitally present, essential for life in the *now*, it is at the same time an archive of the deep archaic rhythms of our planet. The memory traces held in the soils of the Armidale Aboriginal Community Garden demand a glacial, rather than historical, imagination:

composed of tholeiitic and alkaline basalts, minor trachyte and dolerite deposited during the Tertiary Period of the Cainozoic epoch [66 million–2.6 million years ago]. The site may be further underlain by conglomerate, greybilly, sandstone and claystone deposited during the Tertiary Period. The conglomerate may be further underlain by greywacke, argillite, chert, jasper, and basic volcanics associated with the Sandon Beds. The

deposition of the Sandon Beds occurred during the Carboniferous Period of the Palaeozoic Epoch [544 million–245 million years ago]. (Ferber Environment and Waste 2014)

Soil is a time-binding substance that contracts deep time into a mineralogical field of relations. Soil contains minerals broken down through ancient and perennial geological processes, microorganisms and plants intra-acting and creating living worlds, tens and thousands of years of Indigenous custodianship, the devastations of dispossession and agrarian capitalism, and contamination brought about by pollution and industry. Maria Puig de le Bellacasa (2015, p. 709) writes ‘the time of soil is not “one”’. Instead, ‘multifarious speeds of growth become ecologically significant to each other’ in moments of connection and emergence, revealing the ‘disjuncture of the present with itself’ (Chakrabarty 2000, p. 109).

From a soil chemistry that has been choreographed across aeons plants extend themselves outward to the sun. Over 25 species of plants native to the region grow in our community garden, each one rooted in Indigenous ancestral presence. They carry in their leaves and stems deep cultural memories that, through the intricate knowledges of Elders, materialise as food, as medicine, as dye for cultural products, or grasses for weaving. In our community garden women weave baskets by the fire pit while children practice the Anaiwan language. Overhead, black cockatoos materialise lines of flight from Anthropocentric and colonial worlds, dispersing seeds of native plants well beyond the boundaries of our leased plot of land.

Indigenous fire practitioner Victor Steffensen (2019) has observed that cultural revival is a process of activation that works to activate other traditional practices, for example, ‘burning country to grow a healthy crop of weaving grass for the women also attracted many kangaroos for hunting’. That one cultural practise activates another reveals life sustaining patterns of connection woven through people and place by the rhythms of culture. Yet while the community garden enacts property as land, reaffirming patterns of Aboriginal sovereignty, it nonetheless remains severely curtailed by ongoing colonial control and property legislation. This multispecies community is an event taking place, but it is one that may, at any point, be cancelled by the landowner. As Richie Howitt observes.

while Indigenous customary law continues to create lived cultural landscapes in which human–human and human–nature relationships are unable to conceive of, let alone concede, dispossession as a reality, the legal landscape has made real an imaginary of Crown possession and Indigenous absence. (Howitt 2006)

Indigenous dispossession is made real not only by colonial performances of property (Blomley 2013), but also by the environmental devastations colonialism has wrought on Aboriginal country. The decolonising efforts of the community garden are further curtailed by ongoing and recurrent drought that is directly linked to the impact of agrarian capitalism and climate change on the region.

Running Out of History in the Anthropocene

The environmental crises we now face impress upon us an urgent need to recognise that the disconnection of governance from the laws of the Land is a fatal error. As we confront the devastations caused by myths of endless capitalist growth, it is apparent that human law cannot operate outside natural law, just as the economy cannot exist outside an environment. Aboriginal Law is grounded in this wisdom. Christine Black explains that in Aboriginal jurisprudence ‘The Law is not for humans to make over with a set of rules for the orderly acquisition of their own imagined necessities; instead, it is intended that humans work with and abide by that into which humanity is patterned’ (Black 2011, p. 164). Rather than seeking to adjust human law to grant legal status to nature and nonhumans, Aboriginal Law is determined from the outset by land, by environmental conditions, by a fundamental relational responsibility to care for the diverse living world. In other words, Law is how ephemeral beings such as humans learn to create and respond to the enduring patterns and rhythms of life.

In her ethnography of the Yarralin community in northern Australia, *Dingo Makes Us Human*, anthropologist Deborah Bird Rose recounts a memory of Lingara Elder and Law man Daly Pulkara taking her to see trees that had been killed by bulldozers in 1986. On viewing the trees, Pulkara spoke with hurt and anger: ‘We’ll run out of history because *kartiya* (Europeans) fuck the Law up and [they’re] knocking all the power out of this country’ (Rose 1992, p. 234). In conventional western historicism to ‘run out of history’ seems paradoxical. The past has been completed in *time* and cannot disappear. However, the notion of ‘running out of history’ can be understood through Aboriginal philosophy because history endures in *place*, making it vulnerable to environmental devastation. Deborah Bird Rose explains:

Human beings... are the footprints of the ancestors who died and who still nurture the country and their descendants. Failure works back into time, as well as forward. To kill off chunks of species and connectivities that form the matrix known as country is to start a process that works to erode the traces of the life that preceded us. (2004, p. 175)

In the empty, homogenous time of historicism, the past is not contemporaneous with the present or the future. In ideologies of progress, the past is left behind, superseded, replaced. The Anthropocene discourse does not move beyond this disjunctive linearity, but merely substitutes the modernist telos of progress for a declensionist narrative. In contrast, in Aboriginal cosmologies the past is contemporaneous with the present and the future, meaning that ‘to fail the future is also to fail the past’ (Rose 2004, p. 175). Philosophers of history, Walter Benjamin and Dipesh Chakrabarty, have both observed that the present is disjointed and disjunctive (Chakrabarty 2000), arguing that the flashes of the ancient in our present alert us to ‘the discontinuity of historical time’ (Benjamin 1969). In Aboriginal ontology, the plurality of the present, its discontinuity with itself, paradoxically allows for a continuity between the past, present and future. Foregrounding

place as a holder of time, this looks less like rupture, disjunction, and discontinuity and more like thick, emplaced and interwoven continuities, providing a new grammar for our thought (and action) in response to environmental crises.

The era of the Anthropocene alerts us to the fact that punctuated time, detached from responsibilities to ancestral land, is a dangerous delusion. Zoe Todd and Heather Davis (2017) observe that the global environmental devastations of the Anthropocene can be understood as the reverberations of colonialism ‘now hitting those nations, legal systems and structures’ that introduced the colonial, capitalist processes that devastated Indigenous lifeways and life-worlds in the last half millennium. As Yarralin man, Riley Young Winpilin once said, ‘I know government say he can change him rule. But he’ll never get out of this ground’ (cited in Rose 2004).

A grounded example of the tension between disjunction and continuity in the Anthropocene can be found in agriculture. The advent of agriculture has functioned as one of the origin stories of the Anthropocene (DeLoughrey 2019, p. 8) yet many scholars argue that Aboriginal people in the continent now known as Australia were practicing agriculture for tens of thousands of years (Gammage 2011; Langton 1996; Pascoe 2014). It is not so much agriculture that has caused environmental crises in Australia, but imported agricultural practices that are inattentive to the patterns and rhythms of ancestral time nourishing the country. Eric Rolls observes that in early colonial Australia the cloven hooves of colonial livestock destroyed the mulch of aeons in a decade, and it took sheep and cattle less than six years in most districts to kill the native grasses (Rolls 1981; Muir 2014, p. 26). In a deadly combination of ignorance and power, the colonisers began unravelling the intricate life-sustaining patterns that weave the past into the present and the future.

The past is contested terrain in more ways than one, and the carelessness with which colonial Australia has approached and assaulted deep history held in the environment is terrifying. Walter Benjamin wrote compellingly of the vital need to wrest history from the ruling classes, and to ‘seize hold of a memory as it flashes up in a moment of danger’ (1969). With drought sucking colour out of the land, and the smoke from bushfires filling the air, this country is starting to look deathly grey. To the staccato beat of national histories flattened into empty homogenous time we are all marching toward the same groundless future—a future in which the Earth itself will no longer sustain life. Ancestral Law still circulates through the metabolism of living country, though, and in rhythmic events it flickers and flashes like the light of ancient stars on a clear crisp night. Many Aboriginal peoples say stars are the campfires of the ancestors, constellations that might yet help us navigate our way to more hopeful futures.

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