INDIGENOUS WORLDS FORCING THOUGHT: KŪMARA 
AND RIVER RED GUMS

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ABSTRACT

Since the late 1980s the entwined forces of neoliberal capitalism, expanding conversation regimes, and legal frameworks of recognition have provoked the re-emergence of indigenous worlds in ways possibly unimaginable in the preceding decades. The emergence of indigenous worlds has been replete with more-than-human entities that were long considered extinct or disproved, and whose existence was decried and denied. In this thesis, I present my research on the re-emergence of two such entities: kūmara, a taonga from Aotearoa New Zealand, and the river red gums forests of the Murray River Country in Australia. I show how the re-emergence of kūmara and river red gum forests as more-than-human entities necessitates diplomatic encounter between indigenous and non-indigenous peoples, and I discuss two instances in which this has occurred, each with markedly different results. The first instance I discuss is how kūmara provoked a claim to the Waitangi Tribunal, Aotearoa NZ’s pre-eminent institution for inquiring into Crown breaches of the Treaty of Waitangi, on the grounds that Māori were entitled to control taonga in a Māori way, and that included property. The second instance is how the river red gums brought together a motley alliance of indigenous people and environmentalists to seek environmental protection for river red gum forests in tandem with Traditional Owner control. I argue that while these instances contain vast differences, it is useful to consider them alongside each other for the way in which the former re-instantiated Nature/Culture dualisms and denied the distinctive vitality of Māori worlds, while the latter were able to generate an “experimental togetherness” (Stengers, 2005) among practices and in the process achieve effective outcomes. Ultimately I show how the close analysis of instances where settler and indigenous worlds entangle can provide illuminating instances or moments where postcolonial ways of going on together might be occurring.
DECLARATION

This is to certify that:

i. this thesis comprises only my original work towards the Ph.D.,

ii. due acknowledgement has been made in the text to all other material used,

iii. the thesis is fewer than 100,000 words in length, exclusive of tables, maps, bibliographies, and appendices.

Signed:

Jacob M. Otter, B.A. M.A. (Hons)
ETHICAL CLEARANCE

Ethical clearance for the research conducted for this thesis was granted by the University of Melbourne’s School of Culture and Communication Human Ethics Advisory Group (Reference: 0931765.1).
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CHAPTER ONE

Introduction

This thesis is about what happens when indigenous more-than-humans enter Modern politics. The topic had its genesis some years ago when I became involved in predominantly Pākehā activist groups that were supporting Māori claims to the foreshore and seabed in the wake of the Crown’s confiscation agenda (see Charters and Erueti, 2007; Waitangi Tribunal, 2004). I participated in many meetings and protests, before becoming involved in groups that offered education to non-Māori on the history of colonisation and the Māori struggle for self-determination. I also began to participate at the radical end of politics, engaging and supporting anarchist projects and values. When these groups began to consider the history and nature of Māori protest and political aims, there was at once both a deep identification and utter confusion. The identification stemmed from the sense that there were shared anarchistic values about the limits of the state, and the need for local, participatory political structures that supported the interests and aims of local communities. The utter confusion came from the distinct sense that there were social hierarchies informed by ‘mystical processes’ that were antithetical to the kinds of secular universalism that were central to anarchist metaphysics (Barker and Pickerill, 2012; Newman, 2010). How we longed for a ‘native informant’ to tell us what we should do, with whom we should speak, and how te ao Māori – the Māori world - worked.

For myself, I went to Te Kawa a Maui at Victoria University of Wellington to begin exploring these questions and aporias. In the two dissertations I wrote there, I first explored affinities between te ao Māori and anarchism (Otter, 2005) and then teased out the biopolitical aspects of left-wing racism along with the ways in which some groups sought to work outside biopolitical frameworks (Otter, 2007). However, what both of these dissertations failed to address were the ‘mystical processes’ of te ao Māori and how they might be navigated by sympathetic non-Māori allies. This was important because it elided what is an essential part of te ao Māori - that the more-than-human life of many entities, and the spiritual existence that connects them, plays a central role in the politics of Māori and the ways in which they understand their struggle for self-determination. My failure to really engage with te ao Māori was, I believe now, symptomatic of a wider intellectual milieu in which it was assumed that the most important features of alliance-building were communication and an awareness of how histories of colonisation and privilege might impact on communication. While sensitive communication and language are important
features of alliance building, a focus on them alone can be detrimental. Firstly it can take much of
the focus and energy of the relationship and centre it on those who are already the most
privileged. It assumes that by communicating ‘correctly’, the privileged can remove their
histories of dominance, and the accompanying guilt. Secondly, it made particular assumptions
about communication itself, namely that if it were sufficiently rational and displayed enough
distance from hierarchical thinking, then it would be possible to enter into unmediated, direct
communication with the ‘other’, what Sarah Whatmore has called the “Habermasian error” (2002,
153). It further assumed that Māori cosmology is acting as a kind of scientific world-view dressed
in spiritual clothing. Thus Māori understood the world in the same way as ‘us’, they just have
different kinds of words to describe it. This, in turn, implies that, ultimately, these differences did
not really matter as long as we can find a way to communicate.

In this thesis, I attempt to address these problems more directly. Rather than ignoring the more-
than-human dimension to indigenous worlds, I now try to begin my analysis from them. Rather
than thinking that indigenous peoples are talking about the same worlds as settler moderns,1 I
now try to preserve their differences while simultaneously thinking through the possibilities for
negotiation and postcolonial transformation. This approach is one that preserves the autonomy of
indigenous worlds while providing a basis for those whose arrival is structured through colonial
occupation to renegotiate their status and standing in terms informed by the indigenous peoples
themselves. Such a renegotiating of settler status would involve a thorough reorganising of some
key tenets of their epistemology. One of the main aims of this thesis is to contribute to this
reshaping of settler epistemology by interrogating the role that Nature/Culture dualism plays in
structuring settler colonial engagements with the worlds of others. To explore these issues and
themes, I have found it useful to consider theories associated with postcolonialism and a recent
development in social and political theory called ‘the material turn’. Postcolonialism and the
material turn provide useful and important starting points for understanding the context of this
thesis. Postcolonialism is important because of its focus on the aftermath of colonialism, and the
contemporary ways in which colonial relationships are transforming, re-emerging, and being
resisted. The material turn is also important for this thesis as it furnished me with a vocabulary for
considering how to reintroduce the nonhuman into social and political theory. However, both of

1 The terms ‘moderns’ and ‘settler moderns’ are used throughout this thesis to describe those wedded to the
epistemological partition of Nature and Culture.
these notions will require considerable reworking to make them suitable for recognising and engaging with indigenous worlds, and the entities that populate them.

**Postcolonialism**

This section presents an account of the broader context and problems informing this thesis. It centres on the notion of postcolonialism, a contested and somewhat out-of-favour analytical framework in political and social theory. Postcolonialism has been defined by Leela Gandhi as a theoretical approach that emerges in the ‘mystifying amnesia’ of the aftermath of colonialism. This period, called ‘postcoloniality’ by Gandhi, is defined by the desire to “forget the colonial past”, and is “symptomatic of the urge for historical self-invention or the need to make a new start, to erase painful memories of colonial subordination” (1999, 4). However, as Gandhi argues, the “mere repression of colonial memories is never, in itself, tantamount to a surpassing of, or emancipation from, the uncomfortable realities of the colonial encounter” (1999, 4). It is the task of postcolonial theory to resist the mystifying amnesia of the colonial aftermath. Through this resistance, postcolonialism takes on an “ameliorative and therapeutic” role, accompanied by an “equally compelling political obligation to assist the subjects of postcoloniality to live with the gaps and fissures of their condition, and thereby learn to proceed with self-understanding” (1999, 8). However, what these ‘political obligations’ of postcolonialism are meant to be has been contested, and more recently, thoroughly re-evaluated.

One such re-evaluation of postcolonialism has come from the philosopher Simone Bignall. Bignall re-evaluates postcolonialism by interrogating its motivating force and ontological commitments, which she argues is the labour of the negative and negation respectively. She traces a genealogy of postcolonialism’s relationship to the labour of the negative and negation from Hegel, through Alexandre Kojève’s influential lectures in the 1930s, to the thought of Lacan, Sartre, and then into postcolonialism via Frantz Fanon. She argues that the problem with the labour of the negative and negation for postcolonialism is that it supports imperial-styled “connections between indigeneity, difference, lack and negation, and so problematically reinforce the representations that supported the emergence of colonial power relations in the first place” (2010, 9). To show how the labour of the negative and negation supports imperial-styles connections, I want to present a brief exegesis of Bignall’s genealogy.
Bignall begins her genealogy by exploring the work of Hegel and his thesis that there is an “absence or lack” at the heart of reality, a state of negation that “disturbs the claimed perfection, unity or completeness of a given arrangement of reality or social life” (2010, 31). The labour of the negative follows in dialectical relation to this ontology as it provides the means for critiquing and superseding the state of negation. The subject emerges from this dialectical relation by beginning to “self-consciously shape reality through reasoned purposive action” (2010, 32). With these basic premises of negation and the labour of the negative in place, Bignall then analyses Alexander Kojève’s influential extension of Hegel’s argument (Kojève, 1980). Kojève emphasises the historical dimension to Hegel’s argument, arguing that History emerges with desire’s overcoming of negation. According to Bignall, Kojève considers overcoming as “the proper aim of desire”, and it occurs through the “transcendence of the givenness of the natural world” (2010, 37). Furthermore, it is through the labour of the negative, that desire provides the “principal of comparison between self-conscious humanity and natural beings” (2010, 37). This means that through the labour of the negative enabling transcendence of the world, the contours to the human subject emerge. However, it is only in gaining recognition from the Other for this negating and transformative work that the subject is affirmed.

Bignall points out that Kojève’s adaptation of Hegel is important to postcolonialism for a further reason. One of Kojève’s key insights was to unhitch the labour of the negative from Hegel’s teleology. Hegel believed that negation, via the labour of the negative, would eventually give way to a state of positivity. For Kojève however, the labour of the negative is not a temporary measure but rather the “permanent pre-condition of subjectivity”, the enactments of which aligns with the desire for freedom (2010, 40). Jean-Paul Sartre’s writings from the 1940s extended Kojève’s analysis, giving them a more pronounced political edge (e.g. Sartre, 2001; Sartre 2004). Sartre’s focus on “lived experience and responsibility attached to existential choice” linked the labour of the negative to critiques of anti-Semitism, imperialism and colonialism (2010, 40). In particular, Sartre’s focus on the “essential human striving”, and thus endless self-creation, is important (2010, 41). The choices and reflection entailed by this desire are developed by Sartre in an analysis of inter-subjective relations including the role of race in negotiating the desire for, and fear of, the racial Other. As Bignall shows, this intellectual trajectory of the labour of the negative went on to influence postcolonial luminaries including Frantz Fanon, Edward Said, and Homi Bhabha.
However, Bignall argues that a closer examination of the labour of the negative reveals some, at best, ambivalent characteristics. Although, as in the work of the writers above, the sense of overcoming and transcendence are important for theories of political resistance, the labour of the negative also relies on an imperial conception of agency:

The type of agency capable of negation is active and creative, but also authoritative and dominating, controlling the direction of history by manipulating its production and interpretation, perhaps even by suppressing the constructive agency of others. The desire for recognition gives shape to history, as the participants engage each other in a contest for authority, each reifying his own material and cultural achievements while defaming or denying the significance of the contributions made by others. (2010, 36)

Furthermore, Bignall argues that when desire is predicated on “one’s essentially negative lack of being” then “satisfaction is only thinkable in terms of appropriation and possession (of the Other’s subjective recognition and affirmation of me), and contradictorily, in terms of the objectification of the Other as evidence of my own subjective capacity” (2010, 49). Bignall questions the efficacy of postcolonialism if it does not address its problematic relationship to the labour of the negative. She argues that this relationship has already played a divisive role in postcolonialism, most notably in the polemical debates between poststructuralist and Marxist theorists. I will explore this issue further in Chapter One but note for now that Bignall is unwilling to endorse either of these dominant strands of postcolonialism. Instead, she develops a notion of postcolonisation that rejects such polarisation.²

To reconstruct postcolonialism, Bignall develops the notion of postcolonisation. Central to this notion is what Bignall terms ‘listening respect’. Bignall brings together the work of James Tully on ‘post-imperial dialogue’ and her own conversations with Aboriginal people in South Australia to form this notion.³ Bignall argues that the notion of listening respect shifts postcolonialism from its commitments to the labour of the negative towards an attitude of “openness and empathy” and a willingness to question, contest and renegotiate one’s own viewpoint and customary

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² Bignall has moved away from using the term postcolonialism in her later work, and introduced the neologism ‘excolonialism’. The reason for this is she considers that the “future-orientated term ‘postcolonial’ risks too much ambiguity in interpretation as a result of its phonetic similarity with the hyphenated term ‘post-colonial’” (2014, 342). She deploys the term excolonialism in exactly the same way as postcolonisation, and while I acknowledge her change in approach, I prefer to stay with the notion of postcolonialism.

assumptions”, leading to ongoing intercultural dialogue (2010, 206). Bignall argues that listening respect provides the basis for a “politics of friendship” built on “experimental constructivism” rather than dialectical overcoming, and while there is a place for critique, this relationship is also, “a political exercise of desire, of friendship or love, resulting in a material transformation” of reality (2010, 206).

There are two points I would like to make about Bignall’s claims. Firstly, one might take issue here associating ‘friendship or love’ with a ‘political exercise of desire’. For as Rachel Flowers has recently argued:

> Maybe some Indigenous peoples don’t want or need settler co-resistance because we don’t trust them. Many Indigenous peoples are not willing to forgive settler violence, so how can we trust and move forward in co-resistance without first being able to relinquish our resentment? This places the onus on Indigenous peoples to facilitate moving forward with settler society for a shared future of co-existence on our lands and in our lives. Though Indigenous peoples rebel against the permanence of the settler colonial reality, maybe some are not ready to sever themselves from the colonial relationship yet. For many Indigenous peoples the settler never ceases to be the enemy; the settler cultivates righteous anger within the colonized. (2015, 38)

The assumption that settlers can somehow define a relationship with indigenous people, assuaging their own guilt in the process, is but a further case of settlers assuming they know how to remedy colonial relationships. Secondly, and more pertinently for the themes of this thesis, Bignall does not explore the dual way in which the labour of the negative seeks to both ‘appropriate and possess the other’ and pursue the ‘transcendence of the givenness of the natural world’. In other words, she misses the dual nature of its effects. I, therefore, contend that Bignall’s critique of the forms of social agency characteristic of dialectical production and transformation needs to be pursued in tandem with a critique of colonialism’s instrumental relationships with, and treatment of the nonhuman world, including indigenous more-than-humans.

Bignall’s argument can be extended in these directions in some ways. In her discussion of the ways in which settlers can reorientate themselves toward a constructivist postcolonialism, she argues that such subjects must “choose actively their associations and to orient themselves within these associations in ways that produce joyful complex compositions” (2010, 188). This suggests that a constructivist postcolonialism can engage and orient toward the non-human, or more-than-
human. Recent studies show how indigenous more-than-human are becoming public, raising the possibility of such associations, whether it be with a mountain (de la Cadena, 2010), a lake (Turner, 2010), a glacier (Cruikshank, 2014), or moose (Watson and Huntington, 2008). In this thesis, I present further case studies of relationships with kāmara and river red gum forests. A negative ontology might see these things as entities that must be overcome or transcended as remnants of non-scientific worldviews or fetishes from primitive religions. In contrast to this, I think it is important to retain Bignall’s work developing a constructivist postcolonialism. However, I also believe her work needs to be extended to reflect and engage not only the more-than-human world of indigenous people but also give due attention to the ways in which the settler world is equally reliant on human-nonhuman interaction. The material turn is a recent development in social and political theory that provides the beginnings of such a re-orientation.

The material turn comprises a number of interrelated theoretical approaches such as speculative realism, science and technology studies, object-orientated philosophy, feminist materialism, the ontological turn, and new materialism. These all share a similar focus on situating nonhuman agency as an essential aspect of social, political, and cultural phenomena. As such, the material turn provides a useful starting point for considering how one might confront the violence and imperial agency implicit in the labour of the negative. This can only occur once nonhumans and more-than-humans are no longer considered inert or contrived entities, waiting for humans to confer meaning, but are active agents in the co-construction of the world and the human itself. Samantha Frost and Diana Coole, in the introduction to a recent collection on new materialism, suggest there is a very broad range of openings and responsibilities that the material turn can address, including:

- returning to the most fundamental questions about the nature of matter and the place of embodied humans within a material world; it means taking heed of developments within the natural sciences as well as attending to transformations in the ways we currently produce, reproduce, and consume our material environment. It entails sensitivity to contemporary shifts in the bio- and eco-spheres, as well as changes to global economic structures and technologies. It also demands detailed analyses of our daily interactions with material objects and the natural environment. (2010, 3-4)

They continue: “What is at stake here is nothing less than a challenge to some of the most basic assumptions that have underpinned the modern world, including its normative sense of the human and its belief about human agency, but also regarding its material practices such as the way we labour on, exploit, and interact with nature” (2010, 4).
Jane Bennett argues that the material turn differs from earlier modes of bringing materiality into scholarship such as positivism and empiricism (2009, 13). According to empiricism and positivism, it was assumed that knowledge could be made to overlay the world without disruption or misalignment neutrally. As Foucault has shown, such conceptions lend themselves to the formation of a disciplined and docile real, mirrored by assumed classification and other hierarchical ordering techniques (Foucault, 2002; Mignolo, 2011). Such processes were not only intimately tied to the colonial mission (Tuhiwai Smith, 1999, 69-71; Wynter, 1995, 13), but became settled into the “basic intuitions” of “Euro-American common-sense thinking about science and social science” (Law, 2004, 16). It is one of the key insights of the material turn to not only deconstruct the gap between Mind and Reality, Culture and Nature, as separate spheres, but also question the accuracy and efficacy of commitments to the ‘great divide’. As Bruno Latour has argued, even critique has tended to start at either of these binary poles, re-staging the purification of Nature and Culture before critical work even begins (2004). Attention to materiality and the nonhuman brings to the fore the traffic between Nature and Culture, and can render the Great Divide less a critical tool but rather as an artefact of the human-nonhuman traffic. This does not mean critique is irrelevant, but rather that it must pay closer attention to its own situation, and the kind of interconnections and networks it sits within (Haraway, 1988; Law, 2004).

There is still a further issue with the material turn, and that is how more-than-humans are considered. As Bennett and Joyce have noted, studies that deploy a strictly human-nonhuman methodology “deal with an attenuated and still dualistic notion of ontology”:

> Whatever the degree to which this attenuation is tactical, it certainly points to the difficulties of employing inherited epistemological and ontological terms and vocabularies in order to describe realities whose complex, multiply stranded constitution, is simply not rendered sensible or understandable by them. (2009, 11)

Similarly, Isabelle Stengers has noted notions of the nonhuman that fail to account for the status of more-than-human entities such as gods, spirits, and other sacred entities, leave “outside all the

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4 This is not to say that Foucault’s work does not have a positivist inflection. However, as opposed to deriving his thought from logical positivism and scientific verification, Foucault characterised his method as a ‘happy positivism’ (Foucault in Kelly 2009, 26).
concerns of all people, both individuals and populations, who do know that Gods, dijns, or the Virgin Mary matter” (2010b, 4).

This question about how more-than-humans might ‘fit in’ with the material turn belies a problematic whereby Euro-American theoretical and philosophical traditions are taken to be central to how the material turn is considered to emerge and how it might be understood. In one recent anthology, the material turn as progressive European discourse is not only unproblematic and unquestioned it is also valorised:

In academia, revolutionary and radical ideas are actualized through an engagement with scholars and scholarly traditions of the canonized past. Contemporary generations read, or more often reread older texts, resulting in “new” readings that do not fit the dominant reception of these texts. Also, academics tend to draw in scholars from an unforeseen past, those who come from a different academic canon or who have been somewhat forgotten. It is in the resonances between old and new readings and re-readings that a “new metaphysics” might announce itself. (Dolphijn and van der Tuin, 2012, 13)

What is interesting about this quote is not just the assumptions of who or what might make up the legacy or canon but also the way in which this is strongly situated within an academic context. For a ‘turn’ that proposes to engage with the traffic of ideas and things, it shows a failure to recognise the difference these ideas and things make to the production of knowledge in an academic context. This failure is especially pertinent when the creation of concepts has a non-European origin.

Two examples may be useful when making this point. The first relates to the famous case of Marcel Mauss’ The Gift. Mauss’ work explores the circulation and affect of many kinds of more-than-human entities, but was particularly inspired by taonga (1990, 13-16). Taonga are the treasured entities of Māori hapū, which have important ancestral and/or spiritual dimensions. I will have much more to say about taonga as one of my case studies, kūmara, are considered by Māori to be taonga. I will note for now the ways in which taonga engenders reciprocal relations between different groups and individuals, and even informs the ways in which Māori engaged inter-cultural relationships upon contact with early Europeans. Mauss’s discussion of taonga was to be extremely influential for the ways it suggested a “socialist-humanist allegory” in response to the “breakdown of European reciprocity in World War One”

5 Hapū are the communities that form the large ĭwi, or tribe (Ballara 1998).
As James Clifford has documented, Mauss’s legacy can be found all through the works of the French avant-garde, including the Surrealists, Bataille and then later, the likes of Foucault, Barthes and Derrida (1981, 546). This work also has links to third world modernism and “nascent anticolonial discourse via luminaries such as Aimé Césaire and Octavio Paz” (1981, note 18). None of this is meant to deny the thorough inculcation and implication of ethnography and anthropology within a colonial paradigm (e.g. Stocking, 1968; Hiatt, 1996). However, hopefully this example does suggest the ways in which the more-than-human of indigenous peoples have inspired and established the intellectual trajectories and legacies of the moderns (see also Stam and Shohat, 2012, 367-368).

This second example makes this point perhaps more forcefully. Susan Buck-Morss has explored in detail the concurrent relationships between Hegel writing on the dialectic and the struggle for recognition and the literal, simultaneous slave uprising in Haiti that saw the overthrow of the slave owners and the colonial apparatus in Haiti (1791-94). Buck-Morss shows that Hegel’s daily digest of current events (2009, 49), and his fondness for the popular political journal Minerva (2009, 42-45), necessarily meant he knew about Haiti’s slave rebellion. Her close reading of Hegel’s account of lordship and bondage reveals clear parallels with the slave revolutions in Haiti (2009, 52-56, 59-60). This leaves Buck-Morss exasperated that “the phenomenon called Hegel and the phenomenon called Haiti, porously interconnected at the time of their origins (as newspapers and journals clearly document) had become severed by the history of their transmission” (2009, 12-13). While she accepts that personal reasons meant it was untenable for Hegel to note these connections, making it challenging for later scholars to make links between Haiti and Hegel (2009, 19-20), she also contends that ultimately the “intellectual historians of German philosophy know only one place to look for the answer to [Hegel’s inspiration for the dialectic of lordship and bondage]: the writing of intellectuals” (2009, 48). Thus, for Buck-Morss, contra Dolphijn and van der Tuin, “The history of scholarship is an example of how the colonial experience has been excluded from the stories Western Thought tells about itself” (2009, 16). It

6 Clifford argues that because ethnography had not yet been institutionalised in the University it was not a “defined social science, with a discernible method, a set of classic texts, and university chairs”, that “ethnographic evidence and an ethnographic attitude could function in the service of a subversive cultural criticism” (1981, 548).

7 Hegel himself cannot be exonerated from biological and cultural racism. Buck-Morss documents Hegel’s reliance on racist ideologies in his later works (Buck-Morss, 2009, 116-119; also Bernasconi and Lott, 2000).
is not only the reverberations of the colonial experience that have been excluded, but also the agency of the colonised, and the vitality of their worlds that have been excluded too.

The second problem for Euro-American writing on the material turn is a tendency to rely on a secular, scientistic vision of materiality and agency. Such reliance shows little room or interest in non-Western forms of agency and dynamism. One scholar who recently wrote on the material turn asked rhetorically: “Is it possible to understand a process of materialization and the nature of its fecundity, to grasp matter's dynamic and sometimes resistant capacities, without relying upon mysticisms derived from animism, religion, or romanticism?” (Coole, 2010, 92). They went on to argue that arguments where “matter is inert stuff that is worked upon by some immaterial force or agency external to it, such as God or the subject”, are “transcendental mysteries” that can provide little to consider materiality and agency, and are to be explained away by the material turn (Coole, 2010, 98). Here the material turn appears as a modernising, individualising force, sweeping aside approaches to materiality that might derive their authority from alternative ontologies. This reinstates the authority of European theoretical and philosophical traditions, even if they are considered to be in its ‘minor’ branches.

Despite this antipathy to animism, religion, and romanticism, there has been a resurgence of interest in them as tools for thinking some of the ontological consequences to the material turn (e.g. Morton, 2007). The notion of animism is of interest for my work due to the ways the concept has been used to understand more-than-human agency in indigenous societies. Phillippe Descola has argued for animism as one of four ways in which humans have staged “patterns of relations” between humans and nonhumans along with totemism, naturalism, and analogism (2003, 87). Nurit Bird-David has argued that animism should be considered a “relational epistemology” that is amenable to ecological science (1999, S76-S79). An art show called Animism held in Germany in 2012 popularised this return. The critics Horton and Berlo have noted of the return of these theories of animism in the content of the material turn, where “Once we take indigenous worldviews into account, the ‘new materialisms’ are no longer new” (2013, 18). This is a point that seems to be missed amongst advocates of the material turn. However, Horton and Belo also note that even with the return of animism, there is still something of a conceit about the ways in which indigenous societies and their relationships to more-than-humans are understood.

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8 E. B. Tylor first developed the concept of animism in his 1871 work Primitive Culture (2016) . Graham Harvey has provided a thorough intellectual history of the term (2013).
Horton and Belo show how Anselm Franke’s *Animism* exhibition is exemplary of the ways in which the return to animism continues to play off the modern against the indigene, and ultimately curtail the reality-making of indigenous ontologies. As Viveiros de Castro argues, indigenous ontologies appear as “(‘mistaken’) cultural epistemology” rather than vibrant, dynamic worlds (1999, S80). Indeed, the *Animism* exhibition’s justification for its interest in animism underscores this point:

> We have taken animism as our theme precisely because it represents a real limit to the conception of Western modernity, a provocation to the modern principle of reality which has become inscribed in everyday perception. (2010, 9)

Here, animism is of interest less for what it might contribute to a revised or redistributed notion of ontology or even for a proliferation of modernity. Rather, “the intention is to view the term as a mirror which can be used to examine our own basic assumptions and thus recognise them as the product of demarcations” (9-10). Thus, animism is not taken to exist but is rather a foil for the exhibition as it seeks to avoid the legacies of colonial museology. Horton and Belo have argued, along with the distinct lack of indigenous artists in the exhibition, that such statements suggest only Euro-Americans can “[transgress] the boundaries of its own making” while the “Native appears to be left on the other side” (2013, 19). The Native artist can only exist as a “strong negativity”, a voice of critique that can but “hold up the mirror” to show the insufficiencies of this worldview (2013, 19). This is not to belittle the importance of critique, but the question should be raised as to why, at the very time when the limits of critique are being drawn and calls are made for new relationship to politics and ecology, the role for subaltern and indigenous critics is again circumscribed (2013, 19). Horton and Belo argue that under such conditions the mirror that indigenous and subaltern critics are considered to be holding up to the moderns is also the “barrier” that “authorizes the ‘new’ in ‘new materialisms’ and the ‘post’ in ‘posthuman’; Europe is left to unearth the liveliness of matter on its own terms, in its own time” (2013, 20). Thus, despite efforts by Euro-American and settler critics to legitimise and recognise the importance of indigenous peoples and practices, “our own theories remain rooted in Euro-American ontological assumptions that are fundamentally incompatible with them” (Nadasdy, 2007, 26).

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9 Museums have a long and complicated relationship with colonisation, and have been heavily criticised for their roles in perpetuating racial hierarchies and legitimising domination (Clifford, 1988; Bennett, 2004; Healy, 1997).

10 Similar charges challenged the uses of poststructuralism to deconstruct identity politics at the very time when it was opening new intellectual spaces for minority groups (e.g. Tuhiwai Smith, 1999, 73-74).
With this elaboration of context, some of the problematic dynamics and motivations that inform this thesis have been made clearer. I have discussed this context around the two theoretical building blocks that inform this thesis. Firstly, I have discussed the field of postcolonialism, exploring its relationship to colonialism and then its ontological commitments and processes. Drawing on Simone Bignall, I argued that an ontology of negation, accompanied by the labour of the negative, have been the dominant modes for theorising postcolonial ontology and agency. Such understandings have practical consequences for the ways in which non-indigenous activists and supporters perceive and relate to the specificity of indigenous modes of enacting the world. According to this schema, indigenous worlds - like the ‘modern world’ - are predicated on a lack that they are trying to transcend through dominance over the natural world and in social relationships. I sought to extend Bignall’s critique by exploring the relevance of the material turn. While the material turn is useful for reviving non-indigenous modes of thinking with nonhuman entities, I questioned its implicit rationalism, and ability to think with indigenous more-than-humans. In this thesis, both of the case studies I explore exemplify problematic histories of relationships with both indigenous peoples and nonhuman entities.

**Kūmara and River Red Gums**

The first case study I explore is from Aotearoa NZ and focuses on the irruption of taonga into politics. Taonga are the treasured entities of Māori that through their relationship to important ancestral figures, have significant spiritual and agential capacities. Taonga can be material or immaterial, physical or ethereal. In the 1980s Māori became aware that taonga were under threat from the forces of bio-capitalism and communicative capitalism. These forces threatened to alienate Māori from their taonga by transforming taonga into private property, in much the same way that land was taken in the 1800s. One such example that I focus on is that of kūmara, the indigenous sweet potato that was brought to Aotearoa by Māori at the time of their earliest arrivals. The importance of kūmara to Māori is entwined with the stories and histories they tell, both of their arrival in Aotearoa New Zealand and of the way they settled into the land. As kūmara connected Māori to their homelands, it was a highly prized food source, but the cool conditions of Aotearoa NZ also attested to the agricultural innovations of Māori, who needed to work hard to cultivate and store a vegetable more suited to the tropical regions. With the onset of colonialism, Māori control of kūmara was threatened, and with the onset of bio-colonialism in the
1970s and 1980s, permanent alienation appeared imminent. At a 1988 conference on ethnobotany in Christchurch, Māori heard many stories of emerging intellectual property regimes and the threats these posed to the ability of Māori to control their taonga in a Māori way (Solomon, 2005). However, this time Māori sought to pre-empt these alienating forces, “getting in ahead of the intellectual property lawyers and legislators who would define how things should be objectified” (Henare, 2007, 50). This pre-emptive move centred on a claim to the Waitangi Tribunal, Aotearoa NZ’s pre-eminent forum for inquiring into Crown breaches of the Treaty of Waitangi.\(^{11}\) The claim sent shockwaves throughout the nation, with industry groups raising particularly vehement opposition.

The second case study I explore comes from Australia and addresses the plight of the Barmah Millewa forest, the largest river red gum forest in the country. Straddling the Victoria-New South Wales border and the Murray River, the Barmah Millewa Forest is a forest-wetland that has been severely degraded from many years of intensive logging, cattle grazing, and diminished flooding regimes due to river regulation. The Barmah Millewa Forest is on the traditional lands of the Yorta Yorta nation and they have been persistent and vocal in their resistance to colonial intrusion, and for the return of their lands. I explore here the ways in which the river red gum is a key agent in the forest, as an outcome of significant climatic and geological forces, while enabling the formation of habitats for an array of human and nonhuman relationships, from Aboriginal to colonial, and, perhaps, postcolonial. This potentially postcolonial agent is my focus in this thesis and one that emerged during a time when Yorta Yorta sought alliances with environmental non-governmental organisations (eNGOs) to help them achieve control of their lands. The eNGO that stepped into this role was the Barmah Millewa Collective (BMC) at Friends of the Earth-Melbourne (FoE-M).

This thesis then, by seeking to be felicitous to the nonhuman, aims to develop Latour’s call for ‘symmetrical anthropology’ for postcolonialism. It turns out, that once the nonhuman is considered an ‘actant’ as much as a human might be, then there is little to ontologically distinguish a ‘modern’ society from a ‘pre-modern’ society (Latour, 1993, 103). As Stephen Muecke states “‘we moderns’ (who ‘have never been modern’) have a continuity with the premoderns; it is just our historicism keeps us busy and redrawing the boundaries between nature

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\(^{11}\) The Treaty of Waitangi was signed on February 6, 1840, at Waitangi. The Treaty was then taken around Aotearoa New Zealand, and many other hapū signed the documents. The reasons hapū signed were multiple, and importantly, some hapū did not sign the Treaty.
and culture” (2004, 26). This insight is crucial for postcolonialism as the notions of transcendence and progress that postcolonialism has relied on cannot be sustained once nonhumans are introduced. When combined with Bignall’s argument for postcolonialism as a practice, there can be no guarantees, no beyond, and the actors are always multiple. In beginning with the nonhuman and more-than-human, I seek to render strange an anthropocentric methodology that looks through the nonhuman to find only human culture or discourse. Moreover, as will be seen in the following chapters, the nonhuman is what I aim to think with, which means that humans do indeed enter the scene, but only in particular places at particular times; they do not exhaust the meaning of the case studies I explore.

Chapter Outline

This thesis is structured around eight chapters. Chapter One is the Introduction. In Chapter Two, I outline the methodological and ethical dimensions to this thesis, including the decisions I have made around data collection, how data collection occurred, and issues around the power and identity. In Chapter Three, I expand on the theoretical features of the methodology. As I discussed earlier, while this thesis is interested in the methodological and theoretical learnings of postcolonialism, there are also some limitations within the field that I seek to build on through creating a relationship to the work of Simone Bignall on postcolonisation, and to the material turn. As I will show, Bignall’s work is important because when redefining the ontological basis of postcolonialism from negation to affirmation it brings to the fore themes of relationship and self-responsibility, albeit with the modifications that I argued were necessary to attune postcolonialism to more than just social relationships. In the second key point of Chapter Three, I explore the relevance of the material turn for postcolonisation. As I showed above, while I am broadly sympathetic to the material turn, there are some ways in which it continues to exhibit the hubris of modern thinking. What I seek to explore then, is how the irruption of indigenous worlds offer a more challenging series of problems to think with. Indigenous worlds include the array of human, nonhuman, and more-than-human entities that populate indigenous worlds and I explore two examples of these in Chapter Four.

The two major case studies that this thesis is built around are taonga and river red gums. Chapter Four focuses on exploring how these entities acquire and deploy their agency and force amidst the assemblage of other agents and forces. I call these assemblages ‘indigenous ontologies’. I
draw the term ‘ontology’ from the fields of Anthropology and Science and Technology Studies (STS) where it has been used to good effect to explore the ways reality is an enactment of an array of human and nonhumans, not given in advance of the conditions from which it emerges. Such enactments emerge via stories that perform this reality as they enact it (Blaser, 2013, 551-554). This understanding of ontology is useful for describing how kūmara and river red gums come to be significant entities in Māori and Yorta Yorta worlds respectively. In the case of kūmara, I write about the enactments of kūmara as a taonga, or treasure of Māori. This emerges from its entanglement in whakapapa and food webs, entanglements from which it cannot be easily unpicked, despite the threatening gestures of settler colonialism.

Similarly, for river red gums, complex and ancient relationships between climate, geology, and Yorta Yorta more-than-humans provide contemporary companions for emergent and distinctive forms of tree agency and Aboriginal activism. I explore the webs of “expanded connectivity” that make and sustain the array of human, nonhuman, and more-than-human entities and which populate and create this region (Weir, 2008). These entities include Biami - the central actor in a Yorta Yorta creation story, geological features such as the Cadell Tilt Block and the Barmah Choke, water that begins as storms many thousands of kilometres away, river red gums, and the fire culture of the Yorta Yorta people.

In Part Two of Chapter Four, I discuss the disruptive forces of settler colonialism, and the impact these forces have had on indigenous ontologies. I begin by linking analyses of settler colonialism to what Marisol de la Cadena calls the ‘silent antagonism’ - a feature of the biopolitics of settler colonialism whereby only particular kinds of bodies and entities are taken to be alive and/or have agency (2010, 346). Indigenous more-than-humans are dismissed and disregarded as, at best, fancies and fetishes and, at worst, means for religious and political leaders to dupe unsuspecting, ‘uncivilised’ ‘tribes people’ (Pietz, 1985; Latour, 2010). To understand how this occurred I have found Latour’s account of the Modern Constitution to be a useful heuristic. The Modern Constitution provides a way to think through how nonhumans and more-than-humans came to ostracised from politics through processes of ‘purification’ that claim to keep Nature and Culture apart. This occurs at the very same time as Nature-Culture hybrids proliferate due to ways in which the obsession with purification blinds adherents of the Modern Constitution - whom Latour calls ‘moderns’ - to their own construction of complex hybrids (Latour, 1993).
In the case of *kūmara*, I document how Māori political claims for their return as well as for political recognition provoked a storm of controversy that reveals two typical approaches to the maintenance of the silent antagonism. One such approach that I document shows how indigenous more-than-humans are mocked, demeaned and vilified in such a way as to make their agency seem both preposterous and a ruse. A second approach is to ensure the ‘great divide’ between Nature and Culture that *kūmara* threatens is reasserted under the guise of such notions as sharing, equal trade, and the recognition of labour and invention. Such challenges seek to uphold the common sense that is the Modern Constitution while making any deviation from it seem ridiculous, and a threat to the status quo or ‘business as usual’.

I also discuss how colonisation is usefully considered a multi-species effort, one that involves an array of human and nonhuman actors. Returning to the river red gum forests I explore a series of settler colonial intrusions into the more-than-human world of the region, and the heterogeneous array of actants that were necessary for the colonial project to be successful; microbes, sheep and cattle, guns, saws, gold, railways, mills, unions, and dams. However, even here, as I go on to explore in later chapters, such forces are never completely dominant, and through the fissures, new alliances between old and new actants redraw the possibilities of the political in Murray River Country.

Chapter Five stays with these two case studies and takes a closer look at some of the contemporary inflections of these debates. To do this, I extend my argument from Chapter Three where I argued that the implementation of the Modern Constitution was necessarily incomplete and partial, to argue for the persistence and resurgence of *kūmara* and river red gum forests despite these damaging and destructive forces. In Part One then I take up Mario Blaser’s account of the forces that make it possible for the resurgence of indigenous entities at the contemporary juncture. Blaser’s account of these forces provides a framework by which I can illuminate the changing conditions around these indigenous entities that give them traction in the generation of new, potentially postcolonial, assemblages of people, places, and things.

The first process Blaser identifies is the recent intensification of capitalism, which has seen it push more deeply into the lands and cultures of indigenous peoples in pursuit of surplus value. Both the *kūmara* and river red gum forests have been threatened in this way, although perhaps more so *kūmara* for as I show that the degraded state of river red gum forests is in many ways the legacy of previous modes of capital accumulation. With *kūmara* however, modes of capitalism -
called here bio-colonialism - have threatened forms of alienation more replete than destruction because their privatisation into the realms of capital strips them of the assemblages and stories that they emerged within.

The second set of processes identified by Blaser relates to the emergence of environmental protection programmes in areas that are also home to indigenous nonhumans and more-than-humans. These environmental protection programmes inadvertently offer a measure of protection to indigenous entities by keeping all people out of the areas in which they reside. This can be detrimental for indigenous access to these entities, which in turn has implications for the stories and worlds necessary for the existence of these entities. Indeed, it has now been well-documented how the establishment of the National Park system has been predicated on the removal of indigenous peoples from their lands (e.g. Spence, 1999; Neumann, 1998; Braun, 2002; Grove, 1996). This point was also a key argument put forward in the Wai 262 claim. In the river red gum forests of Murray River Country, environmental protection has been weakly and unevenly applied. That said, recent iterations of the legislation offer significant benefits to indigenous people.

A related set of processes to environmental protections identified by Blaser is the emergence of national and international frameworks that provide some measure of the recognition of indigenous rights, and in so doing provide some opportunities for the emergence of indigenous entities. Some of these frameworks are based on environmental protection, and the unique ecological processes of river red gum forests have attracted significant attention in this regard. In Aotearoa NZ, indigenous calls for the protection of their entities have been resolute and regular since the Wai 262 claim was lodged and have had significant interplay with international agreements, including agreements between other indigenous peoples that reject the and resist forces that would alienate them from their worlds. A key point that I document here is around how the use of indigenous concepts in recognition frameworks can provide some leverage for the enactment and resurgence of indigenous entities, and that this should not be considered a success (or failure, depending on your perspective) of the legislation solely. Rather, such successes should be read as indicative of the dynamic and vital powers of indigenous entities themselves.

In Part Two of Chapter Five, I again return to the forces of settler colonialism to explore in more detail how they have responded to these resurging indigenous entities, particularly ones that are ordinarily classed by settler moderns as ‘Nature’. I documented some features to these responses
in Chapter Three, and I document a few more here, to show how violence continues to trouble responses to indigenous entities. In this section however, I want to follow the entities of kūmara and river red gum forests into regimes of recognition that claim to be able to effectively understand and incorporate them into various political and cultural regimes. However, as I will show, such gestures can be misleading, and severely limit what indigenous entities are or can be. To understand this process I turn to the work of Eduardo Viveiros de Castro on multinaturalism, controlled and uncontrolled equivocation, and communicative disjuncture. With these concepts, an alternative mode of ‘not losing sight of difference’ becomes possible, and a more rigorous negotiation between worlds becomes necessary.

In the cases of kūmara and river red gum forests, such negotiation was not a response to their resurgence. Rather, along with vitriolic responses, there are modes of recognition that claim to support indigenous claims, while denying any control. To explore this in the case of kūmara, I examine the Record of Inquiry of the Wai 262 claim, and in particular those files that are about kūmara. I show the numerous ways in which scientists and groups involved in commercial kūmara cultivation, while admitting to the ‘unique’ relationship Māori have with kūmara, consider this merely a cultural relationship, whereas the Science they rely on is more accurate at getting to the nature of the kūmara, giving them the authority to use kūmara as they see fit.

In Murray River Country, the river red gums have been mobilised by local settler communities in similar ways. These communities too were happy to admit to Aboriginal groups having special relationships to these forests but sought to co-opt what this ‘special relationship’ meant for their ends. This co-option entailed claiming that the special relationship Aboriginal people had with the river red gums of Murray River Country was now over due to the decimation of Aboriginal communities, and with it the loss of Aboriginal ‘ecological management’ techniques such as burning. As such, the settler communities of this area claimed they were the inheritors of this Aboriginal ‘active management’ - a term used to contrast with the ‘passive management’ of the National Park system. Such active management necessitated the use of cattle and logging to replicate the loss of Aboriginal fire culture in the management of the forest. These views were widely rejected by Aboriginal groups in the region, not least because of the implicit assumption that their political control and authority was lost in the colonial period. Indeed, the very existence of groups of Aboriginal political organisations in the region show that this was not the case.
In Chapters Six and Seven I explore two examples of responses to the resurgence of kūmara and the river red gum forests of Murray River Country. These responses have sought to encourage and support these resurgences by providing additional political traction for the indigenous peoples associated with them. However, what I document in these two chapters are two contrasting outcomes of this support. In Chapter Six I discuss the Waitangi Tribunal, which had the role of responding to the Wai 262 claim. The Waitangi Tribunal’s final report on the Wai 262 claim, Ko Aotearoa Tēnei, is controversial because it argues that Māori do not have property rights in taonga. This argument was later used by the Crown against Māori to deflect criticism for the Crown’s privatisation of power companies that generated electricity from freshwater; Māori argued that the rivers and geothermal water sources at stake were taonga. I am interested here in how the Waitangi Tribunal came to circumscribe taonga in this way, making it amenable to Crown policy and curtailing its power and influence. To do this I explore the history of the claim and the travels of taonga into the workings of the Tribunal. I find that the Tribunal’s need to speed up and standardise the claims process meant that existing Western dualisms, most notably the Nature/Culture dualism, become the frameworks through which taonga are understood. This application of the Nature/Culture dimension strips taonga of its ontological dimension and places it neatly in Culture, in turn effacing much of the power and vitality of taonga.

In Chapter Seven I return to Murray River Country to explore the second example of non-indigenous responses to the resurgence of indigenous entities. Here, I am interested in the ways in which non-indigenous environmentalists from the Barmah Millewa Collective at Friends of the Earth-Melbourne were able to provide support for initiatives that provided protection to the river red gums while returning a modicum of political control to the Yorta Yorta nation. This Chapter is based on interviews with key members and allies of the BMC. In contrast to the Waitangi Tribunal, I show how the efforts of the BMC were transformative for their own work but also for the Aboriginal nations they engaged with. I focus on the transformation of the BMC in particular and note that a central aspect of this transformation has to do with the way in which the BMC is committed to environmental justice, a framework for understanding the entanglement of social and environmental factors in overcoming inequality and injustice. I discuss in particular how the legacies of white anti-racism that the BMC operates within, and which are consistent with the dominant attributes of the self-determination era in Aboriginal politics, become most vulnerable to these transformations, providing unsettling moments for FoE-M standing outside the dominant paradigms of alliance-building with Aboriginal nations.
The thesis seeks to describe and discuss the interventions and irruptions of indigenous more-than-humans and to outline the ways they are forcing the thought and practice of an array of groups. Focussing on kūmara and river red gums, I show how the repression of the more-than-human dimensions to indigenous worlds relies on the implementation of a single ontology of politics that depends on the Nature/Culture dichotomy and liberal distrust of antagonism and dispute. The reliance on a single ontology of politics is inherently colonial and generates responses to more-than-human worlds that are, at worst defensive, negative, hostile and aggressive, or at best tolerant and charitable. I also show how these entities have returned to politics, forcing engagement and forcing thought. With the Wai 262 claim and the resurgence of river red gum forests, these entities again entered politics and engendered an array of responses. In following two responses that sought to take the resurgence of these entities seriously, I am exploring the possibility that “postcolonial moments” might emerge (Verran, 2002). Such moments may be temporary and provisional but they show that the hegemony of the single ontology of politics is potentially losing its grip for explaining and engendering progressive politics in colonial contexts.
CHAPTER TWO

Thinking with Worlds: Ethics and Method

Introduction

This thesis explores issues and tensions that emerge from interactions between indigenous and non-indigenous worlds, particularly in instances where apparent ‘progressive’ groups and organisations have sought to establish relations with indigenous peoples contra to the colonial status quo. In so doing, this thesis engages with the knowledge practices of both indigenous and non-indigenous worlds. This means that the thesis and its methodologies brush up against some of the legacies of the colonial relationship, particularly those dimensions where research and the academy have been instrumental in establishing and perpetuating colonial hierarchies and domination. In this Chapter I discuss how this thesis considers these issues, particularly the approach taken to gather data and how this data has been interpreted. This includes the decisions that informed how the case studies were chosen, how the data gathering took place for each of the case studies, including whether interviews were undertaken, and the ethical aspects to this data accumulation. The ethical issues at stake here pertain to my position as a non-indigenous researcher and to the decisions I made regarding the theoretical and interpretive approach, including my use of ‘European theory’ through the engagement with constructivism, Science and Technology Studies, and the ontological turn.

The Case Studies

The case studies and structure of this thesis were generated in a somewhat haphazard way. Initially I took a ‘blue skies’ approach to thinking about what I would focus this thesis on. However, as I am from Aotearoa New Zealand, I eventually considered it prudent to build my thesis around concerns and issues that I had some background in, along with an awareness that in due course I would be returning there. Furthermore, my previous research projects have focussed on relationships between Māori and non-indigenous peoples in Aotearoa New Zealand, particularly among those groups who sought a more ‘progressive’ framework to the relationship. As such, I was keen to develop my thinking in this area. The Wai 262 claim to the Waitangi Tribunal struck me as a powerful event to think with due to the way it brought together
indigenous worlds, issues around intellectual and cultural property rights, and racial tension. Furthermore, the Waitangi Tribunal is regarded as Aotearoa New Zealand’s pre-eminant post-colonial institution, with its reports highly regarded for re-orientating the relationship between Māori and the Crown (Belgrave, 2004). At that time, my understanding of the Wai 262 claim was limited, although I knew it to be a significant moment in the relationship between Māori, Pākehā and the Crown. Wai 262 seemed to be consistent with my previous research interests while providing the opportunity to extend my thinking into new terrain.

Parallel to this emerging interest in the Wai 262 claim was my engagement with the Barmah Millewa Collective at Friends of the Earth. Arriving in Melbourne for doctoral study, my partner and I sought to resume our engagement in local activist groups that had a focus on supporting indigenous rights issues; this had been a feature of our life in Aotearoa New Zealand and continued to be important for us. We became involved with Friends of the Earth - Melbourne and met the Barmah Millewa Collective (BMC). At the time of our initial involvement the river red gum campaign was coming to its conclusion, with the findings from the VEAC investigation imminent, and was considered likely to have positive outcomes for the indigenous nations of Murray River Country and the river red gum forests.

As I was still looking for a thesis topic at this time, I had discussions with the BMC regarding the possibility of using the PhD thesis to support the work they had done. From these discussions, we concluded that it would be useful to reflect on what it was that made the work of the BMC successful, as relationships between environmentalists and traditional owners in Australia were typically fraught and contested (Vincent and Neale, 2017). An understanding of why the BMC was able to generate a successful relationship with traditional owners was deemed to be a useful output for the research, with the hope that the publicising the findings could support further successes between environmentalist and Traditional Owners.

At this point, I began to consider how these two case studies might be related, and how they might be thought together. This was an especially challenging process and took some time before it was satisfactorily resolved around the themes of indigenous worlds forcing thought, and the responses by settler moderns to having their thought forced. The reason it was challenging was that I could not develop a satisfactory method for considering what it was that connected these two case studies. While I understood that both case studies were assemblages of human, nonhuman, and more-than-human entities, I sought to force them into a larger analytic framework
by which they could be explained such as settler colonialism, posthumanism, new materialism, and particular versions of postcolonialism. I discuss my problem with some of these frameworks in Chapter Three and Chapter Four, along with explaining why thinking with Deleuzian constructivism, Science and Technology Studies, and the ontological turn provide important correctives to some pitfalls. However, as I discuss below, these methods should not be considered neutral or beyond the power relations that structure the relationship between research, the academy and indigenous peoples. It is important that these ethical issues be foregrounded so that this thesis can take its place amidst the messiness of postcolonial relations between indigenous and non-indigenous peoples, not as a final word but as a step to somewhere else, where the colonial patterning might begin to be unpicked.

Data Collection for Wai 262

The Wai 262 claim was lodged in 1991 so there is a significant amount of writing and commentary on the claim. My data collection for the Wai 262 case study focussed initially on internet searches to ascertain some of the basic facts about the claim, such as when it was lodged, how the process was going, and when it was expectations for completion. The Waitangi Tribunal website had much of this information, but I also wrote to the Tribunal and requested the Record of Inquiry. To my surprise, the file that was sent to me contained over 1GB of data. Information included transcripts of the hearings, and documents that were supplied to the Tribunal as evidence, including letters, written statements, articles, etc. One important feature of the Wai 262 claim is the restriction placed on access to sensitive evidence given by Māori.

From the very beginning, the claimants raised concerns about the sensitivity of their evidence. It would put their taonga at risk should this evidence enter the public domain. They stated that for them to act as kaitiaki for the entities and kinds of knowledge the claim might address there needed to be a way for claimants to present their evidence so that it could be protected from unauthorised redistribution. The Tribunal decided that the best way to manage this issue was through the use of confidentiality orders on specific pieces of evidence provided by the claimants (2011b, 5-6). As such, I did not receive any sensitive information or evidence from the Waitangi Tribunal and did not seek access to any confidential information.

The data I gathered for this thesis drew from transcripts of the public hearings, the final report, news articles, and other secondary sources. Due to the plethora of information available on the
Wai 262 claim it was not necessary to conduct interviews or to conduct other primary modes of data collection. Furthermore, the public hearings entailed cross-examination of key witnesses. This generated reflexive, insightful comments from the participants. In particular, non-Māori who submitted to the claim were required to expand on their taken-for-granted, and commonsense understandings of their work and engagement with *taonga*. This has been essential for my interest in the way non-indigenous peoples respond to having their thought forced by indigenous worlds. As such, none of the information I have used in this thesis required information that was not publicly available. Furthermore, the quantity and quality of the information provided by the Tribunal meant that I was able to undertake a thorough investigation of the research questions I had developed.

**Data Collection for the BMC**

The data collection process for the BMC case study was more complicated than the Wai 262 case study. The BMC campaign was conducted at a grassroots level and was based on individual relationships. Information in the public domain was limited and tended to be news articles or updates that showed the way in which the groups worked, but did not reveal much about the work and motivations that lay behind the actions. This meant I could not rely on data in the public domain in the same way as the Wai 262 case study. As I stated earlier, the plan for the river red gum case study was decided in concert with the coordinator of the BMC, as it was hoped that the research might provide a useful intervention for indigenous people – environmentalist relationships in Australia. To achieve this aim, the techniques for data collection were decided in concert with the coordinator of the BMC, and discussed at the Collective meeting. With the permission of the BMC, I was provided access to resources from their online archives, and the coordinator informed key BMC stakeholders about the research I was undertaking and that I would be approaching them to arrange an interview. We also discussed the possibility of undertaking an ethnography of current practices. However, this more intensive mode of data collection would be harder to implement.

As a part of the research process an Ethics application was submitted to the University of Melbourne, and this was eventually approved in October 2009 (see Front Matter). Interviews were successfully carried out in late 2009 and early 2010 with current and former BMC members (Appendix 1) and some key stakeholders, including individuals from indigenous nations (Appendix 2 and Appendix 3). The interviews were designed to discuss particular themes and
concerns with the interlocutors, while allowing scope for exploring any other issues that might emerge. However, the need to return to Aotearoa New Zealand for the birth of our daughter in late-2009 meant that a number of interviews had to take place through Skype. The interviews conducted online were successful but in retrospect, travelling to talk with informants would have been preferable and better quality data would have resulted. Face-to-face communication would also have enhanced the ethical dimensions of the research process as it better aligns with the ways indigenous communities would like to engage with researchers (Smith, 1999). After returning to Melbourne in March 2010, I sought to undertake ethnographic fieldwork, but the requirements of parenthood and ill health in my family presented challenges, and this dimension to the research process was not pursued. Additionally, with the end of the river red gum campaign, there were fewer events that could enhance the data already contributed.

As stated earlier, the purpose of research with the BMC was to gain feedback and insight from collective members and stakeholders, which included the indigenous nations that the BMC worked closely with. I wanted to find out why they considered the BMC was able to work successfully with Traditional Owners and other groups to achieve the establishment of the River Red Gum National Parks with Traditional Owner control. The key stakeholders that I interviewed included current and former BMC members, members of the Yorta Yorta nation, and individuals from other eNGOs that the BMC worked with. I conducted seven interviews in total. I transcribed the interviews and they were securely stored in accordance with the Ethics Advisory Group requirements. I then proceeded to develop the methodologies to explore the nonhuman and more-than-human dimensions to the data. I discuss the ethical aspects of these methodologies below.

**Ethical Aspects of the Methodology**

The ethical aspects of the methodology used in this thesis emerged from the historical legacies of race and research that position this work hierarchically and unequally in relation to the research topics and participants, particularly where indigenous peoples are concerned. The thesis brings together the methodologies that have a genesis in the disciplines of anthropology, social studies of science, and philosophy. All of these disciplines have been bound with histories of colonisation. I discuss some aspects to this relationship in later chapters, but for now would like to make some comments on my more general use of these disciplines. In particular I would like to address the use of European theory and philosophy as an entry point into some of the issues this thesis explores.
Juanita Sundberg addresses issues pertaining to a reliance on “Anglo-European theory as the only body of work relevant to ontological questions” and expresses concern that “posthumanist theory” (42), within which she includes the ontological turn “remains within the orbit of Eurocentred epistemologies and ontologies” (35). Indeed, the literature continuously refers to a foundational ontological split as if it is universal” (35, emphasis in original). As I seek to do in Chapter Three and Four, Sundberg notes the way in which the performance of posthumanist theory can contribute to the elision and erasure of the more-than-human worlds of indigenous peoples. She proposes three steps to “decolonise” posthumanist theory: 1) “walking and talking”, for their importance in the 2) “co-production of knowledge and space” (39); and 3) “walking with”. ‘Walking with’ has a number of registers that Sundberg considers, such as “learning to learn about multiplicity (40) “walking with in the sense of political engagement”, and finally, “walking with also may entail taking direct action” (41). This thesis has sought to be consistent with a number of these registers. However, as discussed, challenging personal circumstances has compromised the political and ethical aspects of the research.

The role of European theory and philosophy in this thesis then, is multiple, and used as a place to start considering the resources from within the Western traditions that consider these issues, while also seeking to undermine the conceits of these traditions. Firstly, I deploy European theory when considering some of its limitations for exploring one of the key aspects of this thesis, understanding how nonhuman and more-than-human entities are historical actors. Relatedly, I also discuss how such entities are essential to the conditions in which European theory has emerged. With this line of argument, I seek to re-ground European theory by showing how it relies on nonhuman and more-than-human entities but that these have been disavowed and denied through the imposition of Nature/Culture regimes. Secondly, I use the work of Simone Bignall on the writings of Hegel and Deleuze to explore how the kind of postcolonial politics that can ensue from a reliance on European theory is still informed by the disavowal of nonhuman and more-than-human entities through modes of negation that construct the Nature/Culture binary. The labour of the negative required to overcome nature and the more-than-human world of others sets in place an imperialistic approach to the political that relies on destruction and appropriation. Bignall’s work on Deleuze seeks to use his thinking to develop an alternative approach to postcolonial politics through an elaboration of constructivist ontology of association and connection rather than possession and overcoming. However, I also note the limitations of
Bignall’s approach, in particular, her reliance on apparent rational modes of communicating that assume a familiarity between interlocutors as to the entities they might be discussing.

Bignall’s work is useful as it documents aspects to settler colonial understandings of the Nature/Culture binary that can be overturned by addressing their normative conditions, particularly where these understandings interface with relationships between indigenous and non-indigenous people. This strikes me as a necessary ethical consideration because it seeks to reset European theory into the realm of ‘minor politics.’ According to Thoburn, “Minor and major are expressions that characterize not entities, but processes and treatments of life”:

Essentially, major processes are premised on the formation and defence of a constant or a standard that acts as a norm and a basis of judgement. As such, major relations are relations that are fixed and denumerable. They are relations of identity … If the major is denumerable and in relation to a standard, the minor is non-denumerable in so far as it is a relation not of identity but of variation and becoming which deviates from any major axiom or standard, and where in each connection or subdivision the set changes in nature.

The use of European theory in this thesis then, seeks to engage its minor trajectories, rather than seeking over-arching and dominating frameworks. Bignall’s notion of postcolonialisation operates in this register, emerging as “a ‘bloc’…that operates between settler and colonised communities and prompts the transformation of all aspects of their relationship, at each of the mediating sites of their affective engagement” (213). However, I also argue that it is necessary to build on Bignall’s work, and that to truly operate in a minortarian way, her notion of postcolonialisation requires a stronger awareness of the role of nonhuman and more-than-human entities, and the links that these entities engender between people and place. As I hope to show, these entities are also essential to imagining how indigenous – non-indigenous relationships might be configured differently.

The methodological approach that I have deployed to discuss the difference nonhuman and more-than-human entities make to thinking about postcolonial constructivism is the ontological turn. I provide an in-depth discussion of the ontological turn elsewhere in this thesis, but at this stage, I would like to address some of the ethical issues the use of this body of theory raises. These issues pertain to the colonial hierarchy of knowledge traditions and the potential for their reinstatement and repetition. Finally, I discuss how the use of the ontological turn does not obviate the need to ground this thesis in the values of reciprocity and obligation.
The ontological turn in this thesis has been deployed to address ethical issues about the hierarchical restaging of knowledge traditions in academic and scholarly work. As I discuss, in Chapter Four, the ontological turn seeks to address the hierarchy of knowledge systems that is restaged when Nature/Culture dualisms are used to evaluate and assess indigenous worlds. It seeks to avoid complicity in these hierarchies by establishing a symmetry between indigenous and non-indigenous worlds – not by suggesting that they are the same but that they equally rely on assemblages of human, nonhuman, and more-than-human entities to gain and establish affects and power. I argue that part of the power that non-indigenous worlds gain is through the enforcement of the superiority of its own knowledge system through violence and elision. What I seek to gain through this thesis is a renewed attentiveness to the way violence, based on racial hierarchies, has been essential to the rise of the settler colonialism, and this becomes especially noticeable once an ontological symmetry is established between worlds.

This attentiveness to ontological symmetry does not absolve this thesis from inculcation in the hierarchies and asymmetries of knowledge production (Todd, 2016). As a non-indigenous researcher writing about indigenous worlds, I acknowledge there is no neutral way to frame such a discussion. The privileging of modes of written erudition and academic research, based on the privileges that have accrued to me by virtue of the structural benefits of whiteness as defined by my education, work opportunities, and family inheritance, mean that this thesis does not exist outside or beyond the legacies and realities of white racial privilege. This is not to suggest that this thesis should not be written. Rather, consistent with the methodological approach, I seek to bring these themes into engagement with the racial politics of Australia and Aotearoa New Zealand by interfacing indigenous and non-indigenous techniques and theories of the non-human and more-than-human.

Perhaps a central weakness of this thesis, however, is that as a text its circulation is limited. The reasons for this are complex, but cannot be excised from the personal problems that emerged during research, meaning that the thesis will not circulate in the way I initially envisaged. This is troubling because it means that, as a text, it will circulate in very limited assemblages, accruing prestige and other benefits to myself, while those who provided key information, or whose knowledge traditions I engage with in attempts to challenge and re-ground settler knowledge traditions, will gain little or no benefit (also Watts 2013). Despite attempts at grounding the thesis among the networks for which these ideas and themes might have particular pertinence, this is
inexcusable, and I can only express my regret at the way this has unfolded. It was certainly not how the thesis began. These circumstances mean that this thesis can be considered to have a dubious ethical basis because it has come to benefit its author, at the cost of the relationship with those who have provided information. I return to this point in the Conclusion.
CHAPTER THREE

Indigeneity, Postcolonialism and the More-Than-Human

Introduction

The scholarly field of postcolonialism provides some of the key methodological focus for this thesis. The field demonstrates attentiveness to the contradiction and complexities of the colonial relationship along with an ability to theorise and identify instances of resistance. However, I also accept that the field has a number of lacunae that need addressing. In this Chapter I present an account of postcolonialism that details why I consider it to be relevant to present issues and debates, even those that occur in settler colonial contexts. The aim of this Chapter is to develop a version of postcolonialism that can provide a foothold in settler colonial contexts for approaching moments when indigenous assertions of alterity and self-determination do not fit within “politics-as-usual” (de la Cadena, 2010, 337-341).

Politics-as-usual describes the way in which the Nature/Culture partition informs modern politics. The Nature/Culture partition excludes indigenous peoples and their worlds from politics by determining that all political expressions must fall within one of these two domains. However, when indigenous peoples invoke or speak on behalf of the more-than-human entities that also populate their worlds, the paucity of this partition emerges, along with the violence that sustains it. The disdain and disregard that indigenous peoples have historically experienced, or the polite veneer of tolerance of more recent times, are expressions of the “silent antagonism” that exists between adherents to the Nature/Culture partition and those occupants of indigenous worlds (de la Cadena, 2010, 352). In this Chapter I seek to move beyond this status quo by exploring how it might be possible for non-indigenous scholars in settler colonial contexts to reevaluate the ways they consider their worlds and negotiate between worlds. I consider the debates and discussions that have occurred within postcolonialism to provide the best starting point for such a process.

This Chapter begins by presenting some of the critiques and concerns of indigenous scholars and their allies with postcolonialism. These criticisms challenge postcolonialism in some fundamental ways, and the field of Settler Colonial Studies (SCS) appears to be a more suitable approach for studying the specificities of colonialism in places where settlers never leave. However SCS,
despite its powerful insights, is also problematic because it struggles to imagine what might be otherwise. Hence, my return to postcolonialism, as it thinks the otherwise of the colonial at the same time as it explores the violence of the colonial. I then present the work of three scholars who invoke the postcolonial in ways that I consider a useful for beginning to shift the field, Leela Gandhi, Dipesh Chakrabarty and Helen Verran. However, it is the work of Simone Bignall that I find most useful for constructing the kind of postcolonialism necessary for engagement between worlds.

Bignall revisits some of the fundamental themes and ontological claims of postcolonialism and finds in them some concerning features that inhibit constructive relations with indigenous peoples. She offers a thorough reconstruction of postcolonialism via the constructivist ontology of Gilles Deleuze to generate a more humble and diplomatic postcolonialism. However, Bignall does not extend her discussion of the issues that emerge when indigenous more-than-humans speak. Bignall’s reconstructed postcolonialism, or postcolonisation as she calls it, is amenable to such an awareness and engagement. I conclude this Chapter by drawing Bignall’s work into dialogue with Marisol de la Cadena. De la Cadena writes of the challenges and opportunities for the irruption of indigenous more-than-humans. She identifies a ‘silent antagonism’ that informs modern politics, whereby the regimes of purification that construct the Nature/Culture partition struggle to contain the more-than-human entities of indigenous worlds. I argue that postcolonialism can continue to provide an important role examining the interstices and fissures of colonialism if it adopts de la Cadena’s ideas for approaching such entities.

**Indigeneity, Settler Colonial Studies, Postcolonialism**

In this section, I outline some of the key aspects of postcolonialism that help orientate the concerns of this thesis. The first of my methodological approaches is to situate postcolonialism in relation to the struggles of indigenous peoples. Indigenous scholars and their allies have been almost universal in their critiques of postcolonial scholarship to recognise the ongoing colonisation of their lands and cultures, and I begin by acknowledging these critiques, even as I continue to find the term postcolonialism useful. I then move to discuss the more recent emergence of the field SCS. SCS seeks to provide a specific set of theories and ideas that identify the traits and consistencies of settler colonial contexts, in particular the ways they seek to extinguish indigenous peoples. However, I note that SCS too has a problematic relationship with
the struggle of indigenous peoples. As such, I find more traction can be gained from within postcolonialism in support of indigenous struggles than otherwise. To make this point, I look to three uses of postcolonialism that inform my use of it in this thesis, even as I consider that the notion needs considerable revision.

The first scholar I draw on is Leela Gandhi. She frames postcolonialism’s relation to colonialism as a politicised relationship of remembering, which implicates both the colonised and the coloniser. I consider this useful as it means there is no absolution from the colonial past. The second scholar I draw on is Dipesh Chakrabarty. He analyses tensions between the universalising tendencies of capitalist modernity, and the plural, local forces of particular places. The third scholar I draw from is Helen Verran. Verran writes of ‘postcolonial moments’ as a means of assisting the move away from grandiose claims about civilisational shifts in the aftermath of colonialism and encourages an examination of humble, local sets of interactions and negotiations. These writers help situate postcolonialism as a self-reflexive, local, and negotiated phenomenon, though as I discuss later in this Chapter, I still consider critical re-evaluations are needed.

**Indigenous Critiques**

For indigenous peoples and others who are sensitive to ongoing struggles against colonisation, postcolonialism can appear as a contradictory and confounding school of thought. The first point of contention for indigenous critics relates to the ‘problematic temporality’ of the term. Jace Weaver, a Native American scholar bluntly puts it, for two-thirds of the world “colonialism is not dead” (2000, 223). For Aileen Moreton-Robinson, it is the focus postcolonialism places on the experiences of the “dispersed, or diasporic, subject” that elides its ability to account for the “positionalities, multiplicities and specificities of Indigenous subjects” (2003, 28). In the context of the indigenous subject, Moreton-Robinson contends that postcolonialism is more adequately thought of as ‘postcolonising’:

Indigenous and non-Indigenous peoples are situated in relation to (post) colonisation in radically different ways — ways that cannot be made into sameness. There may well be spaces in Australia that could be described as postcolonial but these are not spaces inhabited by Indigenous people. It may be more useful, therefore, to conceptualise the current condition not as postcolonial but as postcolonising with the association of ongoing process, which that implies. (2003, 30)
Similarly, Ella Shohat has posited that the notion ‘neo-coloniality’ would better respond to contemporary issues “emphasizing a repetition with difference, a regeneration of colonialism through other means” (1992, 107).

The particular aspect that Weaver interrogates is the geographic scope of postcolonialism, as it arises “almost exclusively in the Anglophone colonial world (Australia, New Zealand, Canada, the United States, and India)” (2000, 224). She links this geographic location of postcolonialism with Moana Jackson’s notion of a “culture of dispossession” that is indicative of these locations (Jackson in Weaver, 2000, 224). This notion of dispossession can be usefully extended in the critiques made of Australian postcolonial theory by Moreton-Robinson and her insistence on the ongoing relevance of the racial category whiteness in postcolonising situations. According to Moreton-Robinson, whiteness is an “epistemological a priori” that provides for “a way of knowing and being that is predicated on superiority, which becomes normalised and forms part of one’s taken-for-granted knowledge” (2004b, 75-76). Thus, in the Australian postcolonial texts she analyses, Moreton-Robinson contends that the inability of authors to consider their subject position as White relies on a Cartesian mind-body dualism that universalises whiteness while making-primitive the Aboriginal. A consequence of this ‘primitivisation’ is the continued dispossession of indigenous subjects. This dispossession lies at the base of the postcolonising relationship between the settler and indigenous person (2003, 37).

**Settler Colonial Studies**

A theoretical corpus that has emerged in response to some of these issues is Settler Colonial Studies. Lorenzo Veracini argues that settler colonialism is a distinct mode of colonisation that sees “settlers as founders of political order [that] carry their sovereignty with them” (2010, 3). They establish “autonomous collectives” that claim this sovereignty along with a “regenerative capacity” (2010, 4). Elkins and Pedersen assert that settler colonialism is “routinely and rightly distinguished from imperial expansion undertaken for military advantage or trade” and contains “settler populations intent on making a territory their permanent home while continuing to enjoy metropolitan living standards and political privileges” (2005, 2). The settlers, they contend, “sought to construct communities bounded by ties of ethnicity and faith in what they persistently defined as virgin or empty land” (2). When it comes to indigenous populations, Elkins and Pedersen argue that settler colonialism operates with “a logic of elimination and not exploitation:
they wished less to govern indigenous peoples or to enlist them in economic ventures than to seize their land and push them beyond an ever-expanding frontier of settlement” (2). Patrick Wolfe famously framed this logic of elimination thus: “The colonizers came to stay – invasion is a structure not an event” (1999, 2). Kauani has noted that this logic of elimination is not one of genocide; rather it is the “elimination of the native as native” (2016). This original SCS insight is pertinent to this thesis, for as will be seen in later chapters, the disregard of the ontological status of indigenous claims performs just such elimination.

However, there has also been some concern expressed about how the field of SCS stands in relation to indigeneity. Kauani, in an overview of the recent rise of the field, expresses concern that it is failing to adequately address, and in some cases even replaces, issues about indigeneity. She argues, “to exclusively focus on the settler colonial without any meaningful engagement with the indigenous—as has been the case in how Wolfe’s work has been cited—can (re)produce another form of “elimination of the native” (2016). Snelgrove et al have noted some key issues raised across the field. Firstly, they draw on the work of Joanne Barker to note that the etymology of ‘settle’ lies in ‘to reconcile’ suggesting that any invocation of settler colonialism, especially when considered alongside official apologies from nation states to indigenous peoples, may be seeking to move “beyond its own tragically imperial and colonial history to be something else, still albeit colonial, but not quite entirely colonial because it is ‘reconciled’ and ‘consistent’” (Barker in Snelgrove et al., 2014, 8). Secondly, Snelgrove et al present the claims of Macoun and Strkosch that settler colonialism as a field focuses its analyses of colonial situations largely on the intentions of settlers. That said, such an approach does fill a significant lacuna in studies of colonisation, “emphasizing continuities in colonial relationships between the past and the present can tend to construct existing political relationships as inevitable and unchanging” (2013, 427). Furthermore, Snelgrove et al note that these studies can also “re-empower non-Indigenous academic voices while marginalizing Indigenous resistance” (2013, 8). This is a key concern that Kauani notes with the emergence of SCS. She points to empirical evidence from Robert Warrior that shows the increasing ratio of SCS panels to Indigenous Studies panels at American Studies Association conferences, arguing that the axiom ‘settler colonialism is a structure not an event’ is just a pertinent to studies of colonialism as it is elsewhere (2016).

The foundational axiom of SCS that ‘settler colonialism is a structure not an event’ has also come in for criticism. Snelgrove et al argue that it contains a “structural inevitability to settler colonial relations” (2014, 8). Macoun and Strakosch argue that this structural inevitability can be useful
for “identifying the operation of political hierarchies” but that “it can also excuse us from human political action in the present by presenting this action as futile or already determined” (2013, 435). They identify a “theoretical and political impasse” that can imply “a moral equivalence between different forms of settler political interaction with Indigenous people, and, at its worst, to deny the legitimacy of Indigenous resistances”:

> Settler colonial structures appear as highly stable and ‘relatively impervious to regime change.’ Therefore, at the same moment settler scholars finally see the depth and reach of settler colonialism in the present they feel unable to find ‘postsettler colonial passages.’”

(2013, 435)

This invocation of the ‘post’ in postsettler in the above quote points to the necessity of finding some path that moves to an alternative trajectory from the settler colonial path.

The invocation of this ‘post’ also brings back into question the key issues and debates from the field of postcolonialism. Lorenzo Veracini, when coining the phrase ‘postsettler’ argues that:

> As long as there are no available narratives of settler decolonization, narratives identifying indigenous dispossession and loss of collective autonomy as ‘progress’ are bound to remain paradigmatic. If settler colonization is an ultimate colonizing act where settlers envisage no return, settler colonialism still tells a story of either total victory or total failure. Ultimately, discontinuing settler colonial forms requires conceptual frames and supporting narratives of reconciliation that have yet to be fully developed and narrated. (2011, 215)

In returning to postcolonialism, I argue that some of the work that is required to “discontinue settler colonial forms” has already begun. In the next section of this Chapter, I present some of the central aspects of the work postcolonialism has begun, and follow this with a further critique and regeneration of postcolonialism by Simone Bignall that is equally relevant to SCS and is also necessary for “discontinuing” Veracini’s “settler colonial forms.”

**Postcolonialism**

Leela Gandhi’s exegesis on postcolonialism provides a useful starting for identifying some of the themes that I seek to retain from postcolonialism and those I seek to push further. Gandhi posits a distinction between what she calls ‘postcoloniality’ and ‘postcolonialism’. Postcoloniality is a symptom that emerges in the colonial aftermath. It is defined by a “mystifying amnesia” that is
indicative of the desire to “forget the colonial past” and is “symptomatic of the urge for historical self-invention or the need to make a new start, to erase painful memories of colonial subordination” (1999, 4). However, as Gandhi rightly notes, the “mere repression of colonial memories is never, in itself, tantamount to a surpassing of, or emancipation from, the uncomfortable realities of the colonial encounter” (1999, 4). For Gandhi, it is the task of postcolonial theory to resist the mystifying amnesia of the colonial aftermath and the consequences of a self-willed historical amnesia” (1999, 7). Postcolonial theory, when resisting postcoloniality, takes on an “ameliorative and therapeutic” role, one that Gandhi compares to the psychoanalytic practice of anamnesis (1999, 8). Gandhi, quoting Lyotard, explains that anamnesis requires patients to “elaborate their current problems by freely associating apparently inconsequential details with past situations allowing them to uncover hidden meanings in their lives and their behaviour” (Lyotard in Gandhi 1999, 8). Gandhi concludes that the “scholarly task” of postcolonialism, if it is to attend to the procedures of anamnesis, is not only to address the “carefully researched retrieval of historical detail” but to also address an “equally compelling political obligation to assist the subjects of postcoloniality to live with the gaps and fissures of their condition, and thereby learn to proceed with self-understanding” (1999, 8). This ability to proceed with self-understanding is not that of the self-possessed and self-assured individual. Rather, the ‘gaps and fissures’ engendered by postcoloniality are rife with accounts of the “ambivalent and symbiotic relationship between coloniser and colonised” (1999, 11, emphasis in original).

Dipesh Chakrabarty is a key postcolonial theorist who has attempted to account for both the impact of European colonialism and the agency of the colonised. His book *Provincializing Europe* is exemplary for the ways it enacts Gandhi’s scholarly, political, and pedagogical task for postcolonialism. Chakrabarty’s postcolonialism operates through two “important representatives of European thought” (2008, 18), Marx and Heidegger, to account for the unfolding of capitalist modernity on the one hand and the “diverse ways of ‘being in the world’” on the other (2008, 21). Marx and Heidegger provide Chakrabarty with a similar set of theoretical tools that Gandhi finds in Lyotard’s concept of anamnesis. However, if Gandhi opposes anamnesis to the “mystifying amnesia” of postcoloniality, Chakrabarty opposes his Marx-Heidegger to historicism. According to Chakrabarty, historicism was central to European domination in the nineteenth century:

> Historicism is what made modernity or capitalism look not simply global but rather as something that became global over time, by originating in one place (Europe) and then spreading outside it. This “first in Europe, then elsewhere” structure of global historical
time was historicist; different non-Western nationalisms would later produce local versions of the same narrative, replacing “Europe” by some locally constructed center. (2008, 7)

In writing against historicism, Chakrabarty’s task of provincialising Europe is twofold: 1) it seeks to displace European thought from the centre of historical time, and, seemingly paradoxically, 2) to renew it both “from and for the margins” (2008, 16).

To renew European thought, Chakrabarty looks to his mentor Ranajit Guha’s attempts to “[stretch] the category of the ‘political’ far beyond the boundaries assigned to it in European political thought” (2008, 12, see Guha, 1999, Guha, 1983). According to Chakrabarty, Guha achieves this by insisting that the peasant, “instead of being an anachronism in a modernizing colonial world ... was a real contemporary of colonialism, a fundamental part of the modernity that colonial rule brought to [sic] India” (2008, 13). This leads Chakrabarty to argue that the “political sphere” of the peasant is modern but it “does not follow the logic of secular-rational calculations inherent in the modern conception of the political” (2008, 12). Rather there are “two noncommensurable [sic] logics of power, both modern” that define political modernity: the “quasi-liberal legal and institutional frameworks that European rule introduced into the country” and “the relations that articulate hierarchy through practices of direct and explicit subordination of the less powerful by the more powerful” (2008, 14). If the first of these logics is relentlessly secular, the second “has no necessary secularism about it” (2008, 14); it is full of the “agency of gods, spirits and other supernatural beings” (2008, 13). For Chakrabarty, both of these logics need to be thought together but as one does so, a “fault line” is exposed in European thought (2008, 18). However, Chakrabarty continues, “what is indispensable remains inadequate” as these universal categories cannot account for gods and spirits (2008, 88). Thus, the fault line that Provincializing Europe exposes, namely the divide between analytic and hermeneutic traditions in the social sciences, does not seek to debunk European thought or to jettison the analytic. Instead, Chakrabarty looks for a “politics of translation” that can traverse this fault line and “renew it, both from and for the margins” (2008, 16).

The third practitioner who informs my understanding of postcolonialism is Helen Verran. Verran draws on the work of Stuart Hall to argue for what she calls ‘postcolonial moments.’ Postcolonial moments are “occasions for theorizing, for telling differences and sameness in new ways” (2002, 729). Postcolonial moments are not universal, dialectical-like shifts in the nature of the colonial aftermath to some transcendent post-colonial state of rapture. Rather, they are temporary and
provisional moments where connections are asserted and differences protected. The ways in which this happens are new, only in so far as the negotiations are new; they are about new entities and issues that require new ways of going on together. Verran argues that these postcolonial moments are made where “disparate knowledge traditions abut and abrade, enmeshed, indeed often stuck fast, in power relations characteristic of colonizing, where sciences usually line up on the side of the rich and powerful” (2002, 730). Thus, a postcolonial moment emerges from within the messiness and injustice of unequal, hierarchical power relations, interrupting and redistributing authority. A postcolonial moment does not create a new homogeneity of thought and action, but “involves both making separations, and connecting by identifying sameness”, where sameness “enables difference to be collectively enacted” (2002, 730). Verran argues that this sameness is not necessarily found at the experiential level, but rather in the story. The story must “agree on, and enact the differences” of practices while contributing to a “local, particular and contingent symmetry” (2002, 731). Such an account of sameness, Verran notes, might not please everyone. The generalisation that emerges can push at orthodoxies and essentialisms in both scientific and indigenous worlds. Verran also claims the “articulation of this tension as postcolonial moment”, one that enmeshes the scholar and writer within the negotiation between worlds (2002, 731).

These three scholars all make unique and powerful contributions to the re-orientation of postcolonialism. However, I consider that the work of Simone Bignall brings the stakes of these claims more sharply into focus. Her careful and thorough account of the ontological commitments of postcolonialism to the labour of the negative presents a powerful challenge to the ways in which studies of colonisation rely on imperialistic assumptions. As Donna Haraway has remarked, drawing on Marilyn Strathern: “It matters what matters we use to think other matters with; it matters what stories we tell to tell other stories with…” (2016, 30). Bignall’s reconstruction of postcolonialism extends the insights of the three scholars above, providing another way for postcolonialism to matter.

**Postcolonialism and Postcolonisation**

Simone Bignall is an Australian scholar who has developed an extensive critique and re-evaluation of postcolonialism that dismantles some of the field’s foundations, rebuilds them with an eye toward processes and practices that might already be in action, and where the contribution
of a range of actors is visible. Central to Bignall’s critique of postcolonialism is that it is premised on an ontology of negation, and modes of agency that can be characterised as the labour of the negative. As I discussed in the Introduction, Bignall argues that the problem with the labour of the negative’s influence on postcolonialism is that the connections it draws between indigeneity and difference relies on possessive and imperialistic notions of lack and negation that have been essential to the emergence of colonialism. She argues that these themes have been divisive for postcolonialism, as seen in recurring debates about whether postcolonialism should be a poststructuralist or a Marxist-informed critique of colonisation. She argues that it is imperative postcolonialism move away from such an ontology and conception of agency. In aid of this movement, she presents an alternative set of theoretical coordinates suitable for *postcolonisation*. Bignall defines postcolonisation as the “ongoing practice of social construction that requires the permanent cultivation of a postcolonial ethos of relation, which acknowledges and affirms difference, positively conceived” (2010, 10).

**The Labour of the Negative**

Bignall begins her account of postcolonialism by looking to the term’s ontological commitments. She argues that ontology shapes agency as “understandings about the nature of selfhood and worldly reality inflect theories of action and capacity and in turn, these theories have corresponding effects upon the material and communal practices they inform” (2010, 31). As I discussed earlier, an ontological commitment to negation originated in the work of G. W. Hegel. He argued that the absence of lack disrupts the inherent harmony and completeness of a social arrangement. If there is an absence or lack that disturbs reality - a negative, then there follows in dialectical relation a desire to overcome this absence or lack. This desire is one of negation. It “refers to the moment of critique, to resistance and the transgression of ‘that which is’” (2010, 31). Desire is an important aspect of this ontology. Desire wields the negative as a critique of the positive, understood as “the given…the identity or form of being which has presence or facticity” (2010, 31). By privileging this labour of the negative, negation “celebrates and affirms difference” (2010, 31) against “simple ‘is-ness’” (2010, 32).

Bignall notes that Hegel is a thinker of process and his dialectical ontology is seeking to account for transformation, change, and production along with subject formation. As such, for Hegel, it is by becoming aware of this dialectical movement between negativity and positivity via the labour
of the negative that the ‘active subject’ emerges. Through self-awareness, and reasoned, purposeful action, the active subject is “able to take charge of the process” of shaping reality (2010, 32):

The subject finds its metaphysical place only by finally recognising that external difference is simply an immanent feature of being. The reasoned, ‘purposive activity’ of the Hegelian subject is therefore communitarian, directed towards bringing about a more adequate unity with the external world, which is the otherness that determines its existence as such. (2010, 33)

However, while Bignall is sympathetic to this dialectic of subject realisation, she is critical of dialectical processes of production and transformation, particularly for the roles they might play curtailing the possibilities for understanding colonisation.

When assessing the dialectical notions of production and transformation, Bignall examines the lectures given by Kojève and his recasting of Hegel’s work as a philosophy of historical action. For Kojève, like Hegel, desire driven by negation is what causes history. However, where Kojève departs from Hegel is in his further emphasis that it is the “nature of desire’s intention that gives shape to history” (2010, 37). This intention or aim of desire is twofold. Firstly, it seeks recognition from the other, and secondly desire “is linked with the effort to transform the external world into a creation of human action and will” (2010, 37). The subject’s emergence is mediated not only through the coming to self-consciousness but also through the form the subject gives to the world. Here Kojève departs from Hegel. As I noted in the Introduction, Hegel posits self-consciousness as the harmonious achievement of an “ontological unity of the subject and the external world”, whereas Kojève argues “the proper aim of desire is transcendence of the givenness of the natural world through its transformation into a product of human activity and will” (2010, 37, emphasis added). Further to this, for Kojève, “this ‘proper’ intention makes desire the principal of comparison between self-conscious humanity and natural beings” (2010, 37). For Kojève, the human subject emerges through the achievement of recognition of the other. However, this recognition occurs because of the subject’s transcendence of the world. The stakes of this dialectics of production and transformation are high, nothing less than the opportunity to author history.

Nevertheless, a closer look at the forms that agency takes in this process reveals some, at best, ambivalent characteristics:
Agency is connected to the ‘mastery’, ‘appropriation’ and ‘possession’ of difference...because desire is satisfied when action eliminates the negativity of lack or absence, by appropriating and possessing the object of desire. The desiring subject is compelled to become more adequate by incorporating difference, but in order to maintain a stable and coherent identity, contesting difference must simultaneously be expelled from within the boundaries of the subject. (2010, 93)

These are characteristics of an imperial nature because they involved “ambivalent and imperial gestures of repulsion and appropriation of difference” (2010, 94). The previous paragraph highlighted the phrase ‘transcendence of the givenness of the natural world.’ The “suppressing of others” in the struggle for recognition relies on the dominance of the natural world and other subjects within it. Thus, Bignall’s argument that the forms of agency characteristic of dialectical production and transformation share much with colonising and imperial forms of agency needs to be extended to the colonising and instrumental relationship with the natural world. This is a point I will elaborate further in this Chapter and which I hope to make fundamental to this thesis, namely, the importance of thinking with the human-nonhuman relationship when developing an adequate notion of postcolonisation.

Bignall summarises Hegel’s dialectics as teleological and reliant on an imperial conception of agency that must create-suppress minor histories to ensure its becoming. Despite this, as previously discussed, Hegel argues that there will be a “final moment to the dialectic, in which desire is satisfied and mutual recognition is possible” (2010, 39). For Bignall however, Hegel (and Marx too) betrays the creative and politicising power of the negative with this stance. As such, she asks: “how are we to reconcile the significant differences in our various cultural approaches to and beliefs about this world” when dialectical agency is predicated on one group needing to suppress another? (2010, 39). Kojève revisits this contradictory facet of Hegel’s work. He contends that desire is a “permanent cause of negation, without a pre-established end” and thus, can never be fulfilled (2010, 40, emphasis added). Here desire becomes the “permanent pre-condition of subjectivity” and, now unhitched from a teleology, operates to align desire with freedom (2010, 40). Kojève’s reformulation most clearly links to, and is developed in the works of Sartre and, through him, the canonical scholars of postcolonial theory.

The key point that Bignall explores in Sartre’s work on desire is how his popularisation of Hegel and Kojève was combined with critiques of anti-Semitism, imperialism, and colonialism (2010, 40). As she notes, Sartre’s rejection of teleology and emphasis on “lived experience and
responsibility attached to existential choice” (2010, 40) was picked up by Frantz Fanon in his analysis of the ways race and racism formed the identity of both the colonised and the coloniser in *Black Skin White Masks* (2010, 41). In particular, Sartre’s focus on “essential human striving”, and thus endless self-creation in pursuing that which it lacks, is important here (2010, 41). The choices and reflection entailed by this desire, are developed by Sartre in an analysis of inter-subjective relations including the role that race plays negotiating the desire for, and fear of, the racial Other. It is here that Sartre’s work is picked up by Fanon, and consequently developed by Edward Said and Gayatri Spivak (2010, 70-77).

For Bignall, Sartre’s account of inter-subjective relations attends to the ways the Other requires the subject to renegotiate how they pursue their freedom:

> In facing the Other, the self confronts the fact of difference and experiences the essential negativity of being in the world with others. The self perceives that it is estranged from others and distanced from ideal ontological unity with the material world. The desire to unite with the Other is the impulse to overcome negativity and difference, to render one’s being-in-the-world-with-others immediate, positive and present. (2010, 44)

Here the Other becomes the means by which the self achieves the self-realisation it desires, meaning that desire is the way in which “we situate ourselves in relation to others, and how we define ourselves in situation” (2010, 45). This relation with the Other is defined by the attitudes by which the Other is objectified. Sartre argues that there are two attitudes deployed here, operating in a circular fashion, sadism and masochism: “the subject oscillates between a desire to be identified by being objectified ‘for the Other’, and the desire to ‘recover’ oneself by ‘absorbing the Other’” (2010, 45). For, as desire must fail, the sadistic approach seeks an alternative route to subjectivity via the use of instruments “to force the Other to submit to an identification in which he becomes nothing more than flesh” (2010, 46). However, in the process, the use of an instrument reiterates the objectification of the other, thus restating a lack in the self and thwarting any claims to subjectivity. With the failure of sadism, masochism emerges. Here the self seeks to “freely and subjectively choose to remain an object for the Other” and thus enables the assimilation of the “Other as other-looking-at-me” (2010, 46-47). In so doing, the self can identify as “the subject being-looked-at” but again, as with sadism, this process requires the instrumentalisation of the Other and so the project fails.

Bignall argues that what both sadism and masochism have in common is their view that relationships between humans are built on conflict and that objectification is a fundamental part
of this process. She also points out that Sartre’s argument should not be seen as between two equal and competing subjects. Rather, he defines being in terms of “one’s situation in relation to others” (2010, 47, emphasis added), such that a subject does not entirely define their identity but may equally have it thrust upon them. Nonetheless, the imperialistic contours to agency can now start to be seen:

In conceptualising desire as the motive force related to one’s essentially negative lack of being, satisfaction is only thinkable in terms of appropriation and possession (of the Other’s subjective recognition and affirmation of me), and contradictorily, in terms of the objectification of the Other as evidence of my own subjective capacity. (2010, 49)

This feature of Sartre’s work continues with his introduction of material scarcity in a further refinement of his ontology. Even here, Bignall finds that for Sartre, “group identification is only ever a reactive response to the determining condition of scarcity” (2010, 50). These themes of conflict and objectification were central to further elaborations of negativity with the Frankfurt School as well as in poststructuralism and psychoanalysis. They become important themes in identity politics and attempts to develop radical politics (e.g. Laclau and Mouffe, 2001).

However, drawing from Bignall, it is the way in which these themes inform postcolonialism that I want to focus on here.

Bignall argues that the labour of the negative plays a crucial role in postcolonial thinking and is most evident in one of its foundational and divisive debates. This debate, often polemically played out, sets poststructuralist and Marxist theorists against each other regarding appropriate ways to account for both subjectivity and history. In terms of subjectivity, poststructuralism may be able to deconstruct the authority of the coloniser, but its tools are equally applicable to deconstructing the colonised: “The critique of the authority of the subject is perceived to undermine coincidentally the unity, authority and agency of resisting subaltern subjects (2010, 61). For Marxists, this paradox makes poststructuralist critique problematic and even counter-productive, as it fails to make it possible for the construction of political self-consciousness. That said, Marxist-inflected versions of postcolonialism, indebted to the “progressive process of enlightenment via dialectical negation and sublation”, are equally grounded in an “imperial ontology and theory of desire, and a Eurocentric finality” (2010, 61). As such, Bignall is unwilling to endorse either of these dominant strands to postcolonialism. She suggests that this “fissure” is symptomatic of an imperialistic mode of agency and that the debates work to “obscure the commonality” (2010, 62). She calls on theorists working with these versions of postcolonialism to “reconsider their relationship to philosophical negativity” (2010, 62).
In siding with Bignall’s claim that postcolonialism has been overdetermined by the labour of the negative, I also want to outline her proposal for an alternative approach to postcolonial agency to give my ontology some more positive content. This content can be found in an alternative theoretical tradition that does not oppose Hegelianism, as this would mean remaining caught in the dialectic, but rather attempts to “side-step” it by developing a constructive agency (2010, 97). To do this, Bignall turns to the work of philosopher Gilles Deleuze and his ontological commitment to a “physics of relational bodies and their emergent complexity through association” (2010, 103). It is the shift to this complexity that is important for Bignall and for the ontology I hope to develop here.

**Postcolonisation**

In the previous section, I presented Bignall’s argument that postcolonialism is undermined by an ontology based on negation. In such instances, difference is considered external to the body and is something incorporated into an “always-expanding, increasingly universal and representative unity” (2010, 102). Difference is something, or someone, to be mastered in fulfilment of the subject’s lack, meaning this kind of agency - the labour of the negative - is imperialistic and controlling, and thus unsuitable for overcoming colonial injustice. Bignall argues that the work of Gilles Deleuze can provide an alternative ontology and conception of difference more suitable to the aims of postcolonialism. For Deleuze, difference is internal to a body, and emerges through processes of assembling and actualising. This means that the emergence of a subject is the result of creative composition, chance, and history, rather than teleological progression. Such ontology shows how subjectivity might come to be otherwise. In this section, I present an exegesis of Bignall’s account of positive ontology, to demonstrate how a constructivist mode of postcolonialism can better support a range of actors trying to challenge and change colonial injustice.

According to Bignall, a body emerges from a unity, a “universal elementary ground” that Deleuze calls the virtual (2010, 102). Whereas a negative ontology moves from difference to unity, Deleuze argues the opposite: “All things emerge from a universal elementary ground, which divides and ‘differenciates’ to produce diverse type of actual bodies” (2010, 102). Deleuze calls this ‘ground’ the virtual, and it is “chaotic” with the relationships that are constructed “flimsy and
transient, constantly in flux” (2010, 103). Over time, through processes that Deleuze calls actualisation, difference emerges and the virtual gives way to actual being. Actualisation is thus “based upon a purely positive concept of difference” in that it is through the connection, or assemblage in Deleuze’s term, of bodies that complexity emerges (2010, 103).

This ‘positive concept of difference’ has two features, differentiation and differenciation. Differentiation is the process of selecting and determining the content of the virtual:

The formulation of an Idea differentiates chaos; it ‘carves out’ and defines a ‘plane of composition’, comprising elemental forms of content relative to the problem given in an Idea, as well as rules for the assembly and complex expression of these elements in emergent forms of ordered being; so ‘begins’ the determination of actual from virtual chaos. (2010, 104)

Differenciation follows differentiation as the expression of “individuated actual bodies as forms of solution or responses to the particular problem given by the Virtual idea” (2010, 104). Here actual being occurs and its contours can be gathered from the “durable relation” that emerges between bodies. This relation is accompanied by a change of velocity, with bodies now tending towards “a point of fixture or arrest … Actual being is thus an imposition of form over relations of force, an event of ‘stratification’, and emergence of organisational consistency or the consolidation of an ordered relationship between constituting parts” (2010, 104).

As can now be seen, Deleuze’s ontology is far more creative than dialectical because difference as it occurs in the actual, is not a realisation of the lack, and is thus in some way pre-given. Rather it is immanent to the virtual and dependent on the nature of responses to problems that arise as entities assemble. This means that history cannot be teleological and must be considered far more open-ended than dialectics could concede. For, when assessing the status of the actual, all the possibilities immanent to the virtual emerge as plausible such that “nothing in the world is given, but is developed, through an ontological process that always involves an aspect of chance, and which could always have taken an alternative path of development” (2010, 106-7).

However, as Bignall notes, a problem of critique then emerges. She asks two question of constructivist ontology in relation to critique. Firstly, how is critique possible for the ontology of unlimited affirmation when critique “surely involves a capacity to negate, to refuse, to oppose, to say ‘no’?” (2010, 108). Her second query relates to the chaotic nature of the virtual and how, under these conditions, any attempt to direct the forces within the virtual toward “betterment” in
the actual could be successful (2010, 108). When thinking through these questions, Bignall points out that Deleuze’s ontology emphasises difference as “a quality of relationship, composition or consistency” whereas, in dialectical thinking, difference assumes a “quantity of deviance from a standard, or a measure of deficiency or ‘disadvantage’” (2010, 109). This means that the relationships that exist across the virtual and the actual “differ, not in the terms of their reality, but in the nature of the ‘multiplicity’ they describe” (2010, 109). As two distinct types of multiplicity, the actual can be distinguished as ordering while the virtual can be distinguished as organisation in time. Dialectics and critique thus continue to play a role, occurring as they do on the plane of the actual (2010, 109-110). However, by being able to draw on the additional ontological resources of the virtual, constructivist ontology can go a step further to and assess alternatives and possibilities.

The quality that defines the virtual is organisation in time or duration. This is a point Deleuze draws from Henri Bergson: In its virtual existence or duration, the thing differs primarily from itself, in an internal movement of difference or ‘differenciation’ that occurs as the relationships between its composing elements transform and shift with time” (2010, 109). This ‘difference from itself’ emerges through actualisation, discussed above, into the actual. Although the actual emerges from the virtual, the processes of actualisation are equally determined by the actual. This means that despite the alternatives and processes that might exist in the virtual, “the actual is a stoppage of this process”: “The actual develops from the virtual, but the existence of the actual constrains the creative flow of virtual differenciation” (2010, 111). It is in thinking the actual and the virtual together, at the point of a the virtual differenciation, that Bignall argues the greatest critical traction can be gained: “The concept of virtual differenciation is primary, productive, creative and purely positive, since it is the process of development of all things that come actually to exist” (2010, 111). In focusing on this process, critical practice can move away from “the ‘illusion’ of givenness’ in the actual” and think with the “contingency inherent in the process of actualisation itself” (2010, 112). Actualisation is contingent because, as opposed to identity, there is now only becoming, as entities move from the virtual into the actual. This creates an opening in the actual wherein the critic can consider a “reconstruction of the actual according to alternative lines of development” (2010, 113).

We are now in a position to see how Bignall thinks constructivist ontology may support critique. For thinking the ‘reconstruction of the actual’, a process Deleuze calls counter-actualisation, is central to Bignall’s attempt to think postcolonisation. By “imagining the decomposition of actual
bodies back into the virtual”, a “critical retrospective tracing of the process of emergence of actual bodies” becomes possible (2010, 113). It then becomes possible to think an “alternative process of actualisation by reconstructing an alternative foundation, a new virtual Idea or ‘plane of composition’, in response to which systemic inequity or select privilege would no longer be produced” (2010, 114). The critical supports for constructivist ontology thus firstly lies in the ways it can assess and critique a given state of affairs as they unfold in the actual. However, this is not the end of the critical process, for the point of a constructivist critique is not to focus solely on difference, as this is limited to an emphasis on negation and positing the essential difference or lack of indigeneity against a (Western) norm. Indeed, focusing on difference as lack only further solidifies the hegemony of imperial modes of sociability.

This is the importance of the virtual to postcolonial critique; it allows us to ask a further series of questions about how the reconfiguration of ongoing processes of colonial settlement and sociability can be rearranged. Thus, as opposed to focusing strictly on indigenous disadvantage, questions need to be asked about how colonial dominance has been achieved and maintained, and how it might be rearranged. As such, Bignall sees a constructivist mode of the postcolonial having resonances with critical whiteness studies and feminism12 and their approaches to analysing the maintenance of power rather than simply its recognition or redistribution (2010, 119-121). However, more than this, a constructivist critique enables postcolonialism to:

conceive of a mode or modes of agency and social composition that will disrupt the politics of advantage and disadvantage, and reconstruct a postcolonial sociability, which will not strive to eliminate actual difference (arguably a futile and imperial aim), but to reorient it. (2010, 121-2)

I will now consider what Bignall regards as the necessary conditions for postcolonisation before outlining what I consider the key lacunae in Bignall’s analysis.

Bignall’s notion of postcolonisation is based on conceptions of subjectivity and agency that are not defined by lack or the labour of the negative. When subjects are defined by lack, Bignall argues that this:

12 It has been argued that both of these fields have struggled with the labour of the negative, and constructivist-inspired critique has introduced significant re-orientation of the fields (c.f Saldanha, 2007; Grosz, 1994; Alaimo and Hekman, 2008).
results in an emphasis placed upon the achievement of identity; the subject emerges with the process of satisfaction, and satisfaction is connected with possession, relations with the other carry a constant undercurrent of conflict and hostility, since the difference represented by the other is a destabilising force that threatens to undo identity. (2010, 182)

Bignall calls this an “appropriative subjectivity” and she argues that it lends itself to a “political society with a strong emphasis on rights-based justice” and “geared toward the protection of possessive satisfaction” (2010, 182). Bignall’s reconfigured subject is constructivist as opposed to negating, meaning that it emerges amidst and with its relations. It is the “ethical challenge” of the subject, thus reconceived, “to choose actively their associations and to orient themselves within these associations in ways that produce joyful complex compositions” (2010, 188). Drawing from Foucault, Bignall argues that progress toward postcolonisation will require the constructivist subject to “participate in the sorts of relations that can actualise a common ethos of enlightened society and the institutions that support such an ethos” (2010, 200). It is here that Bignall departs from Foucault and Deleuze, arguing that a “public commitment” to postcolonisation is required, “calling for a degree of common faith and fidelity to the practice of a chosen attitude” (2010, 200). This public commitment goes beyond Foucault and Deleuze for, as Bignall argues, neither thinker considers the requirements for collective action and change (2010, 122-7, 142-4).

Bignall’s notion of postcolonisation is one of the key methodological building blocks underpinning this thesis. Essential to Bignall’s notion of postcolonisation is the concept of “listening respect”. She posits the term as a move away from the oppositional and transcendental influence of the labour of the negative on postcolonialism. She bases the term on James Tully’s notion of “post-imperial dialogue” and its “postcolonial recognition of multiplicity in its variable forms of expression” (2010, 204), along with drawing on Aboriginal roots/routes of the phrase miwi-ellin: This is a Ngarrindjeri phrase explained to me by Victor Wilson: miwi means spirit, and ellin means ‘something like respect in listening and talking … the old fellas used it … you don’t really hear it anymore” (2010, 204),

13 Though not discussed, Bignall’s debt to Spinoza’s writing on affect is important. That said, arguably more affects than joyfulness and sadness could be invoked here, particularly with the rise of neoliberal discourses of happiness and positivity (Ahmed, 2010; Berlant, 2011).
With the notion of listening respect, Bignall shifts postcolonialism from its concerns with the labour of the negative - as exemplified in debates around the impossibility or aporia of subaltern speech (Spivak, 1988) - and towards an ethics of listening that places “significant responsibility for postcolonial transformation back onto the settler classes” (2010, 204). This is not to say that subaltern speech is unimportant, but rather that a cultivation of listening and ethics of association is equally important. Furthermore, Bignall considers that the performance of attitudes of listening respect requires collective participation and public performance. In this way, it becomes possible for “mutual understandings and agreements” to become common, even if “we must struggle to enact it in our chosen practices” (2010, 207, 229).

I want to conclude my exegesis of Bignall’s notion of postcolonisation here and turn to a series of questions not raised in her work but which I believe should be central to a notion of postcolonisation. These questions turn on the need to place the nonhuman and more-than-human within the purview of postcolonisation. These entities also push back at the imperialistic conceptions of agency inherent to a negative ontology by showing the other modes of agency that actively work to inform human agency. Furthermore, such associations are essential to postcolonisation, for as I quoted Bignall above, the ethical challenge of the subject intent on pursuing postcolonisation is that they must “chose actively their associations and to orient themselves within these associations in ways that produce joyful complex compositions” (2010, 188). What occurs when the associations one must engage and orient oneself towards are not human but are a root vegetable or tree? As Bignall rightly notes, a negative ontology might see these things as merely filling or enabling the overcoming of a lack: “the proper aim of desire is transcence of the givenness of the natural world through its transformation into a product of human activity and will” (2010, 37, emphasis added). Thus, I think it is important to retain Bignall’s work when developing a constructivist postcolonialism, and its anti-imperialist, anti-possessive ontology. That said, a further dimension needs to be added to postcolonisation if it is to reflect and engage the more-than-human world of indigenous people, and give due process to the ways in which the settler world is equally reliant on human-nonhuman interaction, and a more-than-human world.

**Postcolonisation and the More-Than-Human**
To extend Simone Bignall’s account of postcolonisation, I draw on the work of Marisol de la Cadena to explore some of the recent events from Latin America that resonate in important ways with those I want to discuss from Aotearoa New Zealand and Australia. What these events point to is the re-emergence of entities that fall outside the typical settlement of politics, as it is defined through the Nature/Culture divide. These entities are more-than-human and intimately connected to the land and life of indigenous peoples. De la Cadena works through the emergence of these entities in Latin America, showing the impact they have on politics, and the ways they reveal the paucity of Modern categories for defining what politics might be. I conclude this section by presenting de la Cadena’s ideas on how Modern conceptions of politics can be reconfigured to engage these more-than-human entities better. Such a reconfiguring can supplement Bignall’s argument for ‘listening respect’ as the necessary kind of desire for postcolonisation. By explicitly addressing the way in which modern politics rely on the Nature/Culture divide, a greater range of hearing emerges for the practitioner of postcolonisation. This, in turn, makes it possible for a greater awareness of the entities that participate in the enactment of postcolonial moments, and how all participants involved can act in ways appropriate to these entities.

Marisol de la Cadena has argued that some of the recent developments in the political life of South America, particularly in regions around the Andes, present some fundamental challenges to “prevalent political formations” (2010, 252). De la Cadena finds in a letter written to Pope Benedict XVI, the 2008 Constitution of the Republic of Ecuador and in her ethnographic work on indigenous protest movements, cases of “an insurgence of indigenous forces and practices” (2010, 252). Due to these disruptions, de la Cadena takes from Isabelle Stengers the injunction to “slow down reasoning” and thus to:

- take seriously (perhaps literally) the presence in politics of those actors, which, being other than human, the dominant disciplines assigned either to the sphere of nature (where they were to be known by science) or to the metaphysical and symbolic fields of knowledge. (2010, 336)

In attempting to take seriously indigenous forces and practices, de la Cadena finds she must consider how political theory has hitherto banned such forces from politics. She refutes the idea that these protests may be explained by reference to notions of class, ideology, or religion. It is not that approaching indigenous forces and practices with tools attuned to aspects of class,
identity, or religion will not generate a useful or accurate analysis but rather that they are insufficient for approaching these particular events.\textsuperscript{14}

What is insufficient about such scholarly analyses is their inability to give due process to the “earth beings and human interactions with them” (2010, 337). De la Cadena describes these interactions as earth practices. It is the “making public” of these earth practices and earth beings that de la Cadena documents, arguing that they show the limits of much current scholarly and political debate: “Earth-practices enact the respect and affect necessary to maintain the relational condition between humans and other-than-human beings that makes life in (many parts of) the Andes. Other-than-humans include animals, plants, and the landscape” (2010, 341-2). Other-than-humans are “sentient entities whose material existence—and that of the worlds to which they belong—is currently threatened by the neoliberal wedding of capital and the state” (2010, 352).

Through the reduction of these practices and the entities they call forth to “politics as usual”, be it leftist, from the right, or just unduly focussed on capital, the state or religion, the political agency of these entities is missed. That is, “politics as usual” relies on “the modern order of things” which has at its centre the separation of Nature and Humans (2010, 342), or as discussed above, an over-reliance on epistemology when what is at stake is ontology. These separations efface the agency of not only more-than-humans but also many humans unless they appear appropriately Modern by adopting a worker or party-based identity. Furthermore, such separations have had a key role in just the destructions that have brought forth indigenous forces and practices.

De la Cadena, drawing on Mario Blaser, contends that it is the “entwined world-making consequences” of “corporate capital [and the] neoliberal state” that have provoked insurgent indigenous forces and practices in politics:

- Digging a mountain to open a mine, drilling into the subsoil to find oil, and razing trees for timber may produce more than sheer environmental damage or economic growth.
- These activities may translate into the violation of networks of emplacement that make

\textsuperscript{14} De la Cadena notes that there might be some useful things to say about the protests as “indigenous responses to the neoliberal expropriation of their land, or the result of something like “environmental consciousness”, that combined with a challenge to the secularisation of the state suggest the formation of an “indigenous counter public sphere” (2010, 340-341). However, de la Cadena contends, “What is accurate is not necessarily sufficient and questions remain” (2010, 341). The more-than-human dimensions to these resurgences raise further dimensions to these protests that need to be considered.
life locally possible—and even into the destruction of place. In such cases they have met a capacious and at times surprisingly successful opposition that has opened a dispute (still unthinkable to modern minds) between local earth-beings and universal “Nature,” and has sometimes enrolled environmentalists in the negotiation. (2010, 357)

The ‘violation of networks of emplacement’ by corporate capital and the neoliberal state points to the ways in which these forces are constantly crossing the Nature/Culture framing that sustains them (Latour, 1993). However, equally, this partition is traversed just as effortlessly by earth beings and earth practices and furthermore, “it may house the capacity to upset the locus of enunciation of what “politics” is about (de la Cadena 2010, 343).

Drawing on Chantal Mouffe and Carl Schmitt, de la Cadena argues that political theory has affirmed this Nature/Culture division by working with a liberal idea of politics that is tied to ethics and thus polarities of good and bad (2010, 343). This polarity means that the antagonisms that politics negotiates come coded as negative when in fact antagonism cannot be reduced in this way. However, de la Cadena also adds to this account. She contends that ‘hegemonic biopower’ has “transformed the biopolitical into an accepted battlefield for life” thus determining who is the enemy, friend or stranger fit for a political relationship, and whom - including other-than-human beings - may be left to die (2010, 343-4). Thus, whereas capital and the state claim not to cross the Nature/Culture partition and are therefore able to ‘do’ politics, for earth beings and earth practices as they ‘do’ politics the Nature/Culture partition is not only crossed but also jettisoned completely. This jettisoning of politics-as-usual brings to the fore the “silenced antagonisms” of settler moderns and earth practices.

When reasoning is slowed down, and the rush to politics-as-usual is suspended, a distributed and pluralised politics emerges. De la Cadena stresses that such a slowing down “aims at transforming the concept [of politics] from one that conceives politics as power disputes within a singular world, to another one that includes the possibility of adversarial relations among worlds: a pluriversal politics” (2010, 360). Unlearning this “single ontology of politics” has two major features (2010, 361):

First, it does not refer to ideological, gender, ethnic, racial, or even religious plurality; nor does it refer to the incorporation or inclusion of marked differences into a multiculturally “better” sociality. Second, it is not a strategy to win hegemony or to be a dominant majority - let alone an indigenous majority. (2010, 360)
De la Cadena draws two targets with these features, hitherto understood as progressive. Firstly they challenge the normative projects of liberal multiculturalism that contend the political needs only to be expanded to include the voices that had previously been ignored or silenced, leading to “a rational non-violent form of association based on competing knowledges and moral values” (Povinelli, 2002). As Elizabeth Povinelli argues, this means that the “subaltern and minority subjects … identify with the impossible object of an authentic self-identity” (2002, 6). However, the identification practices emerging from this imperative to authenticity diverge from the subaltern and minority obligations to their communities and their experiences of colonisation. The subject that emerges from this “extreme tautology” is one, who creative yet riven with panic, must perform the “ontological trick” of ceasing to be themselves (2002, 2, 8, 29).

De la Cadena’s second target references leftist programmes and frameworks that uphold a modernist epistemological frame. De la Cadena notes that many “leftist pundits” have indeed taken up the cause of indigenous activism in Latin America but in so doing have preferred to develop their responses in terms of the “neoliberalizing points” and have “not said anything about sacred mountains” (2010, 340). Further to this, de la Cadena points out that the political Left makes demands analogous to the demands of liberal multiculturalism. The Left has imposed conditions on the ways in which indigenous activists articulate their activism, preferring framings such as “gender, ethnic, economic, territorial or environmental struggle” (2010, 349). De la Cadena acknowledges that there have been some successes achieved by associating earth practices and indigenous peoples with these frames. However, she also argues that, like liberal multiculturalism, leftisms rely on the Nature/Culture divide such that the appearance of earth beings and practices, and thus indigenous peoples themselves, must be ignored, silenced or reduced to a mistaken epistemology. For, as a mistaken epistemology, earth practices and beings are only “honoured” when “they do not express an epistemic alternative to scientific paradigms (ecological and economic) and their cognate policies…the nonnegotiable limits of the Modern Constitution and indeed of the modern state” (2010, 349-350).

To assess the place of earth beings and practices in politics we cannot rely on progressive politics which adhere to politics-as-usual, further content needs to be given to support the call for transformation and to learn from other approaches. De la Cadena identifies two steps in particular, that may be helpful. The first is the recognition of “more than one, but less than two, socionatural worlds” (2010, 349). This is a key point for de la Cadena. She finds the phrase useful for attending to the ‘partial connections’ (Strathern, 1991) that she encounters in not only her
ethnographic work but also in the kinds of hybridity fashioned by indigenous peoples. Thus, de la Cadena realises at the mining protests that her understanding of the need to protect Ausangate as a natural entity is one world that is only partially connected to the world of the indigenous protestors who seek to protect the mountain so that it doesn’t create harm. In this example, de la Cadena’s ‘world’ has many features in common with the indigenous protestors. At the same time, the differences between these worlds remain incommensurable. Here are the first steps toward undoing the “single ontology of politics” that see all (human) actions unfold in a singular Nature, or what has been called mononaturalism (Viveiros de Castro, 2004a).

De la Cadena’s second step is to suggest that there needs to be acceptance of “what we call nature as multiplicity” and further, to “allow for the conflicting views about that multiplicity into argumentative forms” (2010, 361). The ways in which this argumentative form might occur, de la Cadena contends, is for them to be “publicly allowed without being put into an equivalence of any sort” (2010, 361). Once this occurs, the politics, which until now has been occurring by other means such as suppression and war, can begin. With politics now allowed to begin, there is the means for “making the antagonism public to enable its transformation into agonism” (2010, 360). Chantal Mouffe first defined this transformation:

While antagonism is a we/they relation in which the two sides are enemies who do not share any common ground, agonism is a we/they relation where the conflicting parties, although acknowledging that there is no rational solution to their conflict, nevertheless recognize the legitimacy of their opponents. They are ‘adversaries’ not enemies. (2005, 20)\(^{15}\)

For indigenous peoples the stakes of this transformation are high. Rather than “biopolitical war”, there is now the possibility for a “new pluriversal political configuration” that could “connect different worlds with its socionatural formations” and this means “the possibility of becoming legitimate adversaries not only with nation-states but also across the world (de la Cadena, 2010, 361). What this thesis hopes to address are two places where this “pluriversal political configuration”, what de la Cadena also calls cosmopolitics, might be unfolding - Aotearoa NZ and the Murray Darling Basin in Australia.

\(^{15}\) Mouffe is careful here to distinguish her notion of the term ‘adversary’ from dominant, liberal understandings. She argues that liberalism defines the adversary as a competitor, and politics is considered a “neutral terrain” where groups struggle for power. Mouffe considers that such framings of politics fail to challenge the hegemonic views of liberal politics while ensuring they remain elite-controlled relations of power (2005, 21).
Conclusion

In this Chapter, I have presented my case for the ongoing relevance and usefulness of postcolonialism for engaging and supporting indigenous struggles for justice and recognition. While I recognise that the field does have some need for reevaluation, it also contains useful and timely interventions into debates about how the colonial relationship might be transformed. I began this Chapter by presenting some of the arguments against postcolonialism, often initiated by indigenous peoples. The reason I started with such arguments is that they point to some potential problems with the field of postcolonialism, including whether there can be a post-colonialism when the colonisers never leave. Further to this, indigenous scholars have also considered that postcolonialism has problematic relationships with other, more pressing issues, including whiteness and “cultures of dispossession”. They suggest the practitioners of postcolonialism do not always consider how their work, in a very material way, fails to undermine or critique the problems specific to indigenous - settler relationships.

In the same section, I presented some of the developments that have come with the emerging field of Settler Colonial Studies (SCS). SCS purports to provide an empirically accurate account of the specificity of those colonial spaces where the ‘settlers come to stay’, rather than extract resources, or access cheap labour through slavery or other reasons. Settler colonialism relies on the extermination of the indigenous, though as famously stated, as a structure and not as event. While this is a powerful and accurate insight, I also noted some of the problems with SCS, perhaps most significantly, the ways this structural component effaces resistance and change. I also noted that this means SCS struggles to think what might be post-settler colonialism. Hence, the reason why postcolonialism continues to be relevant, as it does attempt to think what might unfold in the aftermath of colonialism.

In this Chapter I have also discussed the work of three scholars whose approach to the postcolonial has helped to inform my own sense of the term’s usefulness. I drew on the work of Leela Gandhi to show how postcolonialism does not unfold upon unfettered ground once the colonist leaves. Rather postcolonialism has ameliorative and therapeutic roles that seek to retrieve from the past an understanding of colonial domination and struggles of resistance that restore something of the agency and self-understanding of the colonised. Significantly, for Gandhi,
postcolonialism does not amount to an overcoming of the colonial, but rather shows the ambivalent and symbiotic relationship between coloniser and colonised. I also discussed the work of Dipesh Chakrabarty who provides important leverage for postcolonialism with his analysis of how the colonisers cast the colonised out of Time itself via a process he calls historicism. Chakrabarty also gestures to the agency of more-than-human entities and his argument provides an important precursor to some of the themes I explore in the chapters that follow. The third writer I considered was Science and Technology Studies scholar Helen Verran and her elaboration of what she calls “postcolonial moments”. Verran provides an important account of postcolonialism that works through and with difference, rather than seeking to overcome it. She argues for the construction of local, particular, and contingent symmetries between worlds that can provide enough traction to create ways of going on together while preserving difference.

I then move to the work of Simone Bignall, whose revaluation of postcolonialism’s relationship to an ontology of negation is central to the way in which this thesis unfolds. Inspired by Hegel, the ontology of negation takes lack to be the fundamental basis by which human action unfolds. According to this schema, this action operates as ‘labour of the negative’ transforming the positivity of the world to overcome this lack. Bignall finds that this ontology has some fundamentally imperialistic and possessive characteristics that, when considered to inform postcolonialism, lead to ambiguous and even counter-productive outcomes. The power relations that inform colonialism are replicated within postcolonialism. Against such orthodoxies, Bignall develops an alternative ontology for postcolonialism, that she calls ‘postcolonisation’. This ontology expresses the possibility that a move to constructivist, qualitative modes of postcolonial relationships is possible. These relationships still have the capacity for critique, but are also based on actively choosing modes of sociability that do not seek to eliminate difference. Bignall posits “listening respect” as a fundamental expression of the kind of desire that emerges in an atmosphere of postcolonisation.

While largely in agreement with Bignall, I did express reservations about whether ‘listening-respect’ best engages the distinctiveness of indigenous ontologies, because of the fundamental centrality of nonhuman and more-than-human actors. I drew on the work of Marisol de la Cadena to show how there is a resurgence of indigenous entities and that part of the challenges for postcolonisation will be how they hear these entities when the current way in which politics is structured ignores, dismisses and ridicules them if it can even hear them at all. It will be the focus of this thesis to draw on the studies of taonga and the Barmah-Millewa Forest to consider some
of the ways in which postcolonialism can adequately extend its purview to listen respectfully to the needs of such indigenous entities. As I show, these entities can come to clash with nonhuman entities of the Modern world, or if a postcolonial ethos of relation is in place, they suggest how moments of being otherwise might occur.
CHAPTER FOUR

Indigenous Ontologies and Colonisation

Introduction

In this Chapter, I set out the antagonisms and controversies that motivate this thesis. Central to these antagonisms and controversies are the relationships between indigenous peoples and those I am calling settler moderns. To set out these antagonisms and controversies, I develop the Chapter in two parts. In Part One I explore the two entities at the heart of my case studies. The first of these is kūmara. Kūmara are sweet potato varieties of great importance to Māori. They are considered taonga, a word that can be partially translated as treasure though as I will show, the term has far greater connotation than this. The second entity I explore is the river red gum forest of Barmah-Millewa in South-eastern Australia. These forests are extraordinary for the way in which they have emerged amidst the intra-action of geology, climate, and Aboriginal fire culture.

In Part Two of this Chapter I stay with these entities to examine the ways in which settler colonialism have disrupted the assemblage of agents that cohere around, and enable them. In the case of kūmara, I explore the ways in which a ‘silent antagonism’ had effaced kūmara from politics, and that their resurgence provoked derision and disdain indicative of the ways that the Modern Constitution suppresses other worlds. I also discuss further ways that the Modern Constitution affects indigenous ontologies through the colonial tribulations of the river red gum forests of Murray River County. Here, I show ways in which the Modern Constitution has operated through multiple actors, human and nonhuman, to place the forests in precarious health. These actors are multiple and disparate but because they ‘all arrived together’ their effectiveness is taken as a given rather than a contingent and resisted process (Latour, 1988). The destructive impacts of these forces - from microbes to dams - has resulted in a hugely degraded forest and an Aboriginal community with little voice in the management of its lands.

Indigenous Worlds
In this section, I discuss some features of how indigenous worlds emerged through the notion of political ontology. Political ontology is a term developed by Annemarie Mol from her research in the hospitals of Holland, and by Mario Blaser through his interventions on the issues and debates surrounding indigenous assertions of the vitality of their worlds. I consider political ontology to be an important supplement to postcolonisation if it is to be a workable ethic in settler colonial countries. Political ontology provides some analytical resources for understanding something of what is presented when indigenous groups assert the relevance of their worlds in ways that do not fall into the criteria typical of Modernity. As will be seen in later chapters, I situate the Nature/Culture dualism as the central epistemological frame for Modernity. However, the notion of political ontology should not be considered to offer a secret key to indigenous worlds either. Rather, it can provide the beginnings of an approach, a readying, before an engagement might begin.

Mario Blaser is an anthropologist who has research interests and relationships with the Chaco people in present day Paraguay. His development of the notion of political ontology has come from dissatisfaction with the concept of culture. Blaser argues that culture is an “inadequate concepts for dealing with difference … because it is thin [and] because it takes for granted its own ontological status” (2013, 550). As de la Cadena argues, culture is unable to give a handle on the resurgence of indigenous more-than-humans as it takes its own ontological status for granted:

As an ontological category, ‘Culture’ is related to but also different from ‘culture’ as the concept through which the otherness of humans is conceived. As an ontological category, Culture works in tandem with nature to set (among other things) the very basis of what moderns understand by knowledge, that is, a relation of equivalence between a cultural representation and a natural and autonomous reality ‘out there’. (Blaser, 2013, 550)

It is because of his dissatisfaction with the analytical purchase of the notion culture, that Blaser develops the concept of political ontology.

The term ontology is perhaps the most challenging aspect of the concept of political ontology. Historically the notion of ontology has been used to talk about reality as singular, knowable and consistent; the etymology of the term refers to “the nature or essence of being or existence” (Oxford English Dictionary, emphasis added). When considered in relation to indigenous peoples, the term ontology can easily be seen to regress to the worst kinds of essentialism that legitimate a range of expressions and stereotypes inculcated in racism and dispossession. However, the term has recently been rehabilitated from these claims through patient empirical research. Annemarie
Mol studied the disease atherosclerosis in Dutch hospitals. She documented how different medical practices enact atherosclerosis in different ways; they create a slightly different atherosclerosis through each performance. She extrapolated that ontology is thus not singular or essential, but is multiple: “ontologies are brought into being, sustained, or allowed to wither away in common, day-to-day, sociomaterial practices” (2002, 6, emphasis in original). Mol is keen to point out that ‘multiple ontologies’ is not the same as ‘plural ontologies’, with its suggestion of fragmentation, or multiple essences that could be amenable to scientific understanding. Rather, ontologies are multiple because they hang together through modes of coordination (2002, 84).

When such understandings are transposed onto the relations between indigenous and non-indigenous peoples the ability for ontologies to hang together through modes of coordination gestures to the realm of the political, whereby tense antagonism ensues, or other ways of getting on together are found. This focus on the political in relation to ontology has informed the work of Mario Blaser.

For Blaser, the strength of this approach is twofold. Firstly, it avoids the Euro-American common sense that ‘reality is ‘out there’ and that ‘in here’ (the mind) we have more or less accurate cultural representations of it (2013, 551-552). Secondly, it means that, in Blaser’s terms, “reality is always in the making” through and with the various conditions people find themselves in and whose features “have been more or less sedimented and crystallised through previous actions” (2013, 552). Significantly, Blaser emphasises here that “the agents of those actions are not humans per se” (2013, 552). This means that thinking about difference ontologically requires attunement to the enactment of worlds that may occur through these heterogenous agencies.

Annemarie Mol has also outlined the political aspect to political ontology:

> Ontological politics is a composite term. It talks of ontology - which in standard philosophical parlance defines what belongs to the real, the conditions of possibility we live with. If the term 'ontology' is combined with that of 'politics' then this suggests that the conditions of possibility are not given. That reality does not precede the mundane practices in which we interact with it, but is rather shaped within these practices. So the term politics works to underline this active mode, this process of shaping, and the fact that its character is both open if contested. (1999, 75)

Extrapolating from Mol, Blaser argues that political ontology has two registers; it is 1) a “political sensibility, a problem space, and 2) a modality of analysis or critique. These two registers of the term are activated through three key moves. The first of these moves is the recognition that there are multiple ontologies, of which modernity is only one. Blaser argues that this recognition can be
gleaned from the work of many scholars (e.g. Descola, 2013; Ingold, 2000; Strathern, 1999; Viveiros de Castro, 1992)

The second move that contributes to developing the concept of political ontology is to shift it away from being a description and towards being an enactment. As Blaser puts it, “ontology is a form of worlding, a form of enacting a reality” (2013, 551). Analogous to practice or performance, enactment is a key term for understanding how ontologies emerge (Woolgar and Lezaun, 2013). As Mol puts it, the term enactment “suggests that activities takes place - but leaves the actors vague. It also suggests that in the act, and only there and then, something is-being enacted” (2002, 33, emphasis in original). As such, analysing enactment means displacing ‘meaning’ as a method. This in turn means it is not sufficient to rely on notions such as ‘nature’, ‘society’, ‘culture’ or ‘ideology’ to analyse the meaning of an activity or to describe the emergence of homogeneity. Rather, these now need to be explained with the analysis of the practical work that supports their emergence.

Blaser argues that the mobilisation of ontologies occurs through their relationship to stories. He notes that the enactment of an ontology is accompanied by a story, a story that is itself an enactment (also Sium and Ritskes, 2013). This story is based on and in the “enacted assumptions” that contribute to the making of the ontology. Blaser calls the relationship between stories and the enactment of ontology “storied performativity”. He points out that the term’s most important function is to emphasise something long insisted on by indigenous elders and thinkers: “stories are not only or not mainly denotative (referring to something ‘out there’) nor are they fallacious renderings of real practices. Rather they partake in the performance of that which they narrate” (2013, 552, emphasis added). This means that stories have “world-making effects” and that there is no underlying ‘real world’ to which the stories refer. As opposed to a singular world to which stories refer, the world is made through and with stories. Political ontology then, and this is its political sensibility, “tries to perform the pluriverse - the partially connected unfolding of worlds” (2013, 552). The pluriverse is a heuristic that stands in counterpoint to the universe. For where the universe is a singular, unitary domain where that which exists is already present, the pluriverse is a multiplicity of worlds in a constant state of partial connection and emergence.

Part One: Indigenous Ontologies in Aotearoa NZ and Australia
Section A: Kūmara

Objects once associated with ancestors continue to exude properties of ancestral efficacy. And although it is often demonstrated the role of people as determining the placement and position of an object, for Māori of Aotearoa New Zealand this role is fluid, and sometimes the object itself is the border negotiator. (Tangiāhua Baker, 2008, 1)

The first set of ontological performances I want to explore is from te ao Māori (the Māori world) and pertains to the kūmara. Kūmara is the Māori name for the sweet potato (Ipomoea batatas). However, to reduce the identity of kūmara to a simple correspondence between its ‘cultural’ and ‘scientific’ nomenclature would be to establish a correspondence where there is only a partial connection. In te ao Māori, kūmara have their identities and histories bound up with kinship bonds and obligations. So important are kūmara that they have been called taonga. Taonga is partially connected to the notion of ‘treasure’, but surpasses this term to encompass notions such as authority and control, and to include more-than-human dimensions. Indeed, my own interest in kūmara came with seeing the way that it contributed to a claim to the Waitangi Tribunal, considered the “‘Grandfather’ of Treaty claims”, Wai 262 (Beston, 2006). As will be seen, I consider the Wai 262 claim to be a particularly powerful enactment of te ao Māori. However, I consider that to understand something of the emergence of Wai 262 it is equally important to explore the genealogy of ontological performance that contributed to its emergence. Kūmara has been an important actor in this story because of its taonga-status in te ao Māori.

Paul Tapsell (Te Arawa) has written a lucid, situated and considered account of taonga based on his relationship to the taonga Te Kahumamae o Pareratutu.16 He posits that taonga have not been well understood nor given the importance they are due. His essay rectifies this by carefully elaborating on the multifaceted nature of taonga. Firstly, he notes the way in which taonga are fundamentally bound up with whakapapa (1997, 326). Whakapapa is usually translated into English as genealogy, although whakapapa has little of this English term’s arborescent connotation. Rather, as Haami and Roberts describe it, whakapapa is “an elaborate cosmogony, which begins with the origin of the universe and the primal parents, and then continues to trace

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16 Te Kahumamae o Pareratutu, translated as Pareratutu’s cloak of pain, is a dogskin cloak made by Rangitihi elder Pareratutu at about 1800 as a memorial following a bloody battle at Pukekaikahu. It was thought lost for many years until put on display in a travelling museum exhibition (Tapsell, 2002, 340-348).
the descent of all known living and non-living, material and immaterial phenomena including humans” (2002, 403). This cosmogony is not hierarchical, with the eldest at the top and then working down to the youngest. Instead, as per the etymology of whakapapa, a verb meaning “to lie flat or in layers one upon the other”, descent is understood as a series of inherently interacting layers (2002, 403). Whakapapa is the web of relation and connection that sets the coordinates to the topology of te ao Māori. Tapsell writes that it is the force of whakapapa as it is folded through taonga that generates its status as a treasured entity. Anne Salmond has written evocatively of the “alchemy of taonga”, whereby they collapse time, melding together past and present through ancestral connection (1984). This has important political ramifications, perhaps most significantly by “reinforcing a kin group’s complex identity and authority over their estates” (1997, 327). However, Tapsell continues, taonga are more than “simple identity markers…they are also credited with possessing mana” (1997, 327).

According to Tapsell, mana is one of the three essential elements of taonga that emerge from the force gained from whakapapa. The whakapapa of the entity emerges with its “direct association with ancestors as it passes down the generations” and the greater the ancestor, the more mana the taonga has (1997, 327). Mana gestures to notions of authority and power. It inheres in taonga but, equally, authority and power are transmitted from the gods, through the ancestors. As such, Tapsell recognises that the more mana a taonga has accrued, the more the “complementary presence of tapu” also accrues. Tapu is the second essential element and for Tapsell it is the “social controlling agent” of taonga that it manages the interface between the highly charged taonga and the people about it (1997, 328). Tapsell describes this management as having trustee-like qualities or kaitiakitanga, whereby senior elders and their families ensure that taonga are related to appropriately, but also that the taonga is performed or made available to the kin-group in appropriate ways. The way in which these kaitiakitanga relations are enabled by the senior elders and their families is through the ability to recite the kōrero, the oratory and knowledge particular to the taonga. For Tapsell, kōrero is the most important element “contained within taonga” (1997, 329). “Without kōrero, a taonga ceases to be recognised as representing a specific genealogical position for its descendants” and this undermines the kaitiakitanga relationship, as well as the mana and tapu that inheres in the taonga. As such, Tapsell compares kōrero to a cloak “which shrouds the ancestral item in ‘warmth of knowledge’” (1997, 329).

As I stated at the start of this Chapter, the way in which I came to think about taonga was through research on the Wai 262 claim and, in particular, the founding role played by kūmara. I will have
more to say about the role kūmara played instigating the Wai 262 claim later in this Chapter but by way of building to that section, I want to explore more precisely how kūmara came to be such an important taonga. Kūmara is a variety of sweet potato (Ipomoea batatas) of great importance to Māori. The names kūmara and Ipomoea batatas gesture to the distinctive ontological performances of te ao Māori and science. The scientific genealogy of Ipomoea batatas suggests they originated from South America, most probably Peru, and travelled from there into the Pacific and from there through to Eastern Europe (Anderson, 2016). For Māori however, the whakapapa of kūmara performs a different story. Indeed there is often more than one story. The kōrero within these whakapapa are replete with signs for correct actions in the present. These signs can point to general themes of correct behaviour, but often also include other instructions on how to look after and maintain kūmara.

Kūmara are the children of Rongo, an earth-being who was the offspring of Rangi-nui and Papa-tu-a-nuku. Rongo is known by two names: “Rongo-ma-tane (of cultivated foods) and Haumia-tiketike (of the uncultivated or wild foods)” (Haami and Roberts, 2002, 406). It is significant that Rongo-ma-tane is considered the goal of peace, reflecting both the importance of food production rather than war and also the role that cultivated foods could play to end political conflict (Haami and Roberts, 2002, 409). For some hapū, a woman named Whakaotirangi, the principal wife of the captain Hoturoa, is responsible for successfully bringing kūmara to Aotearoa. Whakaotirangi was travelling on the Tainui waka. The trip from Hawaiki, the ancestral lands of Māori, was an arduous one and many of those aboard Tainui ate their kūmara in hunger. Whakaotirangi, however, showed greater restraint and kept her kūmara safely tied up in her kete (basket) and was able to plant it, to great acclaim, upon arrival. It was also recalled that on this journey, the second wife of Hoturoa, Marama, had an affair with a slave. On arriving in Aotearoa and attempting to plant the seeds she brought with her, all of Marama’s seeds failed, including the kūmara, which grew as bindweed. Meanwhile, the kūmara and other seeds that Whakaotirangi brought, flourished (Waitangi Tribunal, 2011b, 131).

Pine Taiapa presented another kōrero about kūmara to the Waitangi Tribunal for the Wai 262 report. In Hawaiki, there was a high priest of the cult of kūmara called Ruakapunga. One day, Ruakapunga sent one of his followers, Tairangahue, to Aotearoa to assess whether kūmara could grow successfully there. Tairangahue travelled to the area around what is now Gisborne and upon seeing the flowering trees and the abundant bird life he returned to Hawaiki to tell Ruakapunga that the land was fit for kūmara. Equipped to plant the crop, Tairangahue then travelled back to
Aotearoa, this time on giant birds provided to him by Ruakapunga. However, he overlooked the need to recite important karakia (incantations) of thanks; these karakia were to ensure that the birds could return safely to Hawaiki once Tairangahue had reached Aotearoa. Tairangahue eventually remembered the karakia and they did enough to ensure the birds made it back to Hawaiki, but they were in such poor condition that Ruakapunga was furious.

‘To avenge the maltreatment of his birds, Ruakapunga sent three pests to affect the growth of the kūmara, the anuhe, a grub, and mokowhiti and the mokoroa’. All these pests led to failure of the kūmara crop, and are a reminder, Taiapa said, ‘of Ruakapunga’s vengeance on man’ for his thoughtlessness. (2011b, 131-132)

Imbued in both these kōrero of kūmara are further accounts of the right ways of acting, along with indications of the particular entities, relationships, practices, and knowledge. This knowledge connects past and present, and as the kōrero gets passed on, future practices of kūmara cultivation are likely to be successful.

The agricultural techniques for growing kūmara were entwined with these kōrero and are also notable. Kūmara were among a range of tropical food plants brought to Aotearoa NZ. That these plants could be adapted to the sub-tropical climate of Aotearoa NZ attests to the skill of Māori agricultural techniques (Leach, 1976, Yen, 1963). For kūmara, much agricultural adaptation was needed to enable it to grow in the cooler conditions. This included the use of storage pits, adding gravel and sand to the soil to warm it and keep away frost, planting the tubers rather than the shoots, and finding ways to store the tubers over the winter when it was too cold to plant (Burtenshaw, 2010). Seagulls were tamed to provide some protection against the kinds of pests noted in the kōrero above (Adds, 2008). To this day, the sweet potato grown in Aotearoa NZ is the farthest from the equator anywhere in the world.

Section B: River Red Gums and the Barmah-Millewa Forest

In this section, I introduce the second case study of this thesis. This case study focuses on the Barmah Millewa Forest in southeast Australia. The Forest traverses the border between Victoria and New South Wales (NSW), covering about 70,000 hectares between Deniliquin, Tocumwal and the township of Barmah. The Barmah Millewa Forest is on the traditional lands of the Yorta Yorta Nation, what they call Murray River Country. It is their unique relationship with the Forest, bound up with the climactic and geological forces of the region that that I discuss here. The
knowledge practices of the Yorta Yorta and their ancestors are important because their continued application over millennia have helped to create the conditions by which the Barmah-Millewa Forest became the thriving eco-system European colonists found it to be in the 1700s. The subsequent introduction to the Barmah Millewa Forest of logging, grazing, and water regulation has been highly destructive. My focus here however is to introduce how the Barmah Millewa Forest’s own “living thought” (Kohn, 2013, 101-102) extends the Forest into the more-than-human world of the Yorta Yorta.

For the Yorta Yorta, the forests and waters of their region are an extension of their identity, providing a sense of where they come from and their interconnection with the place in ways that are constantly renewed. These entities emerge from the Dreaming, and are embedded in the land through processes described by Deborah Bird Rose as Dreaming ecology:

Dreamings are the great creative beings who came out of the Earth and travelled across the land and sea. The Australian continent is criss-crossed with the tracks of the Dreamings: walking, slithering, crawling, flying, chasing, hunting, weeping, dying, giving birth. They were performing rituals, distributing the plants, making the landforms and water, and making the relationships between one place and another, one species and another. They were changing shape from animal to human and back to animal again, and they were becoming ancestral to particular groups of animals and humans (totemic groups). Through their creative actions they demarcated a world of difference and of relationships which crosscut difference. Dreamings created patterns and connections. (2008, 111)

Similarly, in her recent ethnography Murray River Country, Jessica Weir uses the term ‘expanded connectivity’¹⁷ to describe Traditional Owner relationships with the entities of their lands, including the Barmah Millewa Forest. Weir coins the term “expanded connectivity” in order to ensure humans along with a wide range of other entities, can be considered in ecological analysis. The ways in which indigenous peoples view ecological relationships and their place within them is important for Weir as it can “deepen our understanding” of expanded connectivity by going “beyond food-web dependencies to include stories, histories, feelings, shared responsibilities and respect” (2009, 50). Of particular importance here is what Weir identifies as “sentient ecology”

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¹⁷ Weir draws the term connectivity from ecology but is dissatisfied with the way in which connectivity is represented as something “external” to humans, as this reaffirms the hierarchy and dominations implicit to modernity (2009 47-48).
a term that works in a similar way to Dreaming ecology. Claims of sentient ecology are perhaps what best distinguish Aboriginal ecological understandings from settler modern understandings of ecology. Although settler moderns can express an awareness of expanded connectivity, it is stripped of its more-than-human entities. This means connectivity is not just a way of viewing Murray River Country and its entities, but a practice of relating that is enabled with the other entities in the region. It is to these entities I now turn.

Yorta Yorta’s relationship to the region is emblematic of the imbrications of ecology and more-than-human dimensions. The Yorta Yorta tell the story of how the creation of Dhungalla, Yorta Yorta’s word for the Murray River, occurred with the journey of Biami:

Biami created the river by sending an old woman down from the high country with her yam stick to journey across the flat and waterless plain. Biami then sent a giant snake along to keep an eye on her. She walked for many weary miles, drawing a line in the sand with her stick, and behind her came the snake following in and out all about, making the curves of the river bed with his body. Then Biami spoke in a voice of thunder, and lightning flashed above the high crack that was his place. Rain fell, and water came flowing down the track the old woman and the snake had made. After many moons she came to the sea, and went to sleep in a cave, while her dogs ran off and kicked up the sandhills about the river mouth. (Yorta Yorta Clans Group Inc., 2003, 6)

This origin story provides a foundational and evidential account of the formation of the Murray River and its surrounding environments. However, this story is not only an event that occurs in the past, but also whenever the storms come and the rains fall, Biami’s snake and the dogs re-emerge again through the channels and lagoons created by the old woman. This creation story is indexed to the land itself, and is restaged each time the storm and rains sweep through the region.

The way in which water sweeps down the Murray River is a significant reason for the emergence of the Barmah Millewa Forest. The Barmah Millewa Forest occupies the south-eastern corner of the Murray-Darling Basin. The Murray-Darling Basin is a vast flat inland river basin with a

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18 It does seem as though Weir relies on mere assertion at this point to support the Aboriginal expression of sentient ecology. She supports the point negatively, arguing that expressions of sentient ecology cannot be reduced to Culture. However, she doesn’t explore what it is about the expression that makes them real, only noting only that they are “held in country and experienced through the senses” (2009, 56). It is my argument here that part of the importance of these landscapes is not just the knowledge about them but that this knowledge and its recall is a practice, the enactment of which is a mark of authority and right in itself.
catchment of approximately 1,036,000 square kilometres. It contains one seventh of all Australia’s water and much of this travels down the Murray River, generating a number of unique ecosystems (Rogers and Ralph, 2011; Ballinger and MacNally, 2006). On the Murray River, just east of the town of Echuca is the Barmah Choke. The meeting of the river and the choke is particularly significant for the forest. At the Barmah Choke, the Murray River has managed to carve a narrow, rocky channel through one of the only large natural landforms in the area, the Cadell Tilt Block. The Cadell Tilt Block was formed by a geological uplift 25,000 years ago and runs north/south, roughly between Deniliquin and Echuca. While the Block is only about 12 metres high, it is a significant feature in an otherwise very flat landscape. For it is here, when the spring rains flood through the Murray-Darling Basin in what Paul Sinclair considers closer to a sea than a river, that they enter the Barmah Choke and back up in a huge fan (2001, 33). Mapping onto this fan of water is the Barmah Millewa Forest, primarily river red gum, which relies on the semi-regular floodwaters for procreation and survival. It is these forests and their surrounds that are the traditional lands of the Yorta Yorta Nation.

For the Yorta Yorta, the Barmah Millewa Forest was likely not inhabited permanently, but was one significant site among a “mosaic pattern of land systems” that Yorta Yorta would have moved between (Colloff, 2014, 46). Colloff notes that not only would river red gum forests been flooded for 4-6 months a year from late spring, but by summer “floodwaters, mosquitoes, leeches, tiger snakes, high humidity and temperatures over 40° C would render the forest virtually uninhabitable for extended periods” (2014, 47). Engagement with the forest, though, would have taken manifold forms. One important way in which this would have occurred was through fire (Atkinson, 2005, 10). However, it appears unlikely that the Barmah Millewa Forest itself would have been burnt in any large scale (Colloff, 2014, 45-46). One of the most banal, though most

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19 After the uplift, the now dammed Murray and Goulburn rivers created a large shallow lake. Initially the Murray River found a course around the northern side of the Cadell Tilt Block and shortly after it also broke out to the southwest (Stone, 2006). Yorta Yorta oral history tells of digging a channel through the sandhills to release these flows as they were flooding food areas (Atkinson, 2000, 34-35). However, about 8,000 thousand years ago the Murray River turned south, taking over the Goulburn channel downstream of Echuca.

20 Burning undoubtedly took place in the regions around the forest. Jurskis examined the record of explorers in these regions. He argues that this understory is the legacy of regular Aboriginal firing of the bush (2595). Fires would have cleared the understory in a process that has come to be known as ‘cleaning
essential, uses of the river red gum was as firewood. River red gum has long been regarded for the ways it burns, and as Philip Clarke dryly notes, “In campfires, particularly during the night, Aboriginal people prefer slow burning types of dense wood that give out plenty of heat” (2007, 61). Around these fires, not only did people keep warm and cook food, but also undertook a variety of cultural activities. Individual trees were most certainly burnt for catching animals and birds. This was done by setting a fire at the base of the tree to smoke out any animals living in the branches above. As more burning occurred, a hollow would start to form at the base of the tree. This hollow would become an attractive home to marsupials and a convenient food source for the next time the tree was burned (Gibbons and Lindenmayer, 2002).

Beyond fire, the river red gum forest flooding regime attracted numerous migratory bird species that were a significant food source for the forest’s human inhabitants. Clarke has described how the Yorta Yorta used eucalyptus to poison fish in ways that make use of the tree’s allelopathic qualities (2007, 124). The roots of the river red gum that grew into waterways were important habitat for fish, especially the Murray Cod (Sinclair, 2001, 133). These food sources provided important nutritional benefits to the Aboriginal inhabitants of the Barmah Millewa Forest and were especially significant for a range of other social and cultural events (Clarke, 2007, 53). Further to this, Clarke notes that timber was the “base material utilised in the manufacture of many types of weapons, implements and ceremonial objects” (2007, 112). A well-known use of the river red gum in the Murray Basin was the removal of large slabs of bark, using the process described above, to make canoes. These scars are especially prominent reminders of Aboriginal

up country’ (e.g. Clarke, 2007, 63-65), creating what Bill Gammage has popularly, if problematically, termed the “Aboriginal estate” (Gammage, 2011; c.f. Neil, 2012).

21 Aboriginal knowledge of this habitat became especially pertinent when they were one of the only groups to oppose the clearing of the river red gum roots to make riverboat travel easier. It is with some irony then that they were asked to be present at the opening of ‘artificial’ river red gum roots that were put into the water to provide habitat for aquatic species (Thweiles, 2007).

22 He contends that these objects were “generally carved out of green wood, which is easier to cut than dried timber” and he quotes Captain Watkin Tench of the Marines in New South Wales observation of this process: “On the bark of a tree they mark the size of the shield, the dig the outline as deep as possible in the wood with hatchets, and lastly flake it off as thick as they can, by driving in wedges” (2007, 112). Clarke describes how the process also required “curing of the finished piece over the fire” to give “a harder edge that was resistant to wear and damage”, while other pieces might be “treated with animal oil to protect them from weathering” (2007, 112).
occupation with scars able to remain for more than 100 years after the removal of bark, many of which still show the footholds made to access the top of the bark (Clark, 2007, 116).

These tree scars have formed a key basis for Yorta Yorta claims to their ongoing sovereignty. For example, the Dharnya Centre, the currently defunct Yorta Yorta Cultural Centre, was built next to a river red gum with a bark scar in an explicit reference to their continuous occupation of the Barmah Millewa Forest.

River red gums are a type of tree with flowers and fruit, called angiosperms. When Australia first split from Gondwana 70-80 million years ago, angiosperms were in a very small minority but as Australia was slowly flattened by erosion, and as it began to dry out, aridity “fractured and multiplied” existent biota (Pyne, 1992, 4). During this period angiosperms became dominant though – hardened by drought and disturbance – they too were transformed into scleromorphs (or scleropylls), literally, ‘hard leaves’. Eucalypts emerge at this time (Groves, 1994, 198).

As aridity embedded itself in the landscape fire also became a regular occurrence deployed as much by humans it occurred through other forces (Pyne, 1992, 10). River red gums are not tolerant of fire, but they did evolve significant traits for managing inconstant water supply, and it is these traits that made them invaluable for human and nonhuman life. One of the river red gum’s most distinctive features is its root system. They have been described as having “high root penetrating power” whereby young roots “move vertically downwards in the soil quickly” (Jacobs, 1986, 221).

More impressively, Bacon et al report on “the dense root system of mature trees extend[ing] at least 20m from the trunk” and “at least 10m below the surface” (1993, 542; also Dexter, 1967). This huge root system is necessary as it allows the root to penetrate the tight soils of the flood plain and find the nutrients it needs (Stefano, 2002; Bren and Gibbs, 1986).

Beyond the root system, the river red gum has evolved other features that enable it to retrieve water in dry periods. The bark and leaf litter of the river red gum increases under dry conditions to provide a mulch layer that locks moisture into the ground (Briggs and Maher, 1983). It also has

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23 Bark canoes would only last a few seasons. A colonist of the Murray Basin, Peter Beveridge described this decay in his dairies (Beveridge in Clarke, 2007, 117).

24 The scleroforests became host to Australia’s “marvellously endemic suite of biotas” generated by “new patterns of interaction between sclerophyllous plants and sclerophyllous animals. Birds and mammals, not insects, typically pollinated the flowering scleromorphs. Placental mammals and reptiles repeated the radiation of specialized plants” (Pyne, 1992, 5).

25 A “remarkable reciprocity” emerged between the scleroforest and fire, with “fire-specific signatures” diversifying sclerophyllic biotas while these biotas also “particularise fire” (Pyne, 1992, 9).
“allelopathic effects” whereby the leaf litter produces phytotoxic agents, called terpenes and phenolic acids, that inhibit plant growth around the trunk (del Moral, 1970).

**Part Two: Colonisation and the Disruption of Indigenous Ontologies**

In Chapter One, drawing on Marisol de la Cadena, I noted how indigenous worlds are locked in a struggle with the world-making consequences of corporate capital and the neoliberal state. Before the onset of the entities, early modes of capital and the state were also engaged in world-making with equally deleterious consequences for indigenous world-making as the later variants. In this section, I discuss ways in which capital and the state act as world-making forces. I focus in particular on how these forces and entities disrupt, curtail, and extinguish indigenous worlds. De la Cadena argued that their destructive processes rely on biopolitical technologies that decide who and what lives or dies, and they operate by partitioning indigenous worlds into Nature/Culture frameworks, making them amenable to Western governance models, capitalist exploitation and Western property rights. Bruno Latour has provided a powerful and compelling account of how these biopolitical processes operate through what he has called the Modern Constitution. I show how the Modern Constitution opens a pathway to the exploitation and destruction of indigenous worlds in Aotearoa NZ and Murray River Country.

Bruno Latour’s discussion of the Modern Constitution begins with the 17th century participants of the foundational debate of Modernity - the political philosopher Thomas Hobbes and the rationalist Robert Boyle. Their debate concerned the objectivity, efficacy, and testimony of a new entity developed by Boyle, the vacuum pump. What the vacuum pump enabled was the construction of scientific facts, objective and independent yet also fabricated and mediated. For Hobbes, however, the vacuum pump undermined his own attempts to create political unity in civil war-ravaged England without recourse to immaterial bodies, be they religious or natural entities: “In both cases, it behoves us to avoid at all costs the possibility that the factions may invoke a higher Entity - Nature or God - which the Sovereign does not fully control (1993, 19). Hobbes and Boyle reach a settlement, what Latour calls the Modern Constitution, which keeps separate the two powers of science and politics.

Scientific power is to be concerned only with representing nonhumans, which now only speak for themselves; political power can only be concerned with representing humans and considers only
social forces. This separation of powers was the inaugural implementation of purification, a process for creating the “two entirely distinct ontological zones” of Nature and Culture while engendering, yet denying, the traffic between them. According to Latour, it is the traffic between these two zones, if always denied, that makes Modernity possible:

   Everything happens in the middle, everything passes between the two, everything happens by way of mediation, translation and networks, but this space does not exist. It is the unthinkable, the unconscious of the moderns. (1993, 37)

With the denial of this ‘middle’, hybrids proliferate without accountability and the modern world can expand without any real awareness of its social or environmental impact.

Underlying the Modern Constitution is a clear paradox. Firstly, there is the claim that Nature is inert or mute, untouchable by humans whereas humans are agential and able to construct their world. Secondly, there is the claim that Nature is the outcome of the fabrication of science while Society must be made by the “sheer force” of human reasoning (1993, 31). But these two claims cannot be read separately. Rather, they work together, stuck fast by two guarantees: 1) Nature is something humans construct yet claim not to; 2) Society is something we do not construct yet claim we did. For, as seen with Boyle, the very claim that Nature is separate from humans requires scientific modes of fabrication. Equally, as seen with Hobbes, the claim for the sovereignty of society requires a whole host of nonhuman entities that mediate and help to hold it together such as commerce, infrastructure or the arts (1993, 31). As noted by Latour, each guarantee “plays simultaneously on transcendence and immanence” and is thus thoroughly enabling:

   Boyle and his countless successors go on and on both constructing Nature artificially and stating that they are discovering it; Hobbes and the newly defined citizens go on and on constructing the Leviathan by dint of calculation and social force, but they recruit more and more objects in order to make it last. (1993, 31)

Latour asks, what is to stop this clearly contradictory constitution from collapsing? Surely, these forces must pull at the very seams that hold them together? Here, Latour asserts that the Modern Constitution requires a third guarantee.

This third guarantee is needed to ensure that the first two guarantees are kept within orbit of each other, preserving the fragile symmetry between them:

   Firstly, there shall exist a complete separation between the natural world (constructed, nevertheless, by man) and the social world (sustained, nevertheless, by things); secondly,
there shall exist a total separation between the work of hybrids and the work of purification. (1993, 31)

This guarantee ensures the purification of Nature and Culture, while also allowing, even if it may never express itself, the practices and entities - hybrids of Nature and Culture - that traffic between humans and nonhumans. This third guarantee then, by ensuring the separation of hybrids also sees to their proliferation. For, at the very moment at which these entities and practices enter politics they are quickly purified into the appropriate epistemological zone.

When this ontological arrangement is taken into the colonies and confronted by indigenous worlds, an immunological reaction occurs, similar to that of Hobbes to Boyle. Indigenous nonhumans such as taonga or Biami, like the vacuum pump, are not immediately pacifiable into the realms of Nature or Culture. Indeed much of the moral component of the colonial endeavour is built on the mobilisation of this distinction, notably through the reduction of indigenous animacies to the status of fetishes (Pietz, 1985). By considering indigenous hybrids as a fetish, proof is provided of ‘their backwardness’. In Australia, a lack of hybrids, proof of which was the lack of by Western forms of agriculture, was taken as an argument for colonisation on the grounds of terra nullius (Head, 2000). In Aotearoa NZ, because there were some modes of agriculture, it was felt Māori were civilised enough for make a Treaty to be advanced (Williams, 2009). That said, even in Aotearoa NZ, it was not uncommon for colonists to claim that their duty was to “smooth the pillow of a dying race” and the Treaty of Waitangi was a simple nullity due to the lack of (European) agricultural activity (Stafford and Williams, 2006). By the mid-20th century, the attempt to purify indigenous worlds to the realm of Nature was increasingly critiqued. Instead, Culture became the key realm for describing indigenous peoples and was offered to them as a mode for expressing a political identity. However, as I have discussed, this domain has also struggled to contain indigenous entities.

Section A: Kūmara

I showed earlier in this Chapter how kūmara have taonga-status within te ao Māori, due to their entanglements with whakapapa, food, and agriculture. In this section, I return to kūmara to discuss how the Modern Constitution underpins scientific and political events where these more-than-human dimensions to kūmara have emerged. A key event with which I begin is an ethnobotany conference held in Christchurch in 1988. This conference is important as, at the
time, it provided a platform whereby the ‘silent antagonism’ that underpinned science and colonisation in Aotearoa NZ was made visible, bringing to the fore issues about the exploitation and expropriation of plant entities significant to Māori. In response to this, the kaitiaki (guardians) of kūmarā undertook a number of actions. As the Modern Constitution was challenged, the response from many onlookers was to sneer, and seek the reestablishment of the status quo. However, as I go on to document in later chapters, once these taonga were public they went on to have political impact for many years.

The ethnobotany conference where many of these issues emerged for the first time was titled ‘Nga Mahi Maori o te Wao Nui a Tane: An International Workshop on Ethnobotany.’ Held in February 1988 at Te Rehua Marae in Christchurch, the conference brought together indigenous peoples and scientists from around the Pacific. At the conference, events and conversations occurred that brought to the fore the plight and threats facing kūmarā and other indigenous plant species. One of these events was a showing of The Neglected Miracle, a documentary by noted Māori filmmaker Barry Barclay.26 Barclay’s film is a powerful exploration and indictment of the relationship between the work of scientists, the slow and steady loss of genetic diversity of the world’s flora and the commodification of heritage plants and those important to indigenous peoples by multinational corporations.27 The film was seen shortly after its release by elders Tama Poata and John Hippolite, and it was brought to the conference. Poata and Hippolite would later become two of the founding claimants of the Wai 262 and in their evidence to the Waitangi Tribunal they cited the film as raising their awareness of emerging issues regarding indigenous relationships to flora and fauna (2011a, 730, Note a).

_The Neglected Miracle_ was shown midway through the conference, bringing into stark relief the implications of a book launch held on the opening day. *Economic Native Plants of New Zealand*, was published by conference hosts, the Botany Division of the Department of Science and Industrial Research (DSIR). The book laments that the potential economic benefits of native flora in Aotearoa NZ have been ignored due to a focus on introduced plants. As such, the book was considered “timely” with its turn toward the economic potential of native flora, whether by its

26 See Images of Destiny for an overview of Barclay’s career (Murray, 2008).

27 Barclay’s own inspiration for the film came from reading _Seeds of the Earth_ (Mooney, 1980), which informed his sustained critiques of the exploitation of indigenous plant resources, and the imposition of intellectual property rights regimes (Barclay, 2005).
distinctiveness’\textsuperscript{28} or possibilities for direct exploitation as “fibre or pharmaceuticals” (Brooker et al., 1988, xi, xii). The book documents in much detail aspects of the history of the economic uses of native flora along with current scientific research into further possibilities for economic exploitation. As was observed by Counsel for the Wai 262 claimants, the discovery of this scientific and economic interest in plant exploitation by Māori attending the conference was a “trigger” for the Wai 262 claim (Waitangi Tribunal, 2011a, 719).

Another important moment of the conference was a presentation by Dr Douglas Yen, a botanist formerly with the Crop Research Division of the DSIR. Dr Yen was particularly interested in kūmara, and he presented a paper early on the Tuesday afternoon called ‘The achievements of the Maori agriculturalist’\textsuperscript{29}. However, more than this paper, Yen’s contribution to the conference was his research and experience with kūmara varieties in New Zealand that were to provide for some explosive revelations. Dr Yen had worked for the DSIR in the 1950s. Their facilities were based in South Auckland close to market gardens that were often run by or employed a large number of Māori. Yen recalled talking to local Maori about kūmara harvest and storage, along with reading ethnologist Elsdon Best’s work *Maori Agriculture* (1925), and realised that “They may be growing kumara, the old ones we’ve never heard of” (Painter and Egan, 1991, 9). Yen started visiting Māori communities and collected samples while asking questions to determine if they were pre-European varieties. These samples were taken back to the DSIR’s labs and propagated (Yen, 1963, 32-33).\textsuperscript{30} Yen also started collecting samples from around the Pacific and from the

\textsuperscript{28} The authors consider that when paired with the “traditional Maori values” native plants can provide a landscape of “distinctive and attractive scenery and indigenous culture” that appeals to tourists (1998, xi). The authors’ note, almost as an afterthought, that “native plants as part of the landscape “provide a “remarkable recreational resource” and a “source of aesthetic delight” for “great numbers of New Zealanders” (1998, xi).

\textsuperscript{29} In this paper Yen extols the way that Māori integrated the “plant food acquisition” systems of gathering and agriculture, that were not so much “interrupted by European colonisation” but were “sufficiently balanced and expandable to accommodate the further development of Maori life” – quite a radical point for the time (Yen in Harris and Kapoor, 1990, 41).

\textsuperscript{30} Of the 97 samples collected, Yen was told there were four varieties of pre-colonial provenance and four early-colonial introduced varieties. The pre-European varieties are known as Rekamaroa, Hutihuti, Taputini, and Houhere. Yen defined the introduced varieties according to whether they arrived pre- or post-1900. The pre-1900 varieties are Merikana (brought by American whalers), Waina (from a whaler via
plant’s original home in South America. His collection soon developed into the largest in the world, containing over 617 sweet potato specimens from around the Pacific and western coast of South America.

Then, in 1968, the DSIR had a change of Director and with this, a change in attitude towards the kūmara and Yen himself.31 Yen’s position at the DSIR became untenable and he took a position at a museum in Hawaii. Unable to take the sweet potato collection with him, and unable to leave it with the DSIR believing it would be destroyed, in 1969 Yen approached a colleague at Kyoto University in Japan who agreed to take the collection.32 Over the following years, the collection remained available to New Zealand scientists but it did come into a state of disrepair; the collection was split up and some of the tubers did not survive. In 1988, at the time of the Christchurch ethnobotany conference, the kūmara collection was still in Japan. Yen gave his paper and told his story on Tuesday afternoon and then, that evening The Neglected Miracle was shown. The film discussed instances from around the world of seeds and plant species patented and owned by corporations and other private interests. The documentary’s themes of biopiracy and the exploitation of indigenous knowledge were now assuredly real and described as “pertinent and frightening” to the audience. For the indigenous participants in the conference “concern and consternation” had now grown so much that they arranged for the conference programme to be suspended on the Wednesday morning so that they could meet to discuss the issues raised and the response they might take (Painter and Egan, 1991, 11). The ‘silent antagonism’ was now truly out in the open.

While there is no record of what was discussed in this meeting, by turning to the travels and travails of kūmara, it is still possible to track the politics it helps inaugurate. One of the outcomes was the formation of a delegation to go to Japan and retrieve the four kūmara species from the Japanese plasm bank. However, on the eve of the trip, the ‘silent antagonism’ took a decidedly vocal turn. The trip was initially to be funded by the Department of Maori Affairs, but the parliamentary Opposition saw an opportunity to score political points: “… most New Zealanders

Rarotonga in the 1830s) and Kotepo. Yen found only one post-1900 variety called Paukena. Genetic testing later confirmed that there were three pre-colonial varieties; one variety had two different names.

31 According to Yen, although the new director had been his classmate at University, he considered Yen to be “empire building” and pursuing work that was “uneconomic” (Painter and Egan, 1991, 9).

32 Yen had also amassed a collection of taro that did go with him to Hawaii. Unfortunately, wild pigs broke into the aboretum where they were being stored and only a dozen of the sixty cultivars collected survived.
would question whether it is necessary to send four people to collect a sack of vegetables” (Painter and Egan, 1991, 14). With this derisive and mocking assertion about kūmara, the ongoing relevance of te ao Māori is dismissed, while providing implicit grounds for re-establishing the superiority of settler modern rule and “Euro-American common sense” (Law, 2004, 23-27).

Unfortunately, the media and the Prime Minister, David Lange, soon picked up on these remarks. This is perhaps best exemplified in the following newspaper report where the PM and the media can be seen to express their derision through scatological, agricultural and anti-fetishist allusions:

Mr Lange was not sure the approval for the kumara trip had been given but noted
“apparently there is a very strong connection between kumaras and travel.
“If you have kumaras you’ve got to go.”
Having dealt with the gustatory merits of the mission, Mr Lange turned to the spiritual side.
One of the varieties of the kumara to be collected, taputini, has special significance for Maori because it is descended from the demigod Rongo-mai-Tane, believed to have turned himself into a kumara.
But that did not wash with Mr Lange, who apparently does not believe a kumara is anything more than a humble root vegetable.
“Spirituality seems to be a cover for all sorts of excessive activity from the time of the Crusaders right to the time of the Great Kumara Pilgrimage,” he said.
But though Mr Lange seemed happy to treat the whole incident as pretty small potatoes, Opposition justice spokesman Paul East felt the Government should be roasted over it.
If the Opposition had not dug us the details of the kumara trip the expedition would probably have gone ahead without question. (Painter and Egan, 1991, 14)

The use of humour and satire to mock, belittle, and denigrate helps to prop up a settler modern common sense about the ‘true nature’ of the kūmara shoring up the Modern Constitution, whereas kūmara threatened to trouble it. However, new publics had already begun to emerge around kūmara and it would not be easily silenced.

The public that emerged around kūmara was a motley one. The delegation received support from around Aotearoa NZ with many upset about the dismissive nature of the PM’s remarks. In particular, conservationists and environmentalists concerned about the privatisation of plant species via plant patenting and genetic modification rallied behind the cause. It was through these
networks that the British Conservation Foundation and botanist-cum-TV celebrity David Bellamy eventually donated funding for the trip and a delegation led by Dell Wihongi returned the kūmara to Aotearoa NZ in 1988. After the events surrounding the return of kūmara, many environmentalists and other left-leaning Pākehā were optimistic about Māori supporting resistance to the privatisation of the world’s seed stock and genetic diversity. They were also optimistic that supporting Māori claims to the Waitangi Tribunal might also further environmental goals due to the successes of some early Treaty claims to stop environmental damage (Mills, 2009, Johnson, 2005).

Once the kūmara had been returned they went on to play a further role in the political life of Aotearoa NZ. Along with their fellow taonga, kūmara were to be at the centre of the ‘Grandfather’ of Treaty claims, Wai 262. In this claim, kūmara and other indigenous flora, together with indigenous fauna, were brought into the orbit of the Treaty of Waitangi and its provisions that Māori have the right to ongoing control of all their taonga. In the process, the assumptions that underlay the environmentalist and leftist support for Māori were swept away, and the ‘silent antagonisms’ that informed these positions were also exposed.

Section B: River Red Gums

The Yorta Yorta declare that they have never relinquished their sovereign rights to territories occupied by their ancestors. (Atkinson, 2005, 6)

In this section, I continue a consideration of the way in which indigenous worlds are disrupted through the Modern Constitution. Here I want to focus on the way that these techniques involve the mobilisation of, wittingly or otherwise, assemblages of humans and nonhumans. As Manual DeLanda puts it “Cultural materials flowed together with genes and biomass (not all of it human) across the Atlantic [and the Indian Ocean], and it was the whole complex mixture that triumphed” (1997, 133). For the Barmah Millewa Forest and the Yorta Yorta, the forces it has had to absorb are innumerable. By the time of Captain Sturt’s travels through the region in 1829-1830, disease

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33 In 1988 this delegation lead by Dell Wihongi and the group Pu Hao Rangi, brought back 11 kūmara cultivars, including the four pre-European varieties, from the gene bank near Tokyo. With the assistance of the DSIR, Pu Hao Rangi established a garden for the cultivation of kūmara and other significant and endangered Maori crops in Mangere, South Auckland.
had decimated the peoples living along the Murray River and many of the burning techniques were no longer practiced, meaning reed beds disappeared and pest animals increased.

Simultaneously stock and then massive timber extraction was introduced to the regions. More recently, river regulation has threatened an already extremely stressed ecosystem, while further limiting the viability of Aboriginal practices. However, Yorta Yorta have never given up fighting for control of their lands. They have constantly advocated and petitioned for the return of their lands (Atkinson, 2000, 64-89) and were the first nation to test the Mabo decision - albeit unsuccessfully.\(^3^4\) Despite these setbacks, they continued to use their forests for cultural practices, and to seek control of their lands.

Among the first entities to have an impact on the river red gum forests of Murray River Country were microbes. The role played by microbes in the colonisation of Australia, as well as the colonisation of many other lands, is significant for both the pace and efficiency with which introduced microbes sought out and destroyed microbes autochthonous to the region. Tragically, as the ecosystem of these microbes is the human body, large numbers of the Aboriginal inhabitants of Australia near to the founding colonial settlements were decimated, sometimes even before seeing the colonists. These “independent colonisers”, as Manual DeLanda has called them, were fabricated in the urban conditions (or “disease factories”) of Europe and upon arrival in the colonies operated like one food chain ingesting another (1997, 132).\(^3^5\) The destruction of the Aboriginal communities in Murray River Country meant that the practices of fire culture no longer occurred. The impacts of this were noted early in the period of colonial occupation of the region with the thickening of the forest, the loss of clear ground and increasing numbers of possums and insects (Jurskis, 2009, 2596-2597). At this time, European scientists were only beginning to explore the properties of microbes although the destructive role of microbes in the colonies were well understood and even maliciously deployed (Churchill, 2003, 55-56). For many colonists, the impact of disease was reconfigured into their own ideologies of progress and

\(^3^4\) The decision by Justice Olney to find Yorta Yorta native title rights extinguished was hugely controversial, and pointed to the limits of the Native Title Framework for achieving land justice (Moreton-Robinson, 2014a, Strenlein, 2009).

\(^3^5\) DeLanda describes the Spanish arrival in the Americas in terms applicable also to Australia: “Like those insects that first regurgitate a soup of enzymes to predigest their food, the conquerors from [Europe] killed or weakened their victims with smallpox and measles before proceeding to Christianise them and incorporate them into colonial culture” (1997, 132).
modernity, with tropes such as the ‘dying race’ offering a rationalisation and abrogation for the impacts of disease (McGregor, 1997).

Along with the introduction of diseases, a second assemblage of colonists and nonhumans intruded on the river red gum forests, as disorderly and destructive as the microbes. These were the Overlanders, stockmen running cattle between Sydney, Tasmania ex Melbourne and Adelaide to take advantage of high wool prices in London and Yorkshire (Fahey, 1986, 13). The diaries and oral stories of these expeditions were immensely popular among the sheep and cattle farmers of Tasmania and Sydney and fed the colonial imaginary. It was because of such accounts that streams of stockmen from Tasmania and Sydney moved beyond the official colonial boundaries to squat in the Barmah Millewa Forest and its surrounds. Squatters were voracious abusers of the land, allowing their cattle to roam freely across the landscape with no apparent care as to the impact it might have (Muir, 2014). The impact was profound as Australia has no indigenous cloven animals and the free reign the animals were given across the region meant they soon destroyed water holes, native grasses, and the animals that relied on them. These destructive impacts also affected Aboriginal occupancy and soon led to conflict.

One of the first squatters to set up in Murray River Country was the now infamous Edward Curr (Furphy, 2013). Curr’s move into the region is instructive for showing how new assemblages of human and nonhuman forces came to change the ecology of the river red gum forests. A merchant and landowner recently arrived from Tasmania, Curr set up a number of sheep runs near

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36 The first Overlanders to pass through the region were Charles Bonney and Joseph Hawdon with 1500 head of sheep and cattle. They passed near what is now Echuca a few months before Sturt in 1838. Indeed, Sturt’s second ‘exploration’ of the Murray was also an Overlanding expedition; he had with him 300 sheep that he was taking to Adelaide (Coulson, 1995, 4).

37 In Major Thomas Mitchell’s account, narratives of *terra nullius* were particularly powerful:

> The view was so exceedingly beautiful over the surrounding plains. A land so inviting and still without inhabitants! As I stood, the first European intruder on the sublime solitude of these verdant plains, as yet untouched by flocks or herd I felt conscious of being the harbinger of mighty changes; and that our steps would soon be followed by men and animals for which it seemed to have been prepared. (Mitchell in Coulson, 1995, 53)

38 Curr’s incursions into Aboriginal territory and the records he made of them, including the Aboriginal people he met, were to perform the basis of the finding against the Yorta Yorta in their Native Title Claim. The veracity and accuracy of Curr’s writing have been called into question (Alford, 1999, 67).
Heathcote. Then, as problems emerged with the lack of summer grass, he took a “fancy to a tract of country on the side of the Murray known as Moira” (Curr in Fahey, 1986, 13). Curr first came to this Country in pursuit of errant stock, and on the advice of local stockmen “inspect[ed] the ‘excellent unoccupied’ land beyond on the plain of Tongala” (Hibbins, 1978, 2). Curr was back two weeks later with two flocks of sheep “and seven apprehensive men, having sent a letter to his agent in Melbourne to secure him a licence to lease fifty square miles, half of it each side of the Goulburn River” (Hibbins, 1978, 2). Curr was confident he would receive this license as the “custom was to drive one’s stock on to any unoccupied country, and then apply to the Commissioner of Crown Lands for a license to depasture, the application being granted as a matter of course” (Hibbins, 1978, 2). Other pastoralist-squatters soon joined Curr and by the mid-1840s the Barmah Millewa Forest was surrounded by sheep runs on all sides (Hibbins, 1978, 13). However, despite claims by Mitchell and Curr that the land was ‘unoccupied’, the squatting pastoralists did not have straightforward access to the sheep runs. Aboriginal resistance to the squatters did occur despite the destruction caused by disease and included the killing of stock as well attacks and sieges on homesteads (Hibbins, 1978, 36, 37).

The next assemblage of forces and actors to impact upon the river red gum forests arrived with the Melbourne-Bendigo railway to Echuca in 1863/4. This was the beginning of the industrial logging of the forests. As the railway drew closer so did the demand for river red gum as railway sleepers and for bridges. The impetus behind the railway was the extraction of another raw material - gold. In 1864, the same year as the railway line at Echuca was completed, the first timber mill was built on the Goulburn River to cut sleepers for further extensions to the rail line (Hibbins, 1978, 60). Further mills in the area soon followed and with the infrastructure now in place, often built with river red gum, what Coulson calls “the reckless years” of timber extraction could begin. The demand for river red gum was huge. They were used locally to power the riverboats (made of river red gum) that transported goods (including river red gum) up and down the Murray and its tributaries. They were used in the mines, wharves, and railways throughout Victoria, with an estimated 90% of all sleepers produced coming from river red gum. They were used to pave the streets of Melbourne, build its tramways, and were even sent to India (Coulson, 1995, 80, Fahey, 1986, 18).

39 Before this time “all the trade done in red gum at Echuca consisted in what a pair of pitsawyers could turn out, when sober” (James in Hibbins, 1991, 40).
With the onset of the reckless years and the establishment of mills further into the forests, there soon came recognition that the forests were being depleted at a rate faster than they could regenerate. This saw the first proposals for the protection of the forest through the establishment of state forest parks. Initial attempts at controlling the loggers were not successful but in 1869, 196000 acres were gazetted as a state forest park with a further 45000 acres added the following year (Fahey, 1986, 18). These official forests were roughly the same areas as the forest boundaries today. That said, as Fahey states, “little thought was given to the need for forest conservation or preservation and the timber was essential for Victoria’s great existing industry gold mining” so when it came to regulating how much timber could be removed the legislation had little or no effect (1986, 19).

While the natural ecology of the forests was quickly diminishing, the industrial conditions of its extraction saw the river red gum play an important role in the development of working class politics in the region and Australia. Coulson documents how the extraction of river red gums provided the possibility for debate on the appropriate political order for the new colony (1995, 84-85). The debate over access to the forest and its trees pitted the advocates of ‘free enterprise’ against those who believed the Government should manage the forests. Others posited the importance of those that laboured in the mills and the influence the current monopoly system had to enforce low wages. A form of workerism emerged that placed the worker at the centre of the political order and gained considerable successes (Fahey, 1986, 21-22). However, the trees continued to be exploited as rapidly as possible, despite their influence bringing otherwise antagonistic human actors together for such debate. The trees themselves had few advocates.

The ‘reckless years’ were to come to an abrupt end however. In 1877, the State Government saw that it was increasingly cheaper for river red gums to be floated to South Australia by barge rather than overland by train. They wanted to ensure the forests could remain in the control of Victorian interests and so removed licenses for timber cutting, implemented a customs duty, and established the first forest reserves (Colloff, 2014, 145). Now only mills could apply to remove logs, and this was confined to a particular area. The effect of this was immediate with major markets disappearing nearly immediately and the workers and mill owners joining to protest the loss of

40 The Echuca Sawmills and Timber Trades Eight Hours Association was especially prominent and organised many strikes for the eight hour day such that the forests have been recognised as a notable place in the history of this movement in Australia (Coulson, 1995, 84).
the industry (Fahey, 1986, 28). After this period, and until 2009, the logging of the Barmah Millewa Forest was carefully monitored, although not carefully managed as Colloff finds that even then it was overcut right to the end of the 20th century (2014, 150). Soon another threat was to emerge for the forests and this had to do with a more fundamental disruption to its ecology.

This disruption was the onset of river regulation. Paul Sinclair describes river regulation as processes by which water is harnessed for commodity production. It is a mode of governing waterways emerging from a world-view predicated on the instrumental uses of science and technology (2001, 65). The impacts of river regulations were that the Barmah Millewa Forest was not able to regenerate after the ‘reckless years’ and the health of the forest was effaced with a focus on turning “water into gold” - from the title of Ernestine Hill’s 1937 book (Hill, 1943). Hill’s book was a triumphant documentation of the coming of river regulation to the Murray-Darling Basin. As the title of the book suggests, metaphors of alchemy were central to ways of knowing river regulation. For the Murray-Darling Basin, the instrumental deployment of science and technology resulted in the implementation of a vast irrigation scheme that sought to ‘tame’ the (apparently) inconsistent yet vast quantities of water that were considered wasted amidst the natural ebbs and flows of the Basin’s ecology.

Notions that Australian rivers are somehow wasteful have their genesis at the very start of European colonisation. As Sinclair documents:

> Rivers were characterised by nineteenth-century irrigationists as inefficient and wasteful; they were slandered for their habit of disappearing during drought years. The intermittent flow of Australian rivers was considered improvident by those seeking to control their waters. Waste was considered an inherent quality of nature. Water not harnessed to human purposes was considered to have run to waste, an attitude that continued into the twentieth century and was still discernible in water management agencies well into the 1960s. (2001, 59)

Thus, early irrigationists “denied the reality of drought on Victoria’s northern plains and condemned the uncertain climactic conditions as a betrayal of the promise of abundance fulfilled

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41 The book was tremendously popular; it was republished and reprinted 11 times between 1937 and 1958.
42 Such metaphors continue to have currency. For example, the pro-irrigation Murray Darling Association has assigned their 2012 conference the theme ‘Water Into Gold’. This theme can be read as indicative of their broader campaign to emphasise the economic impacts of the proposed redistribution of the Murray Darling flows to meet the environmental needs of the region.
in more temperate climates. They saw the plains as ultimately transformable through the alchemy of irrigation” (Sinclair, 2001, 61). For this ‘alchemy’ to occur, a vast capital works project was instituted that redistributed the flows of the Murray into tributaries and canals. This was the creation of capital through the institution of “hybrids of man-machine, capital-consciousness, automatism-will” that, as Timothy Mitchell has argued, is precisely where capital gets it’s power (Mitchell, 2002, 30, also Latour, 1993, 37-38). These sentiments of the irrigation lobby gained popular appeal at the turn of the twentieth century with the onset of a long drought that culminated in 1923 with the drying out of the Murray River: “Images of camels moving in procession across the river bed at Mildura and beaming picnickers with horse-drawn buggies parked in mid-stream must have startled many people” (Sinclair, 2001, 67).

A key moment in the establishment of a regulated Murray River system was the establishment of the River Murray Agreement and its enactment of a “legislative division” in the Murray’s water between New South Wales, Victoria, and South Australia (Sinclair, 2001, 66-67). The River Murray Agreement was ratified by state and federal parliaments in 1915, committing state and federal governments to the construction of river regulatory works such and dams, locks and weirs in return for water allocations. Following these terms, and overseen by the newly established River Murray Commission, state and federal governments began to construct two large dams, the Hume Dam and Lake Victoria, followed by a further twenty-six locks and weirs between the mouth of the Murray and Echuca, and nine weirs and locks on the Murrumbidgee River (Sinclair, 2001, 67-68).\(^\text{43}\) However, the River Murray Commission, despite their vast capital works mandate, had no responsibility for “maintaining or measuring water quality or the health of the river’s flora and fauna” (Sinclair, 2001, 68). Here the effacement of the river red gum ecosystems emerges through the establishment Nature/Culture dualisms that set the efficiencies of river regulation against the perceived wastefulness of the flooding regimes (Weir, 2009).

Despite the destruction wrought by microbes, loggers, cattle, and restricted water flow, the river red gum forests continue to be entwined with the Aboriginal nations in the region. Not only do Aboriginal cultural practices and events continue to take place in and with the forests (Weir, 2009).

\(^\text{43}\) The Hume Dam is of particular significance. Construction commenced on the dam in November 1919 and was completed in 1936. At the time of its construction, it was the largest water storage dam in the southern hemisphere and held back a 100-foot-high wall of water that backed up the valley for 40 miles. The water backed up behind the dam wall was called Lake Hume, and covered an area of 33 000 acres, four times the size of Sydney. The total cost of the dam’s construction was £5.55 million (Sinclair, 2001, 69).
2009), but also the forests themselves continue to remember their first inhabitants. Scar trees from the construction of canoes are one such indication, but beyond this, the morphology of the trees also expresses such a memory. This memory can be considered in terms of Kohn’s argument that evolutionary adaptation has a semiotic logic, in that particular traits are interpreted by future generation as a sign of how to act (Kohn, 2013). The regimes of fire that were so essential to the spread of eucalyptus trees across Australia, including the burning of river red gums (albeit on a small scale), continues to be remembered by river red gums in the ways they drop limbs and shed bark. Furthermore, Kohn notes how within this adaptation there is also an element of acting for a future environment by creating a habit or at least a “highly embodied ‘guess’ at what the future will hold” (2013, 76). It is this habit based on the (non-symbolic) remembering of Aboriginal burning, which sees the river red gums continue to shed their limbs and send out seed even when these practices no longer occur. This enactment makes the river red gums of the Barmah Millewa Forest a testament to Yorta Yorta control and authority in this region and makes their relationship to it more than just a story or sensory experience. As Adrian Franklin writes: “Our gum trees act as if their aboriginal part-creators were still here; and modern settler Australians act as if gum-tree forests can be lived in as one would live among deciduous trees of the north” (Franklin, 2006, 575).

**Conclusion**

If the colonists were such a disparate mob, then how could they be successful? They were stronger than the strongest because they arrived together. No, better than that. They arrived separately, each in his place and each with his purity, like another plague on Egypt. (Latour, 1998, 202)

In this Chapter, I have explored the way in which indigenous ontologies emerge through and with the entities that compose a place and give it significance. I have shown how these entities emerge through and with geological forces, climate conditions, and through the purposeful activity of human labour. In the case of kūmara, its emergence and persistence occurs because of the ways in which they can link the past and present and support the political and diplomatic work that arranges relationships between people, place, and things. I have also explored these issues in Murray River Country in Australia where the entanglements of geology, water, and tree agency have supported the emergence and persistence of towering river red gum forests in wetlands.
These trees in turn, provide the cultural resources and sustenance for people and the numerous entities that occupy the forests and its surroundings.

I have also outlined the way in which the Modern Constitution disrupts and disturbs these ontologies, both through the destruction of the entities that make indigenous ontologies possible and through the derision and dismissal of their expression, invocation, and enactment. However, while these disruptions and disturbances can have world-altering effects, they are also often partial. I have made this claim at one level by exploring indigenous resistance, which I will discuss further in the next chapter. I have also claimed that the project of Modernity, the implementation of the Modern Constitution, was not and cannot be completely successful due to the paradoxes that enable the constitution in the first place, and the consequent proliferation of Nature-Culture hybrids.

It is precisely because the settler moderns believed in a purified world of Nature and Culture that they got the strength to deploy their colonial visions. As I go through these chapters I want to stay with kūmara and river red gums to consider the ways in which they open up challenges to colonialism while enabling modes of postcolonial relating. This is an argument that has increasingly come to the fore among those scholars exploring how to think about the relationship between postcolonialism and ontology. For example, Lisa Slater has recently explored bringing “the postcolonial, or anticolonial, into relation with more-than-human praxis in the hope of doing more justice to the forms of co-existence that make the world inhabitable” (2013, 770). Similarly, Martin Savransky has argued, “we need to attempt to take solitary entities seriously, not as representations that can be equated with our own Western inventions, but as real entities that inhabit, in multiple ways, worlds that may or may not be our own” (2012, 356). In the chapters that follow, I seek to explore how a postcolonial ethics might engage with more-than-human entities and their guardians.
CHAPTER FIVE

Indigenous More-Than-Humans: Resurgence and Communicative Disjuncture

Introduction

In this Chapter I develop my account of kūmara and river red gums by following them into contemporary iterations and inculcations of settler colonial and indigenous worlding. The aim of this Chapter is to describe how kūmara and river red gums emerge with the forces and affordances that are unique to the contemporary historical juncture. I draw here on the work of Mario Blaser, who has identified three forces that indigenous more-than-humans have leveraged off: the threats of possession and accumulation claimed by capital and the state, the emergence of legal frameworks that offer some protection for indigenous rights, and the establishment of environmental frameworks that impact on indigenous worlds. However, as these entities have re-emerged through these affordances, the silent antagonisms have also taken a more vocal and sometimes violent turn. In Australia and Aotearoa NZ, physical violence has not been deployed against the irruption of indigenous entities on the same scale as other places. However, the kinds of responses that emerge still rely on asserting the supremacy of Nature/Culture epistemologies, and have the same outcome as physical violence. I look to the work of Eduardo Viveiros de Castro to explore the ways in which settler colonial attempts to engage indigenous worlds can easily slip into modes of relating that reinforce the supremacy of Western epistemologies.

The Chapter is divided into two Parts. In Part One, I outline Blaser’s schematic for describing the re-emergence of indigenous entities, and I apply this to kūmara and river red gums. For the kūmara, I identify two key factors for its re-emergence. Firstly, I discuss the affordances provided by the Te Tiriti o Waitangi/The Treaty of Waitangi and the establishment of the Waitangi Tribunal in 1978. In particular, Article Two of Te Tiriti provides for the protection of taonga, with Māori able to define this term in ways that are consistent and coherent with whakapapa. I also build on Blaser’s insight regarding the pressure that capitalism and state-development schemes place on indigenous entities to discuss the ways biocapitalism has contributed to the re-emergence of kūmara. Part One also explores the resurgence and persistence of river red gums of
the Barmah Millewa Forest in Australia. This discussion continues the previous chapter’s account of the ways Yorta Yorta activity in the Forest were essential to how the Forest evolved. I show how this activity generated a form of political control that then was then threatened by the settlers. I discuss here the multifarious, continuous resistance of Aboriginal people to the alienation of their forests, from armed resistance to legal mechanisms, the leverage of science and, of particular interest to this study, alliances with environmental NGOs.

In Part Two, I describe how these resurgences of indigenous worlds and entities are being resisted by settler colonial imaginaries. Eduardo Viveiros de Castro analyses the ways Western ontological frameworks cast as Nature/Culture dualisms are a radical inversion of indigenous ontologies. He also maintains that while indigenous peoples are adept at moving between ontological frames, settler moderns are less so. This means that Western attempts to understand indigenous ontologies can be reductive, inaccurate, and damaging. To explore settler moderns attempts to grapple with the agency of kūmara as expressed in te ao Māori. I stay with the Wai 262 claim, and delve into the hearings where Interested Persons and Groups were able to give evidence to the Waitangi Tribunal. I discuss moments from these hearing where the agency of kūmara is dismissed and denied by Interested Persons and Groups, to render their world seemingly singular and superior. I trace a similar line of argument through the ways white communities in Murray River Country responded to the resurgence of the forests. Here, I follow the claims that their forms of land management, grazing and burning, are a form of inheritance of now-extinct indigenous land management techniques. I argue this belief is an equivocation between Aboriginal and settler land management techniques and is better considered as a communicative disjuncture, an unawareness of the different worlds that Aboriginal land management techniques are enacting.

**Part One: Modernity and the Re-Emergence of Indigenous Entities**

In this section, I explore some of the reasons why indigenous entities are re-emerging at this particular historical juncture. I seek to build on the insight from the end of Chapter One that the implementation of the Modern Constitution, while highly destructive, was also incomplete and partial. I explore how indigenous entities and earth practices have persisted and how this persistence has been threatened by the recent intensification of capitalism and other processes. For de la Cadena, indigenous entities - or, as she calls them, ‘other-than-humans’ - are “sentient
entities” (2010, 352) that emerge from earth-practices: “Earth-practices enact the respect and affect necessary to maintain the relational condition between humans and other-than-human beings that makes life in (many parts of) the Andes. Other-than-humans include animals, plants, and the landscape” (2010, 341-2). These earth beings have persisted and evolved through the long history of clashes between indigenous peoples and Euro-Modernity.

The unique features of the current historical juncture that have provoked the re-emergence of indigenous entities have come down to what Blaser identifies as “three inter-related processes” (2009, 891). Firstly, there is the “vigorous push from capital and states to reach still ‘undeveloped’ natural and cultural ‘resources’”, resources that for indigenous peoples are distinct entities, to which they are related in various ways. De la Cadena contends that the “entwined world-making consequences” of “corporate capital [and the] neoliberal state” have provoked indigenous insurgent forces and practices into politics:

Digging a mountain to open a mine, drilling into the subsoil to find oil, and razing trees for timber may produce more than sheer environmental damage or economic growth. These activities may translate into the violation of networks of emplacement that make life locally possible—and even into the destruction of place. In such cases they have met a capacious and at times surprisingly successful opposition that has opened a dispute (still unthinkable to modern minds) between local earth-beings and universal “Nature,” and has sometimes enrolled environmentalists in the negotiation. (2010, 357)

As was evident in the last chapter, this “vigorous push” is fundamentally colonial in nature and, whether through bioprospecting or building a dam, the destructive forces of the processes on indigenous worlds are being vigorously resisted.

The second process that Blaser identifies is one born from the “looming environmental crisis” which has seen the design of “schemes for environmental protection” in areas that are also “complex webs of interrelated entities which indigenous peoples and land-based peoples are enmeshed” (2009, 891). In the two cases I explore here, schemes for environmental protection are key reasons for the resurgence of taonga and river red gums, though kūmathara are less implicated in the ways environmental programs have impacted indigenous earth practices, so I do not go into these themes here.44 In Murray River Country, schemes for environmental protection have been a

44 Ko Aotearoa Tēnei addresses these issues in substantive detail, dedicating a whole chapter to them (2011b).
consistent feature of settler colonial relationships with the forest. As I discussed in the previous chapter, the Barmah-Millewa Forest was given official protection in the 1880s to restrict who could sell the timber and address some concerns about the rate of felling. These environmental protection schemes were strengthened in the early 20th century, but not adequately enforced. More recently, in 1982 the Barmah Forest was granted RAMSAR status, bringing with it a number of requirements for environmental protection that state and central government must adhere to. However, as I show later in this Chapter, these requirements were to strengthen non-indigenous claims over the forest. I pursue this discussion of environmental protection schemes further in Chapter Five when I look to the relationships that Traditional Owners strike up with environmental NGOs to achieve National Parks that return the indigenous owners some control over their lands.

Finally, Blaser’s recognition of the emergence of national and international frameworks that can create “some conditions for indigenous peoples to defend the existing relationships that constitute their worlds” is also of relevance to these case studies (2009, 891, emphasis added). A few frameworks have contributed to the emergence of the taonga that I am exploring here. In Aotearoa NZ, the Treaty of Waitangi Act (1975) and the formation of the Waitangi Tribunal have provided significant leverage for Māori due to the Māori concepts that are embedded within them. Other important frameworks include such documents as the Mataatua Declaration, an international declaration signed by a multitude of indigenous peoples and groups that assert the customary authority and rights of indigenous groups. For river red gums, significant international conventions on environmental matters are important, including the RAMSAR Convention noted above, and also the Convention on Biological Diversity. These documents give legal force to the river red gums and provide significant leverage to environmental groups in their efforts to increase the protection regimes. Within Australia, there are also important examples of co-management frameworks for National Parks that have provided precedents for the Traditional Owners of Murray River Country to pursue control of their lands.

Section A: Kūmara

... nature and culture do not divulge themselves in the fabric of plants like some sort of botanical apartheid that marks out the wild and the domesticated as certain kinds. But
neither are they merely the projection of human categories on to an object that makes no
difference to their effectivity. (Whatmore, 2002, 98)

In this section, I explore further how kūmara re-emerged as political agents following their return
from Japan. The key to this, as noted above, is that they could become aligned with The Treaty of
Waitangi and the Waitangi Tribunal. To do this, I want to explore in further detail some of the
features I previously identified from the work of Mario Blaser. Firstly, I discuss how the global
rise of the life sciences and biocapitalism have lead to the privatisation of entities that were not
previously considered alienable. The forces unleashed by these dynamics have compelled kūmara
again into politics. I then present Amiria Henare’s argument that the way in which taonga can
extend into these domains is because te ao Māori is dynamic and generative, able to encompass
‘new’ entities and opportunities as desired. This is especially pertinent to the Treaty of Waitangi
and the formation of the Waitangi Tribunal, where, after initial scepticism, Māori have largely
embraced the opportunities it provides for addressing land loss and cultural deprivation due to
colonisation. In the case of taonga, they have also taken the initiative to define how they might
relate to these other entities and ideas rather than having them thrust upon them.

The forces engendered by the rise of the life sciences, biocapitalism, and biotechnology have
been central to provoking the returns of kūmara, other flora and fauna-like entities, and their
guardians. According to Vandana Shiva, these forces emerged in the 1970s and 80s. She argues
that they entered into indigenous relations of sharing and exchange but then “convert[ed] these
gifts into private property through intellectual property rights (IPR) claims” (2002, 62). This
conversion of gifts into private property relies on the use of scientific processes to isolate and
define the genetic makeup of plant entities and germplasm, along with legal processes of
patenting the results of this breeding and genetic identification. As Whitt describes it:

Corporate and academic scientists engaged in “gene-hunting” and “chemical
prospecting” first mine indigenous medicinal and agricultural knowledge. They then
identify and extract selected plant materials, process these in laboratories and finally
through the legal system – ultimately transforming them into commodities and legally
protected private property, for whose use indigenous people must pay. (2009, 15) 45

45 Whitt states that: “The key first step is to declare that these indigenous genetic resources belong to
everyone. As the “common heritage of humankind . . . to be traded as a ‘free good’ among the community
of nations”, they are “not owned by any one people and are quite literally a part of our human heritage from
Such entities might end up in Botanical gardens or research centres, which conserve the genetic material of the plant or provide these to the laboratories of corporations with stakes in the life sciences, start-ups, or universities (Posey and Dutfield, 1996). What these forces have done, as Darrell Posey has documented, is to “sever and fragment [the] cosmic connections” of indigenous people by reducing the vast bio-diversity of nature to mere products for biotechnology and commercial exploitation” (2003, 123). Moreover, as I discussed in the previous chapter, these issues came to the fore in Aotearoa NZ in the 1980s, due in part to Barry Barclay’s film but also with the emergence of global free trade agreements. Notably the General Agreement on Trades and Services (GATTS) provided global frameworks for privileging capital and corporate control of information over and above the rights of indigenous communities. Thus, the achievement of the Nature/Culture partition has a (very recent) history in particular advancements in the life and biological sciences and their ties to the capitalist market (Strathern, 1999). However, the legibility of this fabrication also comes through in the ways in which it resembles “the calculus of cultivation in the lands enclosed by European colonialism” (Whatmore, 2002, 92). This relationship to European colonisation is, of course, especially evident to indigenous people. As Maria Bargh has noted there is a strong moral component to this calculus as, for advocates of market-based economies, there is firm belief in them being the “most important mechanism in the civilizing process” (2007, 13). Bargh notes the way international trade agreements are being used to support this form of exploitation by providing juridical frameworks for enforcing the creation of property rights (2007, 133-144). The way in which these forces have contributed to the re-emergence and resurgence of indigenous worlds is through the disruption they make in these worlds. The threat of biocapitalism to the self-determination of indigenous communities, and their right to control the entities that make up their worlds is resisted by these entities and their guardians going public to reassert their own histories of control, care, and solidarity with these entities.

As I discussed in the previous chapter, these issues were brought to the fore at the Christchurch ethnobotany conference. Aside from the trip to Japan to return the kūmara cultivars, the second key outcome was the lodgement of a claim to the Waitangi Tribunal, Wai 262. I will discuss the Waitangi Tribunal shortly, but for now, I want to explain how taonga resists the forces of

the past.” Thus, they are “looked upon as a public good for which no payment is necessary or appropriate.” One may then convert these free “public” goods into private property and a source of enormous economic profit” (2009, 15).
biocapitalism. Here I draw on the work of Amiria Henare’s discussion of the Wai 262 claim itself. For just as the Wai 262 claim is a response to international developments in global capitalism played out in a particular national context, it is also important that the Wai 262 claim be recognised as an event in itself. Whereas some commentators have seen the Wai 262 claim as a threat to liberal secularism (Ahdar, 2003) or a misguided attempt at responding to the ravages of capitalism (Levine, 2010), Henare argues that the claim is best seen, firstly, in historical perspective. She argues that from a Māori perspective, settler colonialism communicated to Māori that entities they did not consider alienable - most notably land but also fishing quota, petroleum rights and the radio spectrum - were in fact so. What is notable about the Wai 262 claim then is that “Māori are pre-empting the process, getting in ahead of the intellectual property lawyers and legislators who would define how things should be objectified” (50).

For Henare, the way in which the Wai 262 claim is pre-empting this process is through the “assertion of distinctively Māori values” that subsumes the values of commodification and property rights (50-51). She argues that this occurs most explicitly in the claim itself:

The [Wai 262] claim relates to te tino rangatiratanga of Ngati Kuri, Te Rarawa and Ngati Wai in respect of indigenous flora and fauna me o ratou taonga katoa (and all their treasures) within their respective tribal rohe, including but not limited to te reo, matauranga, knowledge systems, laws, customs and values, whakairo, waahi tapu, biodiversity, natural resources, genetics and genetics derivatives, Maori symbols, images, designs, and their use and development and associated indigenous, cultural and customary heritage rights (including intellectual property and property rights) in relation to such taonga. ‘Taonga’ in this claim refers to all elements of the claimants’ estates, both material and non-material, tangible and intangible. (Waitangi Tribunal, 2001)

As Henare notes, the claim “brings a range of objects, including intellectual property and property rights in general, into the sphere of taonga, encompassing them under the heading me o ratou taonga katoa” (2007, 51). She argues that this encompassment is achieved in two ways. Firstly, Māori and English terms are articulated in a litany of entities that have no hierarchical organisation beyond the claim that they are all taonga, and secondly the untranslated (and untranslatable) Māori terms and concepts centres their “mana or authority” in a predominantly

46 Levine argues that by framing their claims with a “taonga strategy”, the claimants set up a “fundamental contradiction” between an “open-society approach” and “a more closed-society argument that essentializes culture, arguing for special, extra rights to ownership of their culture” (2010, 37).
English text (2007, 51). Henare concludes that in the case of the Wai 262 claim “taonga and commodities are brought into a single generative sphere”, the sphere of taonga (2007, 51). In so doing she argues that Māori can shift between these two registers of value, and do so in a way that is consistent with Māori modes of relating, namely whakapapa (2007, 64). I would add that it is also a strong expression of the work of tino rangatiratanga or absolute authority or control. For the claim is emblematic of the power and authority of Māori to decide what taonga supports their world and what might populate it. As such, Henare concludes, taonga does not derive from the minds of Māori but from “fabric of relations” that imbricates people and objects, and their appearance as both people and thing (2007, 64). It is the force of this “fabric of relation”, its persistence, and conatus that is enabled by and with the resurgence of kūmara.

*Te Tiriti o Waitangi*/The Treaty of Waitangi provides the pathway for these entities to be made public in ways that can be registered by the fellow treaty signatories, the Crown. The Treaty of Waitangi was first signed in February 1840 between representatives of the British government and Māori chiefs in Northland. The documents were then taken around the country where more chiefs, over 530 in all, signed the documents (Orange, 1987). The Treaty was written in two languages. The English version garnered few signatures and talks in stark terms of sovereignty and secession. The Māori version however uses Māori words to note what Māori would be receiving and retaining upon signing *Te Tiriti*. The Crown’s motives for signing the Treaty have been considered in a number of ways, but for Māori. However, for Māori, the Treaty was understood to be an expression and continuation of their authority from the land and their ability for that authority and the customs imbricated with it, to continue (Orange, 1987). Especially notable is the way in which *Te Tiriti* embeds and extends Māori concepts and entities within the founding documents of the nation. However, in the following decades, the Treaty was to play a minor role in the life of the nation. In the 1970s and 80s, a period now called the Māori renaissance, along with a revitalisation of cultural life, protest began to increase, especially regarding land loss (Walker, 2004; Johnson, 2016). One of the slogans that emerged at this time was ‘The Treaty is a Fraud’ - a stark condemnation of the impression Māori had of the role of the Treaty and its promises in contemporary New Zealand politics. As Māori protest intensified and

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47 This includes 15 women. As mentioned earlier, a large number of tribes did not sign the Treaty.

48 At worst, it was declared, in 1877, a ‘legal nullity’ by Judge Prendergast and it best, it was seen as a full secession of sovereignty by Māori and an epitome of New Zealand’s discourse of having the ‘best race relations in the world’ (Williams, 2013a).
started to gain more traction among non-Māori, Mātiu Rata, a Māori Member of Parliament, guided the passage of the Waitangi Tribunal Act (1975), which saw the establishment of a Commission of Inquiry called the Waitangi Tribunal.49

As stipulated by the Act, the role of the Tribunal is to “provide for the observation and confirmation of the principles of the Treaty of Waitangi” by assessing claims brought to it that assert these principles have been violated (Byrnes, 2004, 32).50 Considered by Byrnes to be a “postcolonial creature” (2004, 4; c.f. Tauri and Webb, 2011), a feature of the Waitangi Tribunal work is that it can call witnesses, make requests for evidence to be presented and actively seek evidence if deemed necessary.51 The evidence presented to the Tribunal can be both written and oral, and with the Wai 262 claim, evidence could be kept off the public record. The Tribunal can also commission its own reports to explore particular facets of the claim and it is common for claimants, often with the aid of professional historians, to submit their own reports into the

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49 A key feature of the Waitangi Tribunal is that it is a judicial body with a particular jurisdiction. As such, although the Tribunal is interested in history, it does not produce ‘history’ in the academic sense (Oliver, 2001). The Tribunal is a Commission of Inquiry, and it must decide ‘on the balance of probabilities’ whether a claim is well founded. These probabilities hinge on the measurement of “State actions against the principles of the Treaty of Waitangi”. To investigate the balance of probabilities the Tribunal operates under the direction of up to 20 Members, half of who are required to be Māori. For a claim to be registered with the Tribunal, the applicant must be Māori, and the claim must be lodged against the legislation or actions of the Crown; a claim cannot be brought against private individuals. Most claims brought to the Waitangi Tribunal concern a historical grievance, usually in relation to the illegal dispossession of land. However, claims can also concern contemporary issues, as in the Wai 262 claim. The Tribunal can refuse to investigate claims if deemed trivial or alternative means of resolution would be more appropriate.

50 The Act’s reference to Treaty ‘principles’ is also made explicit in the Act; claims are to be decided against “the principles of the Treaty, [and] not just the literal terms.” The principles of the Treaty have slowly begun to emerge, but these have been largely gleaned from legislation, which has deployed an understanding of Te Tiriti, and from Waitangi Tribunal’s reports. The principles offer a form of Māori control called “self-management” (Hayward, 1997, 491-492, 494). ‘Self-management’ does not fully convey the gravity of the original wording in Te Tiriti, tino rangatiratanga, which conveys more a sense of sovereignty.

51 Depending on whether the Crown or Māori are giving evidence, hearings takes place in a range of locations including marae, schools, conference centres and courtrooms. In is also common for the Tribunal to visit the sites at which a Treaty breach is alleged to occur.
alleged Treaty breaches. The hearings are judicial in nature, and thus adversarial.52 Based on the research and hearings, a process that may take several years to unfold, the Tribunal produces a report that provides the basis for settling the claim with the Crown. The report details the validity of the claim, and provides recommendations for ways in which the Crown might provide compensation, remove discrimination and prevent future breaches.53 This is the end of the Waitangi Tribunal’s involvement in the claim. For the claimants, however, this is only the end of the first phase of settling the claim.54

Section B: River Red Gums

An understanding of the relationship of the Yorta Yorta with the river red gum forests can be further developed by exploring the persistence and resurgence of indigenous entities in the region. The first point to make is that the silent antagonism described by de la Cadena is constantly being cleaved at by the sheer persistence and wilfulness of indigenous people. As I discuss, the Yorta Yorta people have been continuously asserting the relevance of their world and their rights to justice and restitution since the onset of colonisation. This leads me to the second point of this section: the ways in which persistence and wilfulness have involved making alliances with non-indigenous groups. I want to focus here on one alliance in particular, that between Yorta Yorta and Friends of the Earth-Melbourne. This alliance has been a rare highlight in relationships between Australian environmentalists and Aboriginal people, and led to important successes that have seen Yorta Yorta and other Aboriginal nations in Murray River Country gain control of their Traditional Lands with important environmental protections placed on the forests in the region.

52 As Hayward describes it:

At the hearings (which can go for weeks at a time) historians and other expert witnesses present evidence on behalf of claimants, the Crown, the Tribunal, and other parties; Tribunal members ask questions; and lawyers cross-examine witnesses. In many recent hearings, the strongest cross-examination of expert witnesses has come not from the Crown, but from legal counsel for other claimants, so called ‘cross-claimants.’ (1997, 38)

53 It should also be noted that the Tribunal has only a few binding powers. These binding powers relate only to Crown land or Crown entities that may be sold (privatised) before being made available to Maori as compensation for Treaty breaches (Byrnes, 2004, 35-36).

54 At this point claimants enter into negotiations with the Office of Treaty Settlements, a government department. There is no minimum time for the Crown to respond, and unsurprisingly, this creates a bigger burden for the claimant group than it does for the Crown.
argue here that the river red gums themselves play an important role in mediating this relationship, forming the basis for such successful outcomes.

I want to draw this into an exploration of the way in which this has extended to working with the environmentalist non-governmental organisation (e-NGO) Friends of the Earth-Melbourne (FoE-M). The second feature pertains to FoE-M and their relationship to the silent antagonism. As I noted earlier, the notion of silent antagonism comes from Marisol de la Cadena, who uses it to describe the erasure of disagreement among worlds through the assertion of a single ontology of politics and Nature (2010, 344). Environmentalists have participated in this through supporting wilderness doctrines that posit a singular Nature that can only be protected if humans are removed from it. I argue that FoE-M has successfully moved away from Wilderness doctrines, which has put them in a position to work with Aboriginal peoples. This is visible in the way they have worked with the Yorta Yorta and other Aboriginal nations in Murray River Country to gain back a modicum of control of traditional lands via co-managed national parks. This is not to say that these governance arrangements are the pinnacle of self-determination but rather to point towards an example of non-indigenous groups working successfully with indigenous groups.55 These two features supplement Blaser’s ideas I discussed earlier in this Chapter, by putting indigenous political activity into a broader context than immediate concerns and by pointing to the ways in which alliances with supportive groups are also able to further indigenous goals for themselves and the entities important to them.

In the previous Chapter, I explored how the river red gums came to be severely degraded by the various human and nonhuman forces unleashed as settler colonialists removed Aboriginal peoples from their lands. I want to fill in that account further by documenting how that suppression and degradation was accompanied by ongoing and persistent Aboriginal resistance, consistent with the response from Aboriginal peoples across the continent (Reynolds, 2006). I noted in the previous chapter the way in which the squatters who arrived in Murray River Country did so with the belief that the land was terra nullius. These assumptions were soon to be tested by Aboriginal resistance to the occupation of their land and the destruction of their important sites. Such resistance emerged despite the destruction caused by disease, and included the killing of stock as well attacks and sieges on homesteads (Hibbins, 1978, 36-37). One case of this is the Perricoota

55 This is particularly important to note at a time when some commentators suggest there is very little possibility for eNGOs to work successfully with indigenous peoples (Langton, 2012).
Run that came to be known locally as Slaughterhouse due to the fighting that occurred between the squatters and Aboriginal groups in the early 1840s. In 1842, the Moira Run was attacked. It had become a refuge for workers from Perricoota, as well as from Barmah and Morago Stations. This attack was repelled by Border Police but was followed by further attacks on Torrumbarry and Tongala stations (Atkinson, 2000, 56). The armed struggle for land was to end in the mid-19th century, but as Wayne Atkinson notes “the battle for land and reparation for past wrongs was just beginning” (2000, 56).

A Select Committee Inquiry was arranged when word reached Britain of the atrocities and violence its colonising practices and citizens were perpetrating in Australia. Its 1837 findings unequivocally condemned the violence and genocide (Atkinson, 2000, 5-6), and among the recommendations was the establishment of the Port Phillip Protectorate, which provided land reserves and protection of Aboriginal nations. Atkinson shows that these reserve lands, despite being a “tool of colonisation” were also “important for the continuity of Yorta Yorta connections”:

While the primary aim was to relocate Indigenous people from the traditional lands, the reserves became enclaves of Indigenous political resistance and survival. Indeed those reserves that were established within the traditional lands … were skilfully manipulated to provide for the continuity of inherent rights. (Atkinson, 2000, 57-58)

Perhaps the most important of these is Cummeragunja (meaning ‘our home’ in the Yorta Yorta language), which continues to be an important site for Yorta Yorta people to this day (Davis and Grimshaw, 2011).

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56 The squatter James Maiden’s experience of Aboriginal resistance was thus described in the Sydney Morning Herald in 1856:

The country was then a trackless waste, and the natives of those parts were by no means desirous of fraternising with the whites. They were very troublesome in driving away and spearing the cattle. So hostile did the Aborigines become that he and his wife (the latter, in order to deceive the blacks wore male attire) had to stand a siege for many weeks, their hut being surrounded, attacked and watched day and night, terror having driven away Maiden’s mates. (Sydney Morning Herald in Coulson, 1995, 309)

57 Furthermore, Atkinson also points out that the “origins of the pastoral industry in the claim area owes its existence to the contribution that the Yorta Yorta made through their labour, bush skills and knowledge of natural resources. It owes its existence to the contribution of Yorta Yorta women, many of whom were exploited and sexually abused by pastoral workers” (2000, 64).
Since this time Yorta Yorta protest and demands for compensation have been continuous. Atkinson has found at least 18 instances of Yorta Yorta protest and claims for compensation: the 1860 claim for compensation for the interference of their fishing areas by paddle steamers; claims for fishing reserves and farm lands in the 1880s and 1890s; the formation of political movements in the 1930s; a petition to King George V in 1935; a campaign for the return of land at Cummeragunja (1959-1983); a claim for the Barmah Forest in 1975; and most importantly, the formation of the Yorta Yorta Tribal Council in 1983 in response to the Victorian Land Conservation Council’s Report on the Murray Valley region (Atkinson, 2000, 268-277). These claims and protests were followed by the Yorta Yorta’s unsuccessful Native Title Claim, that despite its failure is yet another significant assertion of self-determination, resistance and resurgence (2002). When considering the returns of these Aboriginal entities, it is important that they not be considered strictly recent phenomena. Rather, they can be the outcome of years of activism and agitation with attempts made with whatever resources Aboriginal people may have at their disposal.

Entangled with this persistence of the Yorta Yorta nation is the persistence of the river red gum forests. In response to the rapacious logging of the mid-18th century the regions forests were gazetted into State Parks in 1862 to “create reserves for ‘the growth and preservation of timber’ to prevent their alienation (conversion to private ownership) and to provide for future supplies” (VEAC, 2006, 209). The size of these timber reserves increased markedly over the following 60 years but did little to prevent any exploitation other than from clearing for agriculture (VEAC, 2006, 210). Indeed, management of the forest was so haphazard that a Royal Commission (1897-1901) was set up to inquire into the problems. It was noted, among other things, that “if cutting of the river red gum forests was allowed to continue at the then existing rate, the remaining forests would be exhausted within five years” (VEAC, 2006, 210). Logging continued after this period but became increasingly regulated by land use plans that controlled where logging occurred and how many trees could be removed from the forest. Nevertheless, the removal of logs continued at a destructive rate (VEAC, 2006, 105). In the years immediately after the building of the river regulation infrastructure, the well being of the river red gum became largely of secondary importance to irrigation, though the Traditional Owners of the region continued to advocate for political control over the forests (Yorta Yorta Clans Group Inc., 2003, 14). However, the destructive forces of river regulation, along with logging and grazing, were noticed.
Silviculturists, environmental scientists and environmentalists all began to document and denounce these forces, leading to the emergence of new spokespersons for the forests.

Scientific observation of the relationship between river red gums and water for regeneration was noted initially by silviculturists such as M. R. Jacobs in his 1957 survey of the *Eucalyptus* (1957). However, it was Barrie Dexter’s work in the late 1960s that confirmed Jacobs’ observations but included discussion on the impact river regulation might be having on the river red gum forests (Dexter, 1967). Dexter’s work initiated a new round of studies in the early 1980s that further queried the impact of river regulation on river red gums. Of these studies, those by L. J. Bren are particularly prominent as they place river regulation as the most significant factor influencing the health of the forests (Bren, 1988, Bren and Gibbs, 1986). These studies also noted the damage that logging and grazing were having on the forest. A key milestone in recognition of the ecological value of the Barmah Millewa Forest was inclusion of a number of its forest-wetlands in the RAMSAR Convention in 1982. This inclusion put pressure on State and Federal governments to ensure that the ecological values of the region were protected. It also gave added leverage to the emerging environmental groups in the region, such as the Goulburn Valley Environment Group. The Goulburn Valley Environment Group was formed in 1990, and their advocacy for the river red gum forests was identified by Traditional Owners and eNGOs as initiating their own interest in the influence that environmentalism and ecological science might have in the region (Morgan, 2009, Barker, 2009). Traditional Owners were keen to show that protection of river red gums was not only an environmental issue but had significant political dimensions due to the histories of their dispossession and removal from these lands.

**Part Two: Responses to Indigenous Entities: Derision, Disruption, Recognition**

These most recent returns and resurgences of indigenous worlds have been met by settler colonials with responses that have differed from the outright hostility and derision of earlier times. If the earlier forms of hostility were openly contemptuous and dismissive of indigenous worlds, the responses that emerged to the Wai 262 claim and the claims over the river red gum forests have also relied on frameworks informed by a multi-culturalism that has the same outcomes as the earlier contemptuous and dismissive forms but achieves them more obliquely. To introduce the damaging implications of this multi-culturalism I want to turn here to the work of
Eduardo Viveiros de Castro. Viveiros de Castro is an anthropologist who has worked among indigenous peoples of the Amazon. He has developed an analysis of Amerindian nature-cultures that has revealed some of the reductionist aspects of Western uses of culture when thinking about relationships with indigenous cultures. This reductionism provides a useful window into some aspects of the resistance to Wai 262 and Yorta Yorta claims over the Barmah Millewa Forest.

In his exploration of the composition of Amazonian worlds, Viveiros de Castro notes, in the first instance, that there is no Nature/Culture dualism. Rather: “If there is one virtually universal Amerindian notion, it is that of an original state of nondifferentiation between humans and animals, as described in mythology” (2004a, 464). In these myths, the nondifferentiation of humans and animals is visible in the “common context of intercommunicability, identical to that which defines the present-day intrahuman world” (2004a, 464). The point of these myths is to show how the separation of ‘nature’ and ‘culture’ emerges, although there is a significant difference here from Western understandings of this separation. In Western understandings of this differentiation, the human that is shown to be different from the animal, but in these myths, “the original common condition of both humans and animals is not animality but, rather, humanity” (2004a, 465). This means that animals contain an “internal humanoid form”, not usually accessible to people unless they are shamans:

If we conceive of humans as somehow composed of a cultural clothing that hides and controls an essentially animal nature, Amazonians have it the other way around: animals have a human, sociocultural inner aspect that is “disguised” by an ostensibly bestial bodily form. (2004a, 465)

As Viveiros de Castro notes, an important consequence of this generalisation of the human is that relationships with ‘nature’ “take on the quality of what we would term ‘social relations’.

Furthermore, as all creatures continue to be people, irrespective of their appearance, they all operate with their own kind of anthropomorphism having their own houses, villages, and cultures.

This leads Viveiros de Castro to describe the ontologies of these Amazonian peoples, and many other indigenous worlds, as multi-naturalist. That is, for Amerindians, all living entities have human souls, presuming “a spiritual unity and a corporeal diversity”. Thus:

… culture or the subject is the form of the universal, while nature or the object is the form of the particular. To say that humanity is the original common condition of humans and nonhumans alike is tantamount to saying that the soul or spirit—the subjective aspect of being—is the universal, unconditioned given (since the souls of all non-humans are
humanlike), while objective bodily nature takes on an *a posteriori*, particular, and conditioned quality. (2004a, 466)

This ‘multinaturalism’ is a radical inversion of Western concepts of ontology with a singular nature and multiple cultural expressions. Viveiros de Castro also notes that this inversion disrupts a further feature of Western conceptions of Nature/Culture epistemology, that is, representation. According to the Western conception, representation is “a property of the mind or spirit”, and is the universal means by which different cultures express their view of nature. However, for Amerindian ontologies, representation cannot exist because there is no singular Nature to be represented. Rather, for Amerindians, there are points of view that are located in the body and are specific to that body (2004a, 474). In further contrast to representation, Viveiros de Castro calls this Amerindian point of view ‘perspectivism’.

A central issue for Viveiros de Castro is how the dualistic ontology of Western modernity might be understood from the position of perspectivism. His thoughts on this are enlightening and bring into focus some issues to do with the resistance to Wai 262 and Aboriginal claims over the Barmah-Millewa Forest. Viveiros de Castro argues that when it comes to negotiating and forging connection, perspectivism cannot defer to a common referent, synonym, or culture - languages of representation - since such a referent does not exist. Rather, the inherently comparative nature of perspectivism means that connection must be via translation to “avoid losing sight of the difference concealed within equivocal ‘homonyms’ … since we and they are never talking about the same things” (2004b, 7). To ‘avoid losing sight of the differences’ requires translation to operate with what Viveiros de Castro calls ‘controlled equivocation’. Controlled equivocation requires dwelling “in the space of the equivocation” with the aim to:

emphasize or potentialize the equivocation, that is, to open and widen the space imagined not to exist between the conceptual languages in contact, a space that the equivocation precisely concealed. The equivocation is not that which impedes the relation, but that which founds and impels it: a difference in perspective. To translate is to presume that an equivocation always exists; it is to communicate by differences, instead of silencing the Other by presuming a univocality—the essential similarity—between what the Other and We are saying.’ (2004b, 10)

However, when such controlled equivocation fails, as tends to happen when Western modernity clashes with indigenous ontologies, a “communicative disjuncture” emerges “where the interlocutors are not talking about the same thing and do [not] know this” (2004b, 9). As Mario Blaser explains, such ‘uncontrolled equivocation’ emerges where “interlocutors are unaware
different worlds are being enacted (and assumed) by each of them” (2009, 883). Blaser notes that this is particularly the case where, as in the relationship between Western modernity and indigenous ontologies, “asymmetries permeate the discursive field” (2009, 883). It is the asymmetries that I turn to explore now and the ways in which they efface the distinctiveness of efforts by indigenous peoples to return their lands and treasures.

Section A: Kūmara

To explore the way in which this communicative disjuncture has played out with the Wai 262 claim I want to discuss some aspects of the presentations by Interested Persons and Groups (IPGs). I will do this by staying with the entities that played such an important role in the back-story and emergence of the claim, kūmara. As I have discussed, the Waitangi Tribunal, in recognition of the large public interest in the claim, introduced IPGs into the Wai 262 hearing process. As the claim was initially focused on breaches of the Treaty of Waitangi in relation to flora and fauna, the first groups to register interest in the Wai 262 claim as IPGs were horticulturalists, botanists, market gardeners, tramping clubs and environmentalists. Some of these groups had a commercial interest in native flora while others believed that it was impossible to own native flora. What connects these groups in the first instance is the fearful and dismissive tone they bring to the Wai 262 claim, a tone that resonates with the kinds of silencing implicit to the ‘silent antagonism’ discussed previously. That said, what makes the presence of these IPGs most interesting is their cross-examination from the lawyers of the kaitiaki of kūmara for it is here that the communicative disjuncture emerges in the claim, and ontological politics begins. There are two ways in which the IPGs enact the communicative disjuncture described by Viveiros de Castro, failing to realise they hear Māori assertions of the taonga status of kūmara as ontological claims. The first of these communicative disjunctures turns on Māori claims to ownership and the second turns on the IPGs understanding of the relationship Māori knowledge has to the natural world, including particular plants such as kūmara.

The ontological claims implicit to taonga relations inform and stage relationships of control and responsibility. These relationships of control and responsibility are being asserted in the Wai 262 claim as both analogous to Western notions of property and ownership, while also able to subsume them within taonga relations. However, for the IPG giving evidence to the Tribunal such claims are dismissed with a range of assertions, from the claimants being technically
incorrect to their views being morally repugnant. Underpinning this spectrum of responses is the belief that Nature should not be owned, exemplified here by Broadleaf Nursery in an entirely atypical statement from the IPGs:

While we accept that plant products and processes may be subject to the rights of those who discovered and developed them, we do not believe that naturally occurring indigenous plants (which have evolved without human interference) should be subject to any exclusive ownership rights. Wild vegetation must always belong to nature, not to mankind or any particular group. Mankind are merely custodians. When a nursery person grows and sells indigenous plants, it is not so much the genetic plant they sell, rather it is the value of the propagation and nurturing processes. The genetic bases of these wild plants is and must remain freely available to all who wish to use them. (Waitangi Tribunal, 1997)

The ontological assumptions of this passage are consistent with the Modern Constitution. The distinction between plants that are subject to rights and those that are not is contingent on activity that creates such hybrids. This activity causes rights to accrue to those that have “discovered and developed” a particular plant. In the case of “naturally occurring indigenous plants (which have evolved without human interference)” rights do not accrue. These two plants types, what I call ‘cultural plants’ and ‘natural plants’, map onto the ontological partition of the Modern Constitution. The labour of ‘discovery and development’ creates the means for transformation of ‘natural plants’ into ‘cultural plants’ and the nursery sells this labour. In a declaration that invokes the Modern Constitution, Broadleaf Nursery claims that at the core of the ‘natural plant’ that they trade in is the “genetic plant”, and this is definite, independent and pre-existing of people that have “evolved without human interference”. Furthermore, it is because of these traits that ‘natural plants’ cannot be owned for “Mankind are merely custodians” who can propagate and nurture ‘natural plants.’

However, as in the submission of Horticulture NZ, there can occur the recognition of the “cultural significance” of kūmara for Maori without conceding any sense of control. For example, the expert witness for Horticulture NZ, Andre DeBruin, can resolutely oppose the Wai 262 claim yet begin his submission by claiming to recognise the importance of kūmara to Māori:

In giving my evidence, I very much acknowledge the cultural significance of the kumara to Maori. I appreciate that kumara was the most important starch crop for Maori when they came to New Zealand. I also appreciate the claimant’s position regarding the pre-European cultivars. (2006, 47)
Then, following this opening, DeBruin begins describing the “world picture of kumara production”, making Māori relationships but one small subset of this. He also refers to the Latin name of kūmara, *Ipomoea batatas*, invoking the global taxonomic standard of which kūmara can now be seen to be but a small subset (2006, 53). These discursive techniques seek to avoid talking about the kūmara of the Wai 262 claim and they do this constructing kūmara as a singular object, *Ipomoea batatas*, of which there are many ways of knowing. However, as this single object is constructed taxonomically, it implicitly relies on the identification regimes of Western Science, meaning that Western Science is the ultimate arbiter in defining what the object is.

A particularly interesting moment in the Wai 262 hearing that also builds on this point occurs around the issue of climate and kūmara storage. This discussion brings out a communicative disjuncture by staging a contrast between Horticulture NZ’s Modern understanding of kūmara with the complex interrelationships that might be considered of ontological significance to the kūmara. By ‘ontology of kūmara I am referring to what Michael Marder calls ‘plant-world’, the relationship “vegetal beings have with their environment” (2013, 25). For the kūmara, its world in Aotearoa NZ is a challenging one as the cool climate is unlike any other place sweet potato is known to grow in. One submission described Aotearoa NZ as one of the “poorest climates in which to grow kumaras in (sic)” (2006, 50). For Māori to successfully grow kūmara in Aotearoa NZ was a major feat, as recognised by Dr Yen in his paper to the ethnobotany hui in Christchurch. This issue emerges again in the Wai 262 hearings, but with a very Modern framing.

A central concern of Horticulture NZ was that an outcome of the Wai 262 claim could be a levy on kūmara sales that they claimed would influence thin profit margins and threaten the industry. The IPGs state the reasons that profit margins on kūmara are so slim is that the technology needed to replicate the plant-world for growing, storing, and transporting kūmara is costly (2006, 50). Under cross-examination, Horticulture NZ are confronted with Dr Yen’s contentions about Māori success introducing kūmara to Aotearoa NZ, and its accompanying suggestion that the commercial kūmara industry in New Zealand developed because Māori had shown its was possible to grow kūmara on a commercial scale (Petrie, 2013). Here, Horticulture NZ quickly downplayed the relationship between Māori, kūmara and storage techniques, and not just for cynical reasons, as the following exchange shows.
Maui Solomon (MS), counsel for the claimants from the northern tribes including the iwi of Dell Wihongi, had the following exchange with Andre DeBruin (ADB), a representative from Horticulture NZ and a commercial kūmara grower:

MS: You mention too…that kumara had to adapt to a colder climate in New Zealand - is it harder to grow kumara because the climate is not as good as it is in say the Pacific or South America?

Andre DeBruin (ADB): I don’t believe so much that kumara had to adapt, perhaps technique of growers needs to adapt to the climate (sic). (2006, 53)

Shortly after this exchange, Solomon is pursuing this line of questioning by discussing the paper mentioned earlier by Dr Yen about the achievements of the Māori agriculturalist. Again, DeBruin insists on the definiteness of kūmara:

MS: In Dr Yen’s view the technological development and the way in which Maori were able to store kumara enabled it to be more easily adapted to the New Zealand climate.

ADB: Are you saying that - is he not saying that the practice was adapted or are you trying to say that he is saying here ‘the kumara adapted’ (sic). (2006, 54)

Both these quotes show an understanding of the plant-world of kūmara as static and singular, an agent with its own mechanisms of growth and reproduction that kūmara growers must systematically replicate. While there is certainly an aspect of repetition and expectation in the cultivation of any plant, what this understanding fails to appreciate is that the plant-world of kūmara is also dynamic and evolving, on scales and in temporalities not always visible to people (Jones and Cloke, 2002).

The Chief Judge (CJ) of the Waitangi Tribunal explores this very point in further cross-examination of Dr Lewthwaite58 (SL). The Chief Judge takes up the distinction discussed above between the kūmara itself and the storage technology that is adapted to preserve it, interrogating further just how stable the genetic properties of kūmara are that ensure it has the same characteristics season after season. He notices Dr Lewthwaite’s point that kūmara has a level of somatic mutation between 1-18%. He asks Dr Lewthwaite if that is “quite considerable”:

SL: It is, that was American work, USA work, and they are particularly keen to maintain a deep orange flesh, like that is their main variety, it is their main, well it is not their main variety, it is their main type, a deep orange flesh, whatever the cultivar. (2006, 83)

58 Dr Stephen Lewthwaite is a potato and kūmara specialist at the NZ Institute for Crop and Food Research Limited. Somewhat to the chagrin of the claimants, he was introduced as Mr Kumara.
This means that as American plant scientists explored ways to preserve the deep orange colour of their sweet potato, they found that they must manage a mutation rate in this crop between 1-18% if they were to ensure the deep orange traits are preserved. Dr Lewthwaite notes how the American industry has people who “select true to type material from which they will produce seed for the growers, so they look for point mutations [and] take them out.” With this high rate of mutation, it becomes possible to consider how the sweet potato might adapt to particular conditions.

The Chief Judge continues his questioning, asking whether Māori must have also undertaken this culling of mutations. He suggests that kūmara themselves might have begun to adapt to the particularities of the Aotearoa NZ climate:

CJ: … And I wondered whether as a matter of logic, at least simple logic to me that would be correct because if these things are mutating at that sort of rate, it seems pretty likely to me that the people husbanding the crop will be able to manipulate that crop effectively and quite quickly to ensure they had the cultivars that are best suited the temperate climate [sic].

Dr Lewthwaite’s response is typical. He cannot accept that there might be an adaptation by the plant itself:

SL: That is correct. There is no record of the change in the crop. There is certainly a distinct record on the technique.

The Chief Judge makes the point even more explicitly:

CJ: But even though there is no record, there is just a very high likelihood that it was occurring, isn’t there? These people will have crop husbandry … these people were crop growers and having been on that land for 1000 years, that means at least 1000 crop rotations, they must have been doing some modification work with that crop. (2006, 83)

Somewhat incongruously, Dr Lewthwaite finally admits to an awareness of research that does indeed consider whether the large variety of kūmara grown by Māori was the result of the cultivation of mutations that ensure kūmara would flourish in the different regions it was grown. However, at this point the questioning stops and the implications of this point are lost. Most notably, the way in which this point might cause a reassessment of the whole Horticulture NZ presentation are not pursued. Furthermore, Māori acts of cultivation, not just knowledge, are also not explored.
This section examined the moments in the Hearings of the Wai 262 claim where IPGs with a stake in kūmara presented their views on the claim. The Hearings presented a space for a controlled equivocation between worlds, space where difference could be the basis for relation. However, I showed that plant scientists and agriculturalists did not engage this opportunity. In their presentations, these IPGs sought to establish a similarity between kūmara and sweet potato on the basis that they are both Nature. They argued that Māori did not cultivate sweet potato, even if they had special knowledge about it. The IPGs enacted a communicative disjuncture – an instance where interlocutors are unaware of the different worlds being enacted – by not realising that they were talking about a different sweet potato to kūmara. While the Tribunal sought to push at the thinking of these IPGs by suggesting Māori did cultivate kūmara, they did not push back on the Nature/Culture epistemology underwriting these presentations. Indeed, as I show in the next chapter, the Tribunal was broadly sympathetic to these presentations, and this would have important consequences for the findings presented in the final report.

**Section B: River Red Gums**

In this section, I explore the ways that opposition to Yorta Yorta claims over the Barmah Millewa Forest deployed notions of place and heritage. I show how heritage discourse works in these debates as a further form of communicative disjuncture, seeking to render commensurable indigenous and settler worlds on the basis that settler material culture and practices have the same value as indigenous material culture and practices, and thus should be afforded the same degree of official recognition and protection. For settlers in Murray River Country, heritage claims have focused on their extractive practices in the Barmah Millewa Forest, including logging and grazing. They have also dovetailed these heritage claims to ecological claims, arguing that they are modes of ecologically sound forest management.

Settlers in the region of the Barmah Millewa Forest have been acutely aware of Aboriginal claims to the area since the Yorta Yorta nation’s Native Title claim in the 1990s. The Yorta Yorta’s Native Title claim was ultimately unsuccessful, with Judge Olney - relying on writings of the squatter Edward Curr - infamously declaring that the “tides of history” had destroyed the cultural continuity Yorta Yorta required for Native Title recognition. Heidi Ellemor has explored the ways in which challenges from Respondents to the perceived threat of Native Title claim contributed to this outcome as it “prompted many white communities and lobby groups to mobilize notions of
equality and to seek to establish their own continuous and uncontested history with a particular place” (2003, 238). These were important challenges for this study as they established a precedent for groups in the area resisting Yorta Yorta claims over the Barmah-Millewa Forest and I will discuss them briefly here.

Ellemor notes how as “the Yorta Yorta community presented genealogies and traditional knowledge and identified sites, customs and traditions of particular importance to their people” - as the Native Title Act required them to do - the Respondents, including influential interest groups from the local timber and grazing industries, “asserted their own claims of belonging to the area— their own knowledge and stewardship role with the forest” (2003, 240). These counter-narratives of place sought to “challenge the authenticity of Yorta Yorta identity and knowledge” and “destabilize and displace the Yorta Yorta claims to the forest” (2003, 241). These claims turned on interests that Ellemor describes as “multiple-use” such as logging, grazing, irrigation and recreational fishing and camping. It was from a lifetime of these activities that Respondents “asserted themselves as possessors of knowledge about the area, providing detailed accounts of observations of environmental change, an understanding of river flow patterns and forest requirements, and concern for the changes that have taken place to the forest and river environment” (2003, 243). Ellemor goes on to note that these assertions were often framed by reference to what was perceived as a similar association to that which Yorta Yorta people had with the forest. This had the effect of providing more authority to the Respondents, while de-authorising Yorta Yorta connections as universal forms of attachment, rather than ties unique to Yorta Yorta (2003, 245).

Some fifteen years after the end of the Yorta Yorta Native Title Claim, these issues came back to Murray River Country as VEAC began to explore changing the forms of land use of the Barmah Forest and other river red gum forests in the region. As I have discussed, the scientific evidence was conclusive that something needed to be done to help protect what remained of some very degraded eco-systems. The upgrading of the various State Parks to National Parks was high on the agenda. Notable too was the willingness for the Victorian government to consider having Aboriginal control of the Boards of Management for these new parks. The response of non-

59 Ellemor also discusses how this line of argument was combined with attempts to undermine Yorta Yorta evidence by questioning evidence of ongoing connection with the forests, including ‘traditional’ uses (2003, 242-4).
Aboriginal communities in the region was vehement. Submissions were written in opposition to the VEAC proposals and community meetings were tense, often angry affairs (e.g. Colloff, 2014, 11). Protest groups emerged that sought to oppose the VEAC process and took an especially fervent tone once the draft proposals were released. I will now turn to these groups and explore their claims to ecological awareness and Aboriginal-like heritage. In particular, I will focus on the River & Red Gum Environment Alliance (RRGEA), an umbrella group that emerged as a central point of resistance to the proposed National Parks. This group is notable because they had the active support of many local councils in the region, along with industry and community groups.

One of the preeminent themes of the approaches from the RRGEA is that their land-use management over the last 150 years has been of benefit to the ecological health of the forest. For the RRGEA ecological health is based on their favoured term of “active management.” It is claimed that this active management can be achieved with logging to thin out the trees to ensure large trees can emerge, and cattle grazing can be used to keep weeds down and lower the risk of fire by reducing possible fuel.

Forest workers consider themselves some of the most fortunate people in this country to be able to spend each day in such magnificent surrounds. They work under very strict government legislation to make sure the forests remain healthy and sustainable. People who work with these trees are very much aware that although beautiful, an invasive species like the river red gum requires active management for the forest to remain viable. (Rivers and Red Gums Environmental Alliance, 2010)

Claims that such modes of active management are in harmony with the river red gum forests appear throughout the RRGEA writings, presentations and criticisms. They attempt to portray logging and grazing as examples of the beneficial to the forests, able to tame and manage the “invasive” river red gums.  

60 The use of the term ‘invasive’ to describe river red gum forests gestures to a theory propounded in some quarters that the emergence of the river red gum forests is only recent, ever since the trips of Sturt through the region, and that the trees have grown quickly in an invasive manner (Joss, 2010). The implication is that if the river red gum forests have only emerged recently, then their ecological value is questionable as they are not old-growth forests and thus suitable for logging. However, as Colloff argues, such theories fail on a number of counts that include failing to account for the large timber industry based out of the forests in the 1860s and 70s (2014, xi).
Furthermore, there are also moments when these claims to active management by white residents of the region are framed in ways that give an appearance of antiquity, thus coming to resemble Aboriginal modes for differentiating their modes of land use from these groups. In a five-page submission by Peter Newman of the Barmah Preservation League (and also the RRGEA) to the Environment and Natural Resources Committee of the Victoria State Government, he uses the word ‘traditional’ six times to describe white settler engagement with the forest. As in this example, ‘traditional’ is used to describe the settler processes of land management:

Newman: A situation that has changed recently is the flood plain itself, which has now changed from a conventional forest, where traditionally we used grazing and timber harvesting to reduce fuel loads and keep the flood plain open, to a national park, where all those traditional uses have been taken out. (2011)

In response to a question from the Acting Chairperson as to how and when this active management occurs, Newman again refers settler understandings of their environment as ‘traditional’:

Newman: Traditionally local knowledge has been utilised. The cattlemen and the timber workers, if we were out there and we found a blockage in a stream that we thought was going to affect it, we would throw a match into it at the appropriate time of the year, and so burning was used for stream works. On the broader scale of grasslands and stuff, we have always used grazing to do that. (2011)

The equating of ‘tradition’ and ‘active management’ has a number of consequences. Firstly, it associates authority and right with the white settlers by suggesting that their modes of land use are so well established and embedded in the forest that they require full legal recognition and rights of control. Secondly, it is inferred that deviation from this form of usage is abnormal, or in the language of the quote from Newman above, unconventional. Elsewhere, the RRGEA draw on scientific sources to argue for this continuity of their practices with Aboriginal land use:

“Paleoecology and history indicate that human activity helped create and maintain savannah woodlands and that human economy can be a driving force of their conservation rather than degradation” (Rivers and Red Gum Environmental Alliance, 2009). Here, the specificity of the Aboriginal identity of those practising the activity creating the savannah woodlands is carefully elided, while situating white settlers as the uncontested inheritors of this ‘driving force’.

Furthermore, such understandings of ‘traditional’ and ‘active management’ are not used to describe Yorta Yorta relationships with the river red gum forests. Rather, the fact that VEAC were taking an active interest setting up the National Parks with Boards of Management
controlled by Aboriginal people was regarded as a threat. Thus, when the National Parks were established, the RRGEA put together a list of points, including:

4. The Yorta Yorta tribe lost a Native Title case for lands in the Barmah forest in the High Court in 2002. In 2004 the State of Victoria entered into an agreement with the Yorta Yorta to provide a framework for indigenous management of public land in traditional Yorta Yorta areas. There are no Yorta Yorta lands near the Murray Sunset or Hattah-Kulkyne parks. Two new parks, one at Barmah and one at Nyah, will be managed by indigenous people. (Rivers and Red Gum Environmental Alliance, 2010)

However, when it suited them the RRGEA could be equally magnanimous towards the Aboriginal groups of the region if it suited their agenda. They put out a press release early in the VEAC inquiry arguing that the indigenous consultation had been “deceitful and tokenistic” (Rivers and Red Gum Environmental Alliance, 2010).

Statements by the RRGEA infer an equivocation between Aboriginal land-use activity and the subsequent white settler land use. The assumption of equivocation relies on an understanding of Aboriginal land use as a form of action that can be stripped of its cultural specificity and replicated by the settler communities through grazing and logging. For the RRGEA and their allies this equivocation is visible in the outcome of the landform ‘savannah woodlands’. The specificities of the earth practices that create, connect and sustain Aboriginal people and the river red gum forests are elided. It is for this reason that the RRGEA’s claims of equivocation are better thought of as a communicative disjuncture where discussions of grazing and logging do not imply the same processes as Aboriginal land practices. The RRGEA’s claim that they are the same as, or indeed that the settler land management processes are the legitimate heir to, Aboriginal earth practices, has been explicitly resisted by Aboriginal groups themselves. In their submissions on the proposals for creating national parks in the Barmah Forest, the Yorta Yorta expressed that they have been “resolute” in their opposition to grazing and that logging is a “central concern” (Yorta Yorta Nation Aboriginal Corporation, 2007, 16-17). As I document in Chapter Six, this resistance to grazing and logging is also visible through the emergence of relationships with environmental organisations that have sought environmental goals as well as the return of their lands.

Conclusion

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In this Chapter, I have explored the ways in which indigenous entities and the earth practices that have sustained them have returned in recent time to disrupt settler modernity’s view of a singular, secular nature. In Part One, I noted Mario Blaser’s identification of three inter-related global processes that have provoked the re-emergence of indigenous entities and earth practices: “the vigorous push from capital and state” for “undeveloped” natural and cultural resources; the impending environmental crisis which indigenous earth practices are “enmeshed”; and the emergence of national and international frameworks for recognising indigenous rights providing some leverage for indigenous people to assert the existence and vitality of their worlds. I explored how both kūmara and the river red gum are imbricated in these processes.

In the case of kūmara, the rights framework provided by the Treaty of Waitangi and the push from biocapital were particularly instrumental in bringing forth taonga. It should also be noted, alongside Blaser’s second point that in the Wai 262 hearings the Department of Conservation was identified as particularly culpable for its impact on Māori relationships with their taonga. As described in Chapter One, these forces enabled and created space for the agency of taonga to emerge. As noted by Henare, the Wai 262’s Second Amended Statement of Claim from the claimants best captures this agency of taonga. In this document, the taonga status of a litany of ‘traditional’ and ‘modern’ entities is asserted through techniques of encompassment that are revealing of both the agency and the vitality of Māori worlds.

Regarding the re-emergence of the river red gums of the Barmah Millewa Forest, in Part One I first discussed the ongoing and persistent resistance of the Yorta Yorta nation to colonial control of their lands. The repeated resistance to the intrusions of both the state and capital began with the onset of colonisation and had seen Yorta Yorta use many forums for the restitution and restoration of their lands. Further to this, I also documented the persistence of the river red gum itself. As the trees were being decimated by loggers, government officials recognised the forest was worthy of protection, even if it was only to ensure future supplies could be preserved. However, these protective gestures did little to protect the forests and they continued to deteriorate, not least due to the onset of river regulation that stopped the water entering the forests as they were preparing to regenerate. Scientific observation of the forests in the post-war period contributed to new assemblages of river red gum agency. These studies showed that the river red gum forests were facing a number of threats, most notably water stress, but also logging and grazing. From these studies, environmental groups began to organise and then, in concert with Aboriginal groups, seek ways to protect the forests.
In Part Two of this Chapter I explored the ways this resurgence of indigenous entities is being understood in settler colonial contexts. For reception of the re-emergence of *taonga* in Aotearoa NZ and *kūmara* in particular, the Wai 262 hearings provided opportunity for much resistance. I continued with the examples of outright hostility, which was discussed in Chapter One as not-so-silent expressions of the silent antagonism. Then I also used the work of Viveiros de Castro on equivocation and communicative disjuncture to understand an alternative form of resistance that relied on singular notions of nature (mononaturalism) and multiple notions of culture to minimise and deny the efficacy of *taonga*. With this framework, *taonga* are but one cultural expression among many of a singular ‘kumara’ who can be truly known only by Science, while *taonga* relations do not ‘know’ *kūmara*, but have knowledge about them. Similarly, the returns of river red gums under Yorta Yorta control has also met with defensive responses, especially among the descendants of the settlers, loggers, and stockmen. Their response to the returnings of these trees has seen attempts to find equivocations between themselves and the Aboriginal groups. In a perverse return of the ‘dying race’ imagery, they even went so far to posit that they are the inheritors of traditional forms of Aboriginal land management that have otherwise ground to a halt.
CHAPTER SIX

*Ko Aotearoa Tēnei* and the Limits of Property

*Introduction*

The resurgence of indigenous worlds has generated attempts by non-indigenous peoples to take these assertions of control and alterity seriously, while providing mechanisms for engagement and support. In Chapters Five and Six, I explore two such examples, the Waitangi Tribunal in Aotearoa New Zealand, and the Barmah Millewa Collective at Friends of the Earth - Melbourne, Australia. In this Chapter, I will focus on the Waitangi Tribunal, and in Chapter Six I discuss the Barmah-Millewa Collective. The lodging of the Wai 262 claim with the Waitangi Tribunal in 1991 was a significant event, and it immediately generated strong reactions in New Zealand. It initially focused on issues of Māori control over their flora and fauna but, as I noted earlier, was soon extended to include a wide range of other *taonga*. The scope and broader political importance of the claim generated much anticipation among Māori waiting for the Waitangi Tribunal’s report. The Waitangi Tribunal’s report on the Wai 262 claim, *Ko Aotearoa Tēnei* was not completed until 2011, 20 years after the claim was lodged. In this time, many of the original claimants had passed away, along with members of the counsel for both parties, and staff of the Waitangi Tribunal itself, including the first presiding officer of Wai 262, Judge Richard Kearney.

The findings in the report were also very controversial. The report argued that Māori did not own *taonga*, at least not in the Western sense. Rather, the Tribunal argued that Māori had kaitiakitanga rights in *taonga*, that these were of equal importance to property rights, and the Crown has neglected to support such rights adequately. The Tribunal presented a number of recommendations in *Ko Aotearoa Tēnei* that would help to rectify this neglect, should they be implemented. Many of these recommendations called for the formation of new committees and bodies, or the restructuring of current ones, to help resolve disputes over *taonga* and provide for mechanisms for Māori to reassert their rights as *kaitiaki* (guardians). However, the Crown has since failed to respond to *Ko Aotearoa Tēnei*, although they have used its findings. In an apparent mockery of the Wai 262 claim, the Crown used the Tribunal’s findings to shield themselves from Māori claims to ownership rights in freshwater. This trajectory of Wai 262 from claim to acting
as a shield for the Crown, provides a salutary account of how indigenous more-than-humans can be swept back into ‘politics-as-usual’.

I begin this account of the trajectory of taonga with a discussion of freshwater, Māori claims to ownership of freshwater, and the Crown’s attempt to block such claims by using the findings of Ko Aotearoa Tēnei. This issue lays out, in stark terms, the implications of the Tribunal’s finding that Māori do not have ownership rights in taonga. I then introduce the Wai 262 report itself, noting some of its key features including the structure, recommendations, and findings. I then look into some of the back-stories to the generation of Ko Aotearoa Tēnei to help identify how the Tribunal came to find Māori did not own taonga. In particular, I examine a document generated by the Tribunal called the Statement of Issues. This early summary sought to provide the claimants, the Crown, and the Tribunal with a clear overview of the Wai 262 claim and how various topics and discussions related to each other within it. I argue that central to this document is the inclusion of a cut into the Statement of Claim that divides taonga into a semblance of the Nature/Culture epistemology that structures Western ontology. It is with this incision that the Tribunal is subsequently forced to find that Māori do not own taonga, even if they argue that Māori modes of control of taonga through kaitiakitanga relationships should be recognised and enforced. I conclude by discussing the implications of the Tribunal’s findings, noting how, by failing to address the conceits of Western property rights and how these are constructed, they continue to rely on Western epistemologies. Thus, the paradoxes of the Modern Constitution and colonial modes of recognition and domination are retained in Crown - Māori relationships. What I argue is that the institutional legacies of Modernity, in particular, the Nature/Culture distinction, need close attention if effective negotiations between different worlds can begin. Currently, as I aim to show in this Chapter, it appears all too easy for institutions charged with establishing inquiries into colonial injustices to revert to dominant epistemological frameworks when considering the differences between indigenous and non-indigenous people.

Water Claims

In 2012, Aotearoa NZ’s conservative National Party Government began to roll out its partial-privatisation programme for a number of the Nation’s State Owned Enterprises (SOEs). Power companies were among the first SOEs on the fiscal chopping block and they included Mighty River Power, a company that generates electricity from geothermal sources in the Taupō region, and from Aotearoa NZ’s longest river, the Waikato. Despite claims from the government that the
election gave them a mandate to go ahead with the sell-off, the Government’s plans were extremely controversial and met with noisy resistance. This resistance coalesced into two largely unrelated strategies. The first was a petition lead by the Green Party that gained enough signatures to force a referendum on the government’s plans. 1.4 million votes were then cast on the question “Do you support the Government selling up to 49% of Meridian Energy, Mighty River Power, Genesis Power, Solid Energy and Air New Zealand?” Two-thirds of the votes responded with a ‘No’, but the National Government was not swayed, and ignored the referendum.

The second strategy began with the filing of two claims to the Waitangi Tribunal by the NZ Māori Council (NZMC). As Aotearoa NZ’s pre-eminent forum for official inquiries into Crown breaches of the Treaty of Waitangi, claims to the Waitangi Tribunal were to prove a lot harder for the Government to ignore. The claims asserted that the partial-privatisation of the power companies would breach Māori customary ownership rights of fresh and thermal waters, and impede the Crown’s ability to compensate Māori for historical breaches of the Treaty of Waitangi. In their submission to the Tribunal, the claimants summarised the two claims as follows:

2358 – that Māori have proprietary rights to freshwater and geothermal resources, the protection of which was guaranteed under Article 2 of the Treaty, and that the Crown has breached that guarantee of protection by refusing to recognise those rights and by establishing and maintaining a management regime that prevented Māori owners from exercising the full enjoyment of those rights; and

2357 – that the Claimants have unresolved claims in relation to freshwater and geothermal resources including Wai 2358 and including historical claims lodged by each of the co-claimants, that the Crown intends a partial sale of its power-generating SOE assets, and by inhibiting resolution of these outstanding claims the sale will cause prejudice to Māori in breach of the Treaty. (Waitangi Tribunal, 2012b)

Following some tense encounters between the NZMC and the Crown, the Waitangi Tribunal was eventually to side with the claimants, but again, as with the referendum, the National Government ignored the Tribunal’s findings and continued with their privatisation programme. The NZMC then initiated judicial review litigation through the High Court, and when this was unsuccessful, they took their case to the Court of Appeal, who supported the High Court findings that there was nothing about the partial-privatisation legislation that would contravene Māori rights or impede the Crown’s ability to compensate for Treaty breaches. The key point in the summary above, and
what would become the focus of the Crown’s counter-argument is: “that Māori have proprietary rights”. If the Crown could find a way to counter this point in the claim there was every chance the Tribunal might give them favourable findings, and they sought to make this point by using the findings of one of the most significant claims to come before the Waitangi Tribunal, Wai 262.

The Crown opposed the freshwater claims because the Western notion of property was antithetical to a Māori worldview. Phrased differently and perhaps more accurately, the Crown argued on the grounds of recognition of cultural difference that Māori do not have property rights in water because property rights are of te ao Pākehā. Māori, conversely, have Kaitiakitanga Rights. Kaitiakitanga Rights, and indeed this distinction between te ao Pākehā and te ao Māori, were deployed by the Crown against Māori on two fronts. Firstly, they argued that the claimants and interested persons used this distinction in their evidence before the Tribunal. Secondly, the Crown drew directly from the language and concepts of the Waitangi Tribunal’s report on the Wai 262 claim, Ko Aotearoa Tēnei. Here is how the Wai 2358 Tribunal reported on the Crown’s argument from Wai 262:

The Crown’s second argument was that English-style ownership is not in fact the best English cultural equivalent for Māori rights. For this argument, it relied primarily on the Waitangi Tribunal’s report on the ‘indigenous flora and fauna and Māori cultural and intellectual property claim’ (Wai 262). In light of that report, the Crown suggested that kaitiakitanga is the true and practical expression of Māori rights in respect of environmental matters, including water resources. Whether it be full kaitiaki control, partnership (co-governance or co-management), or a lesser interest (kaitiaki influence through consultation), this is the correct mechanism to give expression to the rangatiratanga protected by the Treaty. Ownership is not the appropriate mechanism; as Justice Williams commented in the Wai 262 hearings, ‘there’s no Māori word for ownership.’ (2012b, 37)

As such, the Crown continued, they were more than happy to sit down with Māori and talk about Kaitiakitanga Rights to water, and happily pointed out that they were already doing so through the Iwi Leaders Group and the Fresh Start for Fresh Water programme.61 To further underline this point, the Crown also claimed that their management of water in this way was consistent with water as a resource of the commons. The Crown’s role was to manage water allocation and use,

as well as balance and reconcile the “multi-dimensional” interests that have a stake in it (Waitangi Tribunal, 2012a, 6, 12-15). Such a balance includes the right to instigate partial-privatisation of the power companies. The Crown, in what many considered an audacious move, argued that water belonged to the commons, and that they were managing it as such. Māori ownership was deemed to threaten this commons, whereas privatisation was considered effective management.

Reading between the lines of Wai 2358, the Crown’s use of Ko Aotearoa Tēnei caused some consternation for both the claimants and the Tribunal. I can only imagine the emotions this must have raised for the claimants and their counsel, many of whom had given evidence or provided counsel for claimants in the Wai 262 hearings. Once hearing the Crown’s argument that Ko Aotearoa Tēnei supported its position that Māori do not have water property rights, the claimants were forced into the position of arguing one of two things: 1) that the Crown had misunderstood or misapplied, deliberately or otherwise, the aims and the analysis of Ko Aotearoa Tēnei and their case should be dismissed, or 2) if it is the case that the Wai 262 Tribunal was correct, then the Wai 2358 Tribunal should jettison the report as an anomaly of the “Tribunal’s prior 25 years of ‘consistent jurisprudence on the recognition of customary interests in terms of proprietary rights’” (2012b, 68).

**The Wai 262 Claim and Ko Aotearoa Tēnei**

As I noted above Ko Aotearoa Tēnei was released in 2011. The report was attractively presented with the extensive use of illustrations, and released at two “levels”. The first level, Tuatahi, is ostensibly the ‘lite’ version of Ko Aotearoa Tēnei, covering all the chapters but in an abridged form. The second level, Tuarua, is far more substantial with the eight chapters presented across two extensive volumes. The reason for the two levels was that the Tribunal believed, rightly, that the “claim has a reach that extends far beyond the direct relationship between pā and Parliament. It has the potential to touch the lives of all New Zealanders” (2011b, xxiii). It was with this belief in the popular importance of the claim that the abridged version was developed. The Tribunal’s belief in the popular importance of the claim manifested itself in other aspects of the report. Most notably the Tribunal positioned the report in the accompanying ‘Letter of Transmittal’ in terms of what they call ‘post-grievance’. By this, they meant that much of the work of the Waitangi Tribunal was to respond to and examine the historical grievances that have arisen from Crown breaches of those Māori rights protected by the Treaty of Waitangi. However now, due in part to
the September 2008 cut-off date for the lodging of historical Treaty claims, the Tribunal is arguing that Aotearoa NZ is at a “crossroads” (2011b, xxiv).

The Tribunal consider Aotearoa NZ to be facing is one where racial prejudice continues, or where other ‘bi-cultural’ modes of relating are instituted. The Tribunal declares, “a future marked by interracial rancour must be emphatically rejected” and not just for moral reasons:

We say this because it would be economically and socially destructive for the country. Demographers tell us that to assure the economic well-being of New Zealand in the next generation, the growing Māori workforce and Māori capital must move from the margins to the core of our economy, and quickly. It is obvious that law and policy must be developed with the express and urgent objective of capturing – not squandering – Māori potential. Our collective future will depend on that objective being achieved. This choice is not about pandering to the Māori grievance industry or preying on Pākehā guilt, as the detractors would have it. It is about gearing up to meet the challenges of a future that our grandparents could not have predicted. (2011b, xxiv)

The Tribunal accompanies this statement of intent with a warning of what might happen if things do not change:

It follows that despite great progress in some areas, a do-more-of-the-same choice is simply untenable. It still risks bequeathing to our collective future an uncomfortably large, poor, and underproductive cohort of working age Māori. In this dystopia the Treaty of Waitangi will remain, stubbornly, a locus for Māori anger and non-Māori resentment – a site of discontent for all. (2011b xxiv)

Thus, the Tribunal situates the claim and their report as inherently forward-looking, and they posit what they believe law and policy might contribute to this future.

The Tribunal is thus implicitly suggesting that the report’s readers approach the claim and report pragmatically by thinking through the long-term consequences of not doing something to improve relations with Māori. Further along these lines is the way that the Tribunal construes Ko Aotearoa Tērēnei to have what are essentially redemptive features due to the way it relates to the Treaty and governmental notions of “the partnership principle”:

It [the partnership principle] gives us our sense of right and place, grounding us in the traditions of the Pacific and the West at the same time. It provides the centre of gravity around which our multicultural nation can coalesce. It is essentially optimistic in outlook
and it relieves both Māori and Pākehā of the burden of a troubled past. It is the precondition for unlocking Māori potential for the benefit of the country as a whole. It is the core of our national identity. And it is unique. (2011b, xxv)

Whether the ‘partnership principle’ does or could indeed live up to these high standards is a debatable point, especially when it comes to “relieving the burden of a troubled past”. Certainly, many Pākehā would identify with the desire expressed in the sentiment - as long as such ‘relieving’ happens in particular ways. What is certain though is that the notion of the partnership principle does inform the analysis and recommendations of Ko Aotearoa Tēnei. Whether this was a satisfactory approach needs to be discussed, especially in the light of how the report’s findings were used to counter Māori claims through Wai 2358. Certainly, as Haidy Geismar has argued, the recognition of difference is one of the key tensions of the settler state, as this recognition must be “made in some way commensurable with the structures that provide recognition” (2013, 239).

The report makes taonga commensurate with state structures for recognition by organising the taonga named in the Statement of Claim into 8 chapters.

- Chapter 1 - Taonga Works and Intellectual Property
- Chapter 2 - Genetic and Biological Resources of Taonga Species
- Chapter 3 - Relationship with the Environment
- Chapter 4 - Taonga and the Conservation Estate
- Chapter 5 - Te Reo Māori
- Chapter 6 - When the Crown Controls Mātauranga Māori [Māori knowledge]
- Chapter 7 - Rōngoa Māori [Māori medicine]
- Chapter 8 - The Making of International Instruments

Each chapter details the various way taonga and the relationships that underpin them have been undermined or overrun by colonial processes, and against the promises made in the Treaty of Waitangi. Ko Aotearoa Tēnei unequivocally states that the Crown failed in its obligations to honour Article Two of the Treaty of Waitangi and provides significant discussion in each chapter of such failures. The chapter documents instances and examples of Treaty breaches, how they affect the claimants, and presents responses from the Crown on these events. The Tribunal then presents its own discussion and adjudication of these claims and counter arguments, seeking to ascertain, on the balance of probabilities, where responsibility falls. Each chapter concludes by presenting recommendations on how such events can be prevented from happening again. Much

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62 For a discussion of the legal ramifications of the claim and report, see Lai (2014).
of the key discussion in the report occurs in Chapters 1 and 2. Here, the Tribunal clarifies key terms and phrases, and most importantly, fleshes out the reasons why it considers Māori do not have property rights in *taonga*.

**Ko Aotearoa Tēnei, Property and Taonga**

The role of the Waitangi Tribunal is twofold; it is required to consider whether the Crown failed to honour the principles of the Treaty, and to assess the merits of the claim. As I discussed earlier, the claim gains its power - and controversy - from the way that it brings together a range of Māori and non-Māori entities, and subsumes them into *taonga* relations. Among these entities are property rights and intellectual property rights. When assessing the merits of the claim, the Tribunal was required to consider this point, and ask whether ownership and property rights could be generated from *taonga* relations. Relatedly, this also meant inquiring whether Māori might have property rights in *taonga*. In this section, I am going to discuss the Tribunal’s reasons for arguing that Māori neither own *taonga* nor generate property. This finding was discussed earlier in the report, in Chapters 1 and 2. This is significant because across these two chapters the Tribunal posited a distinction between Taonga Work and Taonga Species. I argue that this distinction introduces a Nature/Culture partition that is fundamentally at odds with the Statement of Claim. Because of this split, the Waitangi Tribunal found that Māori do not have property rights.

When ‘finding’ that Māori do not have property rights in *taonga* the Tribunal presented an origin story of how Māori came to Aotearoa and how they adapted to the new land. From this adaptation emerged *mātauranga Māori*, or Māori knowledge. The Tribunal argued that *mātauranga Māori* was the “result of a remarkable flowering of knowledge and creativity triggered by the new environment” (2010b, 35):

> In this sense Māori culture as we know it today is a creation of its environment. It retains many aspects of its Hawaikian roots, but the elements that make it distinctive in the world can be traced to the relationships kaitiaki built up with the land, water, flora, and fauna of this place. In this way, the mauri, or inner well-being of land and water spaces, and the whakapapa of flora and fauna do not just serve to articulate the human relationships with these things; they are the building blocks of an entire world view and of Māori identity itself. (2011b, 115)
The Tribunal argued that mātauranga Māori forms the basis of the generation of an array of entities, including those ‘traditional’ forms named in the Statement of Claims. The Tribunal is claiming here that there is a distinction between the ‘nature’ that Māori found when first arriving in Aotearoa and the subsequent ‘culture’ that emerged from this engagement with that ‘nature’. This is the narrative that informs the Tribunal’s distinction between Taonga Works and Taonga Species and goes on to inform its finding that Māori do not have property rights in taonga, and that taonga relations do not create property rights.

The Tribunal’s distinction between Taonga Works and Taonga Species mimicked the Modern Constitution I described earlier, which is based on the belief in a separation between Nature and Culture. Chapter 1 of Ko Aotearoa Tēnei discusses Taonga Works. The Tribunal defines Taonga Works as:

First, it is a creation of the pre-existing and distinctive body of knowledge, values, and insights we call mātauranga Māori. Secondly, it is a result of the effort and creativity of actual people whether in modern times or the distant past. Each taonga work has kaitiaki – those whose lineage or calling creates an obligation to safeguard the taonga itself and the mātauranga that underlies it. (2011b, 44)

The Tribunal went on to state that: “In Māori thinking they are the physical or intellectual creations of mātauranga Māori made possible through the medium of human industry and imagination” (2011b, 44). Taonga Works then are the physical objects and cultural creations of Māori, including such things as carvings, songs, dances, imagery and the like. They can be considered as the cultural creations of Māori that, as the Tribunal noted, depend on “access to the traditional resources necessary to produce them” or on the “well-being of the language that is their vehicle – te reo Māori” (2011b, 44). For the Tribunal, Taonga Works emerged from mātauranga Māori, that is, knowledge created these entities. This knowledge and the entity that emerged from it is distinct, yet the “medium of human industry and imagination” - human labour - generate these cultural forms.

When assessing whether Māori might have property rights in Taonga Works the Tribunal drew a distinction between the English version of the Treaty of Waitangi that guaranteed Māori “collective possession” of their treasures versus the claim that Taonga Works “cannot practicably be owned in this way” (2011b, 79). This second point was made because significant amounts of Taonga Work were “already in the public domain”, but also and more significantly, the argument was made that “in the context of mātauranga Māori and taonga works, they have serious
limitations. Exclusive and undisturbed possession is an inflexible idea in that it permits only black or white” (2011b, 79). The Tribunal noted that the mātauranga in a Taonga Work is perpetual and that it is held within a tribal group in a kaitiaki relationship, whereas property rights are held individually and there is no obligation to honour mātauranga. The Tribunal argued that there could well be some strong arguments for using property rights as a way to manage rights to Taonga Works, more so than in the case of Taonga Species, but that ultimately property rights were not a good way for Māori to control Taonga Works. The reason for this, they argued, is that many Taonga Works have already been alienated, meaning it is impractical to use property rights to protect taonga. In addition, the Tribunal considered property in Taonga Works to be incongruous with the ways in which taonga circulate in te ao Māori. They noted that the claimants themselves did not argue for intellectual property rights but for the survival and growth of Māori culture and identity (2011b, 79-80). With consideration to these points, the Tribunal argued that Māori sought control rather than possession. The Tribunal’s recommendation for the creation of a Commission, backed by a framework of rights and legal protections with the ability to adjudicate disputes over taonga, is a reflection of this.

Taonga Species are the second key grouping through which the Tribunal organised the taonga listed in the Statement of Claim. For the Tribunal, Taonga Species “are far less easily defined” than Taonga Works (2011b, 114), but they managed to define them by again turning to the achievements of human labour:

While Māori can say they created taonga works and mātauranga Māori, they did not create taonga species. In fact, at a cultural level at least, the relationship is the reverse - the taonga species created Māori culture. (2011b, 192-193)

Where the Tribunal argued the Taonga Works were created by the labour of Māori, in the case of Taonga Species, they posited that there was not any labour. This has implications again for the finding that Māori cannot have property rights in taonga, and that taonga relationships cannot create property rights. The Tribunal was clear when stating that Māori have “embedded themselves into Aotearoa, changed it, and were changed by it” (2011b, 115) but considered that “while the more human-centred Western culture tends to define itself by reference to its own thought and labour, Māori culture relies on pre-existing, pre-human definers – mountains, rivers, plants, animals, and so on. Māori culture seeks to reflect rather than dominate its surroundings” (2011b, 116). I will return to the Tribunal’s conception of Western culture later in this Chapter, but for now I note that the Tribunal’s conception that Māori culture ‘reflects’ it surroundings further suggests that Māori do not interact with the land but have knowledge about it. They
considered Māori defined by a pre-existing landscape such that it is the “preoccupation of the body of distinctive Māori knowledge that today we call mātauranga Māori” (2011b, 116). The Tribunal considered that this knowledge is unique and important in its own right, and like Taonga Works, is bound up with whakapapa and kōrero. That said, such an understanding of Māori as defined by the natural environment also plays into popular stereotypes of indigenous peoples defined and dominated by Nature. This understanding appears to be central to the Tribunal’s reasoning about whether Māori have property rights in Taonga Species.

When making this point, the Tribunal wrote sympathetically of the arguments put forward by the Nursery and Garden Industry Association (NGIA) and the New Zealand Institute of Patent Attorneys (NZIPA). The NZGIA argued before the Tribunal that there is a distinction between the “bare genetic resources and any traditional knowledge in respect of these resource” and that “While Māori may have created the knowledge, they did not create the species” (2011b, 183-184). This makes ownership of species impossible and immoral. Similarly, NZIPA stated that property rights were created on the basis of “perpetual kaitiaki relationships with material that, by its nature, is not invented would…undermine some of the basic foundation of the [property rights] system” and that the creation of any protections “should not extend beyond interests in traditional knowledge. Specifically, there should be no recognition of rights in what we would call taonga species themselves” (2011b, 188). The Tribunal appear to stay close to these understandings in their own account of why Māori cannot have property rights in taonga:

A general case for exclusive proprietorial rights in the genetic and biological resources of taonga species cannot be justified by reason only of cultural association. While we have not inquired into the historical facts, we do not think that cultural association alone is sufficient to translate into proprietorial rights in the Pākehā legal paradigm. (2011b, 192-193)

The Tribunal noted that there may be some exceptions, as in the case of tuatara, but even then: “it is quite inappropriate to think in terms of exclusive ownership. The rights and obligations contemplated in those instances must be seen as very much an exceptional response to exceptional circumstances” (2011b, 193). This distinction also appears to inform the way the Tribunal considered the difference between Māori forms of control - kaitiakitanga - and property. Kaitiakitanga relationships and obligations occur as relationships that do not mobilise the entity

63 They are now called New Zealand Plant Producers Incorporated (NZPPI).
64 The Tribunal argued that Ngāti Koata had an interest in every family member of the tuatara species, even though ownership was not an appropriate mode of control (2011b, 193).
itself, whereas property does mobilise that entity due to labour being able to exploit it (2011b, 188). As with Taonga Works, the Tribunal considered that there is an important role for Māori as kaitiaki of these entities, as “the relationships and obligations of kaitiaki persist, whether they or others own the resource, or even where no one owns it” (2011b, 192). The Tribunal offered a number of recommendations for how the kaitiaki relationship might be protected including the extension of current conservation bodies, a Māori advisory body to represent Taonga Species in cases of bio-prospecting and patenting (2011a, 703-4). I will have more say about this equivocation of taonga relations and property later in this Chapter. However, for all the hard work and thought that the Tribunal put into how Kaitiakitanga Rights might be created and enforced, the ideas have not gained any political traction, and not a single recommendation has been enacted.

The only government response to the release of Ko Aotearoa Tēnei was a press release and media quote. The day after the report’s release the Minister for Treaty Negotiations responded noting, “The Tribunal’s report, and non-binding recommendations it has proposed, will give us much food for thought” (Finlayson, 2011). The non-binding nature of the Waitangi Tribunal’s work was emphasised throughout the press release before it concluded with the rather ominous sentiments such as “rights are never absolute”, that the Government must always seek “balance”, and consider the outcomes for New Zealand”.

As the Tribunal notes, in issues like intellectual property, whether cultural practices or knowledge, or conservation, rights are never absolute,” Mr Finlayson [Treaty Negotiations Minister] said. “There are public and private interests to consider, as well as other factors like the fiscal situation. That is always a balancing act for Government, in order to find solutions that are right for New Zealand. (Finlayson, 2011)

All of these notions, invoked only one day after the report’s release, sought to lower expectations by diluting the place of Māori within the nation to only one interest among others. It is the ultimate responsibility of the government to manage this interest. Similarly, in a 2011 interview, the Treaty Negotiations Minister said of Ko Aotearoa Tēnei that: “I’m going to read it, my colleagues will read it, government departments and ministries will read it, and there’ll need to be a lot of consideration given across government” (Radio NZ, 2011a). The Crown’s official response was to be lead by Te Puni Kōkiri and overseen by the Attorney-General. However, currently it is still unclear if they have read the report, even though Te Puni Kōkiri entered the report in their Statement of Intent for 2012 (Te Puni Kōkiri, 2012). The following year, the
Statement of Intent no longer contained any reference to a response (Te Puki Kōkiri, 2013) and it is unclear when the official government response will occur, or if it will occur at all.

Beyond the NZ government’s response, public responses to Ko Aotearoa Tēnei have been mixed at best. The chapter on te reo Maori was released early to contribute to the debates about language revitalisation that occurred in 2010. The whole report was released with much anticipation in July the following year at a powhiri on the marae of Saana Murray, then the last of the original claimants. While Murray was pleased with the report, other commentators were more critical. For example, Gisborne District Councillor Manu Caddie exclaimed shortly after the report’s release that: “This report was expected to provide clarity on property rights for Maori but instead presents a series of schizophrenic findings and recommendations” (Caddie, 2011). In particular, his frustration was targeted the report’s approach to Maori relationships with flora and fauna, which he argued: “effectively denigrated Māori to ‘associated people’ who have “important knowledge” with entitlement to a “reasonable degree of protection” over flora and fauna” (Caddie). Academic, Aroha Mead, observed that Māori will be “very disappointed in the findings that they don’t have proprietary interests in the taonga species, indigenous flora and fauna” (Mead, 2011). While lawyer, Moana Jackson, who assisted with the drafting of the claim, considered that the Tribunal took a “constrained approach” saying that the recommendations were “better than nothing” (Radio NZ, 2011b).

David Williams is a lawyer and legal scholar who also played an important role in the development of the Wai 262 claim, providing support to the claimants and writing an influential report that informed the Tribunal’s research into aspects of the claim (Williams, 2001). As noted above, he observed that the Crown had used Ko Aotearoa Tēnei as a shield in the Wai 2358 hearings and he has been critical of the Tribunal’s approach to the Wai 262 claim. He pointed out that the Wai 262 Tribunal did not need to draw this distinction between kaitiakitanga rights and property rights, even as it sought to be pragmatic and practical: “Over many years, when dealing with contemporary issues, the tribunal has been astute in making practical recommendations. Yet it has also been forthright, and at times distinctly radical, in the findings it has made about treaty breaches” (2013b, 322). While Williams acknowledged the cautions of some commentators that it was too early to judge Ko Aotearoa Tēnei, he also observed that the Crown would most likely be tardy when responding to the claim: “When the report was first released, it seemed evident to me that the Crown responses would first be to delay, and then to dilute or ratchet down the
partnership proposals in any negotiations relevant to the tribunal’s recommendations” (2013b, 323). The reason for this cynicism is:

In New Zealand politics there is a built-in Pakeha majority, a short three-year electoral cycle, and only modest popular acceptance of concessions to Maori claims. Governments must necessarily be reluctant to be seen to concede too much to Maori - whatever the moral and legal merits of Maori causes. (2013b, 323)

Williams’s comment is indeed prescient. The government has said very little about Ko Aotearoa Tēnei since the report’s release and with the 2017 election year approaching, a response continues to seem unlikely.

Rationalising Wai 262: Nature, Colonialism, Property

If the Wai 262 claim does not seek to draw boundaries between taonga, it is thus striking that one of the key findings of Ko Aotearoa Tēnei is that such a boundary is fundamental, namely the boundary between Kaitiakitanga Rights and property rights. The Crown uses this dichotomy as a ‘shield’ to deflect Māori claims to property rights in freshwater. The Crown was able to insist that taonga and property were two different entities from two different worlds. To understand the emergence of this dichotomy and the emaciated version of taonga that it presents, I seek to stay with taonga by following their transformation through the work of the Waitangi Tribunal in the lead up to the publication of Ko Aotearoa Tēnei. I focus on one key document in particular, the Statement of Issues. The transformation of taonga from agential and vital in the Statement of Claim is an example of the re-assertion of politics-as-usual, due to the way in which the more-than-human and ontological dimensions of te ao Māori are repressed and reframed as epistemological. It also brings to the fore one of the fundamental conceits integral to the notion of property.

The Statement of Issues (SoI) is a document that the Waitangi Tribunal developed early in the reporting process. The procedures that generated the SoI are known as ‘The New Approach’, and these were developed in 2001-2 as a means to streamline and speed up the Tribunal’s reporting process (Waitangi Tribunal). The aims of the SoI are to identify and distill the key aspects of the claim and provide the Crown’s initial response. The SoI emerges after a sustained period of clarification, debate, and research, and provides a template for the final report. Both parties agreed on Issues, providing a shared understanding of what was at stake in the claim and where the Tribunal’s subsequent research should be focused. The SoI was the first iteration in the
process of translation that made the claim amenable to Government recognition, along with an apology and compensation. The SoI for the Wai 262 claim was finalised in July 2006, and it did two important things: it set out a definition of kaitiaki that will form the basis for Kaitiakitanga Rights, and it placed taonga into four Parts or categories:

- Part One: Intellectual Property Aspects of Taonga Works
- Part Two: Biological and Genetic Resources of Indigenous And/Or Taonga Species
- Part Three: Tikanga Maori, Mātauranga Maori and Te Reo Maori
- Part Four: Relationship of Kaitiaki with the Environment (Waitangi Tribunal, 2006, 2-3)

Each Part included the Treaty breaches related to these taonga and Crown responses. These Parts went on to provide the basis of the chapters for the final report.

The reason for the Tribunal’s re-direction of taonga into these categories was so that they could ‘rationalise’ the inquiry. In Ko Aotearoa Tēnei, the Tribunal discussed how the period just before finalising the SoI was very challenging as there was much disagreement between the claimants, the Crown, and the Tribunal about the scope of the inquiry and how to define the issues. In particular, the claimants wanted the historical and constitutional aspects of the claim considered, while the Crown did not want any replication or discussion of issues that they considered better suited to a district inquiry:65

In response to these differences, the Tribunal attempted to rationalise the inquiry process, initially in 1997 by proposing to devise a ‘schedule of issues’ and subsequently in 2001 by making a decision to develop a ‘statement of issues’ summarising the claims and providing the key questions on which the Tribunal would hear evidence. (2011b, 6, emphasis added)

The creation of the SoI was an outcome of the imposition of rationality onto the claim. It is useful to consider how this rationality is understood for it does not appear as if the Tribunal was willing to use Māori knowledge as its basis. Indeed, as Linda Tuhiwai Smith has argued, “one of the supposed characteristics of primitive peoples was that we could not use our minds or intellects”, so it would be a bold claim from the Tribunal to seek ‘rationality’ amidst the knowledge practices of Māori (1999, 25).

65 David Williams’ is critical of the Tribunal for not exploring these aspects of the claim. He argues that in doing so, the Tribunal went straight for the ‘middle ground’ and thus failed to give the report the depth it needed (2013b, 311-331).
The insertion of rationality into the Wai 262 claim is visible through the way that entities in the claim are re-directed into categories familiar to Modernity, most essentially, the dualism of Nature/Culture. As can be seen in the Statement of Issues, Part One bears a direct correlation with the notion of Culture, whereas Part Two concerns Nature. Part Three is the intangible Culture of Māori, while Part Four continues to work across the Nature/Culture divide, although even here there is a sense of a division emerging with the term ‘Environment’ anchoring the phrase and becoming a backdrop against which kaitiakitanga takes place. The agentic dimensions to taonga are pared back, and they are placed into what are considered to be the two defining realms of all peoples, Nature and Culture. Thus, taonga are rationalised through redirection into the original dualism of Modernity and it is on this basis that they start to become visible and the Tribunal’s hearings can proceed. The role of rationality is to insert the Nature/Culture dualism into the Wai 262 claim and redistribute taonga either side of this partition. In this way, the Rationality deployed by the Tribunal onto the Statement of Claim is an extension of Enlightenment discourse. Thus, it is intimately tied to the imposition of Modernity through the hierarchies and exclusions of colonisation.

For all the clarity and momentum it gave the processing of the claim, the Tribunal’s rationalisation of taonga into the domains of Nature and Culture would go on to create further problems. The principal problem is that, historically, te ao Māori has been defined as Nature, while te ao Pākehā has been defined as Culture. This means that by separating Māori from Nature, they too become a Culture, like te ao Pākehā. Although this distinction could be seen as rather specious to begin with (Agrawal, 1995), evidence from the Tribunal’s hearings saw many Māori draw distinctions between Western notions of property and ‘Māori control of Māori things’, that is, taonga relations. The binary distinction the Tribunal deployed to understand the difference between te ao Māori and te ao Pākehā had to be an alternative framework to the Nature/Culture dualism as this was now used as the foundation for both worldviews. This is a significant shift from the view of Māori as natural and primitive; the Tribunal gave both worldviews equal status in terms of acceptable Cultural interpretations of Nature. As I discussed above, the alternative framework that the Tribunal eventually developed for distinguishing between te ao Māori and te ao Pākehā is the dichotomy between Kaitiakitanga Rights and Property Rights. The Tribunal conceived of these Kaitiakitanga Rights and Property Rights as two similar mechanisms for apportioning control and rights:
Kaitiakitanga and western law’s concept of ownership are two different cultural ways of deciding a community’s rights in its resources. Kaitiakitanga emphasises relationships and obligations, while ownership emphasises rights. (2011a, 701)

As such, much of what the Tribunal suggested in its recommendation was intended to provide a mechanism to form, regulate and manage the domain of Kaitiakitanga Rights. Nevertheless, what the Tribunal did not seem aware of is that property rights are not just a Cultural feature of te ao Pākehā; they are the sanction of an ontological performance that is inherently colonial and only available to particular modes of interaction with Nature.

According to dominant understandings, the creation of a property right occurs by moving an entity from Nature to Culture via labour. John Locke’s labour theory of appropriation is the most prominent example of this view, and has been heavily implicated in the justification of colonisation (Locke, 1988). This labour has had a number of names, but I will use the term cultivation; the etymology of the word culture has its root in cultivation (Angelini, 2012). Interactions with nonhumans are fundamental to all peoples, and the more-than-humans that emerge from these relationships are particular to place. In recent scholarship, general terms for entities that emerge from the interface of human-nonhuman intra-action include hybrids (Latour, 1993), quasi-objects (Serres, 2007), and naturecultures (Haraway, 2007). However, according to the Modern view popularised by Locke, only those who are Modern can apply Culture, while the designation of indigenous peoples as ‘primitive’ and thus a part of Nature, means they are deemed unable to labour on Nature in a way to engender property. A property right is thus the recognition of the ‘right kind’ of Cultural interaction with Nature, or rather, it is a sanction for one specific mode of creating hybrid entities (Bryan, 2000). This specific mode can only be generated by the moderns and is typically considered to be based on Science. Non-modern modes of creating relationships of ownership and control of hybrids, such as that which occurs between kaitiaki and taonga, are not considered to create property. This issue of who gets to create property was what Māori were challenging with the Wai 262 claim. Much of the resistance to the claim was based on the belief that Māori modes of interaction with Nature were not considered the right kind of Culture to justify a Property Right.

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66 Bruno Latour notes that it is one of the contradictions of the moderns that they consistently create hybrids, but fail to recognise them as such. This leads to a proliferation of hybrid entites, many of which are unaccountable and potentially dangerous (1993).
The Waitangi Tribunal did not consider this ontological dimension to Western property, thus leaving its colonial underpinning intact. Rather, the Tribunal was caught in a bind by trying to establish a Cultural equality between Kaitiakitanga rights and Property Rights. This bind leads to the Tribunal position that Māori do not have Property Rights. By describing kaitiakitanga relationships with taonga as equivalent to the Nature/Culture distinction the Tribunal was forced to preserve the difference between te ao Māori and te ao Pākehā through the kaitiakitanga/property distinction. However, by accepting that Property Rights are only available to te ao Pākehā, the Tribunal had to admit that Māori modes of creating hybrids – kaitiakitanga – do not amount to a Property Right. Kaitiakitanga was not considered to have the ability to sanction nature-culture relationships and was thus of a different quality to Western Property Rights. So what is this quality?

When trying to uphold the cultural difference of Māori without Property Rights, the Tribunal must define the interactions that are specific to Māori when creating Taonga Species and Taonga Works. As I have shown, the Tribunal considered that only te ao Pakeha is considered to access Nature, because only its adherents do the right kind of labour that can achieve the right kind of sanction to show their right to access. The particular modes through which taonga mediate and negotiate between worlds - what Henare describes as the “object-like qualities of taonga” (2007, 64) - are disregarded by the Tribunal. Rather the Tribunal, bound to the dictates of the Nature/Culture dualism, must find that Māori relationships with Nature do not access the world but are considered a particular kind of knowledge about the world. As the object-like qualities of taonga retreat from view, the Tribunal can only assert that taonga must exist in the mind, as defined by whakapapa. Whakapapa becomes a kind of meta-concept, standing above the actual politics and negotiations that take place amidst taonga and kaitiaki. The Tribunal draws directly from Western philosophy to describe this when they state that whakapapa is “not just a way of ordering humans and the world; it is an epistemology, a way of ordering knowledge” (2011b, 37). This contrasts with the views of Tapsell and Tangiahua Baker, where whakapapa seem to flow from the relations established by taonga. Indeed this is also consistent with the Wai 262 claim, where whakapapa extends and encompasses new entities, concepts, and things.

At this point, the Tribunal has come a very long way from the Statement of Claim discussed at the beginning of this Chapter. The Wai 262 Claim was a statement about what exists and what is real. It was the enactment of an ontology. By the time we reach the Statement of Issues, these entities are rationalised into the categories of Nature and Culture. With the final report, Ko
Aotearoa Tēnei, taonga are no longer real and are instead the outcome of a theory of knowledge; they are reduced to a belief. Thus, the Tribunal’s decision to not find Property Rights in taonga relationships is not just a legal failure; it is also a failure to recognise the vitality and dynamism of Māori worlds and the entities that populate it. From the Wai 262 claim encompassing property into taonga relations, the Tribunal has presented a vision of encompassing taonga into the property. This is no longer the vision of partnership the Tribunal so enthusiastically introduced (Geismar, 2013). The other side to all this is that it also leaves the particular hubris of te ao Pākehā in place.

The particular hubris of te ao Pākehā is that only Pākehā can access Nature, only they can access nonhumans, and only they can have Property Rights. It is this access to Nature that makes te ao Pakeha seemingly superior, and even, beyond culture, connecting them to the broader hegemony of the West. As Bruno Latour puts it:

> We Westerners cannot be one culture among others, since we mobilise Nature. We do not mobilize and image or symbolic representation of Nature, the way other societies do, but Nature as it is, or at least as it is known by the sciences - which remain in the background, unstudied, un studiable, miraculously conflated with Nature itself. (1993, 97)

The application of Property Rights authorises the te ao Pakeha mobilisation of Nature, through Science, as the only correct way to know and access nonhumans and create hybrid entities, even if it will never accept that such hybrids exist. By not authorising kaitiaki relationships as creating Property Rights, the Tribunal is stating that this relationship to taonga is less valid than Science as a way of knowing nonhumans. It also states that the entities that populate te ao Māori are not considered real. Rather, these are an epistemology, a narrative, a story, and one that the Tribunal argues we should all be supporting and working to protect. However ultimately, due to the application of ‘rationality’, we are also meant to know this is not how things are. For to know Nature, to know nonhumans, we have to look to the West and Science. This is why it makes sense to talk of ‘Māori culture’ but not ‘Māori nature’ for Nature belongs to Science and the West (Goldsmith, 2009).

Finally, it is also relevant to note the way in which the Tribunal’s failure to find Māori have Property Rights in taonga and the tacit sanctioning this provides to Western Property Rights, has significant racial dimensions. This is important because it points to an answer to Aileen Moreton-Robinson’s question, namely, “To what extent does white possession circulate as a regime of truth that simultaneously constitutes white subjectivity and circumscribes the political
possibilities of Indigenous sovereignty?” (2015, 131). As I discussed, the disavowal of taonga relations as property circumscribes the ability of Māori to decide what is of value to them. Further to this, the standard against which taonga relations are measured, Property Rights, are not analysed, they are taken as proper. Davies notes that ‘proper’ refers to ownership and is associated with “personal qualities of propriety and respectability” (2007, 25, also Derrida, 1974, Macpherson, 1962). The right to possess is thus associated with some bodies, but not others. Cheryl Harris has noted this in her examination of the legal construction of property in colonial America:

Possession - the act necessary to lay the basis for rights in property was defined to include only the cultural practices of whites. This definition laid the foundation for the idea that whiteness - that which whites alone possess - is valuable and is property. (1993, 1721)

As I noted earlier, in the early years of colonisation, this dispute between the cultural practices of indigenous people and colonists was more pronounced, and the war between worlds explicitly invoked (de la Cadena, 2010). Today, however, with the hegemony of the silent antagonism, “whiteness is the invisible measure of who can hold possession” (Moreton-Robinson, 2015, 6). Whiteness, then, is entangled with the Property Rights understood as normal by the Waitangi Tribunal.

What the Waitangi Tribunal’s findings point to then is not the extent of white possession as a regime of truth, as in Moreton-Robinson’s question, but certainly two important instances of its enactment. Firstly, the Waitangi Tribunal’s findings enact a racialised logic of possession at the moment at which Property Rights are sanctioned as the only means by which possession can be considered legitimate. This occurs with indigenous modes of ownership being circumscribed and reduced to an epistemology, leaving in place whiteness as the means to acquire ownership.

Secondly, and by association, this racialised sanction is entwined with a logic of possession that operates through the notion that labour is appropriation and domination. This is a point that Moreton-Robinson recognises herself when she states that “the structure of subjective possession occurs through the imposition of one’s will-to-be on the thing that is perceived to lack will” (2015, 50). This links directly to the Hegelian ontology of negation and the labour of the negative that I outlined in Chapter One. As I discussed, the domination and possession of human and nonhumans provide the basis for the emergence of the Subject. To develop alternatives to these two instances of white possession and the broader regime of truth they are a part of, it appears
necessary to unpick these entanglements further and seek alternative modes of desire that can provide a genuinely postcolonial ontology of the Subject.

**Conclusion**

The Wai 262 claim was a significant intervention into the colonial order of things, at once challenging dominant conceptions of how property can be made, while providing a significant opportunity for negotiation between worlds. Through failing to find that *taonga* could be property, the Tribunal did not rise to the challenge offered by the claim. Rather, by reinstituting rational thinking through the Nature/Culture divide, *taonga* were stripped of their power to straddle and support any negotiation between worlds. When the Crown was confronted by *taonga* in the Wai 2358 claim, this time in the guise of water, they were able to claim *Ko Aotearoa Tēnei*’s emaciated version of *taonga* as the correct grounds for understanding the nature of Māori ownership rights to water. None of this is to say that *Ko Aotearoa Tēnei* is a complete write-off. Its discussion of the many issues it covers is important, nuanced, and well-researched, and can provide significant traction in any number of areas. For example, Māori criticisms of the recent TPPA negotiations drew heavily on research and findings from *Ko Aotearoa Tēnei* (Jones et al., 2016). Examples such as this show that *taonga* will not easily be put to rest.

Furthermore, the Wai 2358 claim on water has provided a significant breakthrough for *taonga*. Lawyer Jacinta Ruru comments on the Waitangi Tribunal’s findings for the Wai 2358 water claims, stating that it is “the most legally significant Waitangi Tribunal report to date, ever” (Ruru, 2012). The Wai 2358 Tribunal found that the *taonga* known in *te ao Pākehā* as ‘water’ does indeed fall under the full ownership of its *kaitiaki* and has done since 1840. Perhaps more significantly, the Tribunal found the way in which Māori ‘own’ *taonga* is not to be determined by the West: “That right of property was not constrained by what could be legally owned in England. Rather it depended on what Māori possessed at the time in custom and in fact” (2012b, 140). With this statement, we are taken right to the heart of the Western conceit that is property ownership in Aotearoa NZ, and that was reinstituted in *Ko Aotearoa Tēnei*, offering a glimpse out of the “one-world world” – one nature, many cultures – fallacy (Law, 2015). With the Tribunal’s response to the water claims, the ‘silent antagonism’ that has hitherto existed between worlds is again challenged, and the one world-world looks to give way again to a multiplicity of worlds. Negotiation, diplomacy, and discussion appear more important than ever. Moreover, as I show in the next Chapter, such negotiation and diplomacy need also to change the dominant party. The
Waitangi Tribunal of *Ko Aotearoa Tēnei* have not appeared willing to take this risk, and doubts persist whether their hopes for a future free of “interracial rancour” will be realised.
CHAPTER SEVEN

An Ecology of Practices in Murray River Country

Introduction

In 2009, a rare event occurred in the relationship between indigenous peoples and environmentalists in Australia. This event was the formation of the River Red Gum National Parks in the Barmah Forest and other river red gum forests in Murray River Country. The ‘Parks and Crown Land Legislation Amendment (River Red Gums) Bill’ were gazetted in 2009 by the then Labour Government. The legislation created four new national parks in Murray River Country, along with a number of other park areas, totalling more than 140000 hectares. The new national parks contained a number of significant environmental provisions such as removing logging and grazing from the river red gum forests, but perhaps their most significant feature was that Boards of Management would control them with a majority of Traditional Owners. This meant Traditional Owners would regain a level of control of their forests for the first time since colonisation began. The role that environmentalists played in the creation of these parks was significant. The creation of these parks by the State Government of Victoria was in part the outcome of a 10-year formal alliance between Traditional Owners along with Murray River, and the Barmah Millewa Collective (BMC) at Friends of the Earth-Melbourne (FoE-M). In this Chapter I explore the genesis and development of the relationship between the Traditional Owners of Murray River Country and the environmentalists at the BMC that lead to this outcome.

In the previous Chapter, I explored how the Waitangi Tribunal struggled to effectively recognise the role of taonga relations in te ao Māori, instead implementing the Nature/Culture dichotomy to understand the claim and provide the basis for key findings. In this Chapter, I aim to document an alternative path that was taken to engage with indigenous worlds. Previously I argued that Murray River Country is replete with more-than-human entities, none more powerful than Biami who still regularly sweeps down the river, and as the waters of the Murray River rise, they flood the forests that support the health and well-being of the river red gum forests. After many years of colonial destruction and Aboriginal resistance, the emerging frameworks of environmental protection
gathered new publics around the forests, and in turn the potential for Aboriginal nations to find new allies in their struggle to gain control of their lands.

The BMC successfully supported the aims and aspirations of the Traditional Owners of Murray River Country while achieving key environmental outcomes. This required ongoing and regular interaction with Traditional Owners, and in turn generated a process that brought them into confrontation with a key entity of their own world - White stigma. I argue that this confrontation emerges from the effective engagement of the BMC with Traditional Owners. My guide for approaching this part of the discussion is Isabelle Stengers and her exploration of an ecology of practices. Stengers develops this approach by thinking with her research interests - physics - and attempting to rethink its mode of existence or "habitat", so as to remove it from it’s current “theologico-political claims” and “exclusive position of judgement over and against all other ‘realities’” (2005, 183). As Stengers hopes to contribute to a new habitat for physics, it is my contention that thinking with the practices of the BMC may enable a discussion on the habitat of ‘White antiracism’ (Kowal, 2008). For Stengers, to rethink a habitat does not involve finding a new identity, or “some permanence beyond an observable change” (2010a, 15). Rather it involves “learning not to ‘identify’” but to *speculate* “in the sense of a struggle against probabilities” (2010a, 17). To bring this approach to thinking with the BMC I seek to describe two particular probabilities embodied in the ideas that define their work, those of Wilderness and “postcolonial logic”. As they have engaged with the Traditional Owners, the BMC have also come to struggle against these ideas, challenging the probability that they will define their work. In so doing, an alternative mode of White antiracism emerged, temporary and provisional perhaps, but of significance all the same, as it gestures to postcolonial modes of sociability in line with those described by Simone Bignall that I outlined in Chapter Two.

To situate the struggles the BMC had to face finding a new habitat for antiracism, I first discuss the knowledge practices of the Traditional Owners of Murray River Country. Although I explored some of these ideas in Chapter Two, here, I focus solely on the work of Jessica Weir. Her ethnography *Murray River Country* provides an important signpost for my research. As I discussed earlier, Weir develops the concept of connectivity to account for the metaphysical commitments of the Traditional Owners who live along the Murray River. Weir’s ethnography is of particular significance for this discussion as there is not only an overlap in the time that both our research projects occurred and the region they occurred within, but also with the people we engaged. This overlap is particularly pertinent when Weir discusses the role of environmentalists
working in the region for the protection of the river red gum forests in the region. These environmentalists are certainly the same ones I was in discussion, with and it is Weir’s reflections on these environmentalists that provide a useful segue for my exploration of their knowledge practices.

**Traditional Owner Knowledge Practices in Murray River Country**

In her ethnography of the Traditional Owners of Murray River Country, Weir develops a notion of expanded connectivity that she argues is central to their knowledge practices. Weir develops this notion by taking the concept of connectivity from ecological science, and then expanding it with the perspectives of Traditional Owners. As Weir describes it:

> Ecologists use connectivity to describe the way in which animals and plants live in interconnected relationships across multiple spatial and temporal scales. For ecologists, connectivity is the ease with which organisms, matter or energy traverse the ecotones between adjacent ecological units [Ward et al. 1999, p. 129]. The importance of the connection is emphasised rather than the substance of what is connected. (2009, 47)

While Weir appreciates this emphasis on connection, she also finds that ecology has historically occluded humans from its description of the interconnected lives of nonhumans. Weir argues that ecologists are guilty of “modern thinking”, the organisation of distinctions into binaries in line with Latour’s notion of the Modern Constitution (2009, 48).

Weir instead uses the notion of “expanded connectivity” to portray the interconnection of humans and nonhumans described by Traditional Owners. She argues that the holistic thinking of “amodern knowledges” can “(re)position humans within a web of life-sustaining relationships” (2009, 48). Such an epistemology is situated, and “embraces the world as full of life and agency beyond human activity” (2009, 49). Similarly, the subjective experience of connectivity is not just available to humans. Weir contends that the work of ecologists reveals each species have singular ways or living and experiencing their “ecological niche or ‘unwelt’” (2009, 49). “Expanded connectivity” opens out onto a “sentient ecology” that is composed of “the myriad of solidarities and obligations between people and places and animals”, enabling “communicative relationships

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67 An ecotone is a concept from ecological science that refers to the transition area between biological communities where they meet and integrate.
with the ecological world” that can “evoke feelings of care, love and attachment towards the environment”:

The concept of a sentient ecology is important because it can help us reconceptualise our relationships with ecological life away from causal relationships of power. A sentient ecology establishes and emotional and ethical context for our ecological relationships.

(2009, 50)

When turning to the knowledge traditions of Traditional Owners, Weir hopes to “deepen our understanding of expanded connectivity” by exploring other knowledge traditions not beholden to Western dualisms (2009, 50).

Weir’s discussions with Traditional Owners in Murray River Country centre on connectivity “as an embodied experience” (2009, 51). Weir’s interlocutors – including Matt Rigney, Richard Hunter, Agnes Rigney, Harry Atkinson, and Lee Joachim amongst others - recall drinking straight from the rivers, and eating plants and animals that lived in its waters such as turtles, yabbies and mussels. For Weir, the Elders’ affective engagements and recollections with the river show an “intimacy with the river” that places the Elders “within the relationship of connectivity created by the Murray River” (2009, 51). The immanent perspective such intimacy creates acknowledges the mutual affective relations between the river and the people and other life forms that rely on it, and this mutually affectivity then also “influence[s] the form of the relations” (2009, 51). Furthermore, these immanent experiences ensure connectivity “is not exclusively human” and are instead “shared by all life forms” (2009, 52).

This more-than-human dimension to connectivity is registered by Traditional Owners in their foregrounding of the rivers of the region, particularly the Murray River, as sentient entities. As Lee Joachim related to Weir:

The importance of the river is to ensure that it is seen as a continuing living being. That it is respected like any other person should be respected. It has got the ability to cleanse itself. It has got the ability to nurture itself. And it has got the ability to ensure that the life that it touches upon also has an ongoing process. (Joachim in Weir, 2009, 53)

These sentient entities not only have agency, but they also have histories. As I noted earlier, the Murray River, in particular, is central to the creation stories of many Traditional Owner groups (2009, 30). Weir sees in these stories a further dimension to connectivity, one that disables attempts at separating nature and culture and instead reaffirms the embedded and embodied relationships between the human and nonhuman in the region (2009, 56). As she suggests,
creation stories describe country “not as inert resources but as a lively narrative with immanent ancestral beings” and thus “foreground the life-sustaining co-dependencies between all living agencies” that Traditional Owners look to “to tell them about their own lives” (2009, 57).

As I noted, Weir contrasts “expanded connectivity” to the practices and theories of the moderns and the dualisms they rely on in their approaches to relationships between humans and nonhumans. While the primary target of her contrasts and criticisms are governmental and industrial agencies (2009, 31-46), Weir also critiques environmentalists working in the region for merely inverting Nature/Culture dualisms in their advocacy for protection of the river red gum forests. However, Weir’s remarks about environmentalists can be considered more of a provocation than an exposition of their work. Because of this, she provides little room for considering their practices and how it might have come to be that they were successful in their support for Traditional Owners. When, in one of her conversations, Weir broaches the work of environmentalists working for the protection of river red gums, her interlocutor, in defiance of environmentalists, explains how this campaign “is not just about trees” but also has to include “water and the capacity building of the Indigenous nations” (Ross in Weir, 2009, 114). This same person remarked to me that he thought the eNGOs were “pretty brave” when they were told, “Red Gum was not the agendas that people wanted to talk about”. Rather, the Traditional Owners wanted to talk about “caring for country, water, climate-change… threatened species, cultural economy, people’s access to native plants and animals” (Ross, 2009).

Weir goes on to speculate that “perhaps the isolation of the river red gums as a campaign issue by the environmental groups reflects the dominance of modern thinking on the group, or, for people concerned about ecological relationships, it is a pragmatic decision about what makes an effective environmental campaign” (2009, 114). Weir sides with the former position, contending that “green advocates package their message to appeal to an audience used to representations of charismatic species unconnected to their ecologies” and this emphasis she argues, appeals to “ways of knowing the Murray that are not only green but also white” (2009, 114-115). While I think there is some merit to Weir’s claims at a general level, a point I will return to, my discussions with environmentalists and Traditional Owners complicates this picture of the BMC campaign.
White Environmentalist Knowledge Traditions

In Chapter One, I discussed Marisol de la Cadena’s argument that the single ontology of politics relies on the removal of antagonism between worlds from politics via a biopolitical injunction that Nature/Culture dualism is universal. Central to this thesis has been the claim that indigenous peoples have withstood the worst of such a purification of politics. Equally, non-indigenous peoples have also been poorly served by this single ontology of politics, and the violence and hierarchies that sustain it. Their identities and cultures rely on the anxious and increasingly aggressive regimes of purification that undermine the integrity of the environments that support them (Plumwood, 2002). This also affects the assumptions non-indigenous people can bring to supporting indigenous political initiatives (Land, 2015). In the case of environmentalists, the single ontology of politics has been central to informing their knowledge practices through notions of Wilderness and Postcolonial Logic. Wilderness describes the way the Nature/Culture dualism is mapped onto the work of environmentalists, while Postcolonial Logic accounts for the way in which relationships with indigenous peoples are structured. In this section, I develop a genealogy of BMC that works through these two notions. As I go on to argue, the BMC members through their engagement with Aboriginal peoples and work with the Traditional Owners of Murray River Country challenged the hegemony of both these ideas.

To begin this discussion, it is useful to situate the FoE-M and the BMC within a broader governmental rationality for relating to Aboriginal aspirations. A governmental rationality can broadly be considered as “an art of government” that is capable of making some form of activity thinkable and practicable both to its practitioners and to those upon who it was practiced” (Gordon, 1991, 3). The government rationality that inculcates Aboriginal aspirations is self-determination, and it emerged in the 1960s as a response to the earlier assimilation era. The assimilation era was defined by discourses that assumed “Indigenous social forms were so ruined by contact with the modern world of the colonists that the state’s only humane option was to absorb the remnant families and individuals into the Australian way of life” (Rowse, 2000, 1514-1515). While there were some benefits in assimilation policy, especially in the removal of discriminatory legislation, this era was regarded as a “continuation of colonial aggression (Rowse 1515). In response, the self-determination era has removed the most pernicious features of assimilation, and moved toward communalising and corporatising programmes. Underpinning the rationality of self-determination is a belief that “Australian legal and administrative structures
should accommodate Indigenous forms of social life” (Kowal, 2008, 339). From the early 1970s, these discourses aligned with Aboriginal communities building health, housing and legal services. In the 1980s, with provisions granted in land rights legislation, these “bases” expanded into the works of Land Councils and other representative bodies (Kowal, 2008, 339). As Batty argues:

… such bodies not only provided Aboriginal people with a degree of 'self-management', they also offered the government a way of regulating and nurturing a 'self-sufficient' Aboriginal subjectivity or agency capable of fulfilling the requirements of government policy. (2005, 211)

Batty notes, drawing on Mitchell Dean, that accompanying this rationality of self-determination are “a swarm of experts, specialists, advisers and empowerers” (Dean in Batty, 2005, 209).

Emma Kowal has explored in detail this feature of the self-determination era. She notes that “Indigenous health and welfare formed a small but significant part of state bureaucracy” and with this funding “comes a workforce and publicity for the plight of Indigenous communities” (2008, 339). She notes that:

From the 1970s on, a generation of White people with progressive politics and professional degrees left their metropolitan homes to travel either overseas to the global South or to the ‘fourth world’ of their own backyard: remote indigenous Australia. (2008, 339)

While the BMC members have not left for remote indigenous Australia to engage Aboriginal politics, they are contiguous with this population in many other ways. BMC members either all had, or were gaining, professional qualifications. Despite some members growing up in rural areas, the BMC was metropolitan, based out of Collingwood in Melbourne. Moreover they were white, although, like Kowal, I understand the term ‘white’ less as the description of phenotype and more as a means of addressing the “structure through which cultural dominance is naturalized and, thus, reproduced and maintained” (2008, 341). Towards the end of this Chapter, I want to return to this point and some of the conclusions Kowal arrives at with this definition of whiteness. As I hope to show, amidst the abutting and abrading of knowledge practices of Traditional Owners and the BMC, the coherence of whiteness as a structure becomes less tenable, if only for a moment.

Kowal codes this cohort of white, professional, metropolitan, progressives working with Aboriginal people as ‘White antiracists’. She argues that the ideological condition that White antiracists must work through is ‘liberal multiculturalism’. For anthropologist Elizabeth Povinelli,
while liberal multiculturalism is bound up with hierarchy and colonisation, it also emerges “as a response to previous discursive impasses of national life and as a place within which minority and subaltern subjects creatively elaborate new social imaginaries” (2002, 6). Liberal multiculturalism provides the self-determination era with an ideological response to the discursive impasses of the assimilation era. Kowal argues that the central expression of liberal multiculturalism that informs White antiracist responses to self-determination is “postcolonial logic”.

Postcolonial logic is central to the ways White anti-racists engage and understand their work with Aboriginal peoples. Kowal argues that it has two constituent parts: remedialism and Orientalism. Remedialism is a typical version of liberalism. It is concerned with “individualism, equality, a universal sense of morality, and a belief that our lives can be improved by good government” (2008, 341). When remedialism intersects with the lives of indigenous people, it contends that their lives, “so badly affected by colonisation, can be improved by reasoned intervention” (2008, 341). Such intervention is worked out through “classic biopolitical strategies” such as statistical measurements that “detect inequality and monitor efforts to reduce it” (2008, 341). These metrics mobilise assumptions about what constitutes “the good life”, implicitly coded as ‘white, middle class’, against metrics that indicate indigenous disadvantage (2008, 341). Within a “postcolonial logic” however, the “politics of difference” provides a second set of discourses and these come to the fore amid debates over notions of community control and cultural appropriateness (2008, 342).

What debates over community control and cultural appropriateness draw attention to are the ways discourses of indigenous particularity work within “postcolonial logic”. To define how these operate, Kowal draws on Edward Said’s notion of Orientalism, which she contends “describes the process whereby a powerful agent designates a less powerful agent as essentially different from Themselves” (2008, 342). Here, the force of the Orientalist depiction “recognises a non-White group as different, [then] project stereotypes onto them for the purpose of building their own self-image” (2008, 342). Kowal extends this notion of Orientalism into negative and positive inflections. In its negative inflection, Orientalism refers to “denigrating depictions of non-White peoples”, typically as uncouth, uncivilised barbarians (2008, 342). However, Kowal also finds philosophical and empirical precedents for a ‘positive Orientalism’, not without “moral blemish”, but one that can be identified with ideas of nativism or primitivism (2008, 342). She argues that

68 Environmentalism in Australia has not been immune from the use of such imagery (Sackett, 1991).
positive Orientalism was based on establishing a fundamental difference against the Occident that was seen as decadant and out of touch with Nature. Within this framework, positive Orientalism can be considered resistant and even progressive.

Kowal considers that the marrying of this “positive Orientalism” to remedialism is essential to the modality of “postcolonial logic”. It provides a “remediable difference” as the work of the White antiracist does not impact an inherent goodness to Aboriginality, even as White antiracists seek to work through the destructive impacts of colonisation on Aboriginal culture. Aboriginal culture itself does not become an obstacle to ‘closing the gaps’ (2008, 343). However, for White antiracists there is also a tension between these poles of positive Orientalism and remedialism. This emerges with the question: does remediying the social and health factors decimating indigenous communities and so “closing the gap”, also remove the alterity of indigeneity? Kowal does not, in fact, cannot answer this question. Rather it is a foundational tension to the work of White antiracists in the self-determination era. “Postcolonial logic”, as Kowal puts it, needs this “happy, if awkward, embrace” (2008, 343).

The actors and discourses described by Kowal are more intimately bound to the policies and desires of the liberal state, than are the environmentalists at Friends of the Earth. The importance of Kowal’s work lies in its description of how governmental rationality structures the ways that White anti-racists negotiate their praxis when working with indigenous peoples. As an environmental organisation that proposes more radical actions than a federally funded health institute might consider, Friends of the Earth does not subscribe to a liberal remedialism in the form Kowal describes. For example, in the course of the BMC campaign, multiple techniques were used to achieve the environmental and social outcomes, some legal, some otherwise. These techniques ranged from street protests and public meetings, to tree sits and forest occupations. Whereas the Northern Territory health-workers were the purveyors of Government policy, the environmentalists at FoE sought to influence state policy and change it for environmental and social outcomes. So, while the BMC was familiar with the language and technologies of the State these were used to “corner states into environmentally sound protection rather than directly lobbying them” (Wapner, 1996, 125). Thus, to approach the work of the BMC I think it is useful to see how “postcolonial logic” was present in their work but also how this existed in tension with a different set of knowledge practices, environmental justice. To understand environmental justice however, it is necessary to situate it in relation to the notion of Wilderness. Wilderness has
been the central doctrine of environmentalism in Australia and the practical consequences of this notion have been central to structuring environmentalists relationships with Traditional Owners.

**The Critique of Wilderness**

The critique of Wilderness in Australia was developed for and with the environmental movement, though it has been part of a broader global debate. Central to these debates have been challenges to the idea that a binary, antagonistic dualism exists and defines the difference between humans and nature. Earlier I discussed Bruno Latour’s heuristic of the Modern Constitution, a powerful set of paradoxes that justify the commodification and destruction of environments yet can also delineate an external Nature that must be protected. This external Nature is also the key marker of Western environmentalism and its calls for the protection of Wilderness. However, as Bruce Braun argues, the deployment of “[these] notions of “pristine” or “primeval” nature - quite apart from their sexualised tropology - posit Nature as something that lies outside history, and thereby denies other histories of nature’s occupation and use, specifically those of indigenous peoples” (2002, 12). This externalisation of Nature has been “complicit in the displacement of people for whom these places were once or still are home” (2002, 12). Braun quotes Donna Haraway approvingly: “Efforts to preserve wild nature often ‘remain fatally troubled by the ineradicable mark of the founding expulsion of those…for whom the categories of nature and culture were not the salient ones” (Haraway in Braun, 2002, 12). For Australian environmentalism, Haraway’s gesture to a “founding expulsion” is particularly salient due to the way terra nullius played a similar role.

During the early 1990s, environmental groups in Australia worked through a period of intense auto-critique, questioning what exactly their aims and aspirations might be in the context of their settler-colonial heritage, ongoing Aboriginal presence and assertions of Aboriginal sovereignty. A key challenge was for these groups to critically examine how ideologies of Wilderness might be inhibiting their ability to effectively engage these issues. Important for these debates were the magazines and newsletters published by the different organisations. One such article that is representative of these debates was published in The Wilderness Society organ *Wilderness News*. In this article, Aboriginal academic and author, Marcia Langton critically examines the idea of Wilderness, drawing a link between “the legal fiction of terra nullius” and “modern proponents

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69 Moorcroft has placed these debates within a broader framework she calls the ‘Campaigns Era’ (2016).
of this ‘wilderness’ cult” (1995/6, 16). She argues, “as terra nullius was a lie, so is the European fantasy of ‘wilderness’”:

There is no ‘wilderness’, but there are cultural landscapes: those of the environmentalists who depict a theological version of nature in posters; and those of Aboriginal people, present and past, whose relationships with the environment shaped even the reproductive mechanisms of forests. (1995/6, 17)

More specifically, Langton takes aim at the ‘National Park’, characterising it as “an institution of power which governs and commodifies ‘nature’ and thereby culturally constructs an imagined ‘wilderness’ (1995/6, 16). While accepting that there can be “protected areas owned by indigenous people with majority indigenous representation on their boards of management”, Langton contends that the “Universal Yellowstone model of the national park is a disguised and politically acceptable dispossession of indigenous people” (1995/6, 16).  

Langton’s critique of Wilderness points toward the limits of what Mick Smith has called ecological sovereignty: the decision-making that involves “the modernist metaphysical distinction between the decisionistic politics associated with (at least some) ‘properly human subjects’ and the objectification of nonhuman nature as resource” (2011, 44). The resource that Langton sees national parks legitimating is cultural; it allows the State to prove itself to be a “responsible custodian of the land it has not yet allowed to become degraded (although this is not always the case in practice” (1995/6, 17). One can imagine something of the force of these critiques at the time of their publication, especially in an organisation such as The Wilderness Society, whose very name references modernist perspectives of nature.

For Friends of the Earth, these critiques emerged in their national magazine Chain Reaction in 1993. Timed to coincide with the International Year of the World’s Indigenous Peoples and in response to the Mabo decision on Native Title in Australia,  

Topics included: assessments of different environmental groups’ approaches to indigenous land rights and colonial history with a focus on the Australian Conservation Foundation (ACF) and North American experiences; critiques of some conservationist approaches that displayed a lack

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70 Yellowstone National Park was the model of Wilderness environmentalism (Cronon, 1995).

71 The Mabo decision challenged two assumptions. Firstly, that Aboriginal and Torres Straight Island peoples had no concept of ownership before colonisation; and secondly, that the declaration of sovereignty gave the Crown complete control of the land (Russell, 2006).
of consideration for Aboriginal presences and land use; consideration of indigenous activism including the Pay the Rent campaign; the arguments for a Treaty; and maybe most significantly, an article by Yorta Yorta elder Wayne Atkinson on his nation’s struggle for land rights in Murray River Country. The significance of this article is that Yorta Yorta would go on to become a key ally of Friends of the Earth in the 1990s, and this, in turn would provide the basis for the formation of the Barmah Millewa Collective in 2001 to work on the River Red Gum campaign. I will address this relationship in more detail later in this Chapter.

Despite these debates and critiques, environmentalists in Australia continue to deploy tropes of Wilderness in their campaigns. Jenny Pickerill has explored how hard it can be for environmental groups to move away from the language of Wilderness. Her article is useful for the ways it outlines how Wilderness continues to inform the work of environmental groups, and to enable the difference of the FoE-M approach to emerge. In an interview with The Wilderness Society’s (TWS) Cape York and Far-North Australia campaigners, Pickerill documents their shift in the 2000s to a notion of ‘WildCountry’. This was an effort to move away from Wilderness doctrine, but also “keep the best of the idea and the movement of essentially the white folk that are supporting the stuff in southern Australia” (Schnieders in Pickerill, 2008, 100). In further discussions with TWS campaigners, Pickerill notes that a strident critique of the term ‘wild’ comes coupled with an awareness the term might provide an opportunity for showing how indigenous people do not consider Australia to have Wilderness in the Western sense (2008, 100). However, despite this auto-critique, for Pickerill, TWS’s continued focus on environmental preservation suggests they may continue to struggle with criticisms regarding their approach to indigenous people. Pickerill also discusses the role of ‘wilderness’ for another large environmental NGO - the Australian Conservation Foundation (ACF). The ACF have not only tried to modify their language - they avoid terms such as Wilderness and biodiversity - they have also developed a long-term initiative to become a bi-cultural organisation that develops goals in common with the aspirations of indigenous groups. This has seen the ACF oppose the establishment of National Parks out of respect for their alliances. They have also engaged the work of Indigenous Policy Officers in attempts to try and “find that middle ground between Indigenous peoples and their connection to country, their rights around country, obligations to country…and environmental responsibilities in terms of protection and restoration and sustaining the environment” (Talbot in Pickerill, 2008, 101).

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72 Bruce Tranter has analysed the state of environmentalism in Australia (2010; 2012; also Hutton, 1999).
Reflecting on the work of TWS and ACF, Pickerill makes two observations salient to the development of the BMC. First, with one exception by TWS in southern Australia, that indigenous engagement by TWS and ACF tended to be restricted to northern Australia. This feature of the NGOs work has an historical and cultural significance:

There remains a north-south division with the Australian environmental movement with a perception that Indigenous consultation is only a necessity in the north. A view persists that there is no need to engage with Indigenous politics further south, perpetuating the myth that only those Indigenous people who have a more apparent and historic (according to non-indigenous adjudicators) connection to their homeland need consultation. Others are somehow ‘cultureless’, reinforcing the construction of an ‘authentic’, ‘traditional’ Indigenous person against which Indigenous identity is judged. (2008, 102)

The second point that Pickerill notes is that although these groups display a commitment to excising the language of Wilderness from their campaigns, there is still a reliance on notions of environmental protection that deploy a “biophysical based and scientific method to determine value” (2008, 103). The problem with these notions, according to Pickerill, is that they suggest we are still “a long way from bridging the gap between ‘environment’ and ‘culture’ and widening the ways in which we value landscape” (2008, 103).

Of these two points, the first strikes me as most pertinent for reflecting on the BMC’s difference from other NGOs in Australia. Notably, BMC members felt very strongly that it was proper to engage with Traditional Owners in Victoria and not just look to the north or to the desert to do this. As Indira explained to me: “So I had been away and worked a bit in the Northern Territory and South Australia and WA and I wanted to work in a campaign in Victoria; I wanted to deal with stuff back home” (Narayan, 2009a). This recognition that there was an indigenous presence in Victoria that needed ‘dealing with’ suggests that the BMC understood that Victoria couldn’t be occluded from struggles for environmental justice on the basis that Wilderness was elsewhere. The Barmah Millewa Forest especially places caveats to notions of Wilderness, because of the ways the forest has been intensely degraded since colonial invasion. Indeed, as I discussed earlier, some of the strongest opposition to the establishment of National Parks was because human intervention in the forest had been so profound as to make the forests a danger, especially if a bush fire were to occur.
Pickerill’s second point about biophysical and scientific method providing a singular way for environmentalists to value the environment needs further examination. Scientific and biophysical value has been important for the BMC as it provides a way to speak for the river red gums against other destructive discourses. Following the work of Bruno Latour, the contribution of science to the establishment of value is not via loss or abstraction, but rather through the creation of attachment and autonomy (1999). In saying this, the need to link the environmental threats faced by the river red gum forests to other modes of value has not been especially challenging for the BMC. River red gums are an iconic species, with broad cultural value, to the extent that Colloff can identify a “river red gum consciousness” in Australia (2014, 197-230). Furthermore, as I discussed in Chapters Two and Three, river red gums are also in part an artefact of Aboriginal cultural practices, linking them into Dreaming Ecology.

Nevertheless, perhaps this is not the point Pickerill is making. Rather, she may be pointing out the modernist inheritance of biophysical approaches and the scientific method for reproducing the Nature/Culture split and that they establish value in a positivist sense with implied notions of hierarchy and dominance. This seems to be her point when she notes that environmentalists “are right to be fearful of diluting what preservation gains they have made” when they are unable to appeal to the authority of Science as the final arbiter of value (2008, 103). As such, Pickerill exhorts us to “celebrate ‘wilderness’...for what it can teach us about ourselves, our history, how we treat Others, and the nature all around us” - we should turn Wilderness into Culture (2008, 103). However, here, Wilderness becomes strictly about ‘us’ and loses its specificity as a thing-in-the-world. More problematically, it becomes hard to see how Wilderness might exist differently for those who do not inherit the modernist legacy of the Nature/Culture dualism.

Influenced by postmodernism, ‘Wilderness’ becomes even more inaccessible as it becomes a cultural position that accepts the “total division” between the Nature and Culture, and “[relishes] only in the hybrid character of free floating networks and collages” (Latour, 1993, 61). I hope to show an alternative approach to engaging the BMC’s work that avoids both the modern and postmodern versions of the Nature-Culture split. This approach is to return to the notion of environmental justice. Rather than considering it a philosophical or theoretical position, I propose instead to follow the work of Isabelle Stengers and consider environmental justice as a mattering.
Environmental Justice as Matter-ing

In this section, I discuss the importance of ‘environmental justice’ to the work of the BMC and suggest that it forces a series of alternative actions that exist in tension with the dominance of “postcolonial logic” and Wilderness. During interviews, the BMC repeatedly emphasised the importance of environmental justice to their work and the identity of Friends of the Earth. For collective member Jono, environmental justice meant that the BMC saw “environmental and social inequalities as intertwined” and made “Aboriginal land rights and Aboriginal sovereignty […] fairly integral to FoE’s politics” (La Nauze, 2009b). This position, he noted, made Friends of the Earth unique amongst environmental organisations in Australia. Central to notions of environmental justice is the implicit critiques it applies to notions of Wilderness that have been foundational to the emergence of both a national and global environmental movement. This is not to say that other environmental organisations are neither aware of, nor participated in, discussions about the limitations of Wilderness. As I showed above, the 1990s were replete with discussions and critique of this concept and its colonial heritage. However, as I will discuss, environmental justice seems to offer FoE a different starting point to other organisations, along with attracting a supporter base more amenable to campaigns that do not seek Wilderness goals.

Part of the efficacy of the term environmental justice for Friends of the Earth is the multi-faceted possibilities the notion ‘justice’ provides for defining what the environmental outcomes may be. Following David Schlosberg, I contend that looking at the groups and movements that use this term provides a better understanding of what the term does for them than what theorists otherwise account for. Schlosberg argues two points in particular. Firstly, that “groups and movements often employ multiple conceptions of justice simultaneously, and accept both the ambiguity and the plurality that comes with such a heterogeneous discourse” (2009, 5). Secondly, he points out that these notions apply “not only to individuals, but to groups and communities as well”:

Environmental justice movements explore, represent and demand justice - fair distribution, recognition, capabilities, and functioning - for communities as well as individuals. These movements are most often broad, plural, and inclusive; likewise, their definitions and discourses of justice range from those based in individual distributive complaints to those based on the survival of community functioning. (2009, 5)

This pluralistic and collective usage of justice gives it a wide import into a range of problems. However, to understand further how environmental justice comes to work and engage in a particular situation or problem, the ways in which the term is practised becomes important. Thus, in addition to Schlosberg’s two markers for defining environmental justice, I propose a third point that follows Isabelle Stengers’ consideration of ideas not only as discursive or epistemological but as ‘matter-ings’.

Isabelle Stengers writes of ideas that:

[An] idea always exists as engaged in a matter, that is as ‘mattering’ (…). As a result a problem is always a practical problem, never a universal problem mattering for everybody. Problems of the ecology of practices are also practical problems in this strong sense, that is problems for practitioners. (2005, 193)

To follow the matter-ings of environmental justice means addressing the milieu that the term operates within and the ways in which this milieu always has a pragmatic quality. For Stengers, this means that there cannot be “grounding definitions or an ideal horizon”, nor can an idea notion be disentangled from its habitat in attempts to “go beyond the particular towards something we should be able to grasp in spite of particular appearances” (2005, 187). To follow the matter-ings of environmental justice means straying from the terms role in doctrinal debates within the environmentalist movement and tracing instead the ways these debates enable different practices to emerge. For Friends of the Earth, the debates over Wilderness that occurred in the 1990s provided the contentious beginnings for a matter-ing of environmental justice that inaugurated the River Red Gum campaign.

Before addressing how environmental justice matters I want to add two further terms from Stengers’ tool box of “generic terms” to help guide this approach: diplomacy and empowerment (2005, 192). One of my claims here is that the ‘matter-ing’ of environmental justice was important for enabling a postcolonial moment, as it enabled a ‘bit-by-bit’ engagement with Traditional Owner connectivity (Bignall, 2010, 174). With the use of the terms diplomacy and empowerment, it becomes possible to see ways in which the work of FoE-M and the BMC were able to generate a matter-ing of environmental justice in their relationships with Traditional Owners.

For Stengers, the significance of the heuristic ‘diplomat’ is to name those practitioners whose obligations enable engagement, or what she calls “the possibility of generating rhizomatic
connections where conflict seems to prevail” (2010b, 28). Stengers notes that to speak of diplomacy is to speak of difference but more pointedly; to speak of diplomacy is “to speak about borders and the possibility of wars” (2010b, 28). At the basis of the possibility of war is a problem, a matter. This matter, as I noted, is always a practical and local problem. Borders help to shape this problem, not because they create a “cut” in connections, but more fundamentally, because they are “matters of arrangement” (2010b, 28). Because borders are involved, “there is no neutral, extra-territorial way of defining what matters in a situation. It implies, for each involved party, different risks and different challenges” (2005, 193). The art of diplomacy is to engage the challenging matter while accepting that “nobody can speak in the name of this situation”. Therefore, diplomacy cannot refer to “good will, a common language or an intersubjective understanding”, nor is it about negotiation among “free humans who must be ready to change as the situation changes”. Rather, diplomacy seeks “constructions among humans as constrained by diverging attachments”. Such constructions are not easy to come by, however. Stengers contends that the arts of diplomacy require an awareness of risk; both the risk of war if diplomacy fails but also the risks entailed by the diplomat’s attempts at the “slight modification of some obligations derived from an attachment” (2005, 193). If these slight modifications are rejected, a diplomat could be denounced as a traitor. These risks lead Stengers to posit a complementary feature - empowerment - to account for the relationship between a diplomat and those they represent.

Whereas diplomacy is about a challenging matter, empowerment is about the “fostering of force” through the creation of a milieu suited to “answer challenges and experiment changes” (2005, 195). For Stengers, the creation of this milieu occurs through modes of gathering that enable “depsychologisation”, or a putting out of equilibrium (2005, 195). This “putting out of equilibrium” does not occur by being overwhelmed or placed under the influence of the group, rather, something is made present by the gathering “which transforms their relation to the stakes they have put up” (2005, 195). That something which is made present by the gathering enacts “the relation between belonging and becoming”, making “present what causes practitioners to think and feel and act” (2005, 195). However, as Stengers notes, the fostering of force can be a “problem” for practices, challenging what they think is appropriate. Thus, she posits the importance of an “experimental togetherness among practices, a dynamics of pragmatic learning of what works and how” (2005, 195). This fostering milieu is what enables a collective to deploy and respond to the challenges of diplomacy.
Among the first instances of the matter-ing of environmental justice were two fora organised in 1997 and 1999 by a FoE collective called the Indigenous Solidarity Group (Devenish, 1998/9). These fora brought together indigenous peoples and environmentalists from Australia and around the world to discuss the relationship between environmental destruction, colonisation and Aboriginal ways of knowing and being in the land (Amis, 2012). It was noted at the conclusion of these forums that there was a distinct lack of interest from ‘mainstream’ environmental groups (Walker, 1999). This was also a feature of the negotiations over the RAMSAR Declaration where FoE worked closely with Yorta Yorta to put forward their claims over the region. As Yorta Yorta leader, Monica Morgan, said to me, “the other environmental groups kind of left us out in the cold and didn’t really want to be involved with us” (Morgan, 2009). FoE again was on hand in their support for Yorta Yorta in the Dharnja Centre occupation in the Barmah Forest in 1998. Here, Yorta Yorta’s long history of campaign and protest for the return of their lands began to congeal into collaboration with FoE (La Nauze, 2009c). Soon after this, FoE members began to discuss a campaign with Yorta Yorta leaders and elders. Founding member Pete explained to me that “…critically back then I was more interested in the…conservation outcomes, though just the opportunities for Aboriginal people to have a…backdoor to land justice via an arrangement that was jointly managed” (Barker, 2009). This was also the rationale for Yorta Yorta. Monica Morgan explained how she worked to build alliances with environmental groups while working on her nation’s now infamous Native Title Application. She emphasised to me how her people were strategic in the ways they identified co-managed National Parks as a way for them to reassert their sovereignty and to gain control of their traditional lands once again. She considered this also to have significant social and health benefits for her people (Morgan, 2009, also Kingsley et al., 2009).

A relationship between Yorta Yorta and Friends of the Earth-Melbourne was formalised in 2000 with Yorta Yorta, the Golburn Valley Environment Group, and Friends of the Earth-Melbourne agreeing on a campaign protocol. From this meeting, the Barmah Millewa Collective was created. One of the first things the BMC did was to establish the key focus of the campaign, especially the centrality of co-management to the establishment of any new parks that might be formed. The jointly published report “Barmah Millewa National Park: Proposal and Briefing Document” gives voice to these protocols, by outlining the values inherent in the relationship between the groups. These are seen in the document’s three parts: 1) ‘Ecology and Conservation’, 2) the Yorta Yorta and Barmah-Millewa, and 3) Sustainable Socioeconomic Options (2002).
Also significant for the role of BMC was to bring the ecological science on how the river red gum forests could be protected into dialogue with the Traditional Owner calls for joint management and control of their country. Shortly after the BMC was formed, they released a report titled “Evidence from the scientific literature supporting the environmental component of the Yorta Yorta Management Plan for the Barmah-Millewa forest ecosystem”. As the title suggests, this document was developed to help engender support for Yorta Yorta plans for the region by showing that they had a sound basis in science. The report notes the ecological importance of the region and sets out five features of the Yorta Yorta’s management plans and how these could be justified by ecological science.\textsuperscript{74} The report does not shy away from making strong political statements, although these are kept to a minimum.\textsuperscript{75}

This work on bringing together the environmental, social, and Aboriginal aspirations became essential when the Bracks Labour government made a 2002 election promise to investigate establishing National Parks in river red gum forests. The investigation was to be conducted by the Victorian Environmental Assessment Council (VEAC), and the BMC began a “concerted campaign” to ensure that the Terms of Reference included consideration of Aboriginal joint management models (La Nauze, 2009a, 25). When VEAC announced the beginnings of their inquiry three years later, they included consideration of “possible opportunities for indigenous management involvement”. By the time of the final report and recommendations in 2009, they included substantive measures to ensure Traditional Owners could be involved on the boards of management that controlled the new National Parks (Victorian Environmental Assessment Council, 2008, 32).

As campaign success became imminent, it was clear to all involved that the varying levels of capacity and resources Traditional Owners could access within their Nations was going to limit their ability to enter co-management agreements with the State government. Some nations were in good shape, while others needed support (Morgan et al., 2006). To remedy this, BMC members started working with Aboriginal nations to help them meet the various requirements needed for

\textsuperscript{74} These five features address 1) water regulation and quality, 2) stock grazing, 3) timber harvesting, 4) recreation and tourism, and 5) erosion control.

\textsuperscript{75} When addressing the argument that grazing in the forests is a cultural activity the author writes: “As for the cultural importance of grazing, it is the author’s firm opinion that 60,000 years of cultural continuity or even 13,000 years of cultural continuity should take precedence over 160 years of cultural continuity on stolen land” (Orthia, 2001, 18).
official recognition. They signed a Cooperation Agreement with the newly formed Murray Lower Darling Rivers Indigenous Nations (MLDRIN) to help define how this work would happen, and to ensure it was done respectfully and at the behest of the Traditional Owners (Narayan, 2009b). This meant working within the Aboriginal nations themselves, but being paid with funds set aside by the State government to assist these nations preparing for co-management – a highly problematic arrangement. Most notably, it appears to violate the strictures of postcolonial logic by crossing the gap between indigenous alterity and white dominance.

In the course of this work, the BMC became very troubled by the role they now found themselves in. Collective member, Jono, best expresses this:

…I think there is a merging, there is a blurring of that line with all of our work and it is something we really need to be conscious and critical of. When we started out certainly I, and I think most of us, had quite a clear conception that our role was to challenge barriers in white society, not try and solve problems in indigenous communities. And that line becomes…it just…the longer you work with Aboriginal people the less that line makes sense. And it is still an important principle, but its … yeah, I don’t know … I think we need to look at it more. (La Nauze, 2009b)

We can see both poles of postcolonial logic at work. Equally, the stuttering, hesitancy, and recognition that their work is ‘blurring that line’, recalls Stengers’ point that the fostering of force can ‘put out of equilibrium’ as the stakes change. The equilibrium at risk here is the postcolonial logic that has structured White anti-racist politics. However, if this logic is at risk as the BMC co-constructs a new proposition, then, as diplomats, the BMC themselves are also at risk. The risk they face is being branded traitors or failures as they return to their people, the ‘white people with progressive politics and professional degrees’ mentioned at the start of this paper. To conclude, I would like to consider why this might be.

**The Limits of White Stigma?**

Emma Kowal has written another paper that interrogates in more detail the ‘white people with progressive politics and professional degrees’ who work with Aboriginal people. In this section, I discuss how the BMC and Yorta Yorta’s unsettling of postcolonial logic and Wilderness have further implications for this cohort. Drawing on the work of sociologist Erving Goffman, Kowal

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76 See Weir for a history of MLDRIN (2009).
coins the term ‘White stigma’ to consider how liberal and radical discourses register the “mark of white skin” as “exploitation, colonisation and imperialism, and general dominance over non-white people” (2011, 5). The term ‘stigma’ has its roots in Ancient Greece where it named the physical mark branded onto slaves and criminals (Goffman, 2009, 8-10). The term’s modern meaning emerged in the 1600s when the stigma came to be seen as a mark of disgrace. It is this inflection that is especially relevant as it suggests a deviation, or in Goffman’s terms “an undesired differentness”, from a “normal” category (2009, 10). However, as Kowal points out, it could be “controversial” to consider whiteness as a stigma. It would mean considering indigenous people as ‘normal’, a category opposed to dominant ideological portrayals of indigeneity (2011, 5). A consequence of regarding indigeneity as normal is that whiteness becomes the inferior other. The privileges associated with whiteness - education, wealth, prestige - become seen as problematic and are considered in terms of their relationship to “exploitation, colonisation and imperialism, and general dominance over non-White people” (2011, 5).

For White antiracists, and indeed for white environmentalists, the stigma of whiteness needs constant maintenance - it cannot be removed. Thus, while the aims of this management are to pass for ‘normal’, the deleterious effects of whiteness also needs management, so they do not, even inadvertently, affect indigenous peoples. The dangers that White antiracists perceive their stigma is destined to affect, either for “blatant self-gain or out of misguided superiority”, is the “harm of Indigenous people” (2011, 11). Thus:

More broadly, White anti-racists must work to build a White subjectivity that transcends its stigmatised attributes. Such an imagined, ethical White subjectivity would be fit for the fantasy space of post-colonial justice. Once it is achieved, White anti-racists could finally be confident in their ability enact post-colonial justice without endangering the Indigenous subjects they seek to help. (2011, 5)

As Kowal goes on to note, for White anti-racists, such transcendence takes on a very literal emphasis. Not only is self-vigilance required but so is a more important technique of minimising white agency: “If White intervention in Indigenous lives is by definition damaging, then it follows that the less White people are doing, the less chance of injury to Indigenous subjects” (2011, 11).

Kowal identifies a number of strategies used by White anti-racists to minimise their agency and transcend the limits of whiteness. Firstly, there is the construction of statements that diminish white agency. These statements may insist that the White antiracist is neutral and merely
facilitating indigenous desires for self-determination. A second feature is self-vigilance, as a group and individually, that deploying an auto-critique of white actions and perspectives to ensure that even unconscious modes of domination are policed and avoided. A third technique sees the White anti-racist insist that their work is temporary as, one day, indigenous self-determination will become a reality, and their role will no longer be required. Instead of this, it is also desirable that an indigenous person is trained up to take on the White anti-racist’s role.

Fourthly, White anti-racists may attempt to construct new identities for themselves that attempt to reposition their role in relation to indigenous people as more generous and kind. Lastly, White anti-racists attempts to transcend their stigma occur by trying to “divest themselves of power altogether (if only discursively)” (2011, 13). Here, Kowal argues that the figure of the child is most relevant:

The epitome of innocence and powerlessness, the figure of the White child realises the ultimate goal of post-colonial spaces: the inversion of colonial power relations. Through this imaginary inversion, the White anti-racist is cleansed of stigma. (2011, 14)

Concluding her discussion, Kowal argues that effective management of White stigma “can only ever be partially effective”: “Ultimately, the indelible stain of White stigma denigrates the moral worth of the White anti-racist, and precludes their ability to help Indigenous people” (2011, 14). Kowal’s perspective on this denigration is that it can leave the White anti-racist “without sufficient confidence to accomplish the difficult tasks their work entails”, and she posits that a “reflexive anti-racism” may be required that makes the White anti-racist “aware of the aporias of post-colonial development without being consumed by them” (2011, 14).

However, Kowal also notes that if considered through a psychoanalytic lens, the White anti-racist’s fantasy of post-colonial justice would see themselves disappear should it ever be achieved. As this fantasy is unrealisable, the White anti-racist thus requires a scapegoat as to why it cannot happen. The scapegoat for White anti-racists is “the racist White state and the racist white people that populate it”. This is a category that is always threatening to include the White anti-racist: “To preserve the possibility of post-colonial justice, the ‘good’ perpetrator must always be in danger of betraying her exceptional status, reverting to type and ruining the very goal she purports to strive for” (2011, 15). Kowal contends that the “tortuous ambivalence” this situation creates for the White anti-racist “may thus be a prerequisite for the existence of this subjectivity which requires one to be at once saviour and scapegoat” (2011, 15). This ambivalence means, “the promise of post-colonial justice fails to deliver a tenable construction of ethical White agency” and relies on a fantasy that “colonisation never occurred” (2011, 15).
Therefore: “It may be that for White anti-racists, an ethical unstigmatised White identity is an ahistorical impossibility. Enduring ill-repute, humiliation and discomfort may be necessary for the White anti-racist, who … must forever ‘endure a non-identity’” (2011, 15).

It is my argument that what appears to happen in the work of the BMC is that they run up against the idea that transcendence will rid them of the White stigma that inhibits their work. This is not to say that the BMC were immune from postcolonial logic or White stigma - both of these are visible in the quote from Jono. However, drawing on Stengers’ ‘generic terms’, White stigma can be seen as a key idea within the ‘habitat’ of the White anti-racist that establishes the obligations of this group. Considered in this way, Jono’s quote registers something other than White stigma because he realises that the BMC were not following White anti-racist best practice by disappearing, and that this was a slightly heretical stance. The BMC can be seen to diverge from White anti-racism, entering into a new milieu with differing obligations. It may become possible then, to register a proliferation of White anti-racisms over and against evocations of a unitary, dominating anti-racist whiteness (cf. Saldanha, 2007, 199). This White anti-racism does not want to disappear. Rather, it wants to reassess how anti-racist work is done, and it wants to talk about it more. It could be a useful candidate for approaching the “reflexive antiracism” that Kowal contends is an antidote to the dominant discourse and logics of White anti-racism. So, whereas Kowal questions if “enduring ill-repute, humiliation and discomfort may be necessary for the White anti-racist?”, I would like to tentatively respond with Stengers; that it is by “learning the demands of symbiotic relations with recalcitrant groups that such questions, may find the empowering beginning of an answer” (2005, 31).

**Conclusion**

In this Chapter I have discussed the way the Yorta Yorta nation’s reassertion of their rights over their country, including its more-than-human dimensions was able to fruitfully engage with the Barmah Millewa Collective at Friends of the Earth-Melbourne. The construction of the River Red Gum National Parks was a successful outcome for both groups due to the achievement of Traditional Owner control of the forests, along with restrictions on destructive practices such as logging and cattle grazing. Both groups were challenged on this journey. For the Traditional Owners, this occurred in the ways they sought to gain the return of their lands through Native Title process and alliance making with environmental groups. For the BMC this work was more demanding, and required an overhauling of Wilderness doctrine in the first instance. This work
was done in the years preceding the BMC, but it provided the basis for the BMC to run up against further features of the single ontology of politics; namely, the liberal and biopolitically structured ideas about ways of managing relationships between indigenous and non-indigenous groups. Through working with Aboriginal nations in ways that challenged these prevailing notions of correct modes of engagement, the BMC were arguably more successful challenging colonial processes than they would have been if they did not take on particular roles for fear of usurping the roles of Aboriginal groups. Clearly, as Jono’s quote shows, this was awkward and uncomfortable. Nevertheless, there was also an openness to what this different mode of relating might mean, and what potential there might be for it to reorganise Aboriginal and anti-racist relationships.

Since the successes of the campaign to form the River Red Gum National Parks, the BMC have sought to engage as a further environmental issue that is affecting the Barmah Millewa Forest. As I discussed in earlier chapters, river regulation has had a massive impact on the forest. Without regular inundation from floodwaters, the river red gums struggle to reproduce effectively. Furthermore, the lack of floodwaters influences the ability of Traditional Owners to access plants and animals that are essential to the reproduction of indigenous worlds. The BMC have begun a campaign on these issues, supporting calls for an allocation of ‘environmental water’ to be released from the locks, weirs and dams to further environmental aims for the region. The BMC have also turned their focus to another approach, which they are developing with Traditional Owners, called ‘Cultural flows’. Cultural flows are allocations of water that are released through the river system to meet the goals and aspirations of Traditional Owners (Weir, 2009, 118). If the idea of Traditional Owner-controlled river red gum forests leads to a confrontation with hegemonic ideas around White anti-racism, particularly White stigma, then undoubtedly cultural flows will also lead to further confrontations with other shibboleths in the settler colonial pantheon of matter-ings.
CHAPTER EIGHT

Conclusion

This thesis has examined the politics that emerge with the resurgence of indigenous worlds. These worlds emerged cleaved to more-than-human entities. I have focused on two such entities, kūmara and river red gums. Drawing on Marisol de la Cadena, I argued that the resurgences of kūmara and river red gums are continuous with a global emergence of indigenous more-than-humans. De la Cadena points to the invocation of Pachamama in the Ecuadorian constitution and indigenous social moments such as Abya Ayala across Latin America. Mario Blaser has noted further instances, including that from the Mowachat/Muchalaht First Nation in Canada who purposefully bungled a carefully staged and scientifically approved plan by Canada’s Department of Fisheries and Oceans and environmentalist groups to return a young lost orca whale, Luna, to its pack. The First Nation insisted that the orca was Tsux’iit, the abode of the spirit of their recently deceased chief, Ambrose Maquinna and that Tsux’iit was not lost but desired to stay with his people. This wish, the Mowachat/Muchalaht argued, should be respected (2013, 548). These entities push the limits of politics-as-usual that would otherwise seek to explain them away as relics of a primitive past, or the machinations of a calculating, power-hungry leader.

As I write, a particularly prominent instance of such resurgence of indigenous worlds is occurring. The construction of the $3.7 billion Dakota Access Pipeline near the Standing Rock Sioux Reservation has caused First Nation’s peoples from across North America to resist the threats the pipeline raises for sacred lands and waters. The pipeline is constructed to transport the million of gallons of oil produced from fracking and was re-directed through sacred lands after the residents of the nearby town forced the pipeline to be moved as it threatened their drinking water. Here those who are resisting the pipeline do not consider themselves protestors, but protectors. Faith Spotted Eagle, an elder from the nearby Yankton Sioux Reservation, stated of the waters in the regions that they are “first medicine” that sustains us in the womb, and are used in ceremonies to heal people. She declares the water has a memory that can remember people speaking or singing to it during a ceremony, able to share later what it has learned (Ravitz, 2016).

For the humanities and social sciences, the nonhuman turn provides an apparent method for exploring such issues. The nonhuman term captures a number of recent approaches to social,
political and cultural analysis that have sought to include nonhumans, with the aim of providing more accurate, empirically-honest analyses. However, I have shown that there were some serious limitations with this domain including a reticence to consider the more-than-human dimensions to materiality. Philosopher of Science, Isabelle Stengers, has provided a useful way to link these concerns. She has identified an “obvious problem” with the term ‘nonhuman’, namely, “the impossibility of giving an adequate definition of the term” (2010b, 3), and she identifies three obstacles that inhibit such a definition. Firstly, the negative ‘non’ in nonhuman “does not correspond to any unifying category” (2010b, 3). It is not appropriate to use the term ‘object’ because the term ‘nonhuman’ is trying to claim for nonhumans their own reality of existence. If we are to deny then that nonhumans are objects then we are confronted with a “disparate multitude: How to unify the Web; the AIDS virus; oil-devouring cars; hurricanes; neutrinos; the climate; genes; psychotropic drugs, be they legal or illegal; the great apes?” (2010b, 4).

Secondly, and here we come closer to the themes I have explored, Stengers contends, “we may have to face the eventual demands of beings that were comfortably put away as creatures of human imagination” (2010b, 4). If we are no longer willing to appeal to Religion or Science to divide up the category of the nonhuman, how then to account for “Gods and goddesses, djinns and spirits” that people claim to be moved by. Stengers asks if would we be willing to “leave outside the concerns of all humans, both individuals and populations who do know that gods, djinns, or the Virgin Mary matter” (2010b, 4). Thirdly, Stengers suggests that an obstacle to defining nonhumans is that “in the process we may also lose the definition of the human as such” (2010b, 4). That is, it might cause a change in who we think we are. Stengers distinguishes between entities such as a unicorn with no spokesperson and which are the products of thought, and those that she considers forcing thought. These are entities that position humans as spokespersons, and who “claim that it is not their free opinions that matter but what causes them to think and object, humans who affirm that their freedom lies in their refusal to break this attachment, even in the name of the common good” (2010b, 5). This attachment has the power to make a spokesperson think, feel, and hesitate.

With kūmara and river red gums, I discussed a number of ways that they have this power of attachment. For kūmara, this power inheres in their ancestral relationships to the gods and Hawaiki, along with being an important food that required careful cultivation and care. Kūmara are the sons of Rongo, himself the son of the sky god Ranginui and earth goddess Papatuānuku. Rongo is considered the god of cultivated and wild foods, but is also the god of peace, gesturing
to the importance of agricultural activity, and of sharing food to lower political tensions. In *te ao Māori* the importance of *kūmara* is recognised through their status as *taonga*. Drawing on the work of Tapsell, Haami, and Roberts, I showed that *taonga* are bound up with *whakapapa*, the web of relations that folds the past into the present, and is structured through notions of *mana* (power), *tapu* (sacred), *kōrero* (oratory/performance). Such relations bind together humans and more-than-human entities in relationships of *kaitiakitanga*, or obligation, protection, and guardianship.

Similarly, for river red gums I explored the way that they are an important entity within the “dreaming ecology” that is Murray River Country. Some of the entities that populate the region are described in the story of Biami, the Yorta Yorta ancestor, who with her dogs created the region and its waterways, and re-emerges every time floodwaters wash down the rivers, smashing into the Cadell Tilt Block and backing up into the forest. The imbrication of nature and culture in Country is embodied in the river red gum forests. These forests are important sites for Yorta Yorta. Historically, the forest was important for food, burials, and refuge. In more recent times, the forest has provided a bastion and basis for Yorta Yorta stories, politics, and culture. The figure of *Biami* continues to be invoked as the embodiment and living enactment of ongoing and persistent Yorta Yorta sovereignty.

I explored how colonisation attempted to obliterate and destroy these relationships. The existence and resurgence of indigenous forces and practices can generate huge hostility. Underlying this hostility is the belief that such more-than-humans have no place in politics, that they are anti-democratic and mystical, tools for manipulation and domination. Equally, there are also those opinions that posit such force and practices are expressions of cultural difference, and as long as they are given some form of state-sanctioned recognition, little harm can come of them. Marisol de la Cadena argues that the link between these two positions is their reliance on the single ontology of politics. De la Cadena identified two key traits of the single ontology of politics. Firstly, she argues that indigenous peoples as spokespersons for more-than-humans fundamentally challenge the separation between Nature and Culture on which Modernity was founded. This is what Bruno Latour calls the Modern Constitution, which de la Cadena parses as “the regime of life that created a single natural order and separated it from the social by creating an ontological distinction between things and humans that it purported universal” (2010, 342). The resurgence of entities like *kūmara* and river red gum, challenge what politics is meant to be about – i.e. humans. It exposes the conceit of liberal politics that difference and antagonism are
only the domain of the fully human, while the rest are, at best ignored, or at worst, allowed to die. De la Cadena claims that under such conditions:

Nonscientific relations with other-than-humans were reduced to belief… yet perhaps worthy of preservation as long as they did not claim their right to define reality. The relation among worlds was one of silent antagonism, with the Western world defining for history (and with “History”) its superbly hegemonic role as civilizational, and as a consequence accruing power to organize the homogenous life that it strived to expand. Politics as a relation of disagreement among worlds…disappeared, or rarely happened. (2010, 345-346)

However, in the case of the resurgence of both kūmara and the river red gums, a relationship of disagreement among worlds did re-emerge.

For kūmara, the massive scale of the theft of Māori land disrupted Māori agriculture and meant kūmara was grown on a greatly reduced scale. Introduced varieties of sweet potato were planted by adapting techniques originated by Māori, but with little heed for their skill. Kūmara were collected and studied by Dr Douglas Yen of the DSIR to develop a variety of sweet potato that was robust enough for large-scale agriculture. When his position at the DSIR became untenable, Dr Yen sent the kūmara, along with the rest of his vast collection of sweet potatoes, to Japan. Here kūmara lay until their whereabouts were made known by Dr Yen to a large gathering of Māori at an ethnobotany conference in Christchurch. The conference was held in February 1988 at Te Rehua Marae in Christchurch and called ‘Nga Mahi Maori o te Wao Nui a Tane: An International Workshop on Ethnobotany’. The conference brought together indigenous peoples and scientists from around the Pacific. There were three important moments at this conference. The first was a documentary screening of The Neglected Miracle by Barry Barclay, about the commodification of plants and seeds. The second was the launch of the book, Economic Plants of New Zealand, that was a call for greater exploitation of NZ flora in direct contrast to the arguments advocated in Barclay’s film. The third important moment of the conference was a presentation by Dr Douglas Yen who disclosed the fate of his sweet potato collection.

The Barmah Millewa Forest became exposed to the rapacious and destructive demands of colonisation with the devastation of the Yorta Yorta in the early 1800s due to disease. As settlers moved into the forest and its surrounds to gain pasturage for cattle, they met fierce resistance, even though the Yorta Yorta were not ultimately successful on the battlefield. At this point, the Barmah Millewa Forest was exposed to the rapacious demands of industrial logging during a
period that has been called the “reckless years” (Fahey, 1986). Massive quantities of wood were removed from the forest for the gold mines, railway lines, and wharves of Victoria, and were even sent as far away as India and America. Stock was also introduced to the Forest, trampling sacred sites, and destroying fragile ecosystems. In the 1920s, river regulation was introduced, and the forest suffered consequently. The Barmah Millewa Forest is a forest wetland with huge floods of water sweeping through the Murray Darling Basin. These waters rush down the Murray River, and back up at the Barmah Choke, causing a giant fan of water. Mapping onto this fan of water is the Barmah Millewa Forest. With river regulation, the already degraded forests struggled further and environmental scientists, environmentalists and silviculturists started to draw attention to the poor condition of the forest, at the same time as looking for mechanisms to halt the destruction.

Those obligated by their attachments to kūmara and river red gums became important spokespersons for them during those moments. These obligations and attachments brought forward a resurgence of indigenous worlds. For de la Cadena, such resurgences are not indicative of “a new mode of being indigenous but an insurgence of indigenous forces and practices” that have the capacity to “significantly disrupt prevalent political formations, and reshuffle hegemonic antagonisms, first and foremost by rendering illegitimate (and, thus, denaturalizing) the exclusion of indigenous practices from nation-state institutions” (2010, 343). De la Cadena contends that with the resurgence of these entities, “the current moment represents a unique historical conjuncture” despite the potential for cooption of these entities back into the State (2010, 336). Mario Blaser has identified “three inter-related processes” that have provoked the re-emergence of indigenous entities in the current historical moment. Firstly, the “vigorous push from capital and states to reach still ‘undeveloped’ natural and cultural ‘resources’”; secondly, the “looming environmental crisis” which has seen the design of “schemes for environmental protection” in areas that are also “complex webs of interrelated entities, which indigenous peoples and land-based peoples are enmeshed”; and finally the emergence of national and international frameworks that create “some conditions for indigenous peoples to defend the existing relationships that constitute their worlds” (2009, 891).

In the case of kūmara, the obligations of kaitiaki mobilised them quickly into action. A delegation led by Dell Wihongi and Saana Murray, after much public derision, made the trip to Japan and returned the kūmara to Aotearoa NZ. The trip was initially going to be funded by the Department of Māori Affairs, but the Opposition party saw an opportunity to score political points, whipping up a racist and iconoclastic fervour. The New Zealand public, and the Prime Minister, roundly
turned on the spokespersons for the kūmara and funding was pulled. Nevertheless, a public did emerge around kūmara, albeit a motley one. In particular, conservationists and environmentalists concerned about the privatisation of plant species through plant patenting and genetic modification rallied behind the cause. It was through these networks that the British Conservation Foundation and botanist-cum-TV celebrity David Bellamy eventually donated funding for the trip and a delegation led by Dell Wihongi returned the kūmara to Aotearoa NZ in 1988.

Beyond this trip, the plight that kūmara and other plant-like taonga faced with the rise of the life sciences and bio-colonialism raised substantial concern. The kaitiaki of these taonga attempted to pre-empt the forces of capitalism and the State from alienating these entities from their world by lodging a claim with the Waitangi Tribunal, Wai 262. With the Wai 262 claim, kaitiaki sought to have their mechanisms for control of these entities, including property rights, recognised and protected through the guarantees provided by the Treaty of Waitangi. The entities with stakes in the claim included the tangible and non-tangible, the ancient and the modern. As Amiria Henare stated, these entities were subsumed within taonga relations, to the extent that the claim became an assertion of self-determination, whereby Māori were defining for themselves what was of value to them and the terms by which these values were to be considered.

For the river red gums of the Barmah Millewa Forest, the Aboriginal spokespersons had to be assertive and strategic in positing their rights to the forests. Following the removal of Aboriginal nations to reserves in the 1800s that also provided the means for nations to retain their culture and identity, they began an array of attempts to regain their land. Yorta Yorta were particularly prominent among the nations in Murray River Country for their many attempts to have lands returned. With the degradation of the river red gum forests, a number of other groups, including scientists and environmentalists, began to look at ways to provide protection for the forests. At inquiries and hearings held to determine how the health of the forest might be restored, Yorta Yorta were always on hand to assert their continued sovereignty over their country. In so doing, they asserted an eco-system replete with entities long thought to be exterminated, including Biami. This story of Yorta Yorta enacts their world through its performance. It is an evidential account that was central to many Yorta Yorta assertions of their right to the Barmah Millewa Forest throughout their negotiations with others to gain control of the forest. A key milestone in these attempts was the inclusion of the Barmah Millewa forest in the RAMSAR Convention in 1982. From this time, Yorta Yorta began to actively work with environmentalists gain support for
their attempts to regain control of the forests. Even through the period of their Native Title Claim, this alliance building was in progress.

The traction gained by both the kaitiaki of taonga and the Traditional Owners of the Barmah Millewa Forest through these initiatives was significant. This success garnered criticism and opposition. Using Viveiros des Castro’s notion of “uncontrolled equivocation” and “communicative disjuncture”, I explored two instances of opposition to taonga and river red gums. I showed how assumptions by settler moderns that the enactment of indigenous worlds was the same as the Nature/Culture epistemology generated a sense of equivocation even though this assumption is incorrect. This assumption of sameness underlies the production of hierarchies and relationships of domination. For those wedded to a single ontology of politics, there is the attempt to argue that indigenous worlds have the same Nature as themselves. In the hearings for the Wai 262 claim, the Interested Persons and Groups consistently argued that Nature was a commons that could not be privately owned. This is consistent with the dichotomy of Nature and Culture, and Horticulture NZ extended this by arguing for recognition of the cultural significance of kūmara. This cultural significance was based on the assumption that Māori and Horticulture NZ were talking about the same kūmara/kumara. When pushed to consider the very material ways Māori cultivated and developed kūmara, Horticulture NZ struggled to stand by their belief in this single world.

Similarly, with river red gums, the resurgence of the Traditional Owner’s obligations generated a defensive and at times aggressive response, that also sought to create an equivocation between Western land use practices and Traditional Owner practices. The point of this was to argue that Western land use practices, including logging and grazing, were the inheritors of the Traditional Owners’ practices that had long ceased due to colonisation. These claims relied on a colonialist belief that Aboriginal peoples had been extinguished and that the settlers who replaced them were able to interact with the land in harmonious and sustainable ways that replicated the outcomes of traditional Aboriginal land use practices. Again, underpinning this equivocation is a one-world epistemology that posits a singular nature that different cultures have their own unique and equal ways of interacting with. However, for the opponents of Traditional Owner control in the Murray River Country, the sense of equality between Aboriginal practices and their own habits had a thin veneer, beneath which lurked a strong sense of possession and anti-Aboriginal bias.
In the final two chapters, I looked to explore two instances where the resurgence of indigenous entities has been taken seriously: the Waitangi Tribunal’s report on the Wai 262 claim and the Barmah Millewa Collective at Friends of the Earth-Melbourne. These instances have appeared to followed Marisol de la Cadena’s contention, inspired by Isabelle Stengers, that the resurgence of indigenous worlds “represent an epistemic occasion to “slow down reasoning … and, rather than asserting, adopt an intellectual attitude that proposes and thus creates possibilities for new interpretations” (2010, 336). The key role of kūmara in underwriting the Wai 262 claim appears to echo de la Cadena; the claim was lodged in 1991 and the final report, Ko Aotearoa Tēnei was released twenty years later, in 2011. I noted that with the Wai 262 claim, Māori were trying to get ahead of the bioprospectors and the lawyers who would otherwise seek to determine how they should relate to the entities that are important to them. In opposition to this, the claim stated that Māori modes of relating - taonga relations - should be recognised and protected through honouring promises made in the Treaty of Waitangi. The Wai 262 claim was to shake the foundations of the settler status quo and the single ontology of politics. It undermined the Doctrine of Discovery, the notion of a non-ownable Nature, and Lockean claims of labour-informed property rights. The Wai 262 quickly put off the environmentalist and leftists who had earlier been so eager to raise funds for the return of kūmara from Japan. In exposing the single ontology of politics, Māori were offering to enter into open negotiations with the State about progressing together. The silent antagonism was stripped away, and the potential for a “new pluriversal political configuration” began to look possible (2010, 361).

In their report on the Wai 262 claim, Ko Aotearoa Tēnei, the Waitangi Tribunal argued that although taonga were worthy of protection and greater recognition from the Crown, Māori do not have property rights in taonga, and taonga relations do not make property rights. The Tribunal argued that the reason for this was that property rights and taonga relations are two distinct cultural forms of relating to Nature. Thus taonga relations understood as kaitiakitanga, were seen as the expression of a knowledge system that did not exert labour on the entity itself, but was a unique form of knowledge about these entities. They argued that this knowledge system was worthy of protection, and certainly, the Treaty of Waitangi was relevant to protecting this knowledge system, but taonga did not create property. I traced the reasoning behind the Tribunal’s findings back to earlier decisions they had to make when ‘rationalising’ the claim. At this time, the Tribunal produced a Statement of Issues seeking to represent the claim in such a way that the issues pointed to in the Statement of Claim could be defined and agreed upon by both the claimants and the Crown. This would give the Tribunal a basis for their final report.
However, in so doing, the Tribunal introduced a split into the Statement of Claim, redistributing taonga according to the Nature/Culture divide. This split was to provide the basis for the claim that there was a fundamental equality between te ao Māori and te ao Pākehā, and that taonga relations and property rights would introduce difference. However, I argued that this distinction and the attendant limits circumscribing te ao Māori, leaves intact the fundamental conceits informing property rights. I argued that property rights are not a cultural value, but are instead a sanction for a particular ontological performance. This ontological performance creates a nature-culture hybrid, although the Modern Constitution will never admit as much. By not addressing this issue of property rights, while stating Māori did not have property rights in taonga, the Tribunal was stating that Māori modes of creating nature-culture hybrids are not valid, while those made by Western forms of labour are. The forms of labour that underpin Western property are those defined by a rationalism that posits only science can access Nature. This establishes a racialised hierarchy between worlds, with Western science and the Pākehā world able to have exclusive access to the world and how it is defined. The powers and relations that create te ao Māori and taonga relations are dismissed and denied.

In my final chapter, I turned again to the Barmah Millewa Forest. The river red gums and their spokespersons, the Yorta Yorta, did achieve a significant victory that contrast in important ways to the Waitangi Tribunal’s findings on the Wai 262 claim. In 2009, a rare event occurred in the relationship between indigenous peoples from Murray River Country and environmentalists in Australia. This event was the formation of the National Parks in the Barmah Forest and other forests in the region. The formation of these parks was due in part to a 10-year alliance between the Traditional Owners and the Barmah Millewa Collective (BMC) at Friends of the Earth-Melbourne (FoE-M). Most significantly, the new National Parks were to be co-managed with the Traditional Owners of the Forests, meaning they were to regain a level of control of their forests for the first time since colonisation began. I discussed how the BMC was able to work so effectively with Traditional Owners by exploring their knowledge practices and the commitments and obligations this entailed.

Drawing on the ethnographic work of Emma Kowal, I argued that the profile of the BMC is contiguous with an under-analysed aspect of the self-determination era in Aboriginal politics, “the generation of White people with progressive politics and professional degrees [who] left their metropolitan homes to travel either overseas to the global South or to the ‘fourth world’ of their own backyard: remote indigenous Australia” (2008, 339). While the BMC members did not
leave for remote indigenous Australia, there were continuities with this demographic in other ways. The BMC are predominantly white, university educated and metropolitan. They have also inherited one of the central features of understanding how they should relate to Aboriginal people, what Kowal calls “postcolonial logic”. Kowal argues that “postcolonial logic” is based on the idea that there is a “remediable difference” to Aboriginal dysfunction that the work of the White anti-racist can seek to target, without threatening Aboriginality. This is classic liberal logic; tolerating difference while reducing inequality through “reasoned intervention” (2008, 341). However, I also showed that central to the BMC is a further set of knowledge practices that are built around the notion of environmental justice. This is significant because implicit to environmental justice is a recognition of the ways in which social and environmental problems need to be thought together. In so doing, Friends of the Earth were able and willing to respond to Aboriginal critiques of the notion of Wilderness. Typically, environmentalists have been reliant on the notion of Wilderness for informing their practice. Wilderness assumes that a definitive separation between Man and Nature is needed to protect Nature. However, this idea has been heavily critiqued for its colonial implications. By working with Aboriginal groups and engaging the wider environmental movement in Australia with these different ways of working, the conditions were put in place for the BMC to work with Aboriginal nations in new and generative ways.

I discussed how the BMC formalised a campaign with Yorta Yorta in 1999 and from the outset sought to find a way to gain Traditional Owner control of the Forests, while also achieving important environmental gains such as the banning of logging and grazing. As the campaign progressed, it became clear to all involved that for the State government to make agreements with the Traditional Owners, the varying levels of capacity and resources within these nations was going to limit their ability to enter into co-management relationships. To address this, BMC members started to work with Aboriginal nations, assisting them to meet the various requirements needed for official recognition. This meant working within the Aboriginal Nations themselves. Most problematically, this meant being paid with funds set-aside by the State government to help those nations get themselves ready for co-management. I discussed how the BMC’s work critiquing Wilderness meant they were able to enter effective relationships with Aboriginal nations but that once these relationships were working, their assumptions about anti-racism were challenged. They found themselves in a position where that effective support for Aboriginal nations required ‘blurring that line’ of cultural difference, and undermining postcolonial logic. This obligation to the Aboriginal nations generated a new mode of relating and attachment for the
BMC, with the potential that they could be seen to betray the cohort of White antiracists they otherwise identified with.

Where the Waitangi Tribunal was unwilling to recognise the ontological dimensions of Māori attachments, the BMC were able to develop a set of practices within which they were able to support Yorta Yorta attachments to river red gums. These practices did not emerge from a neutral sphere but were generated from self-reflection, listening to the critiques of indigenous peoples and by working closely with Traditional Owners. This began with the questioning and critique of Wilderness doctrines and the Nature/Culture split, thereby implicitly undermining one dimension of the Modern Constitution. This provided a basis for the alliance, which when practically instituted required modes of attachment with Traditional Owners that undermined the second dimension to the Modern Constitution, the commitment to liberalism. This undermining of the silent antagonism, initiated by river red gum attachments to Aboriginal nations, generated a “pluriversal politics” (de la Cadena, 2010, 361). I argued that this pluriversal politics had particular implications for the BMC, regarding their own ascription to the racialised self-conception of “White stigma”.

White stigma is an idea coined by Kowal to describe some of the phenomena that emerged from her ethnography of white antiracists. Drawing on the work of Erving Goffman, she argued that liberal white activists are troubled by a sense of their danger. This danger emerges from the ways in which their whiteness can cause unconscious and unwanted usurpation and domination of Aboriginal peoples. I argued that this idea of White stigma, considered in a Stengerian sense of a nonhuman that forces thought, is challenged with the undermining of the single ontology of politics by river red gums and their attachment to Aboriginal peoples. Whiteness comes to mean something else than the troubled and troubling stigma that inhibits agency and fantasies about transcendence. It is perhaps not clear at this juncture what kind of agency might have emerged. However, I do contend it may be necessary to note a proliferation of White antiracisms that are defined not by the struggle to dialectically overcome the negative qualities of white identity, but by their capacity to enter relationships where other modes of being are forced and enacted.

To conclude, I would like to point out that bringing kūmara and river red gums together in this thesis is also a performance seeking to generate an idea that might force thought. I have documented how kūmara and river red gums operate in this way, and this thesis has sought to continue the work they started with those who have obligations to these entities. I do not envisage
the pairing of these entities as a comparison, where judgements might be made about who has succeeded and who has not. Such comparisons are already too prevalent when examining indigenous-settler relations in Aotearoa NZ and Australia, and at a popular level do little to dispel racist conceptions of Māori and Aboriginal peoples. Rather, my aim when pairing these disparate entities of kūmara and river red gums is to generate a friction, to spark an idea.

Friction is a methodological tool deployed by Anna Tsing. She states: “Cultures are continually co-produced in the interactions I call ‘friction’: the awkward, unequal, unstable and creative qualities of interconnection across difference” (2005, 4). This thesis explores the friction that emerges from kūmara and river red gums encountering the single ontology of politics. It shows the ways in which indigenous more-than-humans cleave at a politics-as-usual that is unable to engage their worlds. I showed with the Waitangi Tribunal’s report on the Wai 262 claim how this can be met with a reassertion of the single ontology of politics, or, as in the case of the BMC, change can be allowed to occur and alternative modes of relating and identities can emerge. The friction at stake in this thesis then is one of academic method versus indigenous worlds and the kinds of responsibilities and challenges that emerge from taking the resurgence of indigenous worlds seriously.

In Chapter One I argued that postcolonialism provided the best starting point for academic methods taking indigenous resurgence seriously, though an overhaul was necessary. I looked to the work of Simone Bignall and her constructivist reworking of postcolonialism to provide such an overhaul, and to resituate postcolonialism in relation to indigenous people. Bignall argued that postcolonialism can no longer rely on a dialectical movement of overcoming as this is based on imperialistic and possessive modes of agency. Bignall calls instead for a postcolonial constructivism that is based on an ethics of relation, humility, and listening. However, I noted that Bignall only got so far with her notion of “listening respect”. The kinds of demands made by indigenous more-than-humans require more than just listening, but also an awareness of the hegemonic epistemology of politics-as-usual that determines how or if such entities are heard.

I would also note that there is not much scope within Bignall’s framework to consider how constructivist relationships change all parties in the relationship, nor how indigenous peoples
might have a view or want to preserve some control on how such relationships should unfold. With this in mind, and as noted earlier, I also recognise there are limitations to the performance this thesis undertakes. When presenting the resurgence of indigenous entities devoid of their spokespersons, this thesis risks performing a reinstitution of the single ontology of politics. This occurs through separating the knowledge practices from the spokespersons such that my obligations to these practices are not clear. The knowledge practices potentially become grist to the mill of academic knowledge production, where they circulate beyond the control of those obliged to protect and control them. As Linda Smith states of academic research: “The social ‘good’ against which ethical standards are determined is based on the same beliefs about the individual and individualized property” (1999, 118). The ethical and experimental edge to this performance, though I claim it for postcolonisation, teeters on the brink of politics-as-usual. All performance takes this risk of not being enacted properly but in the case of relationships and obligations between indigenous worlds and academic performance there is extensive literature on the necessity of interrogating ways that indigenous worlds are engaged in research (e.g. Tuhiwai Smith, 1999, Mertens et al., 2016, Nakata, 2007). It is not, therefore, clear whether the friction I have sought to generate through pairing kūmara and river red gums will spark.

Nonetheless, this understanding that ideas matter, that they force thought, and thus have the possibility to engage or hinder the worlds of others, hopefully, provides an opportunity for the beginnings of new modes of obligation and attachment. Academic methods need to be alive to the ways that their performances are also enacting, creating and changing worlds. Kūmara and river red gums have forced this thought into my work, and I have slowed down my reasoning to understand what this might mean. As I discussed, for the guardians and spokespersons of kūmara and river red gums, the resurgence of their worlds is about insisting on an encounter between worlds, rather than the “silent antagonism” currently underway. To engage in such an encounter requires the relationship between worlds to change and modify the obligations and attachments as they currently stand, that is, to move to a different footing. The Waitangi Tribunal’s report on Wai 262 did not modify its attachments and obligations, but the BMC did. May these two instances operate together as a cautionary tale, showing how non-indigenous people might – or might not – come to redefine their relationships to all the entities that populate Australia and Aotearoa NZ.

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77 This appears to be something Bignall has developed in subsequent work with indigenous scholars (2015a, 2015b).


waynera.files.wordpress.com/2010/10/veacsubm05.pdf


BEST, E. (1925) *Maori agriculture: The cultivated food plants of the natives of New Zealand, with some account of native methods of agriculture, its ritual and origin myths*, Wellington, Board of Maori Ethnological Research.


OXFORD ENGLISH DICTIONARY "ontology, n.", Oxford University Press.


GLOSSARY

Quotes have been cited as they appear in the original text. Where neoligisms have been created by bringing Māori and English words together, I have not included these in the glossary as the meaning has been discussed in-text e.g. Taonga Works, Kaitiakitanga Rights.

Biami – ancestral figure of the Yorta Yorta nation from the Dreaming
Dhungalla – Murray River
Hapū – sub-tribe
Kaitiaki – guardian
Kaitiakitanga – guardianship
Karakia – prayer or incantation
Kete – flax bag
Kōrero – talk
Mana – spiritual importance
Marae – meeting grounds typically defined by a carved meeting house
Mātauranga – knowledge
Rohe – territory or boundary of a tribal group
Rōngoa Māori – traditional medicine of the Māori
Taonga – treasure
Tapū – sacred
Te ao Māori – the Māori world
Te ao Pākehā – the Pākehā world
Te reo Māori – the Māori language
Tino rangatiratanga – absolute control and authority
Waahi tapu – sacred area that is typically out of bounds
Waka – canoe
Whakapapa – genealogy, web of connection
Whakairo – carved wood typically found on a meeting house
APPENDIX ONE

Interview Schedule for Barmah Millewa Collective members

Ethics approval granted as noted in Front Matter.

Questions for interview with BMC members

Background:

How long have you been involved with the BMC? How did you come to be involved with the BMC?

What sort of activities have you been involved with? What sort of activities are you currently involved with?

The BMC:

How would you summarise the aims and aspirations of the BMC? How are these aims and aspirations pursued?

What is the BMC struggling against? How does this ‘struggle’ inform the work of the BMC? How does the BMC work? What makes its work possible?

Where does the BMC do its work? How do these spaces influence the work the BMC does?

Relationships:

How do you understand the relationship of the BMC to TOs? How do these relationships work ‘on the ground’ and in ‘everyday life’?

What relationships does the BMC have with other eNGOs? How do these relationships work ‘on the ground’ and in ‘everyday life’?
What relationships does the BMC have with Government organisations? How do these relationships work ‘on the ground’ and in ‘everyday life’?

What other relationships are important to the BMC?
APPENDIX TWO

Interview Schedule for Traditional Owners who Work with the Barmah Millewa Collective

Ethics approval granted as noted in Front Matter.

Questions for interview with Traditional Owners.

Background:

What organisation are you from and what is your position within it?

What does your organisation do? How does it work?

The BMC:

What relationship does this organisation have with the BMC?

How long has this relationship been going?

How did the relationship develop?

How does this relationship work formally? How does this relationship work informally?

What has this relationship enabled you to do?

What challenges have arisen in this relationship?

What lessons have emerged from this relationship?
APPENDIX THREE

Interview Schedule for Allied Groups who Work with the Barmah Millewa Collective

Ethics approval granted as noted in Front Matter.

Questions for interview with allied Groups.

**Background:**

What organisation are you from and what is your position within it?

What does your organisation do? How does it work?

**The BMC:**

What relationship does this organisation have with the BMC?

How long has this relationship been going?

How did the relationship develop?

How does this relationship work formally? How does this relationship work informally?

What has this relationship enabled you to do?

What challenges have arisen in this relationship?

What lessons have emerged from this relationship?