

**Coming to Terms, 30 Years On:
The Mabo Legacy in Australian Writing**

**Introduction to the Special Issue of *JASAL*
on the Annual Conference of the
Association for the Study of Australian Literature
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For many years, the week scheduled for the annual conference of the Association for the Study of Australian Literature (ASAL) has coincided with NAIDOC (National Aboriginal and Islander Day of Commemoration) Week, the event that celebrates the histories and cultures, and achievements and struggles, of Australia's First Nations peoples. In 2022, the coincidence of these events was particularly apposite given that the focus of ASAL's conference was the thirtieth anniversary, and the ongoing legacies on Australian writing, of the 1992 High Court Mabo decision. Over five days in early July 2022, on the Sandy Bay campus of the University of Tasmania (UTas), a program of speakers and papers, including five keynote presentations from First Nations writers and critics, explored the scholarship and analysis of the enduring repercussions of the landmark court case on Australian literary and cultural imaginaries.

Any conference organiser will tell you to beware of surprises and sudden departures from the advertised program. Start making changes once the event has begun, and you don't know where you'll end up. But I've learnt from experience that being flexible can bring unexpected rewards and even illuminations that speak to the very purpose of the convention. And then, of course, in some cases, you set the program aside because the circumstances demand it: It's simply the right thing to do. For all the usual administrative and organisational hiccoughs in the months preceding, the ASAL2022 conference ran remarkably smoothly. For that, I am incredibly grateful to a host of people at UTas, ASAL, the Copyright Agency, members of the Tasmanian Aboriginal community, and beyond. That the conference did run smoothly was in great part due to the goodwill and efforts of so many people, whom I acknowledge below, and to the openness of the conference attendees to going with the changes in circumstance that arose during the week.

Our first point of departure from the program came on the first day of the main schedule. In bringing the event to fruition, the ASAL conference organising committee was greatly assisted by the staff of the Riawunna Centre for Education. Together, we had coordinated a set of activities, but one thing we overlooked was the timing of the ceremony Riawunna holds each year for the raising of the Aboriginal flag to initiate the centre's program of NAIDOC events. At 8:30 am on the first day of the conference, Jodie Haines from Riawunna mentioned that she was unable to attend that morning's conference keynote because the flag-raising ceremony was about to begin. However, she reassured us that she'd be happy to share the specially made cupcakes, icing-embossed with the Aboriginal flag, at morning tea . . . if any were left over, of course. The flag-raising was happening just outside the main conference lecture hall. Alice Te Punga Somerville was more than pleased by a short postponement of her

keynote, and it didn't take much effort—cupcakes or no cupcakes—to convince 80-odd conference attendees of a change to the day's programming. We headed outside into a cold yet clear Hobart winter morning to be welcomed by the Riawunna staff and their guests, to observe the raising of the Aboriginal flag, and to share a moment of silence and solidarity to reflect on all that NAIDOC represents.

Making space for First Nations voices was at the forefront of the planning for the ASAL2022 conference. Yet, one of the things that I am most grateful for is the space that Riawunna and other members of the Tasmanian Aboriginal community shared and curated for the ASAL2022 conference. I doubt there have been too many times when the Sir Stanley Burbury lecture hall has had a fire pit placed before its doors, or its lecture floor dressed carefully with eucalypt leaves, a wallaby shawl, and the Aboriginal flag. It was into this space that conference participants and other guests entered to be Welcomed by *trawoolaway* artist and actor, Sinsa Mansell and dancers, Harley Mansell, Brody Paxton, and Nathan Pitchford. And the careful adornment of the lecture theatre would be kept in place until the final day. There, too, would stay the chairs that Jeanine Leane asked to be placed beside the main lectern in memory of two important figures of First Nations Australia writing and scholarship: Carrie Read-Gilbert and Rosemary van den Berg.

The first day of the conference, usually reserved for postgraduate research seminars, had been notable for the workshops that focussed on the decolonising and indigenising of curriculum as well as professional associations. Emily Direen and Demelza Hall, inspired by the NAIDOC week theme of “Get up! Stand up! Show up!” hosted a session exploring the ways that Australian literary scholars can embed First Nations perspectives into their curriculums and learning environments. This workshop was followed by an equally energetic session hosted by Yvette Holt and Adelle Sefton-Rowston, addressing how to engage with decolonisation and indigenisation in literary associations. In their own ways, each workshop provoked reflection upon the legacies of Mabo to the fabric of what we do as Australian literary scholars in our classrooms, our associations, and our profession more broadly. Some of the challenges that Emily and Demelza, Yvette and Adelle, explored were echoed in Jeanine Leane's Barry Andrews Address that Monday evening, a transcript of which is included in this collection.

Yet for me it was standing outside on the Tuesday morning with other conference-goers, and the staff of Riawunna, beside the fire pit and the flagstaff, that I felt the conference really began. It provided a moment of stillness and calm before what would be a very full program of keynotes, special panels, and conference presentations over following days. It is important to note that the conference was held at a time when Australia was emerging from a series of pandemic lockdowns. Travel to Tasmania was by no means easy, straightforward, or inexpensive. Earlier in the pandemic, admission onto the UTas campus required that stringent protocols were met, and these restrictions were only partially relaxed in the days prior to the conference. For much of the lead up to the conference, I was quite expecting that the whole thing would need to be moved online and the on-campus program cancelled. Quite a few of our presentations were given by speakers located elsewhere in the world: on mainland Australia, or in Europe, North America, and Asia. The scope and smooth running of the conference was in large part due to the relatively glitch-free technical support we received which ensured that the conference could proceed—notwithstanding the usual technical gaffes that are to be expected. The hybrid format ensured that the conference boasted a diverse collection of voices that paid tribute to the global significance of the Mabo legacy. Despite the smooth running of events, the final day of presentations was cancelled due to the tragic family loss of our keynote speaker, Keith “Jim” Everett *puralia-meenamatta*. I am grateful for the advice and guidance provided by Jeanine Leane and Evelyn Araluen, Greg Lehman and the Riawunna community, as well as the ASAL Executive that day, and to all the speakers who

were scheduled to present on the final day. As it turned out, the events of that day represented a pause in our program because, over the months that followed, we were able to re-schedule all of the papers that were to be delivered on the final day. We were even able to host the special panel on “Writing History after Mabo,” featuring an in-conversation with Henry Reynolds, Geoff Rodoreda, and Anna Johnston (an event that was marked by one of the few major technical malfunctions experienced during the conference). In October 2022, we were able to host Jim Everett *purulia-meenamatta* who delivered his keynote, a transcript of which is featured in this collection, and which brought our conference to a fitting close. The long tail of this conference was perhaps befitting the long and consequential aftermath of the Mabo High Court decision, which was much more than a mere event.

Charting the Mabo Legacy

Since its announcement in 1992, the impacts and implications of the High Court of Australia’s decision and reasoning in *Mabo v. Queensland (No. 2)* for Australian history, politics, law, and culture have been examined, dissected, and debated extensively (see for example, Bain Attwood; Gillian Cowlishaw; Gary Foley; Michael Mansell; Stewart Motha; Paul Patton; Elizabeth Povinelli; Aden Ridgeway; Irene Watson; Patrick Wolfe). Moreover, the direct and indirect significance of Mabo on literature, film, music, historiography, and cultural practice in general has been well investigated and critiqued (see for example, Felicity Collins and Therese Davis; Tony Hughes-d’Aeth; Noel Loos; Sandra Pannell; Geoff Rodoreda; Geoff Rodoreda and Eva Bischoff, *Mabo’s Cultural Legacy*; Freya Willis; Liliana Zavaglia). For some, the High Court’s decision, with its twin moves of rejecting the validity of the concept of *terra nullius* while affirming the existence of and continuation of native title, is a turning point in Australian history, provides a basis for consolidating First Nations rights in their territories, and is a positive step towards genuine reconciliation. Yet for others, the decision is significant for its re-affirmation of British and, by extension, the Commonwealth Parliament’s paramount sovereignty over the territory of the continent of Australia, and consequently, the denial of First Nations sovereignty and rights. Moreover, while under the terms of the Court’s ruling some First Nations people, namely those who could prove a continuing and unbroken association with a territory, were recognised as enjoying an interest in their homelands, that “title” was heavily circumscribed and vulnerable. Moreover, those First Nations people who had been removed from their lands, or through the processes of colonisation had their association with a territory broken, received no acknowledgment, benefit, or relief from the case’s outcome. While the decision in *Queensland v. Mabo (No. 2)* resulted in a victory of sorts for Eddie Mabo and the other plaintiffs from the Meriam Islands, the decision did not fully recognise inalienable proprietary rights in their ancestral lands, and nor did the decision of the majority of the judges recognise their—or any other Australian First Nations peoples’—sovereignty. Indeed, what is often missed in discussion of Mabo is the way the judges unequivocally affirmed the primary sovereignty of the Australian state: a fact that in the words of Chief Justice Brennan was “non-justiciable.”

Despite the clear limitations of the judgment, the Mabo decision has had widespread influence. In the introduction to their 2021 volume, *Mabo’s Cultural Legacy: History, Literature, Film and Cultural Practice in Contemporary Australia*, Geoff Rodoreda and Eva Bischoff observe:

[W]hat is peculiar to Mabo, considered as a *singular* event, is that it has produced more sustained, more wide-ranging effects on Australian literature, film, art, and social and cultural practice, than other events. To be more specific, the particularity of Mabo’s influence on Australia’s cultural imaginary might be

attributed to the distinctive conjuncture of three factors in the one event: Mabo's primary focus on *territory*, its specific intervention in *historical narrative* and its being *spoken as law*. (Rodoreda and Bischoff, Introduction 5)

Further on they write: “[I]n Mabo . . . we see a unique nexus of the law (the producer of regimes of truth), speaking about control of land (the primary motive of settler colonialism) in the language of history (a narrative of public sphere of influence in Australia)” (Introduction 8). The contributions to *Mabo's Cultural Legacy*, like those presented in this special issue, are animated by the understanding that the Mabo decision, as compromised and contradictory as it may be, legitimised a set of discourses and challenges to white hegemony. While the language and logic of the decision reinforce the discourse of patriarchal white sovereignty in Australia (Moreton-Robinson), the court's engagement with contemporary discourses on human rights, race, and history, provide a point of inflection for considering a post-Mabo future, perhaps one that reframes the terms of the decision.

The Mabo decision didn't come out of the blue. Notable in the judgments of the justices is the number of times they refer to the ideological redundancies and prejudices of past notions of First Nations peoples and their cultures, including their legal, political, and economic systems and practices. The judges constantly refer to contemporary historiography, but also community norms and expectations. While the High Court on the one hand affirms ancient legal dicta (for example, paramount sovereignty), they give recognition to contemporary discourses on race and history. Those discourses have continued to develop in the years since 1992, in large part thanks to cultural practices that have gained ascendancy within Australian social life. Acknowledging this, Rodoreda and Bischoff argue that “creative practice is shifting, in a sense, beyond Mabo. What many indigenous cultural actors have responded to, some years after the Mabo decision is not what Mabo *affirmed*—an indigenous presence—but what is *denied* indigenous people: sovereignty” (Rodoreda and Bischoff, Introduction 9). The mobilisation of readings and engagements with Australian settler and First Nations cultures increasingly focuses on the theme of sovereignty as a fundamental problematic within the postcolonising nation.

That concern for sovereignty also reverberates in consideration and reflection on the nature of pedagogy in Australian literary studies. Whatever claims one wants to make about the direct impacts of the Mabo decision, it is important to reflect on its impact on our discipline and profession: the field of Australian literature, broadly constituted, and the teaching and research of Australian literature in tertiary education. Here are some broad reflections that we may wish to consider: First Nations Australian writing is now mainstream in this country. First Nations authors and their texts are no longer regarded as anthropological curiosities or cultural exotica: Indigenous Australian writers and their works are at the forefront of Australian publishing and reading. They are best sellers of avant-garde and middlebrow writing, as well as genre fiction. First Nations literature is translated, read, and taught around the world. The teaching and research of Australian literature at university (as well as secondary school) has responded to and (I hope) provided generative support to this. The reading list for the Australian literature unit that I teach in 2023 looks very different to those in the Australian literature subjects that I took as an undergraduate in the late 1980s: over the two decades that I have taught upper-undergraduate units, Indigenous-authored works have had a prominent place on all reading lists, as have non-Indigenous works that may be said to respond to the intensification of revisionist historiographies, changes to State and Commonwealth law, and a growing demographic shift. In this respect, it is important to acknowledge that in the last 30 years, the discipline has responded to a host of factors of which the Mabo decision was one part: the Royal Commission into Deaths in Custody, the Reconciliation Process, the Human Rights Commission into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, the Apology to Australia's Indigenous People by the Commonwealth Parliament—

all of these events are significant national moments to which Australian literature and literary studies have responded.

There is still much to do. The ASAL2022 conference highlighted the efforts and strategies being enacted to achieve greater “Indigenisation” of Australian literary studies. In the years leading up to the conference, ASAL has been engaged with the First Nations Australia Writers Network (FNAWN) to examine ways the association can put into action a genuine program of indigenisation and decolonisation. The workshop facilitated by Yvette Holt and Adelle Sefton-Rowston provided a wonderful opportunity for exploring some of the outcomes of that process and the inspiring continuing action in this front that will critically and sensitively address ASAL’s role as a representative body for a field that has often been highly implicated in colonial and neo-colonial processes, and specifically as a vehicle for the discourses of white patriarchal hegemony that thinkers like Moreton-Robinson dissect so incisively. While the legal “doctrine” of *terra nullius* has been abandoned by our highest court, it is clear to any knowing student of Australian literary and cultural studies that many Australian texts continue to write and rehearse *terra nullius* into our national imaginaries. What will our Australian literature units look like if we take First Nations sovereignty as a key guiding principle of engagement? What will our association look like if we commit to genuine engagement with First Nations sovereignty? As the keynotes, Jeanine Leane, Evelyn Araluen, and Alice Te Punga Somerville note in various ways, First Nations’ critical discourses are actively challenging contributors’ Eurocentric regimes of reading value, and these critical practices are yet to receive the widespread acknowledgement and application from non-Indigenous critics that they deserve. The challenge here is for non-Indigenous literary critics to engage fully with the concepts and style of approach performed by First Nations critics in ways that reach beyond the reading and critique of First Nations literature.

Among the most enduring legacies of the Mabo decision, is the story of Eddie Koiki Mabo. We were privileged to be joined by Gail Mabo, Eddie Mabo’s daughter, for the Coming to Terms conference. Unfortunately, unable to be in Hobart in person, Gail gave her presentation via Zoom from the James Cook University. Fitting the nature of the conference, Gail focuses on her father’s self-education in English, noting that when as a young man he left Meriam Island to work on a pearling lugger, the one book he took with him was an English dictionary that he read from cover to cover. Her father understood the power of words, and he understood the challenges of moving across linguistic boundaries. It was a skill that stood him in good stead in the arduous years of legal challenges that he worked through, and a skill he passed on to his daughter.

Academic conferences are spaces that are susceptible to a fair share of utopian thinking. The risk with the Coming to Terms conference was that it would see a line-up of papers celebrating the supposed benefits and promises of the Mabo decision, and its place as a pivotal moment of progress for the nation. That risk was potentially compounded by the feeling of hope generated by the new Federal Government’s commitment to the *Uluru Statement from the Heart*. The Coming to Terms conference took place at a time when the nation was gearing up for the referendum on a proposal to amend the Australian Constitution to allow for an Indigenous Voice in the Federal Parliament. In July 2022 when we met for this conference, the actual date and form of the referendum question to be put to the Australian people were still unknown. Jump ahead fifteen months and the preparation of this special issue of *JASAL* has taken place in the aftermath of what at times was an acrimonious and disturbing public debate, and ultimately a defeat for a modest proposal for constitutional change. This is not the place to offer any analysis of that particular event—no doubt the events of the last year or so will inspire much commentary, reflection, and literature in the decades to come. It is safe to assume that the determination that inspired Eddie Mabo and his colleagues, an energy shared by so many First Nations activists and intellectuals will inspire the movement towards justice for First Nations Australians in the years to come.

The Issue

The papers collected here represent just a sample of the breadth and richness of all the presentations that were featured in the conference program. I thank everyone who presented as well as those who attended in the spirit of inquiry and scholarship. I am deeply grateful for the work of all of our keynote speakers: Jeanine Leane, Alice Te Punga Somerville, Evelyn Araluen, Gail Mabo, and Jim Everett *purulia-meenamatta*. The events in the aftermath of this conference provided a particularly challenging environment for the ongoing development of these papers toward publication. This issue includes contributions from three of our keynotes, Leane, Somerville, and Everett *purulia-meenamatta*. Alongside their papers are contributions from Kieran Dolin, Alice Belette, Bonny Cassidy, Geoff Rodoreda, Dashiell Moore, Victoria Kuttainen, Desiree Jeffcoat, Sarah Burke, Jade Croft, Tracy Hough, Karla de Stefani, Barbara Holloway, Paul Genoni, and Jo Jones.

I am also pleased to be able to include an original story, “Purple Bruise,” by Luisa Mitchell, a Broome-born author of Whadjuk Ballardong Nyungar and European heritage, living and working as an arts producer in Boorloo (Perth). Luisa is the 2023 ASAL/Copyright Agency Writer Fellow. As well the issue includes three book reviews: Roger Osborne on Elizabeth Morrison’s *A Man of No Mean Talent: Donald Cameron and Australian Colonial Newspaper Fiction*; Peter Beaglehole on *Australian Metatheatre on Page and Stage: An Exploration of Metatheatrical Techniques*; and Lisa Colyer and Catherine Noske on Willo Drummond’s *Moon Wrasse*.

The curtailing of the conference program meant that I didn’t have an opportunity to properly thank everyone who contributed to making the ASAL2022 conference such a rich experience. I would like to take this opportunity to extend my most sincere appreciation to the Organising Committee for the Conference: Emily Direen, Victoria Kuttainen, Maggie Nolan, Sandra Phillips, Geoff Rodoreda, and Adelle Sefton-Rowston, for their work and support. I thank also UTas postgraduate higher degree researchers Sam Ryan and Fergus Edwards for the hard work they have put into the conference organisation; Rebecca Rule for her administrative advice and support; and Emmett Stinson for his programming advice; as well as our volunteers for their assistance during the conference, Sam Nelan, Chloe Harris, Andres Roubicek, Ian Wickramaratne, Vin Hui Khoo, Mia Arnott, Jayson Jimenez, and Yongshan Su. The conference would of course not have been possible without the reassuring counsel and experience of the ASAL Executive, especially Julieanne Lamond and Roger Osborne. I greatly appreciate the College of Arts, Law and Education (CALE) and the School of Humanities at the University of Tasmania for their support, particularly Kate Darian Smith, Elle Leane, Lisa Fletcher, and Rebecca Rule. I especially acknowledge the College Services staff who came to the rescue at the last minute to compile the programs! I also thank the Copyright Agency (CA) for their contributions to the conference. Amongst other things, we were able to offer multiple postgraduate bursaries to postgraduate students to assist them to participate in the conference. Financial support for this conference came from ASAL, CALE, and the CA.

Many thanks to the Information Technology Services team support, and particularly Thomas Zoldi for his professional assistance across the whole program. The conference could not have gone ahead without this support to ensure the smooth running of Zoom in the room for each session and live webinars for our keynote presentations. I am also very grateful to the staff of James Cook University and the Eddie Koiki Mabo Library for enabling the live streaming of Gail Mabo’s presentation.

One of the other surprises of the conference was the special evening event hosted at the LongHouse at Macquarie Point. This evening featured a panel on Tasmanian Aboriginal writing featuring Nathan Maynard, Adam Thompson, and Sinsa Mansell in conversation with Jeanine Leane. This was followed by a program of poetry readings from Evelyn Araluen, Jim Everett

purulia-meenamatta, Jeanine Leane, Melody Paloma, Ann Vickery, Neika Lehman, Ursula Robinson-Shaw, and Jonathan Dunk. I thank Louis Klee for taking charge and organising the poets and versifying, and I am greatly appreciative to Ruth Langford and Nathan Pitchford and all the staff of the LongHouse for welcoming us and hosting our event. That said, I also acknowledge that with the announcement of the plans to redevelop Macquarie Point as the site of the anticipated and controversial new Tasmanian AFL Stadium, The LongHouse sadly closed its doors in 2023. And with this, Hobart has lost a significant social enterprise and a welcoming safe space that supported Tasmanian Aboriginal community, commercial, and artistic initiatives.

Finally, I would like to express my gratitude to my *JASAL* fellow general editor, Victoria Kuttainen. Though I took carriage of this issue, I owe a great debt to Victoria.

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