

**HOW TO “READ” AN INDIGENOUS FILM
THE EXAMPLE OF KARLU KARLU: THE DEVIL’S MARBLES¹**

Indigenous Peoples Day
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West Virginia University
Native American Studies

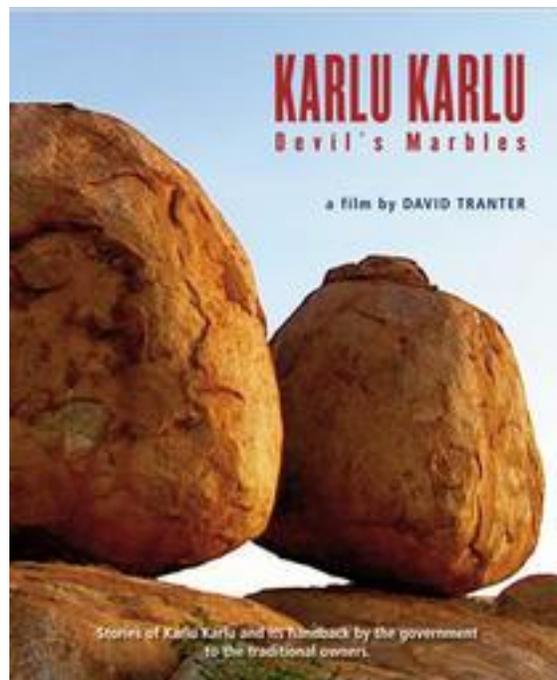
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INTRODUCTION.

I’ve watched *KARLU KARLU: The Devil’s Marbles* several times. The first time was in 2009 with Jeanne Rubin, the director of the Institute’s indigenous film and arts program. This was a cursory review to determine if the film was “good enough” to screen at the Institute’s Sixth Annual Indigenous Film & Arts

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Festival. It was. The third time I viewed it was a few months ago—again with Jeanne, but this time to see if it was a good fit with the Denver Museum of Nature & Science’s Stonehenge exhibit. The Institute partners with the Museum and the Denver American Indian Commission (of which I’m a member) on a monthly indigenous film series. We try to connect the films we screen at the museum with their special exhibits for a couple of reasons. First, it’s good marketing for the Museum and for us, and second, we’re on a mission to demonstrate that indigenizing museums is not just about hiring Indigenous curators or organizing indigenous exhibits. Indigenous Peoples are into everything. Heck, we indigenized the Museum’s Da Vinci exhibit.

But I digress. Jeanne and I thought *KARLU KARLU* fit well so, we screened it as part of a regular second Wednesday of the month indigenous film program. It was during this screening (my fourth viewing) and the Question and Answer session that followed that I realized that this short film was pregnant with all manner of unstated cultural, legal, and historical statements the reading of which would enhance the viewing audience’s experience, make a great short course, a two-hour film, or this chat we’re having this evening.

QUESTIONS AND ANSWERS.

1. Why do documentaries featuring Aboriginal Australians begin with a warning that the film contains images and voices of deceased persons?

Aboriginals and Torres Strait Islanders should exercise caution when watching this film as it may contain images and voices of deceased persons.

Answer: The Aboriginal people of Australia and the indigenous peoples of the Torres Straits have a series of bereavement and mourning rituals that include certain avoidance practices. When a member of the community passes away, they cease to use the name of the deceased for a prolonged period and avoid or destroy all photographs or recording in which the deceased appears.

It can be quite distressing for them to inadvertently encounter an image or recording of the departed during this period of mourning, known as “sorry business.” I’ll speak a bit more on avoidance practices as they relate to the film toward the end of this presentation.

This concern for avoidance is obviously broader than film. About 20 years ago UNESCO convened a meeting to address indigenous concerns related to the digitalization of songs, stories, ceremonies, and other cultural manifestations. Digitalization was seen as a technological response to diaspora, the loss of elders, and the pervasive presence and influence of modernity, especially mass media. But as was demonstrated by the stories told by the workshop participants, the technological fix was not without its own set of problems. For example, how do indigenous peoples reconcile 24-7 unrestricted access to stories, songs, ceremonies, and the like with cultural norms? Some stories should be told at a specific place. It’s the same with songs, dances, and ceremonies. Some stories should be told at specific times by specific persons. And should be told only to boys of a certain age. Or only to girls of a certain age. Suffice it to say that modern computer and information technology heighten the possibility of violating cultural norms. Thus, as in the case of the Coeur d’Alene Tribe, we learned from tribal elder Felix Aripa and Frank

Roberts, head of the Tribe's information technology department, that the Tribe's websites include layered password protected security measures that seek to limit access to appropriate audiences.⁴ And in many instances websites and books in Australia will include warnings similar to those that opened the film.

A number of traditional Dreaming stories have *Karlu Karlu* as their setting, hence its great importance as a sacred site. These stories are alive and well and are passed on from generation to generation. The story of *Aranjii* and the creation of *Karlu Karlu* related by Blackhat is one of only a handful of such stories that are considered suitable to tell to uninitiated visitors.

So when you see such a warning, realize what you're also seeing is the digital or written manifestation of often spirited discussions of the community that weighed benefits against dangers, assessed measures to mitigate those dangers before making the decision that you and I could see their stories or hear their songs.

2. Even before the opening title, Lesley Blackhat Foster says, "My skin name is *Pitjara* and I belong to this *Karlu Karlu*. What is a "Skin Name?"

Answer: A complex kinship system is a feature of Aboriginal social organization across Central Australia. It determines how people relate to each other and their social, ceremonial and land-related roles, rights, responsibilities and obligations. For example, the kinship system determines suitable marriage partners, roles at funerals, everyday behavior patterns and traditional land ownership groupings.

Skin names work in a roughly similar way to a surname. They inform how people are linked to one another and their obligations to one another. Unlike the system of using surnames, an individual won't have the same skin name as their parents, nor would a husband and wife share the same skin name. It is a sequential system based off the mother's name (in a matrilineal system), or the father's name (in a patrilineal system), and has a naming cycle. I will admit I have not negotiated the complexities of the kinship system in Australia. However, I did find this video from the University of Sydney helpful: <https://youtu.be/ynQEtTfQjQc>. You non-cultural anthropologists out there might find it helpful as well.

3. What is the significance of Blackhat saying, "I **belong** to this *Karlu Karlu*?"

Answer: Everywhere in Aboriginal Australia, land is god-given; it is sacred land highlighted by especially significant sites of spiritual importance. This land is inalienable and its charter is that of the Dreaming. Aboriginal man has an incontrovertible right of possession. A spiritual linkage exists between a person and a specific site or part of the country by virtue of their birth. This is more than an association with a piece of land—any land, specific land. It is rather that the land is them, in spiritual terms.⁵

⁴ Roundtable on *The Role of American Indian and Other Indigenous Spiritual Leaders and Healers in Protecting Biodiversity and Sacred Landscapes Affected by Federal Facilities Environmental Restoration Activities*, International Institute for Indigenous Resource Management, Denver, Colorado, 28-30 June 2002.

⁵ Berndt, Ronald M. and Catherine H., *The World of the First Australians: Aboriginal Traditional Life: Past and Present*, Aboriginal Studies Press, Canberra, 1996, p. 138.

The late Larry Lanley, when Chairman of the Mornington Island Council, referred to the land as a “Mother”—a Mother who provides Aboriginal people with everything they need. He said an Aboriginal cannot survive without his land—he will die without it. Galarrwuy Yunupingu, former Chairman of the Northern Land Council referred to the land as an art, allowing him to paint, dance, create, and sing as his ancestors did before him. He saw the land as the history of his nation, saying that it tells Aboriginal people how they came into being and by what systems they must live. He called the land “my foundation: and said also that “without land I am nothing.”⁶

These understandings are not unlike the cosmogonic and religious beliefs of Native Hawaiians that tie the Hawaiian Islands to *Kānaka Maoli*. The islands were born from *Papahānaumoku*, earthmother, and *Wākea*, skyfather, who also gave birth to *kalo*, the taro plant and main staple crop of traditional Hawaiians, and, ultimately, to people. As such, “the genealogy of the Land, the Gods, Chiefs, and people intertwine with one another, and with all the myriad aspects of the universe.”⁷

The *Māori* in *Aotearoa* have gone further in legitimating their relationship to the land. In 2017, the settlement of claims between indigenous *Māori* communities and the state of New Zealand led to legislation, the *Te Awa Tupua* (Whanganui River Claims Settlement) Act 2017 (the Act), which dictates that the *Whanganui* River is a living entity and a legal person with rights that can be judicially enforced by appointed guardians. The Act recognized that the *Whanganui* River is a singular entity that is ‘indivisible’ from its people, various *Māori* kinship groupings with historic and religious connections to the river, specifically, the *Whanganui Iwi*. Legal personhood was provided to the *Whanganui* River after the continuous efforts of the *Whanganui Iwi* to enforce their customary property and fishing rights over the river and its protection from overexploitation and misuse.⁸

4. What is Dreaming?

Answer: Dreamtime or Dreaming for Australian Aboriginal people represents the time when the Ancestral Spirits progressed over the land and created life and important physical geographic formations and sites. Aboriginal philosophy is known as the Dreaming and is based on the inter-relation of all people and all things. The past of the Spirit Ancestors which live on in the legends are handed down through stories, art, ceremony and songs.

The Dreaming explains the origin of the universe and workings of nature and humanity. It shapes and structures life through the regulation and understanding of family life, the relations between the sexes, and obligations to people, land and spirits.

⁶ Lanhupuy, Wesley, Aboriginal Perspectives of the Land and Its Resources, in Aboriginal Sites, Rights and Resource Development, Berndt, Ronald M., ed., Proceedings, Academy of the Social Sciences in Australia, Fifth Academy Symposium, November 11, 1981.

⁷ Kame‘eleihiwa, Lilikala, Native Land and Foreign Desires, Bishop Museum Press, Honolulu, 1992, p. 2.

⁸ Aikaterini, Argyrou & Hummels, Harry, Legal Personality and Economic Livelihood of the Whanganui River: a Call for Community Entrepreneurship, *Water International*, 44:6-7, 752-768, 2019. DOI: [10.1080/02508060.2019.1643525](https://doi.org/10.1080/02508060.2019.1643525) (Accessed October 22, 2021).

The question as to why “Dreaming” is called “Dreaming” has been asked many times by historians, anthropologists, linguists, and many others including graduate students at the University of West Virginia. Why have Aborigines chosen the word “dream” from a number of fully known and logically possible English language alternatives to translate an Aboriginal concept that joins time, spirit, and supernatural events?

Professor Nancy Williams provides an excellent response:

My understanding of the phenomena which are referents of the Dreaming suggests that where Aborigines have adopted the English term “Dreaming” the process of choosing may be seen differently. I have some reservations about assuming too much in explaining the process of selection. How does communication develop between people who begin with mutually unintelligible languages and whose cultural backgrounds are even more divergent than their languages? How was it that an English term derived from “dream” came to be widely used by Aborigines and non-Aborigines to refer to aspects of Aboriginal belief that are otherwise classified in English as cosmogony, cosmology, ontology, and epistemology (in ordinary English as beliefs concerning the origin and nature of the universe, the nature of being and reality, and the basis of knowledge)? Whatever the actual events in the historical process, I think that they were not consistently one way. Rather, a give and take probably occurred as individuals tried out new forms in new contexts, or old forms in new contexts, and meanings expanded, contracted, and shifted.⁹

The Dreaming is foundational, but a fuller appreciation of the complexities of Australian Aboriginal cosmologies requires an understanding of its connection to the Law.

The words of Mussolini Harvey, reported by John Bradley in *Yanyuwa* Country explain the connection:

White people ask us all the time, what is Dreaming? This is a hard question because Dreaming is a really big thing for Aboriginal people. In our language, Yanyuwa, we call the Dreaming Yijan. The Dreamings made our Law or narnu-Yuwa. This Law is the way we live, our rules. This Law is our ceremonies, our songs, our stories; all of these things came from the Dreaming. One thing that I can tell you though is that our Law is not like European Law which is always changing—new government, new laws, but our Law cannot change, we did not make it. The Law was made by the Dreamings many, many years ago and given to our ancestors and they gave it to us.¹⁰

5. Why does Blackhat open the film by talking of old people who have left, his grandfather, his grandfather’s father and the *Warlpiri*, *Kaytetye*, *Alyawara*, and *Warrumungu*?

⁹ Williams, Nancy M., *The Yolngu and their Land: A system of land tenure and the fight for its recognition*, Appendix 1, “Dreaming”, Stanford University Press, Stanford, 1986, p. 234.

¹⁰ Kleinert, Sylvia and Margo Neale, general editors, *The Oxford Companion to Aboriginal Art and Culture*, Oxford University Press, Melbourne, 2000, p. 40.

Answer: *Karlu Karlu* is not just significant to Blackhat's *Warumungu* people. It's the meeting place of four different language groups: *Alyawarre*, *Kayteye*, *Warumunga* and *Warlpiri* people. All these Aboriginal groups have important spiritual connections and responsibilities for the area. It is important for him to acknowledge that fact as a matter of respect.

But when he speaks of the old people who have passed, his grandfather, and his grandfather's father he is reciting what in *Māori* would be his **Whakapapa** or roughly, his genealogy or lineage. *Whakapapa* in *Māori* society is central to establishing leadership, land and fishing rights, kinship and status. *Whakapapa* as establishing connection to the land is a concept shared by many indigenous societies. By invoking his lineage, Blackhat is establishing his claim to *Karlu Karlu*.

E.T. Durie, formerly of the Maori Land Court in New Zealand, provides an excellent example of *Whakapapa* and how its import is misunderstood. "Some decades ago, a Maori elder appeared before the court on a claim of ownership to the *Whanganui* riverbed, did no more than sing a song of the river. The court noted that he sang a song but had nothing to say. It was, of course, usual for a people without a Land Transfer Office to assert their ownership in their own ways and the old man was simply singing his title in customary style. His song was a declaration of ownership."¹¹

6. Why did it take 28 years before *Karlu Karlu* was returned to its Traditional Owners?

Answer: To understand the struggle for land rights in Australia starts with an understanding of *Terra nullius*.

Colonial takeover was premised on the assumption that European culture was superior to all others and that its bearers could define the world in their terms. According to European conventions, a colony could be established:

- By persuading the indigenous inhabitants to submit themselves to its overlordship;
- By purchasing from those inhabitants the right to settle part or parts of it;
- By unilateral possession, on the basis of first discovery and effective occupation.

British possession of Australia was declared according to the third option and the land was thus defined as *terra nullius*.¹²

Terra nullius is a Latin term meaning "land belonging to no one." British colonization and subsequent Australian land laws were established on the claim that Australia was *terra nullius*, justifying acquisition by British occupation without treaty or payment. This effectively denied Indigenous people's prior occupation of and connection to the land.

In the 1971 Gove land rights case¹³, Justice Blackburn ruled that Australia was *terra nullius* prior to European settlement. This judgement was unsuccessfully challenged by subsequent cases in 1977, 1979 and 1982.

¹¹ Durie, Edward Taihakurei, Justice, Biculturalism and the Politics of Law, in Justice and Identity: Antipodean Practices, Wilson, Margaret and Yeatman, Anna, editors, Bridget Williams Books, Wellington, 1995, p. 36.

¹² McGrath, Ann, Contested Ground: Australian Aborigines under the British Crown, Allen & Unwin, St. Leonards, NSW, 1995, p. 12.

Recently I had a Facebook conversation with a Greenlander colleague after I watched a documentary on Nordic natural wonders. I realized after watching just a few minutes of the film that *terra nullius* lives. The documentary opens with aerial views of Greenland's glaciers and snowcapped peaks. But the voice-over starts Greenland's history with the landing of the Vikings, which confirmed to me that *terra nullius* lives.

It's more than an **outdated**, racist, illegitimate concept that justified the appropriation of the lands of native peoples of Australia. It's also a **modern**, racist, illegitimate concept that frames narratives in books and film that justify the erasure of the histories of native peoples, their memories, and their historic claims to lands and resources.

Terra nullius is embedded in Smithsonian anthropologist Betty Megger's insistence that the Amazon's environment placed a ceiling on pre-Columbian population density and social complexity.¹⁴ It also undergirds terms like "pristine wilderness," "vast empty reaches," and "trackless prairies" in descriptions of the pre-Columbian Americas.

The Aboriginal people of Australia, like the Indigenous peoples of Amazonia, closely managed the land and were not simply 'hunter-gatherers'. They used detailed burning plans in what is called 'fire-stick farming'. This method of land management was used to sustainably increase production of resources. Regularly firing the land enhanced native grain production and deep soft soils that were so deeply 'tilled' that you couldn't walk through, as described by early [European] explorers.

Aboriginal fire regimes consciously and deliberately shaped grass, trees and scrub into patterns. Fire was used to burn the land using small 'cool' fires in small patches (mosaics) within the landscape. This ensured only small areas were burnt . . . leaving more established vegetation for animals to use. These mosaics were organized so that people knew where the animals would be and could go hunt them. The mosaics also provided different stages of regrowth as a resource throughout the year.

Early accounts from settlers and explorers often described the landscape as a "park"—sparsely treed with open grassy understory that allowed travel easy even by horse and cart. This was due to long-term use of burning regimes over season after season. Areas of dense forest were also protected from fire in some areas to maintain those animal species that require such habitats and for rainforest plant species.

¹³ *Milirrpum v Nabalco Pty Ltd*, also known as the Gove land rights case because its subject was land known as the Gove Peninsula in the Northern Territory, was the first litigation on native title in Australia, and the first significant legal case for Aboriginal land rights in Australia, decided on 27 April 1971. The decision of Justice Richard Blackburn ruled against the *Yolngu* claimants on a number of issues of law and fact, rejecting the doctrine of Aboriginal title. Instead his ruling recognized that in the law of the time of British colonization of Australia there was a distinction between settled colonies, where the land, being "desert and uncultivated", was claimed by right of occupancy, and conquered or ceded colonies. The decision also noted that the Crown had the power to extinguish native title, if it existed.

¹⁴ Meggers, Betty J., *Amazonia: Man and Culture in a Counterfeit Paradise*, Aldine Publishers, London, 1971. *But see*, <https://www.livescience.com/clock-face-shaped-villages-amazon-rainforest.html>, for a modern and much different view of Amazonia.

In this way the land was carefully managed with areas of fire and areas of no fire. This is at odds with the 'hunter-gatherer' narrative that has in the past been applied to Aboriginal peoples.¹⁵

The Aboriginal Land Rights (Northern Territory) Act¹⁶ is another piece in Blackhat's quest to reclaim *Karlu Karlu*. What follows is a much compressed and admittedly incomplete chronology of activities leading to the enactment of the Aboriginal Land Rights (Northern Territory) Act.

In 1963 the federal government announced, with no consultation with *Yolngu* people, that it would excise a portion of their homeland in north-east Arnhem Land for the development of a bauxite mine. This action catalyzed the *Yolngu* people and precipitated years of strikes and protest which started as demands for increases in wages, work place improvements, and the return of a portion of their homelands.

In 1966 the *Gurindji* moved 20 kilometers from the cattle station settlement back to their traditional country at *Daguragu*. The move highlighted a symbolic shift away from demands around wages and working conditions to a focus on the *Gurindji's* need to control their homelands again. Their struggle went on for nine years during which time the *Gurindji* and their supporters campaigned tirelessly around the country, bringing the issue of Aboriginal land rights to the fore of the public agenda.

In 1973, after the Labor Party took power, Prime Minister Whitlam appointed Justice Woodward to investigate suitable ways to recognize Aboriginal land rights in the Northern Territory.

In April 1974 the final report of the **Woodward Commission** recommended 'the provision of some basic compensation in the form of land for those Aborigines who have been irrevocably deprived of the rights and interests which would otherwise have been inherited from their ancestors'. The commission further recommended procedures for Aboriginal Australians to claim land and that such property should be held under inalienable freehold title whereby it could not be acquired, sold, mortgaged or disposed of in any way – and insisted that mining and other development should only take place on Aboriginal land with the consent of Aboriginal landowners.

In December 1976 the federal parliament passed the Aboriginal Land Rights (Northern Territory) Act. It was the first legislation in Australia that enabled First Nations peoples to claim land rights for Country where traditional ownership could be proven. Under the Act, more than 50% of the Northern Territory was returned to traditional Aboriginal owners in the following 30 years

However, the Act carved out huge exceptions. While many Aboriginal people were able to reclaim their traditional lands, those whose country was on pastoral leases, were left out with disastrous

¹⁵ Colonising the landscape: Prior to colonisation, Aboriginal and Torres Strait Islander peoples used 'fire-stick farming' to manage the landscape for sustainable food production, but the events of colonisation resulted in profound changes in the landscape, University of Melbourne, Indigenous Knowledge Institute, <https://indigenouknowledge.unimelb.edu.au/curriculum/resources/colonising-the-landscape> (Accessed October 25, 2021)

¹⁶ See generally, Yunupingu, Galarrwuy, ed., *Our Land is Our Life: Land Rights—Past, Present and Future*, University of Queensland Press, St. Lucia, 1997

consequences. As Michael Dodson, Aboriginal and Torres Strait Islander Social Justice Commissioner wrote:

The Australian legal system's belated recognition of native title [has not] offered any real advances to those people faced with intransigent pastoralists who continue to literally lock the gates and obstruct any dialogue towards peaceful and mutually beneficial co-existence. . . .

The push for extinguishment of native title on pastoral leases forebodes absolute disaster for Aboriginal culture and spirituality because it will sever the connection with land, or it will make connection more difficult.

The continuing inability of people to access their country—and there is no more effective symbol of denied access than padlocked gates—denies people their right to culture and denies their children the right to learn that culture.¹⁷

Furthermore, the Act has been reviewed and amended many times. Amendments to the Act always serve to increase access to Aboriginal land, change tenure, remove permits, weaken the veto power, reduce the roles of Aboriginal Land Councils and increase the power of the bureaucracy. In 2006, the Act was amended significantly to the detriment of Aboriginal people. It allows an unspecified government entity to control townships for 99 years and sublease blocks to whomever it wants. Aboriginal people are no longer in control, and they lost their right to negotiate benefits from those who seek to use their land (usually the mining industry).

7. The film includes several shots of people wearing tee shirts emblazoned with "Central Land Council." What is the Central Land Council?

Answer: To assist traditional owners exercise their rights to claim and manage Aboriginal land, and to broadly advance the interests of Aboriginal people, Aboriginal land councils such as the Central Land Council were established under the Aboriginal Land Rights (Northern Territory) Act which was enacted in 1976.

The primary responsibilities of land councils include:

- Ascertaining and expressing the wishes of Aboriginal people living in the area of the land council as to the management of Aboriginal land in that area;
- Protecting the interests of traditional owners of, and other Aboriginal people interested in, Aboriginal land in the area;
- Consulting with the traditional owners of, and other Aboriginal people interested in, Aboriginal land in the area regarding any proposed use of that land;
- Assisting Aboriginal people within the area of the land council to carry out commercial activities (including developing resources, providing tourist facilities and engaging in agricultural activities);

¹⁷ Dodson, Michael, *Land Rights and Social Justice*, in *Our Land is Our Life: Land Rights—Past, Present and Future*, Galarrwuy Yunupingu, ed., University of Queensland Press, St. Lucia, 1997, pp. 44-45.

- Assisting in protecting sacred sites; and
- Assisting Aboriginal people to make traditional land claims.

The land councils are technical assistance providers. I think that Chris Chaney will see the resemblance between the land councils and the Council of Energy Resource Tribes where we both toiled. Like CERT, they do not make primary decisions about the use of Aboriginal land; they provide information and professional advice to the traditional landowners during negotiations. But there's no gainsaying the land councils are influential—some will argue powerful. They are thus the object of legislative and industry efforts to weaken them.

8. What was the Mabo case?¹⁸

Answer: Although the Mabo case did not bear directly on Blackhat's efforts to regain his country, it was and remains a key development in the Aboriginal Australian fight to reclaim their lands. As I mentioned earlier, in the 1971 Gove land rights case, Justice Blackburn ruled that Australia was *terra nullius* prior European settlement. This judgement was unsuccessfully challenged by subsequent cases in 1977, 1979 and 1982. However, in May 1982, Eddie Mabo and four other Meriam people of the Murray Islands in the Torres Strait began action in the High Court of Australia seeking confirmation of their traditional land rights.

They claimed that Murray Island (Mer) and surrounding islands and reefs had been continuously inhabited and exclusively possessed by the Meriam people who lived in permanent communities with their own social and political organization. They conceded that the British Crown in the form of the colony of Queensland became sovereign of the islands when they were annexed in 1879. Nevertheless they claimed continued enjoyment of their land rights and that these had not been validly extinguished by the sovereign. They sought recognition of these continuing rights from the Australian legal system. The case was heard over ten years through both the High Court and the Queensland Supreme Court. During this time, three of the plaintiffs including Eddie Mabo died.

On 3 June 1992, the High Court by a majority of six to one upheld the claim and ruled that the lands of this continent were not *terra nullius* or land belonging to no-one when European settlement occurred, and that the Meriam people were "entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands."

The decision struck down the doctrine that Australia was *terra nullius*—a land belonging to no-one. The High Court judgment found that native title rights survived settlement, though subject to the sovereignty of the Crown. The judgment contained statements to the effect that it could not perpetuate a view of the common law which is unjust, does not respect all Australians as equal before the law, is out of step with international human rights norms, and is inconsistent with historical reality. The High Court recognized the fact that Aboriginal people had lived in Australia for thousands of years and

¹⁸ See generally, Sharp, Nonie, No Ordinary Judgment: Mabo, The Murray Islanders' Land Case, Aboriginal Studies Press, Canberra, 1996. Sharp, an anthropologist, frames her analysis of the Murray Island Land case both in terms of the case itself, the culture of the court, and in its relation to international and national debates concerning Indigenous land tenure.

enjoyed rights to their land according to their own laws and customs. They had been dispossessed of their lands piece by piece as the colony grew and that very dispossession underwrote the development of Australia into a nation.¹⁹

9. During the ceremony celebrating the return of *Karlu Karlu* the film shows traditional owners holding a document transferring the land to the *Ayleparrarntenhe* Aboriginal Land Trust. What is an Aboriginal Land Trust?

Answer: In Australia, an Aboriginal land trust is a type of non-profit organization that holds the freehold title to an area of land on behalf of a community of Aboriginal Australians. The land has been legally granted to a community by the government under a perpetual lease, usually after the community makes a formal claim of traditional ownership.

Land granted under Aboriginal title is inalienable; it cannot be bought, sold, traded or given away. The land trust is the organization appointed by the community to legally hold the title deeds. In the Northern Territory (which encompasses *Karlu Karlu*), land trusts hold the title to land handed back to the traditional Aboriginal owners through the Aboriginal Land Rights (Northern Territory) Act, 1976. There, land trusts are administered by the Northern Land Council.

After *Karlu Karlu* was returned, the *Ayleparrarntenhe* Aboriginal Land Trust which now holds the title to *Karlu Karlu* immediately signed 99-year leases with the Northern Territory government to allow public access to the area. A new era of joint management of this reserve has begun with traditional owners and park rangers now working together in partnership to manage the reserve for the future.²⁰

10. Why was the removal of a *Karlu Karlu* boulder for the Flynn memorial so troubling to the people of *Karlu Karlu*?

Answer: Following the death of Reverend John Flynn, founder of the Royal Flying Doctor Service, his wife was on a mission to adorn her late husband's memorial with a distinctive boulder.

No suitable rock could be found nearby. Eventually a boulder was found at *Karlu Karlu* 400 kilometers from Flynn's gravesite in Alice Springs. In November 1952, the boulder was transported to Flynn's memorial. The *Kaytetye* and *Warumungu* people—custodians of *Karlu Karlu* since time immemorial—were never consulted.

The boulder was taken from a sacred site of the Aboriginal women of the area. To the people the stolen “marble” is elemental to the fabric of *Karlu Karlu*, of its spirituality. It is imbued with a life force, a vital essence akin to that the *Māori* call *mauri*. It not only represents the vitality and spirituality of the place

¹⁹ The Mabo Case and the Native Title Act, Australian Bureau of Statistics, 1995, 1301.0 Year Book Australia, <https://www.abs.gov.au/AUSSTATS/abs@.nsf/Previousproducts/1301.0Feature%20Article21995> (Accessed October 10, 2021).

²⁰ Australian Trade and Investment Commission, Native title in the Northern Territory, Case Study, Devils Marbles (*Karlu Karlu*), <https://www.austrade.gov.au/land-tenure/native-title/native-title-in-the-northern-territory>, (Accessed October 25, 2021).

and the people of the place, it *is* the vitality and spiritual essence of the place and of the people of that place. Its loss then diminishes the vitality and the spiritual essence of both the place and the people.

The loss of the *Kaytetye* and *Warumungu* people, however, did not profit the *Arrente* people of Alice Springs. Much to the contrary, to the *Arrente* people, the boulder came from another country. It was alien in their land and they wanted it removed. The people would talk about it around the campfires and they felt a little shame because the rock didn't belong here.²¹

In 1996, the boulder was returned to its rightful place at *Karlu Karlu* and in a generous gesture of respect for John Flynn, the *Arrente* people of Alice Springs offered a sacred stone from *Arrente* land to replace the *Karlu Karlu* marble atop Flynn's memorial.

11. Black Hat tells the story of *Arrange*, the Devil Man, who came from a hill nearby and travelled through the area. While walking along, *Arrange* made a hair-string belt which is a kind of traditional adornment worn only by initiated men. As he was twirling the hair to make strings, he dropped clusters of hair on the ground which turned into the big red boulders at *Karlu Karlu*. Is there any scientific basis to this story?

ANSWER: We suggest this is NOT the question to ask. Framing a question thusly presupposes and imposes a hierarchy which is absolutely not the way to conduct research with (not on) indigenous peoples. For example, the University of Alaska Fairbanks guidance on conducting research with Alaska Natives recommends:

- Alaska Native communities and people are the driving force of the research. Native knowledge is at the heart of the research endeavor and Alaska Native people are the leaders and voice; "Nothing about us without us."
- Research activity and action are centered on issues that are central to the Alaska Native community, not the research center, sponsoring institution, or agency.²²

Community-centered research done collaboratively and respectfully can be guided by stories, art, and other traditional cultural manifestations. For example, some stories belonging to Australian Aboriginal groups tell of a time when the former coastline of mainland Australia was inundated by rising sea level. Stories are presented from 21 locations from every part of this coastline. In most instances it is plausible to assume that these stories refer to events that occurred more than about 7000 years ago, the approximate time at which sea level reached its present level around Australia. They therefore provide empirical corroboration of postglacial sea-level rise.²³

²¹ Emilson, William W., "Between a Rock and a Hard Place: A Case Study in Reconciliation," *Uniting Church Studies*, Vol. 10, No. 2, August 2004, p. 46.

²² University of Alaska Fairbanks, Institutional Review Board, Research with Indigenous Peoples, <https://www.uaf.edu/irb/indigenous/>, (Accessed October 26, 2021).

²³ Patrick D. Nunn & Nicholas J. Reid (2016) Aboriginal Memories of Inundation of the Australian Coast Dating from More than 7000 Years Ago, *Australian Geographer*, 47:1, 11-47, DOI: 10.1080/00049182.2015.1077539 (Accessed October 26, 2021).

12. Why does Mark Japaljarri Graham seem so disinterested in what Blackhat is saying?

Answer: The answer here is once more about avoidance practices. In general, eye contact is averted as a mark of respect; a young person should not look an older person in the eye. For example, at initiation, the boy will keep his eyes downcast. I spoke with my sister who has much experience as a multi-cultural education expert about this. She recounted her experience observing and gently educating a beginning teacher in Southern California who chastised a young Samoan student for disrespect because he was not looking directly at her.

13. Who is Warwick Thornton? (Or why we always read the credits and you should too.)

Answer: Warwick Thornton is an Australian film director, screenwriter and cinematographer. Thornton is a *Kaytetye* man born and raised in Alice Springs. He was the cinematographer for *KARLU KARLU: The Devil's Marbles*. He is also the director of the short film *Green Bush* and the feature film *Sweet Country*. We screened both these films. They are outstanding and are highly recommended. *Sweet Country* graphically portrays the miserable existence of Aboriginal Australians who were held in near-bondage as workers for White pastoralists.

A scan of indigenous film credits reveals the existence of an international indigenous filmmaker community. A director for one film may be the writer or cinematographer for another. A great example of this is the *Reservation Dogs* series. Taika Waititi (*Māori*) and Sterlin Harjo (Seminole/Muskogee Creek) are co-creators. Filmmaker Blackhorse Lowe (*Diné*), who has worked with Sterlin on several productions, directs two of the episodes. *Diné* filmmaker Sydney Freeland, best known for her feature film *Drunktown's Finest*, likewise directed an episode of *Reservation Dogs*; she will be directing *'Rez Ball*, a feature film for Netflix, where Sterlin will share the screenwriter credit with her.