

In(re)fractions: Laws and Light

West of Melbourne, nestled deep within Djab Wurrung Country, stands a string of spirit trees. This serene and sacred site has, however, become a place of contestation. The Victorian State Government's decision to expand the abutting stretch of highway jeopardised the trees' continued existence. A series of protests ensued from Countrymen/women, who established the *Djab Wurrung Heritage Protection Embassy* beneath the great sentinel's limbs (Austin 2021). In this case, two coexistent but divergent jurisprudences, Indigenous and Western, came into conflict. Irene Watson describes Indigenous law as *raw law*, conceptualising the 'sung laws and the land, all of which are also naked or 'raw', undressed from the baggage of colonialism' (2015, p.12).

The University of Melbourne's *Miegunyah* collection is comprised of countless colonial specimens, artifacts and artworks amassed by the late Russell and Mab Grimwade. Within these archives lie a plenitude of photographs, dedicated largely to documenting both the colonial expansion of Melbourne city, and the taxonomy of the *eucalypt* (Bunbury 2020, pp. 4-9). On one hand, the collection works to champion urban development, whilst on the other promoting environmental conservation (Bunbury 2020, p. 15). These archives also have distinct absences, most strikingly the lack of any substantive material relating to Indigenous peoples. As an Indigenous student of geography and law, it is these dimensions of the collection which intrigue me.

The superimposed Western legal system is founded on hierarchical divisions. Western law actively delegitimises and subjugates the preceding raw law (Watson 2015, p.13). Watson calls this dynamic the *muldarbi* (2015, pp.17-18), a devil which, like a parasite, surreptitiously undermines the power of its host. The *muldarbi* legal system is underpinned by a naturalised capitalist worldview, rendering Country a mere commodity. This dynamic led to the destruction of one of the sacred trees in 2020 (Booth 2021, p.9). Shortly thereafter the others were spared thanks to the ongoing resistance of the embassy. It was only a small victory. Under *muldarbi*, raw law has not been recentred.

Some within the Western legal paradigm argue that sites like these trees should and could be recognised as 'people' with 'rights' (Epis 2019, p.17). But this thinking is founded on anthropocentric hierarchies and reinforces *muldarbi*. As Michael Fletcher (2021) argues conservation movements that lock people out of environments ignore the fact that we are indeed agents within ecosystems; the health of Country relies on humans, just as our health relies on Country. The *Miegunyah* collection promotes conservation by isolation; its epistemological and ontological foundations cannot *truly* value Country; post-invasion, Australia continues to face an unprecedented biodiversity crisis, and Western law has been unable to respond.



Subverted light, legal palimpsest #1
Angus Vance | September 2021
Cyanotype*

*Note, these are digital mock-ups for the *Miegunyah Student Project Award Exhibition 2021*. Due to the coronavirus commerce and travel restrictions, I have not yet been able to access to darkrooms and other facilities.

Courthouse Image Credit: Warracknabeal Historical Society, <https://www.workingheritage.com.au/places/warracknabeal-courthouse?ord=t>

‘Power over creation grows as the song law is heard less across the country. What then is this thing called ‘rights’? Is it something which is negotiated between the cracks of power and the light of creation?’

— Irene Watson, 2000

Taking inspiration from the aforementioned quote, I use photography—*playing with light*—to reflect on, this case, the importance of recentring raw law, and Western law’s inability to consider and protect Country. ‘The song sung emanates from a place in the *ruwe* [Country], song is connected to specific places, and these places, like the custodian or singer of song become one in the law’ (Watson 1999, p.43). To keep balance—*holding up the sky*—all of creation must be able to sing. Country and song are intimately intertwined through Songlines which have been delegitimised by the Invader as *lore*. Country is specific, so raw law is plural, but nonetheless inheres shared epistemologies and ontologies.

Light is a key legal metaphor throughout Western law, as justice behind the gate in Franz Kafka’s parable ‘Before the Law’ (1915). Rays of light are imbued with a purifying quality; an essence in which truth can be found and justice be delivered. ‘The light of day’ is also deeply entwined with notions of democracy and liberty, used to deride the withholding, or *burying* of the truth. What is more, light allegorically features in the *Uluru Statement from the Heart*, which states: through ‘substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia’s nationhood (2017).’

The gallery space is divorced from Country: a dark, white box in which art objects can be gazed upon. Despite this, contemporary Indigenous artists have now infiltrated this colonial bastion. Watson has written about the ability of photographer Tracey Moffatt’s work to invert the gaze, and powerfully question society (2016, p.33). Moreover, Watson herself features in the travelling exhibition film *Infracctions* (2020) for the Institute of Modern Art, discussing Indigenous struggles against environmental destruction, in particular coal seam gas *fracking*. My art exhibit *In(re)fractions* builds on this momentum, exploring the photographic process and the *laws of light*. I lay images over one another to question hegemonic notions of law and its relationship to place/Country, while recentring raw law.

I endeavour to decentre muldarbi. Muldarbi’s threat is twofold: the destruction of Indigenous culture, language and song through assimilationist policies; and the destruction Country. My piece focuses on the latter, as seen in the case study, industry is constantly eating up raw law (*Let’s Talk* 2016). The superimposition of Western law is represented by the overlaid image of the courthouse. The image obscures the Country beneath, signifying Western law’s smothering quality. Due to the law of light, the building is inverted representing the ‘power in creation—power over creation’ dynamic (Watson 2000).



Inverted light, legal palimpsest #2
Angus Vance | September 2021
Printed Negative*

But this inversion is also a *subversion*. The image of country is representationally more truthful. The grounded and centred scene is a direct translation of the power of raw law. What is more, the portrait of Country holds at its centre the light of creation, whose rays fall through the bush's canopy, signifying the strength of raw law's song. There is hope in this image inspired by the success of the Djab Wurrung mobilisation of Mob and allies, and Watson's efforts in keeping raw law alive for a tangible future in this mongrelised world.

Metaphorically the title refers to refraction—the splitting up of light. This is the way in which Western law, science and society works to codify the world. Yet in this process the connections between all things can be overlooked and lost; refraction produces distortion; infractions ensue. The law of light is particularly pertinent in the sacred trees case, for light supports ecosystems, providing warmth and fuel for photosynthesis. Light *is*, and sustains, creation. But the image is created by light passing through a narrow and violent lens, an aperture the size of a bullet hole.

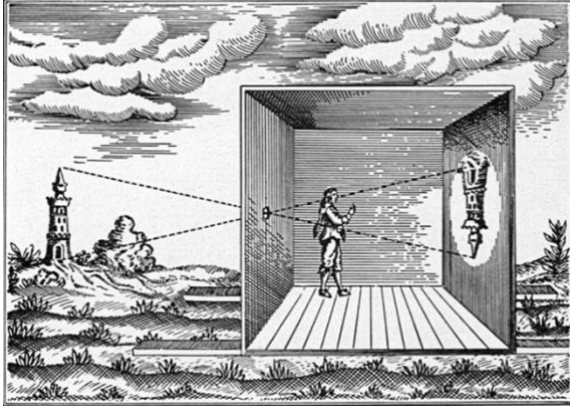
The image of the courthouse, a universal symbol of Western law, over Country alludes to colonisation. Moreover, the inversion of the images—upside-down and in the negative—reveals the contradiction. This is intended to evoke questions around whether this representation holds truth, allegorically signifying Western views of Country. The frame obscures the broader picture. The tight 18cm frame invites audiences to intimately engage with the images, hopefully eliciting a sense of longing to climb into the frame and *know* place. For knowing place is paramount to recentering Indigenous epistemologies and protecting country.

Watson writes: 'in the past our old people struggled and many of our people today continue to struggle against colonialism. In particular we struggle to keep the body of First Nations law alive for future generations' (2015, p.12). I aim to follow in these footsteps, carrying the message stick for my generation. I speak, therefore, to young people, in particular, students and early graduates of law and/or politics, both Indigenous and non-Indigenous. These will be the changemakers of the future. What is more, despite its colonial origins, the gallery space necessitates concentration and invites conversation. I hope to provoke thought and inspire discussion, around recentering raw law (Watson 2014, p.518).

Finally, there is a hopeful message that a future together in this thoroughly hybridised world is possible. The composition of the frame is deliberate. There are overlaps between the brick pillars of the court and majestic trunks of the trees, while the gable roof points down focusing the eyes on Country. The *Uluru Statement from the Heart* (2017), a hybridised legal text of prose paint and petition, calls for a shared legal pathway forward for two co-existent sovereignties; something anew for all. Watson writes that before a peaceful coexistence can be achieved, there first 'must be recognition of Aboriginal law and its continuing life in the community of Australia' (Watson 2000). This is the resounding message of this piece, for the current legal state of affairs cannot truly conserve the environment when it does not *know* it as *Country*

Appendix

Background on the *Camera Obscura*:



<https://www.matrise.no/2018/07/camera-obscura-and-the-world-of-illusions/>



<https://petapixel.com/2014/05/12/diy-tutorial-convert-room-camera-obscura/>

The *camera obscura* is the earliest form of photography instrument. It uses a pin hole to concentrate light and to produce an image on film paper. But the image is flipped in the process. This effect can even be produced by blacking out a room and leaving a small aperture, as seen above.

Background on *Cyanotypes*:

A form of film printing using photosensitive compound painted onto cotton paper to print a negative directly using sunlight. Usually *cyan* in colour, but I opted to use a wash to remove colour – which I think in this instance would be a distraction.

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