

The Drover's Wife, The Legend of Molly Johnson: Leah Purcell's reclaiming of a colonial fetish

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Henry Lawson's short story, "The Drover's Wife" has animated Australian nationalism since its publication in *The Bulletin* in 1892. The story concerns a woman and her children, isolated in a small hut while her husband is far away droving sheep. When the story begins, a venomous snake enters their home and the drover's wife has to protect her children as well as find a way to kill it. The story, like *The Bulletin* itself, was part of a wider aesthetic nationalistic movement leading up to the Australian Federation in 1901, of which Henry Lawson was a prominent member. Writing against the dominant European Romanticism movement, these writers and artists encapsulated the identity of the "Australian" and the emerging nation through the values of mateship, hard work and egalitarianism.¹ Henry Lawson himself became a figure of national identity, the "father of the Australian tradition."² His story is much loved and has been reimagined by a number of settler writers including Murray Bail (1975), Frank Moorhouse (1980), Barbara Jefferies (1980), Anne Gambling (1986), Kate Jennings (1996), Mandy Sayers (1996), and David Ireland (1997).³ Ryan O'Neill's interpretation, *The Drover's Wives* (2018), re-tells the story in 99 different styles and genres, including the styles of Hemingway and Joyce, and in the forms of a school play, a Twitter thread, and an Amazon book review, among others. Russell Drysdale's 1945 painting "The Drover's Wife," named by Frank Moorhouse as "our Mona Lisa",⁴ similarly extends the mythology of Lawson's story; and there have been orchestral performances, operas, dance and theatrical productions based on the story. In his commentary on the edited book of

versions of the story, Moorhouse writes that part of the enduring appeal of “The Drover’s Wife” lies in the ways that it deals with the universal themes of human tragedy, abandonment and isolation; part of its popularity, too, is that it is a sentimental “monument to the drover’s wives,” a testament to their determination and hardship; and there is the sense too that the story voices a perspective from the margins (gendered, classed, racialized as white settler).

Tony McEvoy writes:

In Henry Lawson’s original version, he reaches out and gives voice to the women of colonial Australia. A voice hitherto barely heard. A whisper. But the story of stoicism and fortitude in the face of abject loneliness and hardship struck a chord and was almost singlehandedly responsible for the creation of an archetype. The image of those women as vulnerable but refusing to surrender – perhaps because there is no choice – had a resonance that was reflected in images such as Frederick McCubbin’s triptych *The Pioneer* (1904). The image has stuck.⁵

Many of the retellings being interested in interrogating the role of gender in creating founding stories of the colonial nation state, although they effectively fold the settler woman into the existing story rather than challenging it in any way.⁶ The Australian frontier bush woman is a figure who is simultaneously vulnerable and stoic. This archetype is symptomatic of the national imaginary of both settler and colonised land—the unrelenting harshness of the Australian land being matched by the stoic resilience of the settler individual, this conflict being reconciled through the civilising effects of individuals’ labour on the landscape. In this imaginary, the land, as well as the First Nations people, are coded as part of “nature,” requiring “civilisation.”

It is against this context of colonial fetishism that Leah Purcell has radically re-imagined the drover’s wife—through a play (2016),⁷ a novel,⁸ and most recently a film.⁹ The

focus of this paper is on the film. Leah Purcell is a proud Goa-Gunggari-Wakka Wakka Murri woman from Queensland, and one of Australia's leading writers, directors and actors. Across all three of her retellings of Lawson's short story, Purcell reworks its colonial and fetishistic tropes. Purcell gives a name to the drover's wife, who is unnamed in the original story—Molly Johnson—and also truthfully names the true antagonists the drover's wife must face on the Australian frontier: the imminent threat of settler violence against all First Nations people and the threat of sexual violence against all women, whether they are settler or First Nations. Purcell's work reveals truths about the violence of the frontier, and about forms of state violence that not only led to the massacre of First Nations people, but also created a false epistemology: that the land that First Nations people have inhabited with ease for thousands of years is "harsh," that First Nations labour is "idleness," and that the colonist's violence at the frontier was noble, rather than comprising acts of brutal theft. Purcell thereby implicitly critiques the role of Australian settler literary works in the creation of national mythology and in the papering-over of violent historical truths.¹⁰ Purcell's work both reveals and subverts the colonial epistemology of violence, gender, sexuality—and state law's complicity in these processes, from its foundational refusal to acknowledge the sovereignty of First Nations people, to law's tacit acceptance of frontier violence, to the imposition of land law that led to dispossession, and then to the violent and unjust but nevertheless "lawful" removal of First Nations children in the twentieth century.

Purcell's retelling: The Drover's Wife: The Legend of Molly Johnson

While the focaliser of Lawson's story is a white settler woman, in Purcell's re-telling the focal point of view is that of a First Nations woman, and this changes everything. In the original, the antagonist is a deadly black snake. Purcell does not include a snake in her version, although she uses other tropes and characters from the original. Instead of the threats

of fire, flood, animals and disease, Purcell foregrounds social and political violence, including colonial and sexual violence. In contrast to the original story's claustrophobic focus on the domestic space of the hut, Purcell's film contains a number of shots of vast, open spaces—shots that inspire awe rather than fear, and a sense of expansiveness rather than the limited delineation of the frontier. In Purcell's expansion of space and time, Country becomes a character in the film, and it is a very different figure from the Australian landscape of the settler imaginary.

Purcell's film opens with a bullock arriving to threaten Molly Johnson's children, and Molly shoots him and cooks the meat. As she does so, an English couple shows up at Molly's house, and Molly greets them with her shotgun pointed at their faces; clearly the frontier is a violent, lawless place. The couple introduce themselves as the new area policeman and his wife, Sergeant and Mrs Klintoff—"Everton's becoming a town and I'm here to uphold Her Majesty's law and administer the new legislations," the sergeant says. Klintoff says that the land needs "law, not a moral compass". He and his wife have lost their provisions during their journey, so Molly helps them by giving them some of her own; she sends her children into town with the couple so that she can give birth in peace. Molly's husband, the drover, is revealed to be a violent and alcoholic man who avoids his family. He also appears to be missing.

The inciting incident occurs when Molly takes in a First Nations man, Yadaka, who appears at her hut on the run from settler law and settler violence. The relationship between Yadaka and Molly is the film's strongest. Molly awkwardly removes his neck shackle as he describes the realities of the frontier: a massacre, where white settlers killed Aboriginal women and children. Yadaka then tells Molly that he knows her and her family: that her mother was, in fact, a First Nations woman, a beautiful woman known as Black Mary, Purcell's reworking of the figure of "the 'whitest' gin in the land" from Lawson's original

story. When a white officer comes searching for Yadaka, Molly shoots that officer dead. Yadaka invites Molly to come with him, to a cave that is two and a half days' walk north east from the shanty. Molly confesses that she killed the drover after he beat her for "shaming him in front of a whore" and buried him beneath the wood pile. Neighbouring white settlers, stockmen, come searching for the drover; they are suspicious that he hasn't shown up to go droving with them. They beat and rape Molly, and then hang Yadaka. Miss Shirley, a white woman in town who has cared for Molly's children in the past, and who also cared for Molly as a child, goes to court and has the children removed from Molly's care, on the grounds that the children are "octoroons" and that they are being neglected—a process that is overseen and documented by the law, and that figures the violent removal of First Nations children that is now known as the Stolen Generations.¹¹ Molly rescues her children and burns the document of removal. Together, they leave for the destination that Yadaka described to her as belonging to her family, but Molly and her children are intercepted by one of the neighbouring stockmen who have been searching for the drover; he agrees to free the children only if he "has" Molly and is about to assault her, when she castrates and then kills him. The new sergeant, Mr Klintoff, discovers Molly's act and jails her. The sergeant's wife advocates for Molly, arguing that she was acting in self-defense and citing the effects of trauma and abuse that Molly has suffered at the hands of her husband, which Molly has previously revealed to her.

Having embraced her First Nations identity, Molly sends her children without her to her Country to live with family, while she herself is taken to be hanged. The sergeant's wife and other white women turn up with messages of support for battered wives but Molly Johnson is killed regardless. The ending is a personal tragedy for Molly Johnson, but a wider victory for her children and descendants: the final images show that Molly's spirit has

returned to Country, uniting with the landscape. In the final scene, we see that her four children have returned to Country.

The Significance of Genre

Lawson's story is told in a realist register—the details are relayed in a documentary-style, using a flat tone. At the same time, the story forms part of the genre of Australian Gothic. Lawson's story—and Purcell's retelling—also draw on the western genre, employing the tropes of “the frontier” and the “hardy settler,” within the historical context of violent colonisation. However, the Australian Gothic is a more productive framework within which to place both the story and the film, in contrast to the western, as, in my view, the Australian Gothic incorporates the tropes and themes of the western but then extends and reworks them in a distinctly Australian way.¹² During the period of early settlement, written correspondence back to England as well as literary works represented the interior landscape of the Australian continent as empty, vast and uncanny.¹³ It was represented as back-to-front from the normative northern hemisphere, with its out-of-kilter seasons and animals (black swans, savage animals).¹⁴ Purcell draws on and subverts this history of representation, as well as drawing on the history of cinematic representations of the Australian frontier. Australian cinema, particular in the genre of horror, has taken a much bleaker view of the Australian bush compared to its literary corollaries. Since the 1970s, Australian horror films have played with the figures so dear to colonial settler nationalism—the bush, the larrikin bushman and even “mateship.” In these films, the outback is a scene of violence, and “the larrikin bushman is a violent, misogynistic and murderous Other.”¹⁵ These representations move away from the nationalistic settler fantasy of settlement and towards the anxieties of postcolonialism.¹⁶ For example, in the film *Wolf Creek*, the psychopathic antagonist Mick Taylor (John Jarratt) is a more exaggerated, sinister version of the laconic, larrikin bushman exemplified by the

character of Mick Dundee (Paul Hogan) in *Crocodile Dundee* (Peter Faiman, 1986).¹⁷ The vast and uncanny landscape in the stories and poems of Henry Lawson and AB “Banjo” Patterson become, in the horror genre, monstrous. Ross Gibson argues that in Australian film, the landscape is both alien and essential:

The Australian landscape has not been incorporated into the European symbolic order, except as a motif of the ‘extra-cultural,’ as a sublime structuring void looming over all Australian culture.¹⁸

The frontier also designates a temporal period. Robert Foster and Amanda Nettlebeck suggest that the term “frontier” refers to “that phase of European settlement from the time when settlers first intruded into Aboriginal country to the point when colonial authority over Aboriginal people was effectively established.”¹⁹ This temporal period comprises both settler violence against First Nations people and also the period during which authority was established through settler law. Purcell plays with and extends the temporal period of the frontier—although her film is set in 1893, Purcell includes events that happened in the following century, such as the removal of First Nations children (which occurred ad hoc in the nineteenth century, but did not become systemic until 1910 where it continued to the 1970s).²⁰ In the film, Purcell thematizes the state legal processes that purport to legitimate this settler violence—Molly Johnson’s children are removed through a court process. Purcell also refuses the legitimacy of state law: when Molly recovers her children, she burns the legal papers.

Purcell’s film uses the tropes of Australian Gothic but reworks them. Instead of Lawson’s sentimental frontier story, part realism, part Australian Gothic, we have a realist depiction of settler violence, combined with the aesthetics of *Dreaming* that offer a way through this violence, and, at the end of the film, a form of redemption. Purcell takes the tropes and narratives used to build and mythologise the Australian nation and subverts them,

making them subject to the greater authority of First Nations law. Land is a character, but is not an antagonist. Rather, Country is a source of refuge, beauty and “contemporary Dreaming.”²¹ The film suggests that settler law is exceptional, unjust and conditional: the real law is held by Country. Temporally in the film, Molly’s settler status is conditional and impermanent: once she discovers her First Nations identity, she rejects it, and attempts to move herself and her children back to Country. The film justifies Molly’s actions of violence in killing both her abusive husband and the white settler who tries to rape her, placing the value of justice in opposition to settler law, which is judged as wrong: the settler women judge Molly’s hanging as unjust, and so do we as viewers, rejecting the settler law that authorised it.

Beyond Trauma

The genre of the Australian Gothic is viewed by many scholars as a discourse of trauma. It is seen as a mode that represents the spectre of past and present colonial violence, where that violence is figured but not made literal.²² In this vein, Nicole Prowse, Jessica Gildersleeve and Kate Cantrell argue that Purcell’s three adaptations of the story are each aesthetically distinct and mark the drover’s wife as “a spectral figure of traumatic return”.²³ In this reading of the Australian Gothic, the figures and tropes convey the violence of colonialism that cannot be represented in more literal ways because this violence exceeds the frameworks of meaning-making that are being used, or the audience’s capacity to receive it. Since this colonial violence has never been resolved, it haunts our collective psyche, the haunting also manipulated to “rationalise certain fears, cruelties, and erasures”.²⁴ Under this theory, the trauma of colonial violence could not be told in 1892; it exceeded the capacity for Lawson to tell that story and also the capacity of his readers to bear witness to it. Denise Varney observes that the “knowledge of colonial massacres of Indigenous peoples has long been quarantined in what

has been called “the cult of forgetfulness practised at a national scale’.”²⁵ Under this reading the traumatic figure of the drover’s wife “enacts a mode of restorative redress.”²⁶ A leading scholar of the Australian Gothic, Ken Gelder, argues that this traumatic return can be understood as the shadow of Australian representation:

Built upon its dispossession and killings of Aboriginal people and its foundational systems of punishment and incarceration, the colonial scene ... continues to shadow Australian cultural production and helps to keep the Australian Gothic very much alive.²⁷

Purcell has said that her responsibility is to “shine a light on history,”²⁸ and in doing so, Purcell has integrated recent history from the First Nations point of view when re-imagining the drover’s wife. Purcell makes literal that which has been previously only intimated—she names the massacres, and shows the rapes and violence of the frontier in realist detail. This is not a story of haunting, of that which cannot be represented, but a realist depiction of factual historical violence.

In this way, the film strips away the elements of Australian Gothic to show colonial violence in realist form: there is nothing metaphysical about it, it is banal and ordinary and horrific. I agree with Prowse, Gildersleeve and Cantrell that it is in this “collision of historical discourse and literary tradition”²⁹ that redemptive aesthetic work is done. But I would like to extend their theory to include not only historical discourse but First Nations law and aesthetics through Dreaming. In this film, I believe Purcell moves beyond the trauma framework, re-framing colonial violence as an issue of jurisdiction, authority and law. The stakes are no longer about the collective national psyche but about First Nations sovereignty. I would suggest that trauma becomes the domain where suffering and responsibility are adjudicated after justice fails and that, rather than using a trauma framework, Purcell brings colonial violence back into the domains of law and politics, where they belong—but the adjudication

is according to First Nations law, not colonial law. It is not a black snake or even Molly's violent husband but rather settler law that is the main antagonist of Purcell's film—settler law is responsible for the removal of Molly's children, and for her unjust hanging at the end.

Molly inhabits the figure of the settler but here, she is not a heroic pioneer, confident in her project of dominating an empty land, or *terra nullius*. Rather, the film leads her to abandon the colonial project in favour of Country. Purcell has changed the location of the story from its original—or at least, the portrayal of it—in her film, from the flat, arid plains of Lawson's story to a colder, mountainous region, with a reference included in the dialogue to 'Snowy River,' alluding to another famous 1890s nationalist text, Banjo Patterson's poem "The Man from Snowy River." The Man from Snowy River" (1890) was significant in establishing an Australian national identity in the 19th century, embracing the wildness and power of the land and animals as part of national identity; as was the corresponding film, *The Man from Snowy River* (1982, dir. George T. Miller) in the late 20th century. Like the film, Paterson's popular poem evokes the wide vistas of the bush—its sublime mountain ranges and rushing rivers through lines including "Where the hills are twice as steep and twice as rough" and "river runs those giant hills between."³⁰ The effect of this change is to animate the land and to give it agency, based on Purcell's own connection to the Country upon which it is filmed: Purcell was immersed in the Snowy Mountains while filming *Jindabyne* and it is during this time (2006) that Purcell decided to write and direct a film of the *The Drover's Wife* there.³¹ In Purcell's retelling, Country is a witness, a site of consolation and protection. Close shots of violence are interspersed with wide, beautiful, panning shots Country, implying that Country is witnessing this violence, and we, as viewers, are with Country as we watch horrific colonial violence. Time-lapse shots capture changes in light and season, conveying a sense of time passing from the point of view of Country rather than the settler's point of view of the

original short story. In these scenes, focalised through Country, we as viewers also inhabit the viewpoint of Country, as a location of judgment, authority and solace
[could end here]

Towards Sovereignty

Historically, First Nations rights, claims and sovereignty have failed to be recognised by state settler law in Australia. Courts have organised First Nations' laws in their claims to land, so-called "native title" claims, through different, non-legal categories and the status of these categories has had significant effects on legal outcomes. This has meant that courts have not had to meaningfully deal with the encounter of multiple authorities or sovereignties. First Nations law was only recognised in the *Mabo/Wik* proceedings as a way to prove "culture".³² When First Nations sovereignty *is* recognised by the common law, its authority is confined to the past only—as static and finite, supported by a sovereignty that once existed, but which has no authority now.³³ This understanding of First Nations sovereignty as finite, and as subject to the white state, has arisen mainly through the regulation of native title, which "[i]n a variety of ways ... refuses a plurality of sovereignty, law and community."³⁴ Stewart Motha locates this refusal in *Mabo*,³⁵ in which, he says, "a singular, unassailable (non-justiciable) sovereign 'event' is proposed as the foundation of Australian law and society."³⁶ This foundational moment was followed in subsequent native title cases, which confirmed "that there can be only one normative system that gives rise to rights and interests."³⁷ In *Mabo*, the common law narrates the end of First Nations sovereignty and, as Reilly argues, "contrary to the popular portrayal of *Mabo* as a triumph of remembering, the judgment is in important respects a mechanism for forgetting."³⁸ This forgetting occurs through the re-narration of the originary moment of settlement, and produces a tacit (unsought-for) bargain

between settler law and First Nations rights: settler law's recognition of native title comes at a high price, the "exculpation" of settler law from responsibility for violent dispossession, as well as the end to claims for First Nations sovereignty.³⁹ Further, implicit within the system of "recognition" of First Nations sovereignty and law is the idea that it is the settler legal system that acts to organise and select those aspects of the system that it wishes to recognise.⁴⁰ Tanganekald and Meintangk Boandik scholar Professor Irene Watson asks of this moment:

Why is colonial power called law? The military deployments of colonial powers enabled the baggage of their imported 'laws' to be passed off as legitimate, but in truth they emerged from that military power.⁴¹

Shane Chalmers argues that "*the* source" of settler law, and the reason for settler law's illegitimacy in Australia, is a metaphor; that the law that justified violent dispossession is "based on a metaphorical claim to sovereignty over ... country."⁴² Chalmers bases his argument on Justice Kirby's statement, in the case of *Yarmirr*, that British law was asserted over Australian territory based on claims of "occupation" and "possession" despite those claims not being based on material fact—that is, the British had not actually carried out actions that would establish "occupation" or "possession" as matters of fact. In *Yarmirr*, Justice Kirby argued:

The very claims to sovereignty in the Crown, made respectively by Captains Cook and Phillip, over the land mass of a huge continent, had a ... metaphorical quality, excluding all other claims to sovereignty. But they had undoubted legal consequences which our courts uphold.⁴³

Reading "native title" cases against the grain to reveal their internal inconsistency, Chalmers argues that:

To trace the authority of a law to this source—to acknowledge that Australian sovereignty ultimately rests on a metaphorical claim, on an ‘as if’ colonial imaginary—would be to acknowledge that the law’s ‘ultimate foundation is by definition unfounded’.⁴⁴

Chalmers’ conclusion, then, is that First Nations law and First Nations sovereignty continue to be part of the constitutive laws and narratives of “Australia,” despite the colonial violence that has been inscribed in settler law.⁴⁵ These arguments demonstrate that practices of representation are central to questions of justice—aesthetics are not ephiphenomenal or ancillary.

First Nations legal scholars, activists and cultural workers argue the falsity of settler authority through analyses and critiques of practices of representation, and from standpoints outside settler law. First Nations scholars and creative writers are actively re-conceptualising settler legal and sovereign frameworks, their work offering not only thematic critiques of settler law and policy, but critiques that go to the heart of the question of representation of sovereignty across Australian legal and cultural domains. This is work towards a First Nations jurisprudence which, as Christine Black puts it, is “interested in the great narratives that make up the theories of the different realities of the peoples of the world”.⁴⁶ First Nations law also holds a different relationship to representation compared to Western law. Christine Black explains, through Mowaljarlai, that Aboriginal cultures and law are based in art and aesthetics, so that “symbolism holds as much legal validity as mathematics does for the laws of physics”.⁴⁷ Thus, cultural works are also forms of legal thinking, challenging the hierarchy of whose stories count in Australia, and how those stories come to matter. This work is part of what Goenpul Professor Aileen Morton-Robinson, part of the Quandamooka nation, describes as challenging “white possessive logics ... operationalised within discourses to

circulate sets of meanings about ownership of the nation, as part of commonsense knowledge, decision making, and socially produced conventions,”⁴⁸ where the nation becomes a white possession.”⁴⁹ These logics are part of both law and dominant cultural discourses.

The Centrality of Representations of Country to Questions of Law and Sovereignty

Molly inhabits the figure of the settler but here, she is not a heroic pioneer, confident in her project of dominating an empty land, or *terra nullius*. Rather, the film leads her to abandon the colonial project in favour of Country. Purcell has changed the location of the story from its original—or at least, the portrayal of it—in her film, from the flat, arid plains of Lawson’s story to a colder, mountainous region, with a reference included in the dialogue to ‘Snowy River,’ alluding to another famous 1890s nationalist text, Banjo Patterson’s poem ‘The Man from Snowy River.’ The Man from Snowy River” (1890) was significant in establishing an Australian national identity in the 19th century, embracing the wildness and power of the land and animals as part of national identity; as was the corresponding film, *The Man from Snowy River* (1982, dir. George T. Miller) in the late 20th century. Like the film, Paterson’s popular poem evokes the wide vistas of the bush—its sublime mountain ranges and rushing rivers through lines including “Where the hills are twice as steep and twice as rough” and “river runs those giant hills between.”⁵⁰ The effect of this change is to animate the land and to give it agency, based on Purcell’s own connection to the Country upon which it is filmed: Purcell was immersed in the Snowy Mountains while filming *Jindabyne* and it is during this time (2006) that Purcell decided to write and direct a film of the *The Drover’s Wife* there.⁵¹ In Purcell’s retelling, Country is a witness, a site of consolation and protection. Close shots of violence are interspersed with wide, beautiful, panning shots Country, implying that Country is witnessing this violence, and we, as viewers, are with Country as we watch horrific colonial violence. Time-lapse shots capture changes in light and season,

conveying a sense of time passing from the point of view of Country rather than the settler's point of view of the original short story. In these scenes, focalised through Country, we as viewers also inhabit the viewpoint of Country, as a location of judgment, authority and solace. Goernpil writer and filmmaker Romaine Moreton writes:

For Indigenous peoples, the land is the source of Indigenous jurisprudence, and is central to the Indigenous worldview. It is the relationality between body and land that informs Indigenous sovereignty as a metaphysical, philosophical and spiritual understanding of place. ... Our land is a body, and our body is land.⁵²

The bookending of the opening image of the film, and its frequent shots of wide country, combined with the final image of the children returning to Country, point to the fact that this First Nations law and sovereignties are natural and continuing, while settler law is fragile and finite. In its narration of law and society through the aesthetics of Dreaming, and the focalisation of stories through the point of view of a First Nations woman, *The Drover's Wife* posits First Nations subjectivity as the normative, default subjectivity, thus disorienting the white viewer from their usual privileges and entitlements. Viewers experience a film in which white state settler law is the aberration, with peace and resolution only coming with the reinstatement of First Nations sovereignty and law on Country. The film thematises the origin stories and tropes of the frontier that are also part of the white nation's law and culture—the myths that appear in cases such as *Mabo* and reference First Nations sovereignty only to limit it. *The Drover's Wife* turns these myths on their head: the violent history of colonisation is shown to be subject to another authority, relegating the law of the white state to the periphery. At the same time, Purcell critiques the gender politics of the colonial state, foregrounding the domestic violence to which Molly is subjected to by her husband and the sexual violence to which all women at the 'frontier' are subject.

In *The Drover's Wife*, we receive a representation of exactly what the law has refused: First Nations sovereignty as continuing, universal, and richly flourishing. Literary claims for social justice relating to First Nations rights have been pursued in Australia largely through the genres of life-writing and autobiography.⁵³ More recently, experimental forms have been employed by writers including Kim Scott, Alexis Wright, Melissa Lucashenko, Larissa Behrendt, Anita Heiss, Tara June Winch, Ellen van Neerven. Romaine Moreton and Therese Davis extend this analysis to film, arguing that Indigenous film production “as an already sovereign cinema operates” after Mabo and that “Indigenous jurisprudence is an active agent in Indigenous cinema.”⁵⁴ There has been enormous growth and success in the Indigenous screen production sector, and Indigenous filmmakers are firmly part of the mainstream film production, which is “is an assertion of visual sovereignty grounded in the rights held in the land.”⁵⁵

These writers and film-makers draw on First Nations narratives, genres and tropes to articulate Australian realities, opening up the question of what kinds of form have the authority to assert “the truth,” and the implications of this claim. Geoff Rodoreda uses the Raymond Williams/Fredric Jameson model of cultural dominance/residual/emergent categories, which speaks to the general cultural-social domain and more specifically to Australian literature, to position these representations of sovereignty historically and to orient them within the current moment.⁵⁶ According to this model, Rodoreda argues, mainstream, post-Mabo literary representations are dominant, representations based on the premise of *terra nullius* are residual, and the discourse of First Nations sovereignty is an emergent cultural movement.⁵⁷ In the emergent category, Rodoreda places writers including Alexis Wright, Kim Scott and Melissa Lucashenko, who are “imagining sovereign political spaces ... what Alexis Wright calls a ‘sovereignty of the mind’ ... wherein characters in Aboriginal-authored novels demonstrate or act out their sovereign custodianship of the land *irrespective*

of the legal status of their landholding in the narrative.”⁵⁸ This is a practice that Rodoreda terms “sovereignMentality” which he uses to “describe the particular feature of mentality of characters in Indigenous Australian fiction.”⁵⁹ Here, I extend Rodoreda’s analysis, arguing that these novels assert not only an alternate imaginary or mentality but the factual continuing existence of Indigenous sovereignty and Indigenous law—although framed within the genre of fiction, this claim to sovereignty and law is not fictional but factual, even if it is denied by colonial law.

The Drover’s Wife’s most radical project is its assertion not only of an alternative claim to truth, but a challenge to the modes in which such truth claims are made. The film offers a method of examining the operation of genre in both legal and cultural texts, undermining mainstream assumptions that certain modes (the genres of settler law, or of “national literature,” for example) necessarily grant us access to the truth. This is a challenge to representational practices in which, as Ravenscroft says, First Nations’ reality is produced “as if it were a version of the colonisers’ own, only a lesser one: less rational, less logical ... mythic and magical”—that is, as possessing a less authoritative claim to reality.⁶⁰ The film is not merely asserting an alternative version of the present, but also making a claim for authority to know that present, to assert a “reality” for it, that is told from the point of view of First Nations people.

Sovereignty is central to the question of how the law narrates the role of the past in the present. The stories that settler law has told about the past have turned on particular ways of imagining authority for those past acts. We can see similar logics regarding sovereignty operating in the Stolen Generations cases as were articulated in native title claims. Writing in the context of *Mabo*, Motha’s reading of sovereignty makes sense of the lack of responsibility taken for colonial violence. Motha describes the ways in which this violence becomes viewed as exceptional, and relegated to an isolated past: ‘Australian *‘postcolonial’* law and society

relies heavily on the possibility of a ‘finite’, containable, *colonial* sovereignty’.⁶¹ Motha explains that the logic of sovereign exceptionality functions in *Mabo* to confine the authority for acts of violence and dispossession to an “abhorrent” past, while animating the legitimacy of a contemporary sovereignty that is based on different, contemporary values, (such as universal human rights, anti-discrimination principles, and the citizenship rights of all people).⁶² The law shores up its own, present-day authority at the same time that it distances itself from a role in past acts of violence: the consequences of these past actions are still with us, but they are beyond the scope of the law. First Nations sovereignty is meaningful through a number of registers in Australia, including a platform for the recognition of rights, a mode for First Nations people to express self-determination in daily life, and, most radically, as a claim of authority, deriving from the fact that First Nations groups “have never ceded their land”.⁶³ For Larissa Behrendt, “the notion of sovereignty goes to the heart of the restructuring of the relationship between First Nations and non-First Nations Australia”.⁶⁴

It would be a radical and fundamental move for Australian law to not automatically subject First Nations law, but to encounter it, giving rise to what Christine Black describes as a ‘relational jurisprudence’.⁶⁵ Acknowledging and then refusing the colonial imaginary that justified the establishment of a theft jurisdiction. Irene Watson argues that:

To make up for the historic and ongoing erasures of Aboriginal knowledge and possibly to begin to remedy the desolation which they have wrought, one solution would be to re- centre Aboriginal worldviews as the norm and to liberate First Nations places from colonising and assimilationist processes.”⁶⁶

2023 saw the failure of the Indigenous Voice to Parliament Referendum, which foreground the question of First Nations’ sovereignty in the public sphere. This was a disappointing result for many. However, there is hope that this failure will further the movement for First

Nations Sovereignty that refuses the need for the recognition of settler law. Irene Watson has said of settler recognition of First Nations sovereignty:

I have argued that often what are represented as laws of recognition have the potential to derail and disempower First Nations' struggles for both our freedom from colonialism and our risk of genocide.⁶⁷

Of the Voice specifically, Watson argued:

There is no hope for the freedom of Aboriginal Peoples and our natural worlds in a state where our future continues to be imprisoned by an ongoing colonialism.

Constitutional recognition, by-way of a Voice to the Australian Parliament, provides no hope and no future for First Nations.⁶⁸

¹ Martina Horáková, “‘Kin-Fused’ Revenge: Rewriting the Canon and Settler Belonging in Leah Purcell’s *The Drover’s Wife*,” *Journal of postcolonial writing* 58(4) (2022): 511–523.

² Kay Schaffer, *Women and the Bush: Forces of Desire in the Australian Cultural Tradition* (Melbourne: Cambridge University Press, 1988), 34.

³ A number of these retellings are available in Frank Moorhouse’s edited collection *The Drover’s Wife*, (Sydney: Knopf Australia, 2017),

⁴ Frank Moorhouse, “Introduction,” *The Drover’s Wife*, ed. Frank Moorhouse (Sydney: Knopf Australia, 2017), 4.

⁵ Tony McEvoy, “Introduction,” in Leah Purcell, *The Drover’s Wife*, (Sydney: Currency Press, 2016), 5.

⁶ Ibid.

⁷ Ibid.

⁸ Leah Purcell, *The Drover’s Wife*, (Melbourne: Penguin, 2019).

⁹ Leah Purcell, director, *The Drover’s Wife: The Legend of Molly Johnson*, Memento Films International, 2021. 1 hr., 4 min.

¹⁰ First Nations people have always carried the knowledge of colonial violence with them, and Australian institutions have recently initiated programs to document these massacres through testimony, scientific evidence and maps. For example, see “Colonial Frontier Massacres, Australia, 1788 to 1930,”

<https://c21ch.newcastle.edu.au/colonialmassacres/map.php>, viewed 8 November 2023. For an example of testimonial and narrative evidence, see “Defining Moments: Myall Creek Massacre,” National Museum Australia, <https://www.nma.gov.au/defining-moments/resources/myall-creek-massacre>, viewed 8 November 2023. For an example of the use of scientific evidence to support First Nations’ testimony of massacres, see Pamela Smith and Keryn Walshe, “Oral Testimony of an Aboriginal Massacre Now Supported by Scientific Evidence,” *The Conversation*, <https://theconversation.com/oral-testimony-of-an-aboriginal-massacre-now-supported-by-scientific-evidence-85526>, viewed 8 November 2023.

¹¹ For an analysis of the common law’s relationship and adjudication of the harms of the Stolen Generations, see Honni van Rijswijk, and Thalia Anthony. “Can the Common Law Adjudicate Historical Suffering?” *Melbourne University Law Review*, 36(2) (2012) 618–55.

¹² For a reading of the Australian western, see Grayson Cooke, “Questioning the Australian Western,” in *Australian Genre Film*, eds. McWilliam, Kelly, and Mark David Ryan, (New York, Routledge, 2021), 219–239.

¹³ Gerry Turcotte, “Australian Gothic,” in *The Handbook to Gothic Literature*, ed. Marie Mulvey Roberts (Basingstoke: Macmillan, 1998), 10–19.

¹⁴ Ibid.

¹⁵ Mark David Ryan, “A Monstrous Landscape Filled with Killer Animals and Madmen: Tropes of Contemporary Australian Horror Movies,” in *Australian Genre Film*, ed. Kelly McWilliam and Mark David Ryan (New York: Routledge, 2021), 90–109, 99.

¹⁶ John Scott and Dean Biron, “Wolf Creek, Ruralty and the Australian Gothic,” *Continuum: Journal of Media and Cultural Studies* 24, no. 2 (2010), 307–322.

¹⁷ Mark David Ryan, “A Monstrous Landscape Filled with Killer Animals and Madmen: Tropes of Contemporary Australian Horror Movies,” in *Australian Genre Film*, ed. Kelly McWilliam and Mark David Ryan (New York: Routledge, 2021), 90–109, 99.

¹⁸ Grayson Cooke, “Questioning the Australian Western,” in *Australian Genre Film*, ed. Kelly McWilliam and Mark David Ryan (New York: Routledge, 2021), 219–240, 225.

¹⁹ Robert Foster and Amanda Nettlebeck, *Out of the Silence: The History and Memory of South Australia’s Frontier Wars* (Adelaide: Wakefield Press, 2012), 6.

²⁰ For an explanation of the state’s role in the systematic removal of First Nations children, and the ways in which contemporary First Nations writers are reclaiming and interrogating this history, see for example Honni van Rijswijk, “Stories of the Nation’s Continuing Past : Responsibility for Historical Injuries in Australian Law and Alexis Wright’s *Carpentaria*,” *University of New South Wales Law Journal*, 35(2) (2012), 598–624.

²¹ Leah Purcell, “*Drover’s Wife* Dreaming” [Interview], Penguin, 19 December, 2022 <https://www.penguin.com.au/articles/2506-drovers-wife-dreaming> (accessed 09/05/2023).

²² Jessica Gildersleeve, “Contemporary Australian trauma” in *The Palgrave Handbook of Contemporary Gothic*, ed. C Bloom (London: Springer International Publishing, 2020), 91–104.

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- ²³ Nycole Prowse, Jessica Gildersleeve, and Kate Cantrell, "From Stage to Page to Screen: The Traumatic Returns of Leah Purcell's 'the Drover's Wife'," *Social Alternatives* 41(3) (2022): 30–36, 31.
- ²⁴ Ibid.
- ²⁵ Denise Varney, "Indigenising the Colonial Narrative: Leah Purcell's *The Drover's Wife*", in P. Farfan and L. Ferris (eds), *Critical Perspectives on Contemporary Plays by Women: The Early Twenty-First Century*, (Ann Arbor: University of Michigan Press, 2021), 38.
- ²⁶ Ibid.
- ²⁷ Ken Gelder, "Australian Gothic," *The Routledge Companion to Gothic*, ed. Catherine Spooner and Emma McEvoy (London: Routledge, 2007), 115–23, 122).
- ²⁸ Leah Purcell, "Drover's Wife Dreaming" [Interview], Penguin, 19 December, 2022 <https://www.penguin.com.au/articles/2506-drovers-wife-dreaming> (accessed 09/05/2023).
- ²⁹ Ibid.
- ³⁰ Banjo Patterson, "The Man from Snowy River," (Angus & Robertson, 1895), lines 33, 40. For the role of the poem in the national mythology, see Garrie Hutchinson, *True Blue* (Melbourne: Viking, 2002) And John Perkins and Jack Thompson, "The Stockman, the Shepherd and the Creation of an Australian Identity in the 19th Century," in *Australian Identities*, ed. J. Borenzstahn, (Melbourne: Australian Scholarly Publishing, 2007) 15–25.
- ³¹ Astrid Edwards, "Leah Purcell: On 'The Drover's Wife.'" [thegarretpodcast.com](https://thegarretpodcast.com/leah-purcell-on-the-drovers-wife/), <https://thegarretpodcast.com/leah-purcell-on-the-drovers-wife/>. Accessed 2 Apr. 2023.)
- ³² See Povinelli Elizabeth, *The Cunning of Recognition: First Nations Alterities and the Making of Australian Multiculturalism* (Durham: Duke University Press, 2001).
- ³³ *Yorta Yorta Aboriginal Community v The State of Victoria* (2002) HCA 58 para 43 per Gleeson CJ, Gummow and Hayne JJ.
- ³⁴ Stewart Motha, "The Failure of 'Postcolonial' sovereignty in Australia," (2005) 22 *Australian Feminist Law Journal* 107, 108.
- ³⁵ *Mabo v Queensland (No 2)* (1992) 175 CLR 1 ('Mabo').
- ³⁶ Motha, above, 108.
- ³⁷ Ibid.
- ³⁸ Alexander Reilly, "How Mabo Helps Us Forget," *Macquarie Law Journal* 6 (2006) 25, 26.
- ³⁹ Ibid.
- ⁴⁰ Ben Golder, 'Law, History, Colonialism: An Orientalist Reading of Australian Native Title Law' [2004] 9 (1) *Deakin Law Review* 41.
- ⁴¹ Irene Watson, "Aboriginal laws and colonial foundation," *Griffith Law Review*, (2017) 26(4), 469–479, 476.
- ⁴² Shane Chalmers, "Metaphoric Sovereignty and the Australian Settler Colonial State," *Law Text Culture*, 26 (2022): 36–57, 38.
- ⁴³ *Yarmirr*, 136 cited in Shane Chalmers, "Metaphoric Sovereignty and the Australian Settler Colonial State," *Law Text Culture*, 26 (2022): 36–57, 43).
- ⁴⁴ Shane Chalmers, "Metaphoric Sovereignty and the Australian Settler Colonial State," *Law Text Culture*, 26 (2022): 36–57, 44.
- ⁴⁵ Ibid.
- ⁴⁶ Christine Black, "Maturing Australia through Australian Aboriginal Narrative Law," *The South Atlantic Quarterly*, 110:2, (2011), 347–362, 348.
- ⁴⁷ Christine Black above, 358.
- ⁴⁸ Aileen Moreton-Robinson, *White Possessive*, (Minneapolis: University of Minnesota Press, 2015), ix.
- ⁴⁹ Ibid, xix.
- ⁵⁰ Banjo Patterson, "The Man from Snowy River," (Angus & Robertson, 1895), lines 33, 40. For the role of the poem in the national mythology, see Garrie Hutchinson, *True Blue* (Melbourne: Viking, 2002) And John Perkins and Jack Thompson, "The Stockman, the Shepherd and the Creation of an Australian Identity in the 19th Century," in *Australian Identities*, ed. J. Borenzstahn, (Melbourne: Australian Scholarly Publishing, 2007) 15–25.
- ⁵¹ Astrid Edwards, "Leah Purcell: On 'The Drover's Wife.'" [thegarretpodcast.com](https://thegarretpodcast.com/leah-purcell-on-the-drovers-wife/), <https://thegarretpodcast.com/leah-purcell-on-the-drovers-wife/>. Accessed 2 Apr. 2023.)
- ⁵² Romaine Morton, "Indigenous Research Principles," *Australian Indigenous Film and Television Knowledge Sharing Platform*, <http://aiftv-research.net/Home/About>, viewed 22 May 2023.
- ⁵³ See Anne Brewster, *Aboriginal Women's Autobiography* (Sydney: Oxford University Press in association with Sydney University Press, 1996).
- ⁵⁴ Romaine Moreton and Therese Davis, "Australian Indigenous Film-Making Beyond Mabo: The Emergence of Indigenous Australian Visual Sovereignty," in *Mabo's Cultural Legacy*, ed. Geoff Rodoreda and Eva Bischoff (Anthem Press, 2021), 100–121, 101 and 87 respectively; see also Felicity Collins and Therese Davis,

Australian Cinema After Mabo (Cambridge: Cambridge University Press, 2004) and Therese Davis, "Australian Indigenous Screen in the 2000s: Crossing into the Mainstream," in *Australian Screen in the 2000s*, eds. Ben Goldsmith and Mark Ryan, 231-59. Cham: Palgrave Macmillan.

⁵⁵ Moreton and Davis, n 66, 101.

⁵⁶ See Geoff Rodoreda, *The Mabo Turn in Australian Fiction* (Peter Lang, 2018).

⁵⁷ See n 66, 233.

⁵⁸ See n 66, 5.

⁵⁹ See n 66, 5.

⁶⁰ Alison Ravenscroft, "Dreaming of Others: Carpentaria and its Critics," *Cultural Studies Review* 16(2) (2010): 197-219.

⁶¹ Motha, above n 65, 109 (emphasis in original).

⁶² (1992) 175 CLR 1 at 41-2; Motha, above n 65, 110.

⁶³ Larissa Behrendt, *Achieving Social Justice: First Nations Rights and Australia's Future*, (Annandale, NSW: Federation Press, 2003), 95.

⁶⁴ Ibid, 96.

⁶⁵ Christine Black, "A Timely Jurisprudence for a Changing World," *International Journal of Semiotic Law* 22 (2009):197-208, 202.

⁶⁶ Irene Watson, "Re-centring first nations knowledge and places in a Terra Nullius space," *AlterNative*, 10 (5) (2014): 508-520, 513.

⁶⁷ Irene Watson, "Aboriginal laws and colonial foundation," *Griffith Law Review*, (2017) 26(4): 469-479, 474.

⁶⁸ Irene Watson, "There is No Hope in a Voice to Parliament," *Pearls and Irritations*, Oct 29, 2022.

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