

What Now? A Pandemic: Patterns of Protectionism during the Colonial Apocalypse

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Abstract

As an Indigenous scholar in Indigenous Studies, I study the patterns of lawlessness that were first imprinted onto Country by Lieutenant James Cook in 1770. There is no shortage of evidence in our environment and general social welfare of the ‘state of disorder due to disregard for the law’ that Cook’s incursion has bought about. The Corona-virus could be viewed as another manifestation of that state of disorder. Indeed Australian systems of governance are lawlessness parading as law because their unlawful foundations have been glossed over and protected by narratives that justify actions of violence against Indigenous people to enable the theft of Indigenous lands. Over the years, settlers have felt justified allowing massacres and the codification in ‘law’ of stolen generations and the monitoring and control of Aboriginal people under the guise of protection.

Awareness of these patterns of governance combined with a yearning to be ‘on Country’ and a fear of being locked-down in a city, led us out of Sydney to Yuin Country - my partner’s blood Country and where I have cultural belonging. At our time of leaving, based on Corona-virus statistics, a mass hysteria seemed to have come over the general community. Social distancing and home quarantine ‘laws’ had come into effect, and residents of the South Coast on Yuin Country had become potential informers to law enforcement. The settler populations were openly talking on social media of ‘snitching’ on people that did not permanently reside on ‘their’ part of the coast. All of a sudden, it did not feel safe to be seen on home Country. We spent some days ‘hiding out’ at a friend’s property. We prayed to Country. A kind settler gave us a house to rent. We sought permission from an Elder to live on his part of Yuin Country.

I experienced some guilt for spending time away from my PhD work to reposition on Country. This has well and truly dissipated with the realization that our interaction with Country not only gave us immune system enhancing trees, salt water and sunlight, but lived Indigenous epistemology, axiology and ontologies. Apart from an internet connection, Country already holds Indigenous innovation in higher education.

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My Indigenous innovation during the Corona-virus pandemic story began on Yuin Country on the south-east coast of 'Australia' during the devastating bushfires late 2019. This was the most catastrophic fire event in known 'Australian' history, during which, my partner and I observed patterns of control inter-playing out between government and settler community responses. These behaviours served to warn us of what was to come with responses to the Corona-virus pandemic.



Figure 1: At our front door in Sydney in December (photograph by Jamie James 2019)

We procured some heavy-duty respirator masks during the bushfires, not knowing we would need them well into 2020. In December 2019 we escaped the low sitting smoke blanketing

Gadigal Country, on which Sydney city sits, and headed for the South Coast. Yuin Country is my partner's blood Country, and Country that adopted me through some Yuin families who gave me cultural belonging some years ago, before the mystery of my true genetic identity unfolded last year. I whakapapa (have genealogy) to strong Ngāpuhi and Tainui Māori lineages, but that is another story. The South Coast of 'New South Wales' is where I currently feel most at home. Yuin Country nourishes me, shelters me and inspires me; grows me and *growls* me (when required).¹ The fires too came to Yuin Country, at their worst, we were 'trapped' in a place called Tuross.

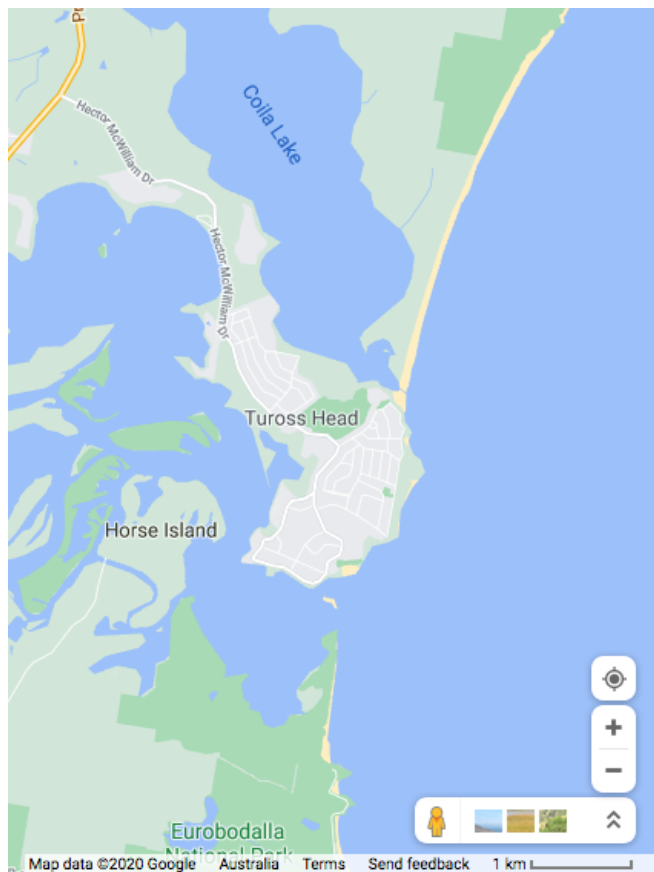


Figure 2: Map of Tuross Head (courtesy Google Maps)

¹ '*growls*' as in 'expresses anger or angrily', used in this context is dependent on my interpretation of signs

We ignored initial suggestions from colonial authorities to evacuate Tuross, it ran against our internal logic. We knew it was the safest place we could be. Apart from ‘just knowing’, Tuross is surrounded by water, it was easy to plan an escape to the sea if the fight to save houses ever came and overcame; much easier than risking a congested highway with roaring bushfires on either side and a 20-hour traffic queue. As painful as it was to watch and feel the cruel devastation of these colonially induced fires, we were glad to be on Country. We could give our hearts and prayers for our animal and bush kin. Country is family we did not want to be apart from for this colonial apocalypse - this culmination of two centuries of unlawful land mismanagement by interloping governments.

My PhD work is partially concerned with the patterns of lawlessness that were first imprinted onto Country now known as ‘Australia’ by Lieutenant James Cook in 1770. In an Indigenous worldview, the Universe is a sentient “pattern comprised of other patterns” (p. 196, Kwaymullina & Kwaymullina, 2010). All life exists in relationship to everything else. Everything is alive and knowledge and law exists in relationships (Black, 2016; Kwaymullina & Kwaymullina, 2010). Cook’s first actions on Country were violent and lawless. He trespassed, stole and attempted murder (Cook, 1770). This lawlessness patterned onto place by Cook continues to this day, overseen and amplified by his subsequent cohort of outlaws ‘acting’ as lawful authority in the form of the Australian Government, the State and Territory Governments and Local Government.² Indeed, Australian systems of governance are lawlessness *parading* as law because their unlawful foundations have been glossed over and protected by false narratives that justify i) actions of violence against Indigenous people; and ii) ignorance of law - both Indigenous law and the interloping British law - to enable the theft of Indigenous lands. Over the years, settlers have condoned or partaken in massacres (Elder,

² as in, ignoring the original jurisdiction, a history of breaking the law of the land

1998; Allam & Evershed, 2019). Dehumanising and infantilising narratives about Indigenous peoples have supported the codification in ‘law’ to kidnap Indigenous children (Stolen Generations), and monitor and control Aboriginal people under the guise of *protection*. Lawlessness is defined as a ‘state of disorder due to disregard for the law’ (Oxford, n.d.) and this was most graphically, devastatingly and tangibly experienced by all life forms in the recent bushfires. Their ultimate cause being the spurious claims of Western authority usurping lawful Indigenous management of Country. It could reasonably be asserted that the Corona-virus pandemic in Australia has the same root cause.

Back to the city

When we returned to the city in January, our focus had shifted to thinking about what we would do if colonial-capitalist resource control systems were to be compromised in any other future catastrophes. Our experience in the fires primed us for the Corona-virus pandemic. Our priorities had shifted, or re-focused through grieving mass animal suffering and death, living without power and internet, witnessing communities lose their homes after fearing for their lives, and feeling and seeing the extreme burn of Country. The constant suffering that beings of Country endure under settler-colonial-capitalism had reached exponential rampancy. More trauma. Further, these experiences gave us a glimpse into how sections of the dominant culture may respond in situations of large-scale panic, from the ground up and the ‘top’ down.³

I find the density of people and things in the city - thoughts, emissions, air traffic, money worship, electricity transformers, traffic congestion, WIFI signals – stifling. In the city I had been suffering with allergic asthma, which intensified in 2019 with the low hanging bushfire

³ By ‘top’ I mean the top of Western hierarchies, be it politicians in power or private interests or groups whom they may or may not act for.

smoke. By the time Corona-virus news had hit Sydney, I had been so sick from pollutants that I was pondering if I had already had it and recovered. Fever had accompanied a bout of allergic asthma I had in December and then January. I took control of my health and potential contagiousness by quarantining myself, dosing up on Vitamin C, electrolytes and bush medicine, and seeking the freshest air I could breathe. By the time the pandemic was news (before its official announcement by the World Health Organisation on 22nd March 2020), I had healed except for some pollutant-triggered wheeziness that caused an occasional cough. Our fire smoke masks provided psychological and physical protection for others if I had to cough whilst out in public. Asthmatics were likely the second most paranoid group when it came to being out in public at that time, not just fear of catching anything, but fear of others' fear of outwardly expressed respiratory symptoms. I cannot imagine the fear felt by Asian people with a tickly throat or need to wheeze. The Asia-phobia on Sydney streets was palpable, so was the rising hysteria about the virus.⁴

After researching corona viruses, the actual virus did not concern me anywhere near as much as the cacophony of fear and control from bottom-up and top-down settler culture. The fear had spread quicker than the virus, typifying general population pandemic behaviours, it became “a psychological virus spreading faster than the biological version that inspired it” (Patrick 2020, para 4; Taylor 2019). When I point out this fear, I, in no way, wish to fear-shame those in our communities who are at threat of losing their livelihood, getting sick, domestic violence and other pandemic, recession and isolation lock-down potentialities (Wildwood 2020). I am now referring to the period before isolation and lock-down ‘laws’ were enacted. I am referring to the build-up, the intensification of the fear where voices were using, or more so parroting,

⁴ President Donald Trump called the Corona-virus ‘the Chinese virus’, this added to the Asia-phobia that already exists in the dominant Australian white supremacist culture.

language condoning a new social contract, perhaps unconsciously, perhaps high on adrenalin. Wash your hands, stay home, flatten the curve, social distance, social distance, social distance; and the oxymoronic ‘new normal’ and ‘together apart’ slogans for social distancing and staying home.

As history has shown us, mass public belief in a narrative can manufacture consent for aggressive (and unlawful) government action. Enacting this dynamic has been a regular *modus operandi* of Australian governments and their international Anglo government networks occupying Indigenous lands. In Australia, the ‘dying race’ myth fuelled policy during the ‘protectionist’ and assimilationist legislation periods of various Australian governments. Government double-speak was enacted in the formation of the Aborigines Protection Board (APB) by the New South Wales government in 1883. Its name reflects the inversion of law that had been patterned into place by the lawlessness of Cook. Instead of protecting Aboriginal people, the APB ‘systematically destroyed’ the high degree of agency the people had managed to retain throughout the initial years of settler-colonial inundation (Bird Rose 1990, p. 42).

The Northern Territory Intervention of 2007 was based on a report about child sexual abuse in Aboriginal communities. The army was sent into remote Aboriginal communities to inflict martial law and implement control mechanisms the government had developed over the previous decade (Perche 2017), proving that partial truths can be manipulated en masse to re-invade peoples and territories and force invasive and dehumanizing controls that do more harm than good to people and by extension, Country. During the Corona-virus pandemic, Australian Prime Minister Scott Morrison suspended the Australian Parliament for 5 months. His cabinet made decisions without parliamentary consensus. The New South Wales State Government too was suspended and together with their Federal counterparts, heinous crimes were committed

against Country through controversial - but typically lawless – mining approvals. Federal approval was given for a ‘mega’ coal mine that will destroy fragile koala and greater-glider habitat, and State approval was given for mining beneath the Sydney water reservoir, endangering population health (Bolton 2020; Hannam 2020). Other legislation and new rules for people across the nation and its states are too numerous to mention here. The public seemingly have no say and little recourse. The settler-colonial illusion of a democracy with moral foundations is crumbling to reveal the truth - that lawless systems operating on Indigenous Country are violent and destructive.

Political is personal

Late March, holding memory and knowledge of the double-speak and control ridden historical pattern of government policy, and the potentially very real threat of the virus, I had an overwhelming urge to get back to Yuin Country. We also received a text from a concerned relation on home Country to ‘come home’. My niece in Aotearoa posted on social media that New Zealand was about to enforce a lock-down that restricted movement. Sydney beaches were being closed. I was reeling at the thought I could be stuck in Sydney in a situation akin to house arrest, where I could not even go to the beach for some salt air and water therapy, and any outside social interaction will likely involve someone talking with me or at me about the virus. So, we took up an offer from a South Coast friend to stay. The day we left, the ‘law’ changed drastically, and took many settler attitudes with it. Travel was restricted unless essential for exercise and food gathering. Social gatherings larger than 2 people were illegal and would attract a fine in excess of \$1000. Settler residents situated where we were headed on Yuin Country were openly talking on social media of ‘snitching’ on people that did not permanently reside on ‘their’ part of the coast, especially if seen in groups.

We left Sydney at night, one of us driving a car and trailer, the other on our motorbike. I was moving to a new house, so we were 'legal' within the new colonial rules, but the stigma and mobilization of community eyes as potential informers was alarming and brought to mind history lessons about conditions in Nazi Germany, where civilians become Gestapo informants. Our potential host lived in a cul de sac where any guest vehicles are very visible. Checking in by phone en route, I heard apprehension in her voice. We told her we would camp out elsewhere as we did not want to put her in danger of being reported or chastised by nosey neighbours. It did not feel safe to be seen on home Country. We did end up finding a safe house with family-friends whom we communicated with about hygiene protocols and our recent histories, so trusted we were all safe from the contagion. We did not need government intervention to manage our relating or our health.

We spent three days there, then moved on to keep the 'heat' off our hosts. We felt like fugitives. We could not put family and community members at risk of breaking the 'law' or fear of infection, so we did not ask to stay with those from the most vulnerable communities, our Indigenous communities. We could not go to our usual camping spots. Helicopters had been deployed elsewhere in 'Australia' to monitor and move on campers. There was a hotline set up for informing on perceived social distancing law breakers, including solo campers. We had another safe friend's house where we spent a few days. These days gave us time to interact with/communicate with Country and wait for signs about where to go next. Thanks to a kind and generous settler friend with an empty holiday house, we ended up in the Murramurrang/Budawang part of Yuin Country, new to both of us in terms of living. Whilst unpacking on the street, we received hostile looks from settler residents who must have perceived us as outsiders coming into 'their' territory, increasing infection risk, disobeying their leaders. Despite being a little dismayed by the cold reception, we trusted our connection

to and reverence for Yuin Country to look after us. We spoke to a respected Elder and sought his blessing to live on his Country. After honouring that higher jurisdiction of Aboriginal law, we felt good.⁵ Things turned around quickly. Within a week we had made new friends whilst out fishing, made meaningful connections with neighbours, and fostered a friendly familiarity with shopkeepers. The gap between us as a perceived threat and valued new residents was bridged by the on-ground reality of human-to-human interaction.

Resistance

We resisted the newspeak of 'social distancing' by choosing to instead use language of 'physical distancing'.⁶ We were not going to be part of enshrining a new cultural ideology of separation and distancing through language at the order of the State, that was too Orwellian, too white for us. We knew how to protect others and ourselves from infection and we managed to do that whilst lawfully *and* legally getting ourselves to a place we could gather food like our Ancestors did for thousands of years; where our exercise was swimming and walking on a beach, the air pure, and cleansed by trees and a saltwater breeze. At times I felt privileged, especially on Zoom meetings where my colleagues were always inside four walls that I suspect they had been for a long, consistent time. However, it was survival. Lock-down in the city would have my dampened my spirit, increased my risk of infection and continued triggering poor lung health.

Indigenous communities in Australia, New Zealand and elsewhere also showed decisive leadership in protecting their people, closing communities to non-essential services and setting

⁵ 'Qui Prior Est Tempore Potior Est Jure' or 'First in Time, Best in Law' is one of multiple maxims of English law transgressed by Cook (Source: <http://www.duhaime.org/LegalDictionary/Q/QuiPriorEstTemporePotiorEstJure.aspx>; See also *The Oxford Dictionary of Law*)

⁶ The term "newspeak" was coined by George Orwell in his 1949 anti-utopian novel 1984. In Orwell's fictional totalitarian state, Newspeak was a language favored by the minions of Big Brother and, in Orwell's words, "designed to diminish the range of thought." (Source: Merriam Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/newspeak#note-1>)

up roadblocks. In the Kimberley, the ‘evacuation of “countrymen and women” from regional towns back to remote communities... also provided opportunities to spend time with family, hunt, return to country and pass on inter-generational knowledge’ (Fredericks & Holcombe 2020). The success of such community leadership clearly gleaned holistic effects in addition to a sense of safety. It felt good to know my actions were in tune with sectors the global Indigenous community.

‘What continues to sustain Indigenous peoples through the horrors of settler colonialism are the recent memories of freedom, the visions enacting it, and the daring conspiracies to recapture it... Each struggle had adopted essential features of previous traditions of Indigenous resistance, while creating new tactics and visions to address the present reality, and, consequently, projected Indigenous liberation into the future’ – Nick Estes 2019.

Although Estes words above are in relation to Standing Rock resistance, the colonial era has always involved working around and avoiding settler violence and control in the name of protection or not. Indigenous innovation in my experience is learning from our Ancestors and/or Indigenous hosts’ experience and resistance. Our Ancestors gave us the impetus to not passively accept new social contracts forming around us and being forced upon us. Ironically, the Corona-virus lockdown served my partner and I by inspiring us to take our freedom to ‘pattern’ back into place where accessing the sea was still within the new Corona-virus government rules. Our reading of patterns led us home to Country where an internet connection was all I needed to keep engaged with my studies and their relational obligations. Positioning my Yuin partner on her home Country gave her and her Country a chance to pattern back into each other. Her first ocean dive gleaned us a meal of abalone. She had never dove before, but her body knew what to do. For me, Country gave me another sign I was in the right place when,

after talking to a Māori colleague about global Indigenous whale connections, I went for a walk to be greeted by breaching southern right whales. Country and Ancestors already hold Indigenous innovation in higher education, and they have given us the pattern thinking to do with it what we will.

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