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# “Speaking for the Dead to Protect the Living”: On Audre Lorde’s Biomythography, Law, Love, and Epistemic Violence in the Coronial Jurisdiction in the Kimberley

**Sarouche Razi<sup>1</sup>**

**Abstract,** From 2017–2019 I was counsel representing the families in a coronial inquest which looked at Aboriginal youth deaths in the Kimberley region of Australia with a particular regard to self-harm. A coronial inquest is a judicial proceeding that investigates unexplained deaths, unusual deaths, or deaths in state custody. In this paper I consider the epistemic violence my clients experienced, and I particularly examine the potential for affect and relationality to create connectors between epistemes in the hope of a more emancipatory conception of justice. I draw on Audre Lorde’s corpus as one that is worthy of serious regard in critical legal studies and useful in my work. In particular, I turn my gaze inwards and draw on Audre Lorde’s creation of biomythography as a method for legal writing and legal practice, to offer an account of my role in the Inquest. Biomythography is a form of writing which grounds subjective individual and collective experience, and its interrelationship with history and myth to centre experiences of justice and injustice. In using this methodology, I consider ways the civil law, through its interpretive function and authority in the coronial jurisdiction, oppresses First Nations Australians. Through writing my biomythography I show that the Coroner’s fact finding role arrives at truth in a way inherently embedded in Western knowledge systems and I regard the Coroner’s truth determining function as violent. Finally, I consider the potential of affect as a connector between epistemes to create emancipatory possibilities for justice.

**Keywords,** decolonisation, Audre Lorde, settler colonial studies, feminist studies, cultural studies, queer studies, auto fiction, the Kimberley, Coronial Inquests, lawyering, poverty lawyering, police misconduct, stolen wages, epistemic violence, biomythography, standpoint theory, Indigenous, First Nations, Aboriginal and Torres Strait Islander

He was my youngest son. I always loved him. I loved him from day 1 when he was born. He grew up on Woods River Station. He

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was a [First Nations] man. He grew up on country. He knew his culture. He went through law and he knew his country. Everyone knew him as a hardworking young fella. He worked on stations. First, he worked at Woods River Station and then later on he would travel to South Australia with his brother to work on stations down South. They would come and go and be gone for good a couple of months. He did some work with the Bishop too, travelling around visiting all the communities. He was a real good horseman. All the boys from our community are top ringers. He was always joking with his cousins and brothers, calling each other “cowboys.” They were always talking about a cattle muster and going out bush. That was their dream, going out for muster. He was always in a hurry to get back on a horse. My son was happy and proud, always having jokes. He liked football, and his team was West Coast. I was in my house in the back street when I was told what happened. I was in shock. The whole family was in shock. We didn’t know he had troubles like this. I don’t know anything about what happened. I don’t know why he would do that. I want to know the truth about what happened.<sup>2</sup>

## 1. INTRODUCTION

From 2017 to 2019 I was counsel representing the families in a coronial inquest which looked at Aboriginal youth deaths in the Kimberley<sup>3</sup> with a particular regard to self-harm. A coronial inquest is a judicial proceeding that investigates unexplained deaths, unusual deaths, or deaths in state custody. The prevailing experience in the coronial process was one of alienation: a person’s death was understood primarily through reports by state agencies and those agencies told a story of the failure of people; families of the deceased were treated with disregard despite superficial measures of consultation, and the story told by the Counsel Assisting the Coroner built into a crescendo of dysfunction. In deep anger at this alienation, my colleagues and I thought of ways to tell our clients’ stories on their own terms and to draw the Coroner into their world. The quote that opens this paper is an excerpt from one of those clients who wrote to the Coroner to express her deep sorrow for the loss of her son. In this paper I consider the epistemic violence<sup>4</sup> my clients experienced, and I particularly consider the potential for affect and relationality to create connectors between epistemes in the hope of a more emancipatory conception of justice.

I contend that Audre Lorde’s corpus as one that is worthy of serious regard in critical legal studies. Lorde offers both a critique of the legal system, and several methods to seek out a different vision of justice. In this paper, I turn my gaze

inwards and draw on Audre Lorde's creation of biomythography as a method of legal writing and legal practice, to offer an account of my role in the Inquest. Biomythography is a form of writing which grounds subjective individual and collective experience, and its interrelationship with history and myth to centre experiences of justice and injustice. In using this methodology, I consider ways the civil law, through its interpretive function and authority in the coronial jurisdiction, oppresses First Nations Australians. I reflect on my standpoint both as an officer of the court representing the families in the Inquest and as a Muslim where my faith does not neatly align with the Coroner's methods to arrive at facts.

I make three claims: first, that biomythography, going further into the tradition of auto-ethnography in sociology studies, can be a powerful method of legal inquiry that creates possibilities to consider justice in new ways. I offer two excerpts drawn from my biomythography which relate to events that preceded the Inquest. I show that the Coroner's fact finding role arrives at truth in a way inherently embedded in Western knowledge systems. For people who view truth differently and act according to their worldview, my second claim is that the Coroner's truth determining function is violent. Finally, I examine the potential of affect as a connector between epistemes to create emancipatory possibilities for justice.

## 2. TOWARDS A LORDEAN THEORY OF LAW

Audre Lorde is one of the significant figures of the twentieth Century in the fields of literature, queer studies, Black and race studies, and cultural studies. Curiously, Lorde's life and writing have not been given due regard in legal studies. I state this as curious because Lorde's work offers a serious critique of the legal system that aligns with several traditions within critical legal studies, but also because Lorde offers methods with emancipatory potential and so it is worthy of serious consideration in legal studies.

In Lorde's poem *Power* she writes about the shooting of Clifford Glover, a Black 10-year-old child, who was killed by Thomas Shea, an undercover policeman, in New York City in 1973. The killing sparked race riots, and the police officer was put on trial for murder and found not guilty by a jury of 11 white people and 1 Black person. In an interview with fellow poet Adrienne Rich, Lorde describes hearing the verdict in her car, pulling over, and angrily writing notes which become the subject of her poem.<sup>5</sup> In the poem, Lorde writes:

"Today that 37 year old white man  
with 13 years of police forcing  
was set free  
by eleven white men who said they were satisfied  
justice had been done

and one Black Woman who said  
“They convinced me” meaning  
they had dragged her 4'10" black Woman’s frame  
over the hot coals  
of four centuries of white male approval  
until she let go  
the first real power she ever had  
and lined her own womb with cement  
to make a graveyard for our children.”<sup>6</sup>

In this Lorde is explicit in evoking the racial violence of slavery and how inevitably embedded it is within the policing and the justice system in the United States. Fundamentally, she challenges the possibility of due process in the neutrality of the jury system, which Indigenous legal scholars in Australia have commented upon,<sup>7</sup> and is eerily reminiscent in Australia of racialised killings such as the death of Kumanjayi Walker in 2019. She also writes to the violence against the 1 Black juror with empathy, who plays a role with the rest of the jury of some approximation of the Native Informant, with all the dangers associated with that role.

Lorde challenges the notion of neutrality and objectivity elsewhere in her work also. Rather than seek neutrality, in her famous essay, *The Master’s Tools Will Never Dismantle the Master’s House*,<sup>8</sup> Lorde writes that “[d]ifference must be not merely tolerated, but seen as a fund of necessary polarities between which our creativity can spark like a dialectic.”<sup>9</sup> Later in the essay she writes, “community must not mean a shedding of our differences, nor the pathetic pretence that these differences do not exist.”<sup>10</sup> This stands in stark contrast to almost semiotic signs of neutrality in the Coroner’s court. For example, the silks and robes worn by counsel and the bench have the purpose of uniformity to avoid prejudice, and the formalities in court speech and the gestures of deference and respect elevate the court as a place of authoritative objectivity.

In addition to her critique of the law, Lorde offers methods that have emancipatory potential. For example, Lorde makes the claim that poetry is an important tool for justice where she tells us that “[p]oetry coins the language to express and charter this revolutionary awareness and demand, the implementation of that freedom.”<sup>11</sup> This provides opportunities in legal studies to use poetics as method, and also see the spaces where poetic aesthetics exists in law, as law and literature studies explores. The opening passage of this paper, while not constructed as a poem, has a restrained aesthetic quality that evokes a quiet and deep grief, alongside the moments of humour and reflection and it stands in stark contrast to the pathological construction of Indigenous identities throughout the Inquest.

Lorde's method of observation is one that fundamentally draws on her embodied experience. Lorde conceptualises embodied experience through the *erotic*, which she identifies as a "resource within each of us that lies in a deeply female and spiritual plane, firmly rooted in the power of our unexpressed or unrecognized feeling."<sup>12</sup> There are links between Lorde's method and disparate traditions which can be characterised as having an embodied approach: certain theories of affect, feminist traditions, and First Nations traditions draw on the body, emotion, and they are connected through seeking to centre the bodies that the law implicitly or explicitly renders invisible.<sup>13</sup>

Lorde describes the erotic as having certain fundamental qualities which include relationality, joy, and self-reflection.<sup>14</sup> It is of the senses and the mind, and a rejection of the Cartesian split. Importantly it is grounded in liberation which means there is an inherent accounting for one's relationship to power and oppression. For those who experience oppression, much of the critical literature renders the subjects of oppression in an iterative way as unable to escape their oppression. The erotic considers experiences of injustice unflinchingly, and yet continues to see glory in the lives of the oppressed- it escapes the deficit discourse that is prominent in so much academic literature regarding First Nations' Australians,<sup>15</sup> and aligns with notions of refusal and Bla(c)k excellence by scholars such as Watego.<sup>16</sup>

While I see power in Lorde's conceptualisation, I draw some distance from Lorde's conception of the erotic. Lorde grounds the erotic in both the notion of chaos (from its Greek etymology), and unexpressed desire.<sup>17</sup> My experience of faith and my connections with First Nations' Australians orient my embodied observations differently. Rather than drawing on chaos and unexpressed desire, in an Islamic conception, truth has an unknowable wonder and mystery to it.<sup>18</sup> Second, many First Nations scholars centre an embodied experience as one that's inseparable from an experience of country.<sup>19</sup> Noticing the rhythms and affectations of country around you is itself an experience of the embodied and inherently loosens the boundaries between self and other. Indeed, Bloch shows Indigenous modes of embodiment as drawing in intersections of land, story, dance, and everyday movement and participating in 'more-than-human bodies'.<sup>20</sup> Irene Watson describes this in her account of *Raw Law*, and fundamentally, also argues that (Raw) law itself is part of the embodied experience,<sup>21</sup> which aligns with my Islamic understanding of law. In particular a methodology grounded in the literature of embodiment is a response to how colonisation renders the subject's body: scholars from Fanon to Coulthard make clear how the technologies of colonisation make the body a site of shame, repression, revulsion, separated from the sacred, from country, from family.<sup>22</sup> It "seeks to deterritorialize Indigenous nations and corrode Indigenous sovereignties by compromising embodied

connection to place and to kin.”<sup>23</sup> An embodied perspective in scholarly work performs responsively as political scholarship.

I don’t see these differences as impeding on theorising from Lorde’s work – as Teaiwa tells us, theory can be used “as a frame, a magnifying glass, a key, a plow, a sail, an oar.”<sup>24</sup> In this way Lorde offers us new tools in legal studies, and in the next section, I take on her method of biomythography to explore questions of justice.

### 3. ON BIOMYTHOGRAPHY AS METHOD

... Zami is not only an autobiography, but mythology, psychology, all the ways in which I think we can see our environment. And this is what I think good fiction does. And it is fiction. I attempt to create a piece of art, not merely a retelling of things that happened to me and to other women with whom I shared close ties. I define it as a biomythography because I've found no other word to really coin what I was trying to do.<sup>25</sup>

In 1982 Lorde published *Zami: A spelling of a new name*,<sup>26</sup> and created a new genre of writing she identified as biomythography. The book charts an account of her life, from constant racial violence while growing up in Harlem in the 1930s, to race and intimacy in her queer relationships, as well as her familial relationships, particularly with her mother. In the telling, she weaves in much more than story, narrative, memoir, or autobiography. In writing *Zami*, Lorde draws on Black American history, race and civil rights, the (intellectual, emotional and sensual) solidarity between Black women, myths that connect the Black experience between the Americas, the Caribbean, and Africa. Biomythography, “simultaneously invokes, interrogates, and celebrates the mythic (and/or imaginative) possibilities encoded within acts of representation, providing always a polysemous cast to the “historicity” of events being represented. Myth, dream, and history assume equal footing as efficient causality and equivalent epistemological value.”<sup>27</sup> In particular, it offers “meaning on the events of one’s life when those events embody multiple realms of interpretation, marking one’s narration of those events as historically fixed when one recognizes that history is perspectively shaped, and representing experience in language with the cognizance of the constructedness of discourse.”<sup>28</sup>

Lorde’s narrative comprises intergenerational black civil rights history, myth, motif and symbolism. Her style challenges normative story telling as much as the content of her narrative. Lorde weaves a mythology around her histories, for

example by situating her Caribbean genealogy in ways that women build relationships beyond men historically in Carriacou in Grenada. She uses this to make the concepts of home and exile both literal and metaphoric. In mythologising her history, she re-situates a black queer identity from the periphery of power to the centre and renders the normative as the outsider. In her writing, "the complexities and contradictions that are faced in everyday life, transcend normative valuations like truth, fact, history, and empiricism, and hence, their representation evades uniform transcription."<sup>29</sup>

For example, Lorde tells us about Muriel, who she is introduced to, and they become lovers. In their first meeting she says: "Muriel and I put our heads forehead to forehead, over a small table in the front, and shed a few tears together over our dead girls."<sup>30</sup> Already there is trauma and solidarity over the precariousness of queer lives in McCarthyist America, and again later they build desire and kinship through the death and trauma that surrounds them. Lorde weaves their love story through their letter writing and poetry and interrupts it with the future:

More than twenty years later I meet Muriel at a poetry reading at women's coffee house in New York. Her voice is still soft, but her great brown eyes are not. I tell her, 'I am writing an unfolding of my life and loves.'

'Just make sure you tell the truth about me,' she says.<sup>31</sup>

This interruption tells us that their romance will have an end, but it also tells us there is camaraderie in their connection, and a duty of truth-telling. It indicates that groundedness in subjective experience and standpoint must come with an inter-subjectivity and as a contrast to the Inquest that concerns this paper, that truth-telling is possible in an inter-subjective space.

Lorde's account of Muriel crescendos, in a moment they are smoking a joint, and Muriel offers an account of electroconvulsive therapy to her brain as a treatment for her schizophrenia:

"Did it make anything better?" I asked.

"Well, before shock, I used to feel this deep depression covering me like a huge bushel basket, but somewhere inside at the very core of it all, there was a little feeble light shining, and I knew it existed, and it helped illuminate chaos." She shuddered and lay silent for a moment her lips tight and pale over her front teeth.

"But the thing I can never forgive the doctors for, is that after the shock, the bushel only lifted a little; you know what I mean? But that little light had gone out, and it just wasn't worth it.



I never wanted to trade my own little flame, I don't care however crazy it was, for any of their casual light from outside.”<sup>32</sup>

This passage offers so much depth: the metaphor of light and the covering bushel evokes deep sadness and clarifies the state of her mental health and the trauma of medical procedure. Importantly, there is an implicit critique of the medicalising and pathologising of mental health and the harm that comes from not centering agency.

Fundamentally, biomythography displaces the deceptive claims of justice and equity in the legal system. Milatovic notes “Lorde’s feminist vision in *Zami* resists reductive labelling and reinstates the centrality of reflexivity and individual and collective accountability.”<sup>33</sup> A claim I seek to make in my work is that the process of biomythography is an important one if we are to contend with the subject of emancipatory justice. I am suggesting a practice of hyper-subjectivity, a consideration of our lives as central to the march of history rather than apart from it, drawing on the myths, the legacies and symbols in our histories, and aligning our subjective experience inside of the collective march for emancipatory justice for all peoples. Fundamentally, this experience is not grounded in individualism; it is an invitation into the inter-subjective and collective.

In writing biomythography my intention is to challenge central tenets of the law which undermine people on the margins: the neutrality of the law, the objectivity of law, the legal tradition, and judgement, the possibility of reason and reasoning, and the balanced dispassion of the advocate. The claims of objectivity are held out as being of benefit for dispossessed people, the idea that everyone is equal before the law, the rules concerning procedural fairness, the cab rank rule, as some examples. They are higher order rules in the Western Legal Tradition because they sit as part of the canon of the Rule of Law. There is an outward appearance of an almost antiquated nobility about how the law treats its subjects: the leave a lawyer has to appear in court and the opportunity for the advocate of even the most heinous accused person to cross-examine augurs a sense of greater good. But it is a deception which causes incredible harm. Justice is clearly not a lived experience for many people whose identities structurally place them out of the normatising function of law and law-making.

As I mentioned in the introduction, from 2017 to 2019 I worked on a Coronial Inquest into the deaths of 13 young people in the Kimberley.<sup>34</sup> I felt an incredible weight about the gravity of representing families who were grieving the death of a young person. Thinking back, I understand that I was undertaking biomythographic processes as part of my practice. I drew on my whole life experience: my Islamic identity, the inter-generational trauma that lives in me, the colonialities my families encounter in their Iranian and Afghan histories, my encounters with racism growing up, my deeply Australian ignorance about Indigenous issues and

being a settler, being on Country (in the Kimberley and in Australia generally) and experiencing its beauty, my relationships with Aboriginal and Torres Strait Islander peoples and other racialised peoples, and my work experience which led me to act in this Inquest. My role as Counsel was deeply distressing because I witnessed what I observed as calamitous and offensive conduct in terms of giving respect and regard to people's experiences.

Given that Lorde's perspective as a queer Black feminist scholar is so situated in her identities, there is an important question about whether biomythography can be theorised by other identities. My claim is that biomythmaking is an emancipatory tool for all people. I see it as creating possibilities to respect the questions that arise from First Nations' and decolonial scholars such as Linda Tuhiwai Smith,<sup>35</sup> Ambelin Kwaymullina,<sup>36</sup> Gary Foley,<sup>37</sup> and many others regarding people with power scrutinising themselves in their practice. It allows people to reconcile with their histories and in doing so creates new possibilities of justice. In my identity, I am both an oppressed person and an oppressor: I am a Muslim, Afghan-Iranian-Australian, cis-gendered male, who lives on stolen land as a settler. I experience daily encounters of racism and I feel the psychological pressure of epistemic violence, but I also own property in the *torrens title* system,<sup>38</sup> my passport allows me to cross borders with ease, I walk city alleyways at night with a relative ease that only cis-gendered men have, and my education and opportunities have allowed material and influential power. I am a liminal identity, but it is both my experiences of power and dispower, and the interaction between them, that offer possibilities of re-imagining justice. The ambivalence of my situation, "signifies that a person can experience oppositional emotions that co-exist and can remain in fluctuating opposition to each other. ... Contradictory ideas/emotions/wishes transgress and disrupt polar opposites that idealize fixity and closure."<sup>39</sup> Such a state asks us to consider both how we take up space and how much space we take up. What's powerful about this state of ambivalence is that it's not a call to the inaction that is so central to those with power in modernity. Rather, it's an invitation to dialogue, engagement, and social action.<sup>40</sup> In this way, and in drawing on the broader corpus of Lorde's work – I'm using biomythography as method *and* methodology: it offers us tools for how to *write* in law and how to *do* law.

#### 4. BIOMYTHOGRAPHY AS PRACTICE

In the following section I offer two excerpts from my own biomythography. My intention is for you to imagine how deeply related the personal is to the broader question of justice and conversely how the performance of neutrality and objectivity in the law's structures have harmful material consequences. The first excerpt is an opening reflection about my layered identities and connections with First

Nations Australians and the second relates to a police complaint<sup>41</sup> which was one of the key issues for one of the families I worked with in the Inquest:

\* \* \*

My name is سروش رازی (in English it has been spelt as Sarouche Razi). I want to give you an insight into my personal experiences as a way for you to place me in my work and appreciate what I want to achieve.

I am a Muslim man and I have explored my faith throughout my life in ways that are historical, familial, linguistic and metaphysical. In the company of First Nations Australians, who have been friends, colleagues, and clients, over time I have found more comfort in my faith. When I was younger, I struggled to sit with my faith with how I understood the world empirically, but I also struggled because of how my faith and identity were being represented in the West. In parts I felt shame, and in other parts I felt anger, and I often felt I was (and we were) misunderstood. Importantly, I attribute meaning, reason, and feeling to the interconnection of family, language, and faith. That is to say, those structures are so embedded into the ways I see, feel, and think that they transcend my active relationship with faith, and they are inseparable from one another.

My understanding of Islam is in part through my familial heritage. My mother is Shi'a, from poor farmers in the North of Iran. The North of Iran is very green because it captures the sea breeze from the Caspian Sea. There are beautiful tributaries that flow from the mountains into the Caspian Sea, and villages that farm crops such as olives, rice, pomegranates, walnuts, and peaches. My grandmother, who passed away in 2018, used to tell the story of how her father gambled away the land they had and shortly after died of a stroke. Her stepmother left her and her siblings destitute, and so she married my grandfather who was also poor and with siblings in his care, and after having two children they moved to Teheran to support their siblings and children and lived like many millions of peasants from the Global South in the 20<sup>th</sup> Century, who moved to the capital. One attribute of Shi'a people is the collective memory around a history of persecution. Like many persecuted groups, Shi'a Muslims often have developed a sense of being under siege, which can manifest into deep critical thinking, or as Sedgwick

would describe it, paranoid reading,<sup>42</sup> or both, depending on the context.

My father is Sunni, and his family originate from Arghandab and Logar in Afghanistan, although his family had moved to the capital Kabul. The landscapes in Afghanistan are breathtaking: endless glacial mountain ranges, whose waters flow into ice cold rivers, which feed villages lined with poplars, pomegranates, apricots, grapes, apples, and fields of golden wheat. While his family were in middle class circles in Kabul, my grandfather was a self-made man, a tailor who became an importer and exporter to Germany. We experienced intergenerational trauma of my father and his six siblings being orphaned, my father being four at the time his father passed in a collision with a truck and five when his mother passed of stomach cancer. Although my family is Pashtun, I only discovered this a few years ago. Farsi, historically the lingua franca of much of the non-Arab Islamic East, is revered as the language of high arts, faith, and learning, while Pashtun society is tribal and sometimes perceived of as backwards. Interestingly, it is my Pashtun heritage which has so often built familial links with First Nations Australians. My heritage links directly to the Afghan Cameleers. The cameleers were Pashtuns, Balochis, Sikhs and Punjabis, who worked in the outback to carry cargo before train lines were laid in Australia. These men frequently married Aboriginal women, and they form a significant part of the recent history of First Nations Australia.

My faith is a sacred space that I can only give a poor approximation of in language- as I noted above it exceeds, envelopes, and supersedes my own consciousness of it. What I can state is it escapes an orientalist notion of Islam which is steeped in rituals that others seek to contain in boundaries and doctrine, just as it escapes the romanticised notions Western eyes cast onto Sufi poetry and mysticism. In being sacred, I accept that humans have only a limited ability to comprehend phenomena. That humility, when it is absent, will mean that all subsequent attempts to *know* will be in vain.<sup>43</sup> Even the word knowledge is too presumptuous – if you think of the verb in the Biblical sense, you understand the audacity of the word. Instead of knowing, if we sought to understand phenomena, it might lead us down a more authentic path. Attar tells us (and in its translation I can suggest a further separation from meaning):

What are you here? Mere carrion, rotten flesh,

Withheld from Truth by this world's clumsy mesh<sup>44</sup>

With this clumsiness in mind, I can only offer glimpses into how I believe- to do so reduces both me and you as the reader. I can see my faith when I consider time, for example. For me time can be understood as the distance between us and our Maker. This distance is the exile of separation, it's the yearning that repeats itself in patterns through life. One of the most vivid patterns of this is in the moon's exile from Earth and her changing presence in the sky and its impact on the tides. And if we measure time in this way, not just as distance, but distance from our Creator, then how fickle do the vagaries of Greenwich Mean Time appear?

On one occasion, I was in Warmun, a small and beautiful town between Kununurra and Halls Creek, on Gija country. In the art centre I was struck by a beautiful black and pink artwork, when a man came up to me and started shaking my hand. It spoke to me of oppositional ideas held together, of country in tension. I presumed he was the artist and that he was touched that I enjoyed his work. In a solemn tone, he said to me:

“we're countrymen.”

I told him I wasn't Aboriginal, and he kept nodding his head, and said:

“my grandfather is camel driver mob like you.”

I was shocked and deeply moved that he had recognised me. In this way faith is kinship also, and relationality. This shadow of the cameleers has followed me as I lived and worked in Far North Queensland, in the Goldfields of Western Australia, in the Pilbara, and in the Kimberley, and in every instance, it's been a building of kinship. And yet my Pushtun identity was one that was hidden from me in a desire to align with a Persianate identity. I've understood subsequently that a substantive number of cameleers came from Arghandab.

\* \* \*

The first call I received came from the Halls Creek office of the Aboriginal Legal Service. The office was operated by Mr G, who was an Aboriginal court officer, a novel role in Western Australia, which permits authorised Aboriginal people to have leave to appear in Court to make representations as an advocate, without formal legal qualifications.<sup>45</sup> Mr G passed away in 2019 and out of respect I won't mention his first name. Mr G led an extraordinary life for the parts of it that I knew. At different points he had been a jackaroo, a radio announcer, and had joined a country music band and had toured much of the top end of Australia, before becoming involved in law. He had served on various boards of

Aboriginal community-controlled organisations. He lived by himself since his wife had passed on. Mr G had accompanied me and my colleague Ruth down to the Western desert communities the first time I was sent to the Kimberley in 2012 to complete a series of Stolen Wages claims, a scheme which offered *ex-gratia* payments of \$2,500 for Aboriginal people who had their moneys controlled by the Western Australian government, often for decades, until the 1970s (an *ex gratia* payment is considered an act of grace and is no admission of liability – which is extraordinary given the violent conduct of the state in these practices). Mr G was incredibly humble, taciturn, and gentle. I remember frequently being embarrassed because as the navigator in our four-wheel drive car he insisted on opening the gate when we arrived at a rural property, and every time I noticed him hobble, only to discover later that part of his foot had been amputated because of health concerns. I struggled to navigate the cultural terrain with my professional one. I understood him as my senior, and an Elder, according to both my cultural reference point and his, but we were also colleagues.

He called me and told me that there was a family that wanted to speak to me about something that happened. He put Jeanette on the line and she proceeded to tell me remarkable story, which she ended by saying to me *if they had been white backpackers, the police would have saved them*. Over the many years that have followed, Cody's<sup>46</sup> brother, Troy, and his mother, Gwen, have become my clients and friends. I met them in Halls Creek not long after, thousands of kilometres from my office in Perth on an outreach trip. Outreach trips were organised by legal services to bridge the geographic distances between remote legal services and their clients. Mr G let me use his office, which was about three metres by three metres. In came Gwen, Troy, Gwen's partner, Gwen's mother, Troy's partner, Troy's son, and Troy's girlfriend. Everyone seemed ashen, and I suppose I had been involved in enough matters to do with death to navigate the uneasy feeling around those client interviews where serious questions of trust arose. Over the course of the meeting Gwen and Troy gave their account of events and this is my recollection of it:

It was a particularly heavy wet season, and they were growing concerned about getting out of Wungu, because their supplies had run out. Because of the weather, they were almost cut off from getting back to the closest town, Halls Creek. At Wungu was Gwen and her partner, Troy and Cody and their partners, Troy's son, and Gwen's mother. On the morning of 5 January 2015 they made preparations to leave. They left in the afternoon but got bogged twice, the second time about 4 kilometres from the outstation. They tried to get the car out of the bog but had no luck. While they assessed their situation Cody and his partner

walked off. Cody returned alone some time later to fetch some water. Some time after that his partner returned to say that Cody had hung himself. Over the next few hours as evening set in a nightmarish situation proceeded, Troy followed her to the site, Gwen called both the police and her brother Cameron, the others kept vigil over the body, Troy and a party returned to the house to find a makeshift bier, and they returned and carried the body back the 4 kilometres to the house, and they returned by midnight. The police had advised them to keep the body in a cool place so it wouldn't decompose, and so they use the last of their diesel. There was anger towards Cody's partner because they felt she was responsible for his death in part, and she was kept outside of the house that evening.

In the morning the police arrived by helicopter, and Troy took them to the site, while Gwen was interviewed. It became apparent that the police did not intend to take anyone back to Halls Creek except Cody's body and his partner. The family grew increasingly desperate and angered and the police left without them. Troy called the state emergency service and had little luck with them. In the end their family members formed a rescue party, led by Cameron, who had driven over 10 hours from Derby, and Jeannette. The plan was for the rescuers to go as far up the road as possible without being bogged, and then Gwen and her family would start walking. A difficulty was that Troy's son was only 6, and Gwen's mother was in her 60s and frail. The walk was traumatic, because wet season rain and dark set in, and they had to cross multiple creeks that had sprung up. They eventually met their rescue party, but the highway was flooded also, and they spent the night at Palm Springs Crossing.

Over the coming months I drafted statements for both Gwen and Troy, and I proceeded with a police complaint, focusing on the police's refusal to take the stranded family with them. Like many lawyers working in police accountability, I felt hamstrung by the complaints system. Ultimately, there were two formal mechanisms without resorting to court action, and both were problematic. One avenue was to seek an internal review of the process. Upon an unsatisfactory outcome to the complaint, the matter could be called for review by the Western Australian Crime and Corruption Commission. There is an inherent conflict with an organisation who is the subject of a complaint, reviewing its own conduct. In a number of years of practice, I hadn't reached a successful outcome using this

avenue. In frustrating circularity, the second avenue, a direct complaint to the Crime and Corruption Commission, usually meant the Commission sending the complaint to the police for internal review, and only investigating personally if they were unsatisfied with the internal review. I had come to form the view that the internal review process gave state agencies access to a complainant's story, which offered an opportunity to minimise any potential future fallout, be that through formal court action or media attention. A significant aspect of civil action is strategizing how you tell your client story, and the internal complaint process offered the opportunity for state agencies to pre-emptively prepare their defence. At multiple points I asked Gwen and Troy what outcome they wanted, and they always wanted the conduct of the state agencies to be held to account, and so I commenced a complaint. Before I received the police response, I got a call from the police officer investigating the complaint. He sounded incensed on the phone and told me:

There's no way that complaint is in their words. The English in the statement is too sophisticated.

I felt outraged and confused by his intimation. I had written multiple statements for clients, mostly Aboriginal, but some non-Aboriginal clients too. I felt he was questioning my integrity. Had I put myself in these statements? What degree of Gwen and Troy's voice was in the statement? It occurred to me that most of the English language statements I had read by others (including many police statements), and written myself, made it appear as though the deponent spoke Australian English with a degree of "neutrality." Aboriginal English, and English as a Second Language was not detectable in all the statements I had read by others, and written and drafted myself. Was this the right thing to do? Had I misled the court, and had I misrepresented my client's voice? Why had I adopted this neutral voice? And what was the police officer doing in stating this? I felt he was manipulating the situation, and I felt perhaps he hadn't spent time enough with many Aboriginal people, at least in the sense of being *with* them – because all the Aboriginal people I've known are incredible storytellers. It was true that much of the vernacular was missing, and it was the vernacular which gave Gwen and Troy a richness in their storytelling. And yet, at the same time, I wasn't confident about how state agencies might respond if I transcribed their story verbatim.

The formal police response came shortly after, and as expected found "no officer breached the provisions of the WA Police Code of Conduct when dealing with the family members."<sup>47</sup> They stated:

In response to your concerns regarding the "rescuing" of community members, the WA Police and other emergency service



providers operate under the provisions of Emergency Management legislation and policy. Whilst it is conceded that the community and family members had been through an emotional and traumatic time following the death the preceding evening, “rescuing” people due to isolation caused by climactic and environmental conditions is not a role for WA Police...WA Police officers on the ground investigating the death of Mr Carter didn’t deem any community members at immediate risk during their deployment to the community.<sup>48</sup>

Cody’s death was one of the lives examined in the Inquest from 2017 to 2019.

## 5. EPISTEMIC VIOLENCE AND AFFECT AS A CONNECTOR BETWEEN EPISTEMES

As I highlighted in the beginning of the paper, the importance of the method of biomythography is understood in contrast to the methods of the Coroner’s Court in understanding truth. The Coroner’s Court of Western Australia has a handbook for medical practitioners and medical students where it eloquently states that: “[i]t is the role of the Coroners Court to speak for the dead to protect the living.”<sup>49</sup> Its role is one of fact finding. The role of the Coroner is to investigate reportable deaths and find the identity of the deceased, how the death occurred, and the cause of death, amongst other things.<sup>50</sup> This fact-finding role speaks particularly to the violence in interpretation. Cover articulates this in describing how legal interpretation occurs in a field of pain and death.<sup>51</sup> The act of adjudication holds its authority through the monopolisation of truth telling. The Latin maxim which underpins legal process—*Res iudicata pro veritate habetur*—translates as *an adjudicated thing is regarded as the truth*. This doctrine has a foundational impact on the Western legal tradition, in particular the need for singularity in determination. It sheds light on why Inquests can hold so much power. The monopolisation of truth-telling requires only a prescribed set of people to be truth finders. Indeed, it’s the temporal component of a Coroner’s function that gives them particular power. The Coroner is essentially the last word on a person’s life, and because of this, the Coroner has so much influence in shaping how a person is thought of and remembered. This monopolisation of truth is an act of violence.

A coronial brief often starts with a table of contents, with the documents ordered in what seems like a hierarchy of relevance. The first document is usually a pathology report which is a post-mortem report examining the various organs to consider the medical causes of death, and then a police report which sometimes contains witness statements, and then a series of reports from various government departments, such as on matters of child protection,

public housing, schooling. The first time I opened a coronial brief, I was particularly struck by how alien the coronial process appeared. The first thing I remember was looking at the pathology report, and seeing the weight of the deceased person's kidneys, as well as an examination of various other vital organs for the person. As a Muslim, I thought about how I wished the death of a person who I loved to be examined, and I was angered by the penetrative processes of extracting and weighing a series of organs. Further, I was raised with a deep distrust of the police. If the primary avenue for me to provide evidence in an Inquest were to be by police report, it was clear that my statement would hold poor evidentiary value. Beyond that distrust was an absolute refusal for me to engage with the state with my conception of truth because I understood that the state only understood truth from a Western scientific lens, and any divergence from this understanding would undo me as a credible subject in the state's eyes, and I had worked to build my credibility up over a lifetime.

From a Western epistemological standpoint, phenomena and truth are understood within their physical and scientific parameters. Law relates to land because it relates to land-use, and we need a series of agreed norms about how we use land as a community. However, my understanding of the First Nations perspective is parallel to my relationship to land as a Muslim. First, the physical world is just one dimension of existence: I operate in relation to the physical world by incorporating the metaphysical world around me. Second, there are hidden meanings and truths inside of all phenomena, both material and immaterial. Third, the metaphysical world is embedded inside the physical one. The Australian Institute for Aboriginal and Torres Strait Islander Studies describes 'country' as "the term often used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity."<sup>52</sup> The country I reside on is Ngunnawal country, and a Ngunnawal elder, Jude Barlow describes country as "everything. It's family, it's life, it's connection."<sup>53</sup> It is reflections such as the one above, and how I orient myself in relationship to First Nations' standpoints, which makes me consider that biomythography has been a long-standing part of my practice.

The discord between the Inquest and the families we represented was not just because of the imbalance of material power between the Coroner, the State agencies, and the families, but because of the material imbalance of epistemic power. Death creates a fundamental juncture between believers and non-believers. Those who hold the material monopoly over truth are empowered to deliberate toward fact and event, all the while missing that death is situated as part of a continuum of existence for many. Taken in that light, events,

motivations, and causations before and after a death may operate differently. The Inquest should have given appropriate attention, not just to the ongoing impacts of colonisation, but to how Troy and Gwen envisaged the life of their family member, according to their cosmic world view.

On the first day of hearings, I had the following interaction in my cross-examination of Professor Pat Dudgeon, an Aboriginal scholar and Australia's first Indigenous psychologist:

**Court Transcript, Inquest into the Death of 13 Children and Young Person in the Kimberley Region, 26 June 2017:**

Mr Sarouche Razi, counsel for the families:

In a number of the specific briefs the – some family members have considered alternative interpretations to the nature and the cause of the death that wouldn't accord to western interpretations. What's your view on the regard that should be given by western intervention services – so say, for example, a psychologist or a doctor or even the function of the coroner to Aboriginal interpretations of death?

Professor Pat Dudgeon, Bardi woman and professor, School of Indigenous Studies, University of Western Australia:

I think there's a place for Aboriginal interpretations. I know that there's – you know, there can be misdiagnosis. Either there might be a cultural issue and it's not picked up upon, or it might be an episode of – of psychotic behaviour which is seen as cultural. So I think – I think Aboriginal mental health professions are probably best placed to cause the judgment. I think family members – there's a place for it. So I'm wondering, depending case by case, whether you could merge the two sources of interpretation or have them side by side. That's a good cop-out, but, yes. No. **I wouldn't relinquish one for the other. I think they're two different looks at reality.**<sup>54</sup>

My aim was to explore the epistemic differences inside of the Courtroom, and Professor Dudgeon's response tells us of the inherent challenges in navigating epistemologies, but also the consequences towards Aboriginal people of not considering their world views.

Over months of hearings, sitting dates that spanned thousands of kilometres, expert witnesses, site visits and so on, I kept returning to how I would have

wanted the life of my sibling examined. What puzzled me was the absolute ease that settler Australia and its institutions had in pathologizing Aboriginal Australia. As an example of how violent this process was, from the first day of the Inquest, the Counsel Assisting proposed a solution to Aboriginal youth suicide- boarding schools. On the first day Counsel Assisting proposed it to an expert witness in the following way:

I would just ask for your views as to one way of encouraging Aboriginal children, particularly ones that come from a deprived background, as these mainly were, the advantage of a boarding school facility for them in the Kimberley?<sup>55</sup>

Expert witness after witness was asked if the creation of Aboriginal regional boarding schools would result in a reduction of youth suicide. The question was menacing and sinister. First, it fed a narrative that innocent Aboriginal children should be protected from dysfunctional Aboriginal adults, with the institutions of power again being white saviours. Second, it was astounding that the counsel assisting was actively proposing separating Aboriginal children from their families. The endless iterability of colonialism is on display, until, as Patrick Wolfe would propose, the settlers have achieved their aim of elimination.<sup>56</sup> Thirdly, it demonstrates the immanent flaws of Western processes which constantly fail on their own terms of rationality, due process, and rigour. Kwaymullina notes that "Historically, the question of whether Eurocentric scholars should research Indigenous peoples is one that was rarely, if ever, asked – at least, not with reference to the views of Indigenous peoples or the boundaries on 'knowing' within Indigenous knowledge systems."<sup>57</sup> Kwaymullina's question is as relevant to the judge and coroner as it is to the scholar.

In the face of these oppressive acts my colleague who was working as co-counsel came up with a simple and evocative suggestion. She proposed we obtain brief statements from the parents of the young people about what their child meant to them. These letters would now form parts of the briefs of evidence. It was requested they be read out in Court by the Coroner, and they also became part of our final submissions. It disrupted the theatre of the Inquest: the framing of dysfunction, the dehumanising of the subjects, the depersonalising of their stories into the march of colonial history. These letters were devastating. They spoke of their children playing footy, loving being on country, wanting to be jackaroos, parents loving their children unconditionally, and being unable to cope with their grief. They were, in their simplest terms, love letters. It was impossible, we believed, to read these letters with scientific inquiry, to continue to play the role of neutral and objective, and to continue to pathologise. The letters forced you into your skin: they necessitated feeling and presence. We imagined the

singularity of affect as being one of the few connectors between epistemes, and from that we imagined a way to challenge the hegemony of the Western one.

These letters also raise two interesting ideas about aesthetics and authorship which I have explored in sections above. First, while the letters are not explicitly works of poetry, their elegiac quality renders them poetic. In the context of the Inquest, this gave the letters a different power to all the other evidence that was heard. Indeed, the Coroner chose to end the Inquest by reading out these letters, and in this way the family members were able to have the last say in the Coroner's court on the lives of their loved ones. It shows us why Lordean approaches can make an important contribution to legal studies. Second, as I explored in my biomythography above, the interpretive role of the lawyer is worth considering. The words we transcribed from our clients were their own, and yet it would be mistaken to suggest we had no role in their construction. Like a good ghost-writer my role was to amplify the voice of my client and not to flatten the aesthetic power of their voice and invisibilise their standpoint. It also echoes back to the police officer's accusation to me. In *Zami*, Muriel's flickering flame and her demands upon Lorde decades later to tell her truth, have echoes in my client's instructions to tell their stories, and indeed, in the Coroner's truth-telling function. Lorde's conceptualisation of justice and her narrative form of biomythography give us opportunities to re-imagine how we do legal work.

On the issue of boarding schools, the Coroner's recommendation became:

that consideration be given to residential facilities being built for school aged students in the Kimberley Region, after consultation with local Aboriginal communities, and that any such colleges be co-designed and informed by the principles of self-determination, cultural continuity and empowerment. Further that admission is voluntary, with the consent of the parents and/or caregivers, and the consent of the child.<sup>58</sup>

I believe that our interventions, which were based on appealing to the humanity of the judicial officers and connecting across epistemic differences, had changed the nature of the Inquest, but it seemed we were not doing more than reducing the degree of harm of ongoing colonial violence.

I am concerned, then, that I've overstated the potential impact of these letters. There are other worlds than this one, but the Western one holds power in such a way so as to not allow a shared material realisation of a pluriversality.<sup>59</sup> That is to say these letters were still being read inside a court of Colonial law to help a Coroner make findings and determinations according to her (and the system's worldview). Even so, I believe the letters have done important work, and they continue to do here. Rather than imagining singularity as strengthening the

skeletal principal<sup>60</sup> and sensationalising contests and divergences, we could image the diversity of standpoints as enriching systems of law.

## 6. CONCLUSION

### **Court Transcript, Inquest into the Death of 13 Children and Young Person in the Kimberley Region, 28 June 2017:**

Mr Alexander Walters, Counsel for the Family:

Professor, do you think it's possible to understand childhood trauma in young Aboriginal people without regard to the historic impacts of colonisation in places such as the Kimberley?

Professor Judith Atkinson, Jiman and Bundjalung woman, Emeritus Professor, Southern Cross University

No, not at all... When we worked with the two young men who took their lives, I will never forget the grandfather saying, "You can't do anything to stop them. We couldn't stop the white man with his guns and we can't stop these young ones from doing what they're doing now." That's explicit. He still has that memory. I worked with some Elder women in the east Kimberley who still have memories of seeing their father chained to a boab tree and beaten with a stockwhip until he died, or running from the Mistake Creek massacre. These are not things that happened 150 years ago – they're in the living memory – and that embeds within people a sense of disempowerment, of being unable to act fully for themselves.<sup>61</sup>

This last quote from the transcript of the Inquest seeks to ground you again into the questions of justice I am approaching in this paper. The self-harm of young people as a result of colonial violence is an unacceptable reality in which our legal system is complicit, and it calls on us to ask for new ways to think about law, to write about law, and to do law. In this paper, I've suggested Audre Lorde's writing deserves attention in legal studies both for her critique of law and the methods she offers as a way to re-imagine questions of justice. I have demonstrated how biomythography can be one of those methods. I have discussed some of the literature regarding biomythography to offer an understanding of its potential in legal studies. I offered two excerpts from my biomythography relating to an Inquest that has had a marked impact on my life and how I practice and write about law. I observed the practice of epistemic violence that occurs in the coronial jurisdiction. The monopoly over truth that the formal structures of

law hold, has enormous consequences for those whose realities include different worldviews. Finally, I considered the affective impacts of the strategy we used in the Inquest in submitting love letters of the families to the Coroner to draw the Coroner into our clients' lived reality, as a bridge between worlds. Ultimately, norms around objectivity, neutrality, and singularity of worldview exist both in law and knowledge production and prevent the possibility of justice. In drawing on Lorde's work and in particular biomythography, I see different ways to situate our methods in legal practice and legal writing to orient ourselves better towards justice.

## DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

1. The thinking, writing, and practice of this work has been done on various countries, but predominantly on Ngannawal and Ngambri, Miriwoong, Yawuru, Wallumattagal, and Nyoongar land. I want to pay my respects to those Nations, cultures, languages, peoples and lands, and recognise I am a settler and that sovereignty resides with our First Nations' peoples in spite of settler occupation.
2. Letter from parent of a deceased person to the Coroner in Roslyn Fogliani, Inquest into the Deaths of 13 Children and Young Persons in the Kimberley Region. (Coroner's Court of Western Australia 2019) Out of respect and other considerations, identifying information has been anonymised or altered.
3. The Kimberley is a region in the North-West of Australia. It is larger in size than the British Isles, with a population of under 40,000 people, and the closest capital cities are: Darwin, over 800kms away (from Kununurra), and state capital Perth, over 2,000 kms away (from Broome). It is an area where tens of different First Nations' peoples live. More resources can be found on the Kimberley land council website with the Native Title determinations: <https://www.klc.org.au/native-title-map>, as well as the AIATSIS Map of Indigenous Australia: <https://aiatsis.gov.au/explore/map-indigenous-australia>.
4. While it is outside of the remit of this paper to enter that field, reading the debates on the 'ontological turn' for scholars like Eduardo Viveiros de Castro, David Graeber, and Christine Black, these definitional differences seem of paramount importance. In my reading, the separation between a worldview and a form of knowledge inherent in that worldview seems forced. In this paper I use ontology and epistemology, not interchangeably, but relatedly. As a Muslim, my understanding of being and existence inherently manifests in my use of language, how I perceive knowledge and knowledge systems, and how I relate to others. I like the concept proposed by Viveiros de Castro and others in anthropological epistemological ethics stating: "*always leave a way out for the people you are describing*" (see Viveiros de Castro and others, 2014. "The Politics of Ontology: Anthropological Positions." Theorizing the Contemporary, *Fieldsights*, January 13. <https://culanth.org/fieldsights/the-politics-of-ontology-anthropological-positions>) which I believe should be read into research.
5. Audre Lorde and Adrienne Rich, "An Interview with Audre Lorde," *Signs* 6, no. 4 (1981): 713-36.
6. Audre Lorde, "Power" (The Poetry Foundation, n.d.), <https://www.poetryfoundation.org/poems/53918/power-56d233adafefb3>.
7. Hannah McGlade, "All-White Juries Are a Symptom of Structural Racism," March 14, 2022, <https://www.sbs.com.au/nitv/article/opinion-all-white-juries-are-a-symptom-of-structural-racism/0tr3eftl0>.
8. Audre Lorde, "The Master's Tools Will Never Dismantle The Master's House," in *Sister Outsider: Essays and Speeches* (Berkeley, CA:



- Crossing Press, 2007), 110-14, [https://collectiveliberation.org/wp-content/uploads/2013/01/Lorde\\_The\\_Masters\\_Tools.pdf](https://collectiveliberation.org/wp-content/uploads/2013/01/Lorde_The_Masters_Tools.pdf).
9. Lorde, 1.
10. Ibid., 2.
11. Audre Lorde, "Poetry Is Not a Luxury," in *Sister Outsider: Essays and Speeches* (Berkeley, CA: Crossing Press, 2007).
12. Audre Lorde, *Uses of the Erotic: The Erotic as Power* (Tucson, AZ: Kore Press, 2000).
13. Sam McKegney, "'pain, Pleasure, Shame. Shame.' Masculine Embodiment, Kinship, and Indigenous Reterritorialization," *Canadian Literature* 2013 (March 1, 2013): 12-33.
14. Lorde, *Uses of the Erotic*.
15. Cressida Fforde et al., "Discourse, Deficit and Identity: Aboriginality, the Race Paradigm and the Language of Representation in Contemporary Australia," *Media International Australia Incorporating Culture and Policy* 149 (2013): 162-73.
16. Chelsea Watego and Lilla J. Watson, *Another Day in the Colony* (St Lucia: University Queensland Press, 2021).
17. Lorde, *Uses of the Erotic*.
18. Powerful literary examples include Farīd al-Dīn 'Aṭṭār, Dick Davis, and Afkham Darbandi, *The Conference of the Birds*, The Penguin Classics (Harmondsworth, Middlesex, England ; New York: Penguin Books, 1984), l. 674 While I'm taking some distance from Lorde's conceptions, I want to suggest here that there are echoes in the chaos and unexpressed desire in Lorde's erotic, with the unknowable wonder of phenomena (Asrar in the Arabic and Raz in the Persian) that I am referring to. .
19. Many First Nations' scholars make this point, but see for example the body of work by scholars such as Irene Watson and Ambelin Kwaymullina.
20. Lee Bloch, "Oral Traditions and Mounds, Owls and Movement at Poverty Point: An Archaeological Ethnography of Multispecies Embodiments and Everyday Life," *Journal of Social Archaeology* 19, no. 3 (October 2019): 360, <https://doi.org/10.1177/1469605319846985>.
21. Irene Watson, "Kaldowinyeri: Munaintya in the Beginning," *Flinders Journal of Law Reform* 4, no. 1 (March 1, 2000): 3-17.
22. Frantz Fanon, Constance Farrington, and Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 2002); Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, Indigenous Americas (Minneapolis: University of Minnesota Press, 2014).
23. McKegney, "'pain, Pleasure, Shame. Shame.' Masculine Embodiment, Kinship, and Indigenous Reterritorialization," 9.
24. Andrea Smith, ed., "CHAPTER TWO The Ancestors We Get to Choose: White Influences I Won't Deny," in *Theorizing Native Studies*, ed. Audra Simpson (Durham, NC: Duke University Press, 2020), 43-55, <https://doi.org/10.1515/9780822376613-004>.
25. Karla Jay, "Speaking the Unspeakable: Poet Audre Lorde," in *Conversations with Audre Lorde* (Jackson: University Press of Mississippi, 2004), 109-15.
26. Audre Lorde, *Zami, a New Spelling of My Name*, Crossing Press Feminist Series (Trumansburg, NY: Crossing Press, 1982).
27. Heather Russell, *Legba's Crossing: Narratology in the African Atlantic* (Athens: University of Georgia Press, 2009), 60.
28. Heather Russell Andrade, "Writing Biomythography: A Study in Language, Form and Genre in African American Autobiography." (Rutgers, 1997), 166.
29. Andrade, 165.
30. Lorde, *Zami, a New Spelling of My Name*, 185.
31. Lorde, 190.
32. Ibid., 200.
33. Maja Milatovic, "The Love of Women, Kind as Well as Cruel: Feminist Alliances and Contested Spaces in Audre Lorde's 'Zami: A New Spelling of My Name,'" *Eurozine*, January 28, 2015, 3, <https://www.eurozine.com/the-love-of-women-kind-as-well-as-cruel/?pdf>.
34. Fogliani, Inquest into the Deaths of 13 Children and Young Persons in the Kimberley Region.
35. Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, 3rd ed. (London: Bloomsbury Academic, 2022).
36. Ambelin Kwaymullina, "Research, Ethics and Indigenous Peoples: An Australian Indigenous Perspective on Three Threshold Considerations for Respectful Engagement," *AlterNative: An International Journal of Indigenous Peoples* 12, no. 4 (December 2016): 437-49, <https://doi.org/10.20507/AlterNative.2016.12.4.8>.
37. *Decolonizing Activism, Deactivating Colonialism*, Maysar Forum Discussion (Fitzroy, 2010), <https://www.youtube.com/watch?v=uEGsBV9VGTQ>.
38. The modern system of land tenure in Australia.



39. Victoria Burrows, *Whiteness and Trauma: The Mother-Daughter Knot in the Fiction of Jean Rhys, Jamaica Kincaid and Toni Morrison* (Houndmills: Palgrave Macmillan, 2014), 11-12.
40. Milatovic, "The Love of Women, Kind as Well as Cruel: Feminist Alliances and Contested Spaces in Audre Lorde's "Zami: A New Spelling of My Name," 3.
41. Two audio stories are available in relation to the matter on the ABC Awaye! Program: "The Carter Matter," *Awaye!* (ABC Radio National, January 20, 2017), <https://www.abc.net.au/radionational/programs/awaye/wungu/8203606>; "Constable Care," *Awaye!* (ABC Radio National, April 6, 2019), <https://www.abc.net.au/radionational/programs/awaye/constable-care/10931600>.
42. Eve Kosofsky Sedgwick and Adam Frank, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham, NC: Duke University Press, 2003).
43. To take this further, explore the notions of *Philos* and *Sophos* in Islamic philosophic traditions, which are inspired in part from the Ancient Greek traditions.
44. 'Atṭār, Davis, and Darbandi, *The Conference of the Birds* 673-675.
45. From a Certificate granted under "Aboriginal Affairs Planning Act 1972 (WA)," § 48 (n.d.).
46. I use Cody's name with permission.
47. WA Police, "From WA Police to Sarouche Razi, Aboriginal Legal Services of Western Australia," October 3, 2015.
48. WA Police.
49. Robert Turnbull, *The Coronial Process in Western Australia: A Handbook for Medical Practitioners and Medical Students.*, 2010, [https://www.coronerscourt.wa.gov.au/\\_files/Handbook\\_for\\_Doctors.pdf](https://www.coronerscourt.wa.gov.au/_files/Handbook_for_Doctors.pdf).
50. Turnbull.
51. Robert M. Cover, "Violence and the Word," *The Yale Law Journal* 95, no. 8 (1986): 1601-29, <https://doi.org/10.2307/796468>.
52. AIATSIS, "Welcome to Country," n.d., <https://aiatsis.gov.au/explore/welcome-country>.
53. Judy Barlow, AIATSIS.
54. Fogliani, Inquest into the Deaths of 13 Children and Young Persons in the Kimberley Region. Transcript of proceedings, 26 June 2017.
55. Fogliani Transcript of proceedings, 26 June 2017.
56. Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London: Verso, 2016).
57. Kwaymullina, "Research, Ethics and Indigenous Peoples," 440.
58. Fogliani, Inquest into the Deaths of 13 Children and Young Persons in the Kimberley Region. at 369.
59. Arturo Escobar, *Designs for the Pluriverse: Radical Interdependence, Autonomy, and the Making of Worlds*, New Ecologies for the Twenty-First Century (Durham, NC: Duke University Press, 2018).
60. Justice Brennan Murray Islands Case (*Mabo v State of Queensland [No 2]*) (1992) 175 CLR 1, 29. (High Court of Australia 1992).
61. Fogliani, Inquest into the Deaths of 13 Children and Young Persons in the Kimberley Region. Transcript of proceedings, 28 June 2017.

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