

# Re-imagining *Milirrpum v Nabalco* in Werner Herzog's *Where the Green Ants Dream*

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## **Abstract**

*In 1983, the German filmmaker Werner Herzog realised a decade-long ambition to create a film thematising the struggles of Aboriginal groups against mining companies operating in northern Australia. Where the Green Ants Dream (WGAD), was reviled by Australian pundits and also disappointed international critics. However, it raises important issues, not only about the creative appropriation of Aboriginal mythology, but also about the representation of Aboriginality and the struggle for Aboriginal land rights. This article reveals how Herzog relied heavily upon Milirrpum v Nabalco [1971] 17 FLR 141 in writing his film script. In doing so, he came up with a hybrid tenuously situated between documentary and feature film. What complicated this strategy was the fact that Herzog—whose unorthodox style often involves casting non-professional actors in important roles—also cast Wandjuk and Roy Marika, who had both been witnesses in Milirrpum v Nabalco, in lead roles. They were ultimately uncomfortable with re-performing a court-room sequence in which they had once participated in earnest. This article analyses Herzog's mix of documentary and fiction, examines the reception of WGAD—both by white Australian critics and by Aboriginal Australians involved with the film—and argues that, while the film may be flawed, it is valuable because it threw (and continues to throw) disquieting yet important issues into perspective.*

## **A German *auteur* and Aboriginal land rights**

When Werner Herzog first visited Australia in August 1973, as a guest of the Perth International Film Festival, he was a respected New German Cinema *auteur*, who had recently made *Aguirre, Wrath of God* (1972), one of the films for which he is best known today. He was also about to make another of his most famous works, *The Enigma of Kaspar Hauser* (1974). Both films are vaguely based on true stories and explore themes that would remain important for Herzog in subsequent years. In the former, it is the singular worldview of the demagogic outsider. In the latter, the eponymous hero is a child-like foundling who has been raised to adulthood almost entirely without intercourse with his fellow men. The film follows his doomed interaction with society once he is

placed within it. This socio-critical theme would also be investigated, albeit from a different perspective, in *WGAD*. The ‘exotic’ location of *Aguirre* (the Amazonian rainforest) and Herzog’s casting of non-actors (including local Indians in minor roles) were two aspects which would continue to underpin his work as a feature film director including in *WGAD* and its immediate predecessor, *Fitzcarraldo* (1982), a film also shot in South America with the assistance of local extras (who perform the Herculean feat of hauling an actual steamboat over a mountain range). It was in relation to *Fitzcarraldo* that criticisms of Herzog’s use (or abuse) of indigenous peoples—who do the aforementioned hauling—also began to be voiced (Franklin 1983, p. 113; Lewis 1995, pp. 258, 270 (n. 4)).

At the time of Herzog’s first visit to Australia, there had also been recent developments in relation to Aboriginal identity, politics and land rights, which were to be the major subject of *WGAD*. As Attwood and Markus observe, during the 1960s:

the primary focus of Aboriginal politics began to shift away from the ideal of rights for Aborigines as Australian citizens to that of *Aboriginal* rights, the rights of Aborigines as the *Aboriginal* peoples of this continent. For the first time the long-held Aboriginal demand for land was couched in terms of ‘land rights’ (Attwood & Markus 1999, p. 20).

Concurrently, there also began a ‘major change in Aboriginal consciousness and identity’ with Aborigines increasingly seeing themselves as ‘a common national group—“Aboriginal Australians” or “the First Australians”—with a shared historical experience of oppression’ and as having ‘a shared culture, which was increasingly defined and represented in terms of “tradition.”’ In this process, Aborigines from settled areas renewed their sense of Aboriginality by identifying with more traditionally-oriented Aborigines from remote areas (Attwood & Markus 1999, p. 20).

In 1970–71, the landmark case of *Milirrpum v Nabalco* was heard by Blackburn J in the Supreme Court of the Northern Territory. The plaintiffs were a group of Aborigines from Eastern Arnhem Land who objected to the Liberal Government’s grant of a mineral lease to the Swiss mining company, Nabalco, over part of their traditional lands. Among those claiming communal native title in relation to this land (and therefore also suing the Commonwealth of Australia) were members of the Marika family, including Roy (1931–1993) and his nephew Wandjuk (1927–1987). The case was ultimately unsuccessful, with Blackburn J finding against the plaintiffs’ novel claim in relation to native title. However, this was not to be the end of the matter.

In early 1973, the recently-elected Whitlam Government (which undertook to “restore to Aboriginal people ... their lost power of self-determination”<sup>1</sup>) revisited the question of land rights by calling a Royal Commission into Aboriginal Land Rights in the Northern

Territory with Sir Edward Woodward (who had appeared for the plaintiffs in the earlier case) as Commissioner. Woodward consulted widely during the Commission, releasing

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<sup>1</sup> Qtd in Attwood & Markus 1999, p. 21.

an interim report for discussion in July 1973 and his final report in April 1974 (see below). Members of the Marika family were part of the process of consultation (Woodward 2005, pp. 97–106, 133–152).

This live question of Aboriginal land rights—and how, if at all, such rights might be accommodated within white Australia—was one that clearly fascinated Herzog when he visited in mid-1973:

Around 1973, at the Perth Film Festival ... I read about Len Wright's battle of some Aborigines against a mining company that did bauxite mining in the north-west of Australia [sic]. And I learned that many such struggles took place. It intrigued me and I wrote a story which was already entitled *Where the Green Ants Dream* (qtd in Elsaesser 1986, p. 145)

In the meantime, however, the increasingly famous director was sidetracked by other film work (including the feature films *Kaspar Hauser*, *Stroszek* and *Heart of Glass*).

### **1978–1982: WGAD revived yet beset by problems**

Herzog's plans received a fresh impetus when a collection of thirteen films about Aboriginal Australia were shown at various European film festivals (including the Berlin Film Festival) in early 1978. Amongst these were Michael Edols' pair of excellent SBS-funded documentaries *Lalai Dreamtime* and *Floating this Time*, which were shot in mid-1973 in north-western Western Australia. In *Lalai Dreamtime*, the focus is on the elderly Sam Woolagoodjah and his family, whom Edols encouraged to return (after thirty years' absence) to their *Worora* tribal lands and to re-enact for the camera some of their sacred dreaming stories and traditional ways. *Floating this time* represents contemporary life in a remote Aboriginal community. It was shot over two months in the Mowanjum Community (near Derby on the West Australian Coast) where the Woolagoodjah family and other Aboriginal groups were now living. It reflects on how white civilization has been accepted into Aboriginal culture and the issues that this has thrown up (Edols 1975).

*Floating* was well-received at the Berlin Film Festival, where it received a commendation. Herzog, too, was very impressed by Edols' work, and wrote a favourable review for the *Süddeutsche Zeitung*. He approached Edols and the two began a working relationship, with Edols working as cameraman and appearing in *Nosferatu*, one of the feature films Herzog made that year.<sup>2</sup> Through Edols he also met Sam Woolagoodjah, who had greatly intrigued him. Herzog clearly admired this 'very charismatic figure, a saintlike, wonderful, wise old man' (qtd in Mizrahi 1984, p. 9). It was at this point that he revived the idea of WGAD. He and Edols formed the idea of collaborating on a film 'partly with Australian money and organization, partly with German' and featuring Woolagoodjah. However, in the midst of 'bureaucratic hassle' relating to German funding, the prospective star died. Herzog considered the loss irreplaceable at the time,

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<sup>2</sup> Herzog may have met Edols in 1973, when Esben Storm's film *27A* was screened at the Perth International Film Festival. Given that Edols (who had just finished filming *Lalai* and *Floating* in Western Australia) was also involved in this film, he may well have been at the screening.

yet found himself dwelling on the unrealised project again in 1982, during the shooting of *Fitzcarraldo*: 'I said to myself I shall look in Australia, maybe I can find some people who would be as good as this old man' (qtd in Mizrahi 1984, p. 9).

### 1983: WGAD's genesis

In early 1983, Herzog returned to Australia, presenting his films at screenings around the country and also, secretly, investigating the possibilities of bringing *WGAD* to fruition. On the Australian side, the commentator Phillip Adams, the director Paul Cox (whose films Herzog was championing at this time, and who, like Edols, appeared in the film) and the Aboriginal activist Gary Foley were critical players in the realisation of the film. Herzog and Adams had met in 1977 at the Cannes Film Festival, where Adams, as Chairman of the Australian Film Commission, had been promoting the Australian film *Don's Party* (Adams 1984). Foley and Herzog had met the following year when Foley accompanied the European tour of the Aboriginal films (Foley 2006).

Adams was personally interested in Herzog's pitch, which 'concerned land rights versus mining interests and our blasphemous indifference to Aboriginal sacred sites' and 'was happy to help, although the plot Werner outlined sounded suspiciously like *Fitz Carraldo* [sic] II – except that the South American Indians had become Aborigines and the wretched steamship was to be replaced by a Hercules transport [aircraft]' (Adams 1984). He and Cox were persuaded by Herzog and apparently assuaged the filmmaker's concerns about potential hostility to the project from the Australian Government. They did stress, however, that Herzog get the project okayed by Aboriginal Australians:

Our concern was not with Canberra, but with the Aboriginal people, as the 'green ants' myth was of Werner's invention and sounded a little Walt Disneyish. Consequently, I made the following proposition: if he would use my friend, black activist Gary Foley as a go-between with the Aboriginal communities, and if they approved the direction of the script, I would use my good offices to facilitate the production.  
I also suggested that he use Wandjuk Marika (Adams 1984).

Marika was, at this time, one of the most important Aboriginal leaders in the country. He held a role as one of the ritual leaders of the *Rirratjingu* people. He was also an accomplished painter and traditional musician (performing on the *yidaki* or *didgeridoo*), had translated the Bible into *Gumatj* and assisted in the preparation, in 1963, of the bark petition to the Australian Government which protested the granting of the mineral lease to Nabalco. Like his uncle Roy, Wandjuk participated as a witness in *Milirrpum v Nabalco* and the Woodward Royal Commission. He was a member of the Aboriginal Arts Board when it was established as part of the Australia Council in 1973 and, in the late 1970s, became its chairman. Wandjuk was awarded an OBE in 1979. He travelled widely, representing Aboriginal culture around Australia and abroad and also had experience in filmmaking: in 1983, for example, he oversaw the re-enactment of the *Djang'kawu* story in the documentary film, *Memory of Mawalan*, produced by Ian Dunlop (Marika 1995). He also had a clear understanding both of how to act in

commercial negotiations and of the need to protect moral rights in Aboriginal-themed works of art: He set up, in 1976, the Aboriginal Artists Agency, which sought to protect Aboriginal artists' rights by collecting copyright fees for the reproduction of Aboriginal works of art, and also made impassioned pleas against the commercial abuse of sacred Aboriginal symbols (Adams 1984; Marika 1995).

The activist Gary Foley was attracted by the possibility that the film might gain notoriety for the cause of land rights. He acted as 'Aboriginal Consultant' for *WGAD* and thought *inter alia* to protect the Aboriginal participants from exploitation. His initial fear that Marika might be talked into signing an unfavourable contract to appear in the film proved unfounded: He soon found that Marika had negotiated terms far more attractive than Foley himself had dreamed possible (Foley 2006).

Marika and Herzog agreed to favourable payment for the members of his family, who were cast *en masse* to appear in the film. Significantly, Jenny Isaacs observes that 'the money the family made from the film enabled them to move away from Yirrkala to Yalanbara [Port Bradshaw, the family's ancestral lands]' (Marika 1995, pp. 18–20, 138). Herzog also agreed to special concessions for the Aboriginal actors. Given the significance of Wandjuk as a tribal leader, it was necessary to draw up the contract to allow him to be absent for three weeks to attend to funeral preparations, if necessary (Mizrahi 1984, p. 17).

### **The plot and its sources**

*WGAD* tells the story of a mining company's (Ayers) attempts to prospect for minerals in remote central Australia. Ayers encounters trouble when it runs a test on what, as subsequently becomes apparent, is a sacred Aboriginal site related to the 'green ant's dreaming'. The main plot—which is interspersed with bizarre scenes such as those of the elderly Miss Strehlow's attempts to find her lost dog, 'Benjamin Franklin', or that devoted to the eccentric pseudo-biologist Ernest Fletcher's theories about the green ant—follows the doomed attempts by a young mining engineer, Lance Hackett, to mediate between his employer and the Aborigines. These efforts run contemporaneously with preparations for a legal battle between Ayers and the Commonwealth of Australia and the various Aboriginal groups. Hackett succeeds in brokering a pre-court 'goodwill' deal whereby the mining company presents the Aborigines with the subject of their fascination, a superannuated Hercules transport aircraft, but his well-intentioned attempts to get to know or understand the Aborigines and their beliefs are scotched. After a series of courtroom scenes, Ayers and the Commonwealth emerge victorious, leaving the Aborigines and Hackett to contemplate their futures. Watson, an inebriate 'half-caste' Aborigine boasting airforce experience manages to get the Hercules (unmistakably resembling an oversized green ant) off the ground and, together with its Aboriginal passengers, it veers off into the distance and, probably, towards wreckage. Hackett is left disillusioned and appears destined for the life of an outsider, living in a water tank on the outskirts of an Aboriginal settlement. The last scene depicts him trudging off into the desert.

The film—Herzog’s first to be made in English—occupies an uncomfortable position between feature film and documentary, as well as between commercial and arthouse film. As Thomas Elsaesser identifies, the main plot revolving around Hackett (‘a hero like a hundred others, ordinary, unheroic, nice’) is, unlike his previous films, almost a stock commercial film narrative (Elsaesser 1984, p. 289). However, as I show below, the Marikas themselves and significant parts of the film were also taken from ‘documentary’ sources. This hybridity—whilst it was not untypical for many German films made since the 1960s, and also reflected Herzog’s biography as a maker of both feature films and ‘so-called documentaries’<sup>3</sup>—was, as will also be shown, a significant cause of unease among critics and the Aboriginal participants. The final source and overarching frame for the film were Herzog’s own socio-critical meditations about the state of western civilisation.

Herzog wrote his script in three days. His materials included a short treatment written in the late 1970s when the film collaboration with Edols and Woolagoodjah was being contemplated (Mizrahi 1984, p. 9). He also approached the English writer Bruce Chatwin, who, in 1983, was in Australia researching his own ‘hybrid’ novel about Aboriginal mythology, *The Songlines*. Herzog proposed that Chatwin assist with the film script and, although the two men engaged in a wide-ranging night-long conversation, Chatwin observes that ‘[h]e had his ideas. I had mine. I felt that to mix them would only add to the general confusion’ (Chatwin 1989, p. 138). Herzog ultimately received some assistance from the Australian writer Bob Ellis, who was ‘hired to rewrite and “Australianise” the dialogue of [the] screenplay’ (Bredow 1984). For his part, Ellis—who appears in the film in a minor role—was quick to distance himself from the film. He noted that Herzog ‘knew a lot about Australia for some reason’ (implying that his own involvement was minor) and that the film is ‘a shocker. It takes no account of the facts’ (qtd in Bredow 1984).

In the event, Herzog did take some account of the facts, albeit in a very idiosyncratic fashion. A major source for the screenplay was the transcript and/or the law report of *Milirrpum v Nabalco*.<sup>4</sup> As in that case, the name of the judge in Herzog’s film is Blackburn (although in the published film script<sup>5</sup> he bears the title ‘Blackwell’). Herzog’s near-sighted academic anthropologist bears the name ‘Professor Stanner’, as did one of the two experts who gave evidence in *Milirrpum*. The name of the other, Professor Berndt, is also alluded to (albeit modified to ‘Professor Ernst’) in the film script (Herzog 1984, p. 80). Part of ‘Stanner’s’ monologue in relation to the ‘strictly exogamous’ nature of clans is unmistakably related to a passage in Blackburn J’s judgement (Herzog 1984, p. 81; *Milirrpum* 166). Blackburn J’s reference to the obscure African case of *Angu v Atta*—as an authority for the admissibility of so-called ‘traditional

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<sup>3</sup> I adopt this term from Thomas Elsaesser. He observes that Herzog’s ‘so-called documentaries’ involve a ‘distrust of signification’ (and hence are unlike more conventional documentaries which assume an authoritative tone) and that his films are constitutionally hybrid: ‘Herzog has often stated his detestation of cinéma vérité, and yet his cinema is unthinkable without the documentary element against which the fiction, as it were, rebels, but to which it also always submits’ (Elsaesser 1986, pp. 150, 145).

<sup>4</sup> Henceforth, the law report will be referred to as *Milirrpum*.

<sup>5</sup> The film script was published in Germany in 1984 as *Wo die grünen Ameisen träumen. Filmerzählung* (Herzog 1984).

evidence’—(*Milirrpum* 158–159) was also picked up by Herzog. However, although some of the language is the same (including the use of the word ‘notorious’), Herzog reversed the judge’s finding. In the actual case, Blackburn J—who expressed his thanks to the Commonwealth Solicitor-General for leading him through the case—held that it was not relevant to Australian law; whereas ‘Blackwell’ holds that it applies and criticises the Solicitor-General for not being aware of the case (Herzog 1984, pp. 85–86). Herzog also allows his ‘Stanner’ to express that there is scientific uncertainty in relation to the definition of a ‘clan’ and its relation to so-called ‘*mata*’ and ‘*mala*’ combinations (Herzog 1984, p. 81), just as Blackburn J cited the complexity, not to say uncertainty, about these matters in his judgment (*Milirrpum* 172 ff). There are other instances where Herzog borrows from *Milirrpum v Nabalco*, including when he has his ‘Solicitor-General’ object to the evidence of Aboriginal witnesses on the basis that their traditional knowledge is strictly hearsay, given that it has been passed on to them by their deceased ancestors (Herzog 1984, p. 85). This too was a live question in the original case (*Milirrpum* 158). In the film, the Aborigines also produce to the court several *rangga*, the sacred items which, for them demonstrate their relationship with the land (Herzog 1984, p. 90–91), just as such items were produced in *Milirrpum v Nabalco*.

In other important respects, Herzog’s script was far looser with the facts. He makes one of his Aborigines, like Sam Woolagoodjah, a member of the *Worora* tribe (from north-western Australia). The others are *Rirratjingu*, like the Marikas (from north-eastern Arnhem Land). However both groups are represented as being a ‘mata-mala combination’ (Herzog 1984, p. 81) and as living in the same area, which in the film script is identified as being near Coober Pedy. The ‘green ant dreaming’ itself—which Herzog attributes to the *Worora* people (Herzog 1984, p. 83)—had been part of his concept since the early 1970s. In a lengthy interview reproduced in the press kit for the film, he admitted that it was, essentially, a figment of his own imagination, ‘basically an invented mythology’ (qtd in Mizrahi 1984, p. 10). However, this was only partly true. Later in the interview, he confessed that the green ant is, for some tribal Aborigines, the totem animal ‘that has created the world, and created human beings’ (qtd in Mizrahi 1984, p. 17). Wandjuk Marika also identifies that the green ant dreaming does exist, but that it is associated with a different area and clan, near Oenpelli in the Northern Territory (Marika 1995, p. 140). One source, at least for the tenor of the passage in which the ‘green ant dreaming’—with its reference to ‘*wandjinas*’ (ancient creators)—is described (Herzog 1984, p. 83) was surely Edols’ *Worora* documentary *Dreamtime*.

To a significant extent, the film acts as a vehicle for Herzog’s socio-critical meditations on Western capitalism and civilisation (represented by white Australia and Ayers mining company in particular),<sup>6</sup> its attitudes to the ecology, and the ‘monstrous loss’ of traditional culture it causes. For him, the Aborigines become a metaphor for the land: ‘They understand themselves as part of the earth. It is as if there is a universal body, and

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<sup>6</sup> In the film script, in particular, the culprit is clearly American capitalism and culture: Hackett is written as an American; the mining workers drink Coca Cola; Miss Strehlow’s dog Ben Franklin (whose namesake, the personification par-excellence of American enlightened capitalism, appears on US currency) has lost himself somewhere in the desert. This Anti-Americanism is quite typical of Herzog’s generation in Germany.

they are only part of that body' (qtd in Mizrahi 1984, p. 13). Although his film theoretically leaves their destiny open (there is no confirmation about what has happened to the missing Hercules transport), in an interview, Herzog makes no bones about it. When asked whether the Aborigines are upon the point of becoming extinct, he replies in the affirmative and observes: '[t]he tragedy is irrevocable. I can't protect them, I don't think anybody can really. We will lose, we will be poor, stripped naked at the end and we will only have McDonald culture on this earth.[...] It is a great tragedy [...] [f]or the entire world' (qtd in Mizrahi 1984, p. 10).

Herzog's freewheeling approach to Aboriginal tradition was influenced not only by his critique of western civilisation, but also by a critique of the methods of anthropology (cf his representation of 'Stanner' as hopelessly shortsighted) and by his belief in the difficulty of an outsider truly knowing traditional Aboriginal culture:

We did not want to be like anthropological researchers strictly following their rules. I wanted to have legends and mythology that come close to the thinking and the way of life of the aborigines [sic], but I made it clear to them that the film is not their dreaming, it is *my* dreaming. [...]

I can't bear it that there are so many people of all kinds, anthropologists, political activists and politicians, who claim they know exactly what has to be done with them, who claim to understand them completely. My understanding of them is limited, therefore I want to develop my own mythology.

(qtd in Mizrahi 1984, p. 10)

Whilst this approach may seem exploitative, Herzog's practices did not involve riding roughshod over the interests of the Aborigines involved with the film, despite the fact that they ultimately felt alienated by the experience (see below). On Herzog's account, he had both explained his concept to them and also participated in negotiations about what could and couldn't be represented. Whilst they were apparently satisfied with the overall concept of the film, they requested both that certain names be changed and that the sacred *rangga* not be depicted. Changes were made to the script accordingly (Mizrahi 1984, p. 14). In general, Herzog took the view that 'the group of aborigines with whom I have worked have understood that it does not depict precisely their philosophical concept of dreamtime (qtd in Mizrahi 1984, pp. 13–14).

Notwithstanding Herzog's belief, his free, 'imaginative' approach clearly did upset Wandjuk Marika, who—in accordance with traditional Aboriginal beliefs<sup>7</sup>—had clear views about who is able to tell what. He subsequently observed: 'This sacred object belong to the Green Ant Dreaming, special and foundation to the Aboriginal people, different part of Australia – just imagine it! Just pretending that story, just the made-up story, for green ants' (Marika 1995, p. 140). He was also clearly uncomfortable with the film's proximity to documentary (or even parody) and with the notion of playing himself. Isaacs glosses that 'Wandjuk experienced considerable shame and anger when he noticed later that the Rirratjину names appeared in the credits. He feared this undermined their

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<sup>7</sup> On the divergence of traditional Aboriginal attitudes to authorship and story-telling from Western notions about individual artistic creation, see Langton 1993, pp. 66 ff.

land rights statements and efforts as the film could be seen as a parody of the first Land Rights case fought by the Rirratjinu in 1971' (Marika 1995, p. 138). In addition to these issues, Herzog's idiosyncratic approach to directing (which involves putting his actors and 'non-actors' under a certain amount of pressure, in order that they may display more fully 'their essence' (Elsaesser 1986, p. 153) clearly upset the Marikas (Marika 1995, p. 140; Ellis qtd in Bredow 1984). This was an instance where Herzog's casting of non-actors almost backfired. Had they been professional actors—or less closely concerned with the original case—it is possible that they may have been more resilient to the technique that had secured fine performances in Herzog's previous films.

If the script and Herzog's practices upset some of the more traditional Aboriginal participants, then his depiction of a timeless and non-teleological Aboriginal Australia may also have been at odds with the self-representation of other contemporary Aborigines, for whom Aboriginality may be more a matter of 'opposition' than 'persistence' (see Lewis 1995, pp. 263–264). Some critics voiced the opinion that his Aboriginal characters were not adequately individuated (see eg Hoberman qtd in Lewis 1995, p. 261). However, Herzog does not simply represent his traditional Aboriginal characters as noble savages. As Elsaesser points out: '[f]rom the outset, they show the kind of mental agility that becomes a definite form of wit: they may be doomed as a tribe, but they survive every concrete situation, like true heroes in the comic-picaresque tradition. [...] they adjust to their opponents while not ceding their position' (Elsaesser 1984, p. 290). More so than the edited film, Herzog's film script also attempts to provide some depth and complexity to the picture.<sup>8</sup> Not all of it is romantically appealing. In addition to the 'half-caste' alcoholic Watson (who is ultimately responsible for the supposed demise of the plane and what it represents), he depicts 'settled' urban Aborigines,<sup>9</sup> including those who sit on the visitors' benches during the court case and who vigorously protest the unfavourable outcome of the case. Aborigines are also granted subjectivity in that it is they who initiate the court case. The spectrum of contemporary Aboriginal culture was also reinforced by Herzog in interview, albeit in a paradoxical way. There he observes that, in addition to the more traditional Aborigines depicted in his film, whose culture he considers to be dying out:

there are groups, [...] who have adopted certain ways and certain elements from Western civilization for their survival. For example they went to court and sued mining companies, and are getting revenues now. That survival is maintained through such technical means as wireless radio, which they use to call for help and support amongst other groups, and to activate political groups within the cities. In some areas it functions very well; medical and legal aid is organized with and for them, there are some astonishing things going on (qtd in Mizrahi 1984, p.13).

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<sup>8</sup> Lewis has argued, on the other hand, that the film version depicts a people whose 'encounter with Western technology heralds the destruction of their culture and the irreparable loss of their dreaming' (Lewis 1995, p. 262).

<sup>9</sup> I adopt the term from Marcia Langton who outlines the diversity and pluralism of contemporary Aboriginal culture: Langton 1993, pp. 11 ff.

However, as Lewis identifies, Herzog's film ultimately does not sufficiently 'explore the [productive] intersection of traditional and modern cultures' and, following Eric Michaels' formulation, can be criticised for engaging in 'that dangerous fantasy of authenticity' (Lewis 1995, pp. 265, 270).

The question of the representation of Aboriginal Australia remains a vexed and unresolved one for the film. The problem is that even whilst Herzog—in his interview and through the character of Hackett—validly thematises the difficulty of outsiders knowing traditional Aboriginal culture, as one critic identifies, 'the film makes it seem that these stories belong to Australian Aborigines rather than to Werner Herzog's imagination' (Morris 1984; see also Strick, 1984). This issue reflects a broader paradox about Herzog's films and film-making practices identified by Elsaesser: 'Sometimes it seems that Herzog, for the sake of his films, makes himself into the instrument of this society [of which he is critical], in order to simulate the conditions he set out to document.' (Elsaesser 1986, p. 152).

## Reception

Australian critics and pundits were quick to attack the film, which was shown first at Cannes in May 1984, then in Australia and around the world in August the same year. The criticisms related, in part, to aesthetics and the perceived sloppiness of the film (see eg, Adams 1984; Brooks & Finane 1984; Koeser 1984; Morris 1984) as well as to the invented nature of the 'green ants dreaming.' (Adams 1984; Sun Herald 1984). Various critics were confounded by the signification of the dreaming, and the film more broadly (Koeser 1984; Williams 1984; Adelaide Advertiser 1985). Koeser asked for example: 'What is it? Why is it? What does it have to do with an old woman and her lost dog? Whatever it is, it leaves "too many silly questions" unanswered and too many viewers uninterested in even formulating the questions' (Koeser 1984). However, these criticisms miss the point in relation to the difficulties of signification and the resistance of the signified to the cinematic signifier, which Herzog had thematised in his film script.

Given the sensitive nature of the subject matter, it was unavoidable that the film would be the subject of political criticism. Leading the charge was Phillip Adams, who was so incensed by the film at its Cannes premiere that he distributed a press release to international journalists, decrying: 'the film infers that the Australian Government both opposes land rights and ridicules Aboriginal culture, in particular dismissing the significance of their sacred sites.' He pointed out that the Australian Government had made a number of advances in the field of Aboriginal land rights and that it had also appeared in court on the side of the Aborigines. Upon his return to Australia, Adams also attacked the film in an article titled 'Dammit Herzog, you are a liar!' in *The Australian* (Adams 1984).

In fact, Herzog's film was, by the time it finally got made, somewhat out of date. By mid-1974, the Woodward Royal Commission had delivered its final report into land rights in the Northern Territory. The Commission's recommendations (which dealt with the ways in which land rights could be recognised in the Northern Territory) were largely

put into effect in the *Aboriginal Land Rights (Northern Territory) Act 1976*. However, whilst this legislation covered part of Australia, it was silent as to the majority of the continent. It also neglected to make provisions for those Aborigines whose traditional attachment to the land had been interrupted by their having moved into settlements such as Alice Springs or further afield (Woodward 2005, pp. 133–152). Even whilst the Government had made advances—which Herzog neglected to reflect in his film and which Adams was bound to criticise—the matter of land rights was far from a closed book in 1984. As one contemporary critic observed: ‘the issue of land rights and mining leases remains a lively one’ (Sullivan 1984). The landmark Mabo case, which finally elicited the High Court of Australia’s recognition of native title in 1992, had already been instituted in 1982. Like *Milirrpum v Nabalco* before it, the Mabo plaintiffs had not failed to sue the Commonwealth of Australia. Needless to say, the Commonwealth defended that claim rigorously, just as it had done in relation to the earlier case. This was a matter to which Adams did not refer in his article.

Among leftist critics, Mardy Amos was alone in praising the educative value of the film:

perhaps in drawing attention to the situation of the Aboriginal land rights situation before action was taken by the Government, it does serve a purpose. Many white Australians are aware of and sympathise with the Aboriginal battle for land rights, but there are equal numbers who feel the Government has gone overboard in granting as much as they have (Amos 1987).

Most Australian critics attacked the film, however. Sandra Hall in *The Bulletin* objected both to Herzog’s ‘high-mindedness’ and his ‘simple-mindedness’ (Hall, 1984). Meaghan Morris in the *Australian Financial Review* characterised the film as a ‘plodding sermon on the sins of European civilization’ and cited its ‘banal breast-beating so familiar to European romanticism’. Like Adams, she complained of Herzog’s limited ‘awareness of the complexity of land rights arguments, of debates over the status of Aboriginal law, or indeed of the broader history of a people whom he declares in an interview to be on the verge of extinction’ (Morris 1984). *The Australian*’s Evan Williams considered the film ‘grievously simplistic and self-indulgent’ given that ‘the resolution of these conflicts is a problem of exquisite complexity for modern governments’ (Williams 1984).

## Conclusion

Herzog’s film is a deeply ambivalent affair. It is unashamedly didactic and, as one American reviewer put it, ‘heavy-handed’ (Thomas 1985). It is my impression that the film might have worked better in German than in English, where some of the monologues seem decidedly over-written. I am also not convinced by Elsaesser’s argument that the lack of spectator interest which the Hackett character engenders encourages the audience to look at him from the Aboriginal perspective ‘inverting the anthropological binoculars, as it were’ (Elsaesser 1986, p. 145).

The story behind the making of the film highlights the pitfalls of intercultural appropriation. Not only does this need to be approached in a respectful manner, as I

believe Herzog, following advice from Adams and Foley, essentially tried to do— notwithstanding his somewhat abrasive directing style.<sup>10</sup> Somehow, the final product ought to also indicate either the ways in which some sort of genuine intercultural dialogue has (hopefully) taken place, or—as Langton suggests—hint at its own artifice (Langton 1993, p. 40). If the reactions of the Marikas and others such as Adams and Ellis are anything to go by, the intercultural dialogue remained limited. Despite the way in which the artifice of *WGAD* was potentially thematised in Hackett's failed attempts to understand traditional (and essentially secret) Aboriginal culture, the quasi-documentary feel of the film covered up Herzog's own 'baroque fantasy' (Strick 1985). The hybrid nature of the film was ambivalent in other respects. In particular, it upset some of the Aboriginal participants, who were unwilling to act out a narrative which was close to but also at odds with their own experiences, and over which they did not have traditional storytelling rights.

Herzog might have made liberal use of Aboriginal mythology to come up with his own 'personal mythology', a mythology which can be criticised for not adequately reflecting the complexity of contemporary Aboriginal existence(s). However, it would be wrong to infer that he simply exploited the Aborigines, as some critics suggested (Koeser 1984, Morris 1984, Sun Herald 1984). It is also questionable that these Aborigines would wish to be characterised as victims. The Marika family managed to negotiate favourable contractual terms and a payment that enabled them to move back to their ancestral lands. Gary Foley regarded the film as an opportunity to gain visibility for the land rights cause. Paradoxically, the conceptualisation of *WGAD* as a feature film also had repercussions in this respect: Had the film been a documentary, its distribution and potential reach would have been far more circumscribed.

Ultimately though, as Elsaesser identifies, the hybrid nature of the film is not successful (Elsaesser 1986, p. 152). In my view, it does not make enough of a point of the fact that documentaries are, in their own way, just as crafted as a feature film and potentially just as problematic for Aborigines (see Langton 1993, pp. 67, 77, 80). The parts of *WGAD* which are more closely related to reality—such as the court room scene—and which were received by international critics as being the most convincing part of the film (see eg Thomas), only go to highlight the failure of the other (non-'documentary') parts—such as Ernest Fletcher's theories or the action revolving around the Hercules—to 'ring true'. It is an irony that this is probably another case of the story behind one of Herzog's films being more interesting than the film itself and that, following on from the luke-warm reception of *WGAD* (Lewis 1995, p. 259) and *Cobra Verde* (1987), Herzog's subsequent feature film, which was an adaptation of that other arch-hybridiser Bruce Chatwin's *The Viceroy of Ouidah*, he has devoted himself more closely to the documentary genre.

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<sup>10</sup> In this respect, other co-production concessions might have been made (including in relation to Aboriginal involvement at the post-production, editorial level), some of which have been included in the Northern Land Council's protocol 'Guess who's coming to dinner in Arnhem Land?': see Langton 1993.

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