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Decolonizing Trauma Theory by Way of Housing Disrepair: The Case of Santa Teresa, Australia

IN JANUARY 2019, IN THE SMALL, STILL FRONTIER CITY OF DARWIN IN THE Northern Territory (NT) of Australia, the Northern Territory Civil and Administrative Tribunal (NTCAT) came to a much-awaited decision. It determined that, as the relevant landlord, the NT Department of Housing was responsible for failures to repair and maintain the residential housing it had leased to Indigenous tenants in the remote area community of Santa Teresa, a former Catholic mission also known as Ltyentye Apurte.[1] Leading up to and during the trial, the government denied it was liable for its incomplete or never-attempted repair and maintenance responsibilities. On at least some of the claims made by the Indigenous tenants, the Tribunal found otherwise. Compensation monies were owed.

What does a legal action centered on the mundanities of neglected public housing repairs and maintenance in an isolated part of Australia have to say about collectively targeted and received cultural trauma and its temporal registers? Answer: it illustrates how cultural trauma under continuing settler occupation is reproduced, and it provides a tool for decolonizing cultural trauma theory. The ordinary corrosions of housing and infrastructure, which mostly take place with-

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out eventfulness per se, characterize a significant and under-thought expression of everyday trauma as it is experienced in parts of Indigenous Australia. As it is popularly understood, "trauma" is tagged to the experience of events that are so destabilizing, they fundamentally damage a person's psyche. But as Stef Craps (2013) argues, this relies on a particularly Eurocentric definition of how trauma operates, wherein the Holocaust remains a baseline measure. With its focus on cataclysmic events benchmarked against European experiences, conventional models of cultural trauma ignore "collective, ongoing, everyday forms of traumatizing violence" under continuing settler occupation (2013, 4). Craps urges that we recognize the force of endemic trauma, or what he calls insidious, cumulative, or oppression-based trauma, within cultural trauma framings.

The Santa Teresa trial material adds to Craps's call for better accounts of insidious cultural trauma by recruiting the decolonial insistence that colonialism is not an event but an ongoing process (Wolfe 2007). To summarize: the ordinary traumas of material breakdown from government-administered housing neglect are part of an exhausting regime of policing and incarceration—accompanied by sporadic interference and abandonment amid overall austerity politics—that I elsewhere characterize as "wild policy" (Lea 2020). In turn, wild, or traumatic, policy is part and parcel of what decolonial scholars Audra Simpson (2016; 2017) and Manu Vimalassery (2014) characterize as "counter-sovereignty." Just as Indigenous people continue to refuse the full terms of settler conquest, and insist on their foundational sovereignty, the state maintains an ongoing effort to diminish or eradicate the grounds of this refusal. That is, the state "counters" Indigenous sovereignty. As long as Indigenous people refuse to disappear or to accede to the full sociocultural entailments of settler occupation, the state must enact widespread and unrelenting counter-sovereignty efforts.

Put differently, the settler state resists Indigenous persistence through multiple technologies, including that of bureaucratically administered cultural trauma. Cultural trauma is enacted through pro-

cesses that do not always manifest as explicit eradication episodes (although these too have occurred), but rather through entirely ordinary ways of doing business as a settler state. As they are experienced on the ground, these ordinary counter-sovereignty modes of operating have many, at times contradictory, guises: they can be without records yet chock full of paperwork, lacerating but banally inoffensive, interfering and neglectful. In other words, counter-sovereignty efforts traumatize through more cumulative modes of interference and abandonment. They do not rely on a one-off dispensation of a singular momentous harm. As the Santa Teresa case reveals, the attempt to confine officially recognized trauma to a dramatic event, complete with a date-stamped beginning and end, can even be a vehicle for inflicting further cultural trauma.

Here, the dramaturgy of Santa Teresa trial documents offers a rare chance to view such slippery and dispersed "counter-sovereign" policy in action. Taken as a whole, consideration of the chronicity of housing disrepair strengthens arguments for decolonizing cultural trauma theory.

HOUSING, INTERVENTIONS, AND CULTURAL TRAUMA

Sited some 80 kilometers southeast of Alice Springs—65 kilometers of which is unsealed gravel rough with corrugations and sand patches, made lethal at twilight by roaming feral horses and cattle, and impassable with heavy rains—the community of Santa Teresa is not a well-visited place, and outside the Northern Territory's local media, news of the NT Civil and Administrative Tribunal's momentous decision did not travel far. Despite the lack of fanfare, the Santa Teresa case was extraordinary. It is unusual to have such a large number of Indigenous residents take a government to court for its service provision failures and achieve a positive result, and in terms of regulation, the residents' legal action was a crucial piece of litigation that has provided an important precedent. It has the potential to impact the standard of housing provided to the 65,000 people living in remote communities in the NT. There are many other Indigenous people standing to benefit.

The case itself was simple enough: 70 Indigenous tenants filed independent cases against the chief executive officer of the Northern Territory Government Department of Housing over the Department's failure, as the landlord, to tend emergency repairs in their leased houses. In the end, only four of the 70 cases were heard, these being considered representative, with the finding that in certain key areas, the landlord had indeed been negligent (*Various Applicants from Santa Teresa v Chief Executive Officer (Housing)* [2019] NTCAT 7 [27 February 2019]), hereafter "Various Applicants 2019"). How this simple determination was made, however, was far from simple.

Initially, a key component of the trial was working out who was responsible for what under the Residential Tenancies Act (henceforth RTA). As a piece of regulation, the RTA had been forced upon all targeted Indigenous communities as a disciplinary device in the NT a decade earlier. It was introduced during a declared national emergency, the Northern Territory National Emergency Response Act 2007 (Commonwealth), or as it is colloquially known, "the Intervention." Under the Intervention, pornography videos and Internet access were curtailed and legal alcohol supplies cut short, which encouraged more dangerous workarounds to bypass the restrictions. Additional funds flowed for more police, truancy officers, nurses, and teachers, for income management checks, training for (fantasy) jobs, housing, and childcare centers. Some of these services were deeply desired, others less so.

To secure bipartisan political support for the funding of its mix of punitive and benevolent programs, the national government cited severe dysfunction, sexual perversion, gang warfare, and rampant child abuse on such a scale that nothing less than a military-style response would suffice. Then Indigenous Affairs minister, Mal Brough, declared his certain knowledge of pervasive pornography rings, of toddlers being raped, of remote area people being held in the thrall of mafia-style organized crime gangs, and more. Journalists followed Brough's lead in conjuring widespread signs of cultural trauma, apparently happening everywhere that mainstream Australia was not.

Insofar as any of it was attributed to radical impoverishment, police brutality, continuing dispossession, substandard schooling, contaminated lands and waters, or rampant incarceration (to pick but a few contenders), Brough had another answer: Aboriginal children needed to learn English. "Too many still only have a rudimentary understanding of the language spoken throughout our country and can only speak their own language, which perhaps is only known to 200, 300 or 400 other people," he told journalists. "That must end" (Karvelas and Megalogenis 2007).

By casting Indigenous communities as sites of abusive horror, the state inferred not only that cultural trauma was being experienced—especially among children—but also that it was on such a scale that "special measures" (actual term) were justified. Special measures included the need to suspend application of the Racial Discrimination Act 1975 (Cth), an instrument that enacts Australia's obligations under international conventions to permit only positive discrimination whenever racialized policy targeting is undertaken. The raft of "special measures" was thus rendered impervious to any legal challenge on the grounds of their negative, or culturally traumatic, race-based discrimination (Vivian and Schokman 2009, 79). One could say that under the Intervention, the concept of cultural trauma was administratively weaponized to authorize what Jennifer Biddle has termed "humanitarian imperialism," according to which:

> the suffering and trauma of others—"humanitarian crises"—incite a legitimate imperative to respond to injustice with altruistic force; an ethical and honorable society is shaped by responding to, and ameliorating, the pain and suffering of others. (Biddle 2016, x)

The government knew it risked provoking more trauma by sending in the military, with its immediate echoes of state-authorized kidnappings and killings in the recent past (on which more below), but reasoned that inflicting racially targeted discrimination was nec-

essary to offset an even greater trauma: that of abused children (cf. Weizman 2011). The Intervention's citing of child trauma to authorize aggressive action in turn draws attention to how concepts of trauma are mobilized in the wider community—and for that, we need to briefly turn to cultural trauma scholarship.

Within the literature on cultural trauma, much is made of the roiling debate associated with the American Psychiatric Association's decision to include posttraumatic stress disorder (PTSD) in the *Diagnostic and Statistical Manual of Mental Disorders*, and its purported loss of clinical precision (Horwitz and Wakefield 2012, 169–98). In his account, Jeffrey Alexander emphasizes the cultural preconditions for determining whether something is, or is not, collectively traumatic. For Alexander,

> Cultural trauma occurs when members of a collectivity feel they have been subjected to a horrendous event that leaves indelible marks on their group consciousness, marking their memories forever and changing their future identity in fundamental and irrevocable ways. (2003, 85)

There is nothing automatic about this attribution, Alexander goes on to argue. Indeed, it is a "naturalistic fallacy" to assume there is an objective status to cultural trauma (107). Coalition agitations are necessarily involved, including but not limited to the presence of "carrier groups" that have the resources, authority, and interpretive competence to disseminate trauma claims, and then to herd these claims through the mediations of social, scientific, and legal arenas, with their respective, conflicting, evidentiary demands.

Other analysts problematize the concept of cultural trauma from a different angle altogether, arguing that the concept of cultural trauma is so widespread in the community at large, it is both anticipated and officially expected. This is demonstrated, for instance, when counsellors are sent in as part of the automatic response to natural disasters or shocking events, such as a school shooting, or

when asylum seekers must testify to their experience of suffering and then evidence or perform their trauma in administratively ordained ways to have any hope of humanitarian succour (Fassin and d'Halluin 2007; Fassin and Rechtman 2009).

Yet these critiques of how trauma definitions have unmoored from their clinical origins and travelled into dispersed sociopolitical terrains still tie the original experience of trauma to contained, catastrophic events. As Erin Finley notes in her ethnography of war veterans with PTSD, when models of cultural trauma rely on a singular event, they negate the role of such noneventful stressors as endemic poverty in the playing out of trauma among ex-service men and women (Finley 2011). Decolonial scholars have separately asked: What is this insistence on the unbearable event also freighting in, culturally speaking? What political work does it do? Consider the authorized theft of children from Australian Indigenous parents, commonly known as the "Stolen Generations"—a theft that is now an officially designated cultural trauma. After long agitation for redress, forced removals are now acknowledged as having actually happened (Human Rights and Equal Opportunity Commission 1997). These kidnappings, and the slavery systems they once supported, were prolonged. They operated, depending on who is arguing, either from original invasion or from 1910, and ended either in the 1970s, or not at all. Child removals took place within a force field where even non-Indigenous citizens were entitled to threaten, take up arms, and participate. As many as one in three Aboriginal and Torres Strait Islander children were torn from their families to be raised in missions, adopted into white families, or placed in labor camps. The authorizations for child removal were introduced on the basis that they were for the greater good of mixed-race families. Importantly, there was no singular policy called "Stolen Generations." Rather, this compact term is now invoked to describe those who were taken from their families under diverse government policies, including unofficial policies of turning a blind eye, which differed over time and changed in legal detail depending upon when, where, and under what circumstances families

were descended upon.[2] This tentacular entitlement built on other settler prerogatives, under which Indigenous women could be raped and able-bodied people, young and old, could be kidnapped and released as economic and bio-political slaves in fields, homesteads, mining pits, and factories (Kociumbus 2004, 91–92).

We could map Alexander's steps for representing a trauma as an experience that affects a collective group onto the Stolen Generations example. It took persistent lobbying from carrier groups and multiple forms of legal arbitration to now have a shorthand term by which the idea of this collective experience can travel widely and easily. However, here I want to draw attention to the political effects of having this history officially recognized as cultural trauma. Essentially, the recognition works to isolate one mode of resisting Indigenous sovereignty—in this case, by fracturing Indigenous kin systems—from the many other counter-sovereignty tools and techniques also in play. It is as if a bad thing happened, but only during this one period and only in this kind of way. By encapsulating perennial conditions into discrete, named entities, enduring settler colonial regimes are also returned to a well-intentioned (for its time), singular policy episode. Such sequestering in turn fosters the related idea that contemporary policies for Indigenous people are, in contrast, thoughtfully conceived and well implemented, but for lamentable judgment errors that processes of review and apology will rectify. Child-taking thus becomes a thing of the past, quietly reinforcing assertions of the fundamental benefit of liberal settler governance systems, through the very evidence of capturing wrongheaded episodes through foot-dragged procedural recognition processes. This notion of wrongheaded but well-intentioned discrete policy also matters to the issue of compensation. The fact that child removal policies were authorized in the name of population benefit, and not as an intent to destroy Indigenous people altogether, meant they did not transgress legal prohibitions on genocide (Storey 1998). It was regrettable, and with official recognition, cauterized as an historical episode, done and dusted, with no compensation owed.

Out in the real world, however, cultural trauma refuses such bracketing, as even the Stolen Generations example shows. A prosaicly named report, *Children Living in Households with Members of the Stolen Generations*, stated that the children of parents who had, as children, been taken from their parents, were more likely to avoid school, to have been bullied when there, to live in poverty, to be biochemically and existentially stressed, to have poorer health, to be drug dependent, and after all that, to have lost the ability to speak anything but (broken) English (AIHW 2019, 7). In other words, this was a trauma that crossed into epigenetics, a latency that is arguably trauma's signature characteristic. Trauma moves between event and permeation, between noun and verb, between acknowledged and unnamed, visible and invisible, tolerated and intolerable, endurable and disabling, operating within and through bodies differently across time and between moments, in and out of categories of recognition.

A similar argument can be made of the Northern Territory Intervention. If we mistake the Intervention as something that happened in a time-limited and targeted way, we neglect analyzing how it was a highly disrupting moment in the unrelenting counter-sovereignty efforts of a still-settling Australian administration. It is to these more recalcitrant causes of cultural trauma that I now turn. If impoverishment is difficult to recognize in the annals of cultural trauma, then infrastructural breakdown has an especially hard time being recognized as a trauma agent, in part because corroding materiality often fails to have the character of a "horrendous event." Perversely, this lack of recognizability is partly how infrastructural breakdown becomes traumatic, and, I will argue, should prompt us to decolonize trauma theory.

INFRASTRUCTURAL BREAKDOWN, LATENCY AND RECOGNITION

The infrastructural breakdowns at Santa Teresa did not happen suddenly. They were not a collective traumatic event in the singular, but represented decades of substandard housing supply and inad-

equate repair and maintenance assisted by the inherent nature of infrastructural decay (Pholeros et al. 2013). Infrastructures are in a perpetual state of falling apart, for it is the inevitable tendency of any system to degenerate into more disordered states. Tenanted domiciles in regional and remote Australia constantly trend toward ruin: corroding, rusting, grinding, expanding and contracting, deconstructing from the moment of construction, hovering "one or two missed inspections, suspect data points, or broken connectors from disaster" (Jackson 2015). This decomposition is often hidden behind façades (walls, ceilings, floorboards), making failure difficult to discern and even easier to ignore. Administrative façades also hide things from view. Infrastructural wear and tear is especially easy to ignore by those whose responsibility it is to ensure habitability: namely, landlords. It is differently ignorable by tenants, whose resilience amid mercurial state interferences and abandonments combines with deep knowledge of the potentially traumatic nature of seeking redress. This deep knowledge comes from people's intimate acquaintance with the injustices of settler colonial administrations over time, knowledge that had been recently reinforced by the heavy-handed Intervention and its dispossessing moves.

As with previous state-sanctioned property seizures, when Indigenous waterways were stolen and hunting paths hacked into subdivided hinterlands using British property laws, the 2007 Intervention updated powers to annex hard-won Indigenous freehold title. The Commonwealth government took control of Aboriginal towns by initially insisting upon five-year leases of more than 72 prescribed communities, including the lots of land and housing that would later come under dispute in Santa Teresa. Doing so, the Commonwealth displaced the few community-run Indigenous housing organizations left standing from other administrative fiats. Five years later, the Commonwealth switched tack again, and handed responsibility for overall housing management to the Northern Territory government, which was thenceforth expected to run tenancies under "mainstream" public housing regimes, as codified by the RTA.

There were other forceful special measures in the Intervention mix. Parents could not receive welfare benefits unless they ensured child school attendance, where English instruction (up to four hours per day) had primacy. Adding to the increased police presence, tenancy and truancy officers were given new license to inspect homes without warrant, on the thin yet conveniently expandable basis of ensuring lease or school attendance rules were being obeyed. Importantly for our analysis of cultural trauma and housing disrepair, houses would only be leased if tenants signed new rental tenancy regulations proscribing who could stay in a house and for how long, effectively penalizing the informal care arrangements that kinfolk might put in place to manage indequate housing in the first place. Amid the wider tumult, any confusions that residents might experience over who was responsible for what under the new Residential Tenancy Act would also be entirely their fault. Santa Teresa applicants described being rushed into signing the tenancy agreements, blindsided by indecipherable forms and subtle threats of refused shelter, and not knowing what they were signing when they were strong-armed into putting their signatures down. Regardless, the Administrative Tribunal later decreed, when it came to determining whether or not tenants knew what they were agreeing to when they signed their new RTA contracts, legally speaking the act of signing alone indicated the resident "is willing to take the chance of being bound by those contents . . . whatever they might be" (Various Applicants 2019, 18). Administrative confusion was not a reason to be confused about the coercions of consent.

One effect of these new conditions was a radical increase in child removal and incarceration rates. The proportion of children on care and protection orders escalated from 21 per 1000 children in the pre-Intervention period of 2004–05, to 58 per 1000 children in 2014–15 (SCRGSP 2016, 4.87, 4.110). Imprisonment rates likewise increased by 77 percent, driven in the main by lower-level offending such as driving infractions and failure to pay fines (Anthony 2009; Cooper 2018). People learned other kinds of messages too. For example, if

women complained about sexual violence, they might have their children taken away or be imprisoned themselves, and still receive no help (Douglas and Fitzgerald 2018).

The Intervention thus joined other accumulating policy incursions affecting people's everyday navigational choices around least-worst options, including what tenants might select to mark as especially problematic, sufficient to warrant the exhaustions of making an official complaint. Under the new Rental Tenancy Act, complaining about one's living conditions also became more complicated. Residents swiftly discovered that for a repair to be responded to in a timely manner, the defect had to be immediately dangerous *and* immediately registered as a defect. Tenants had to notice and complain straightaway. Yet it takes a lot to pull out of the endurance required for navigating everyday life in remote communities into the endurance of official protest. Substandard and corroding infrastructures reinforce wider sociocultural demands for Indigenous tolerance and resilience, given the all-round presence of any number of things that might be distressing on any given day. Built forms can particularly blunt the point of making a point into an inhabited sense of pointlessness, because (1) living with broken things, given racial inequalities in Australia, is ordinary and expected, (2) some forms of decay are hidden, (3) malfunctioning home hardware can be endured or jerry-rigged to partly function, long after defects first manifest, and (4) pointing to a problem can also make you the problem (cf. Ahmed 2012).

Long story told short, dysfunctional infrastructure is tolerated long after it is first noticed, and long before formal complaints are made. Of course, tolerating that which is too hard to change is hardly therapeutic, despite its resonance with addiction mantras. Living with broken things does not yield a state of calm composure. It makes hard lives in overcrowded settings even harder if the toilet does not work or there are gaping holes in the floor. But if it is chronically stressful to live within dysfunctional housing, it can be acutely stressful to insist upon official attention, given how complaints are dealt with.

WEARING, TEARING, ENDURING

As noted, the residents at Santa Teresa, along with other communities targeted by the Intervention, were required to consent to the Commonwealth's compulsory acquisition of the leasehold title to the lands on which their housing was located. The Commonwealth did not have formal tenure, just an enforced leasing arrangement. Even so, when the Commonwealth's statutory leases expired in mid-2012, it effectively made the NT government the new landlord in its place. This key transfer of responsibility was based on an exchange of letters literally agreeing to a "business as usual" treatment of Intervention communities by the various government agencies.[3] This informality matters to what happened next.

Freeze frame and shift to 2017, when 70 applicants from Santa Teresa sought costs for over 600 urgent repairs, under section 63 of the Rental Tenancy Act, and compensation under section 122 for delays in follow-up. As noted above, only four of the 70 individual cases were heard, with the Tribunal arguing these would be representative (the remaining cases are pending). The four cases concerned Robert Conway, Jasmine Cavanagh, Clayton Smith, and Enid Young. Among other things, the four test applicants had endured unsound structures, no running water, faulty sewerage disposal, inadequate ventilation, and poor thermal control in a community where temperatures soar well above 40 degrees Celsius (104 Fahrenheit) in the summer and drop below freezing in the winter. Even reduced to four applicants from 70, the claims and counterclaims were of such complexity that, between initiation of the claims and actual hearings (eventually held over five days in late November 2018), the specific legal arguments also changed, causing further delays.

The Santa Teresa cases were pro-bono trials run by the Australian Lawyers for Remote Aboriginal Rights (ALRAR), a not-for-profit alliance surviving on grants and subsidies. ALRAR's original intention in lodging 70 individual cases was to deflect the usual response to tenant complaints, which is to configure individual clients as failed moral agents in some way: ungrateful, negligent, deviant, vexatious,

welfare dependent. The mass case approach aimed to circumvent the individualizing that is likewise a key part of personalized trauma arbitrations, which are almost always a contest in which an appellant will be reconfigured either as culpable or as making things up. ALRAR figured: How could 70 households with highly variant age profiles, family compositions, and biographies possibly be treated as all equally at fault? Yet on first hearing of the proposed trial, the respondent—the NT Department of Housing—not only resisted responsibility for the itemized repairs but also counter-sued for reverse damages in the form of alleged rental arrears and the costs of repairs and maintenance forced upon them by the tenants. In other words, all tenants were indeed being held responsible for all the defects. Departmental records were in such disarray, the arrears said to be owed fluctuated wildly. For Jasmine Cavanagh, the Department altered its allegations no less than four times. First it claimed she owed them $25,806. This alleged rent debt dropped to $8,306, then $4,822.50 and at trial, a lesser amount again. Robert Conway was likewise hit with official claims of extreme debts that likewise drastically shifted, in his case from an initial sum of $36,404 to $16,987.80. Clayton Smith "was alleged to have owed $33,203 in unpaid rent. That sum was then dropped to a figure just above 10% of the initial allegation 15 months later" (*Various Applicants from Santa Teresa v Chief Executive Officer (Housing)* [2019] NTCAT 12, 8).

Imagine the compounding stress of this, amid the stress of living with broken things. Imagine living welfare payment to welfare payment and the assault of randomized accusations of radical debt. The quickened pulse rate of opening the official paperwork, the acid clench as the impossible implications are absorbed and the very real possibility of a jail sentence looms. But no, this is not part of any codifiable trauma event, nor are the aggravations of preparing to go to trial. The hearings represented long periods of documentary groundwork, witness preparation, schedules, meetings, community awareness, and fundraising. The litigation was first filed in 2016. It took until 2018 to get a hearing. The Administrative Tribunal added fur-

ther delays by immediately referring the trial to the Supreme Court, arguing the case was too novel and complex to be heard by the lower court, and citing, among other things, the question of who—the Commonwealth or the NT Government?—was to properly be construed as the landlord.

Having determined it was the NT Government that occupied this role after all, the Supreme Court batted the proceedings back into NTCAT's lap. This legal lobbing consumed the period from April 13, 2017, to December 18, 2017. As a bloc of time, the NTCAT to Supreme Court back to NTCAT episode can be contrasted with the introduction of 480 pages of legislation authorizing the original 2007 Intervention, which, from the introduction of the Bills to Parliament on August 7, 2007, to Royal Assent on August 17, 2007, took a mere 10 days. Or we might contrast it with the 48 hours the decisive Minister Mal Brough boasted it took him to formulate the foundations for the 2007 Intervention, and the government's suspension of the Racial Discrimination Act to enable it to inflict culturally targeted trauma in the name of a greater future good (ABC News 2008). The Housing Department additionally disputed whether or not it was indeed meant to be the landlord for various periods where informal tenure had been allowed, given the casual nature of the exchange of letters transferring tenure to it from the Commonwealth. On this matter, the Tribunal decided that seeing as the NT Government entered multiple other large projects and had accepted rental payments from tenants before the hearings, it was indeed effectively the landlord, and so the stop-go, stop-go case proceeded.

The expansion and contraction of time, or what we might call the politics of action and deferral within policy recognitions of cultural trauma, are at the heart of the Santa Teresa test case. Latency sits within entropic infrastructures and within official notification and powers of notice. For trauma to receive official recognition, given an all-round institutional will-not-to-hear, there must be a defined event and institutionally trackable impacts and harms; even then, the likely administrative response will be rebuttal, followed by contain-

ment. Describing her endurance of the space between complaint and address, applicant Jasmine Janelle Cavenagh detailed how she had complained multiple times to whomever she was told was the right person and right government bureau, through whatever she could discern was the right process, about how her shower leaked raw sewerage into the bathroom. An electricity point near the oven was broken and wires were exposed, floor tiles had lifted in the hallway, the area beneath the kitchen sink leaked, ceiling fan knobs were missing in two rooms, and the oven didn't work. The issues read as a familiar roll call of low-ranking dysfunction, routinely faced by anyone dependent upon public housing. But issue fatigue is not what rendered the applicants' complaints viable or otherwise. Rather, everything spun on rendering a complaint legible, and how immediately traumatic the disrepair was deemed to be.

When it finally sat, having determined that the NT Government was indeed the landlord and the Tribunal the correct court to conduct the trial, much then pivoted on whether or not the backlog of slowly attended or bypassed maintenance constituted an emergency necessitating urgent repairs, as required under S41(1)(a) of the RTA, which obliges the landlord to ensure premises are habitable. Legal attention thus turned to the meaning of "habitable." There being no definition of habitability in the Act, the Tribunal recruited 1927 case law, when the English Court of Appeal considered the meaning of the term "fit for human habitation." Crucially, in the 1927 precedent, which considered whether the landlord was responsible when a broken sash window escaped its cord and smashed a tenant's working hand, Lord Justice Atkins determined the landlord could not know in advance that the premise might be full of latent defects. The tenant must make the defect known—but even this was not enough to "saddle the landlord with liability." For a house to be considered unfit under the Housing Act 1925 (UK), the house had to be an explicitly aggressive assailant:

> if the state of repair of a house is such that by ordinary user damage may be caused to the occupier, either in respect of personal injury to life or limb or injury to health, then the house is not in all respect reasonably fit for human habitation. (*Morgan v Liverpool Corporation*: CA [1927] 2 KB 131, 145)

In Santa Teresa, this meant that missing fan knobs did not constitute an immediate threat to life, limb, or health, regardless of long delays in having them fixed amid oppressive desert heat (Various Applicants 2019, 25–26). Three years of exposed electric wiring near the stove likewise did not meet the strict injury test, presumably because three years of coexistence proved a lack of immediate threat. Ms. Cavenagh's front door lacked a handle and lock, and she was subsequently burgled, but this too failed the RTA's s41(1)(a) test (Various Applicants 2019, 26). Applicant Enid Young, a 70-year-old woman whose premises had no fencing to stop wild dogs and feral horses trampling through, had no back door at all. Yet while NTCAT was scathing in its criticism of how long it took for the Department to act, insecure premises still did not meet the threat to life and limb benchmark for habitability:

> While the absence of a backdoor is odd in an Australian context, it does not render a house uninhabitable … Further, it is difficult to see how the absence of a backdoor, and hence a lock, could constitute a breach of the Respondent's obligation under §49(1). The Respondent cannot be required to "provide and maintain" a lock on a door that does not exist. (Various Applicants 2019, 27)

Within the arbitrariness of trauma categories, even immediacy may not be enough. For Ms. Cavenagh,

> The main problem was the leaking shower. The toilet was blocked and leaked sewerage into the water leaking from the shower. Water was everywhere in the back area of our

> house. This started soon after I moved in. I complained about it many times to Housing. Sometimes I got a Band-Aid solution. Then the same problem would start again. ... When it was leaking, we would have to mop up dirty water about every four hours. I would mop it up at 8 pm, then get up at midnight and mop it up again, and then get up in the early morning and mop it up again. I used to have to go and have a shower at my mum's house. We would also wash the kids there. (Various Applicants 2019, 25)

Given the clear association between infection and hygiene, toilet effluent coming out of the shower met the high bar for uninhabitability[4] but only within the brackets of legible complaint and ostensible repair. Neither the days before she could register a written fault, nor the days after, when the longed-for fix would again be revealed as deficient, counted. From nearly six years of mopping shitty water from the floor between complaining and inadequate repair, the Tribunal determined Ms. Cavenagh's bodily trauma held for a total of 269 days, compensable at $3,741.03.

As in the original case law from which the definition of habitability was gleaned, much rested on when a complaint had been made, in what form, and whether it was properly receipted. Interpreting the vagary of s58(1) of the RTA, the Tribunal determined that tenants must file defect notices "as soon as reasonably practicable" once defects were noticed. The facts that tenants lived in a remote community, approximately 1600 kilometers away from the Housing Department's head office in Darwin (from whence tenancies are managed), that few had been given a phone number to use to contact the Department and were likely put on indefinite hold when they attempted to do so, that the RTA was introduced amid the widescale threats and confusions of the Intervention, that some of the applicants had difficulty reading and writing in English, with first languages in Arrertne and other desert lingua francas, were all dismissed as irrelevant. Dispiriting prior acquaintance with the futility and dan-

gers of processes of complaint, as a fully absorbed inhabitation of settler colonial cultural trauma, was not even countenanced. After all, noted NTCAT, since Ms. Cavenagh had indeed managed to serially complain about her broken shower-toilet regurgitation, she clearly had chanced upon "a method by which notification to the Respondent of the need for repairs or maintenance *could* be made" (Various Applicants 2019, 23; emphasis added). Furthermore, the applicants were hardly illiterate, the Tribunal findings assert. Mr. Robert Conway, for instance, a 50-year-old man pressing for failed attention to broken windows, missing fly screens, broken electrical outlets, an inoperable oven, and a leaky shower, was first accused by the Housing Department of having broken these items himself, on the basis of *res ipsa loquitor* reasoning (being the inference that the mere existence of certain accidents is sufficient to imply negligence), and, with the other applicants, of owing thousands in back rent. As noted, these back rent issues were pushed aside, in favor of parsing what did or did not make for a legible complaint. So doing, the Tribunal noted:

> while Mr. Conway's first language is Arrernte, he completed grade 9 at St John's College in Darwin and also has completed an adult education course at the Batchelor Institute of TAFE [Technical and Further Education]. I find that he had the capacity to read the documents he signed as they related to the total rent payable for the premises he rented. (Various Applicants 2019, 16)

There is much else going on in these court reports, each an epigram of the Kafkaesque worlds of wild policy that Indigenous people daily endure. Notions of what is traumatizing are destabilized, then hardened. Houses fall into disrepair through invisible and unspectacular processes. Water leaks, a tile lifts. An oven stops. A fix is half-made. A complaint is reluctant. A back door is missing, but since a lock cannot be fixed on a missing door, the landlord cannot be held liable. Untreated effluent floating across a floor traumatizes

only between bracketed times. It is as if the Tribunal, in setting precedents for attention, also needed to renormalize abnormalities, to return them to mundanity so as to reassert the overall pointlessness of making a point. When living with trauma inducements in daily life—over-policing, indebtedness, welfare surveillance, disability and chronicity, threats of eviction, cut-off or incarceration, the pressure of kin self-medicating their own trauma, continual losses from invasive biology, water thefts and land clearances, extraction industry desecrations and contaminations, and so on and on—resilience can mean being inured to what one is living with. Yet non-complaint will also be penalized, and official registration processes, including tribunal hearings, may themselves be haunting reminders and instruments of other cultural traumas. But of all the things to note about the NTCAT hearings, my mind keeps straying back to this last little note about the expectation of Robert Conway's literacy given his Year 9 schooling in a Catholic boarding school far from home, and what undertaking a pathway course to attempt adult education signifies. He told the Tribunal: "My first language is Eastern Arrernte. I can speak English okay. But I'm not good at reading and understanding big contracts, government talk. That sort of thing."[5]

In reply he was given the message that his school-provided English education is a guaranteed proficiency, with no need for further inquiry into the education sector's powerful tendency toward ineffect (Lea 2010). Like signing a rental contract, there is an automaticity to what compulsory schooling is assumed to provide. Conway's protest that the education system had not equipped him to decode the arcane contractual forms, so abundantly used within settler regimes of administrative counter-sovereignty, can neither be registered as a complaint nor used as an index of prior cultural trauma. It is assumed that he has benefitted from the mandated imperative of standardized schooling; he now has no excuse not to understand its crippling fine print. This magisterial assertion accompanies the scarring of dysfunctional housing: it too is assumed to be of foundational benefit and not a generator of fatigue so comprehensive it stops you complaining.

DECOLONIZING CULTURAL TRAUMA

The strategic deployment of "trauma" is a mercurial tactical device within ongoing state-supported efforts by extractive settler capital to continue pushing Indigenous people to the margins of their own lives. On the one hand, the collective attribute of cultural trauma is invoked to justify averting future trauma by inflicting betterment harms in the present. On the other, trauma recognition can be just as easily suspended. Child theft in one era can become an incontrovertible biostatistical trauma, while contemporary re-enactments of child-taking are not so privileged, aided by configurations of the problem parent/tenant. Houses that are meant to restore health and good moral order by clarifying communal responsibilities fall apart, with strict burdens of proof required for their harms to meet imperially recruited criteria about what constitutes trauma. The Administrative Tribunal was put in the position of pulling something small and containable out of the ordinariness of infrastructural neglect in order to contain future litigation. The Tribunal did this by invoking "event" models of housing-related trauma straight out of British case law—perfectly illustrating the imperial inheritances that have arguably traumatized Indigenous people since invasion, and, in a roundabout way, the imperialism of the event-based trauma models that still imbue theories of cultural trauma (Craps 2013).

The deployment of trauma categories within the Tribunal hearings are not the same as those complained about by Fassin and Rechtman and, before them, Lisa Malkii (1995), who describe scenes where, to survive, survivors must perform victimhood satisfactorily, including by having a recognizable, even stereotyped, trauma narrative. For Santa Teresa appellants, half the effort lay in pointing to the mundanities of impoverishment, and attempting to claim its insidious trauma effects within the brackets of a legal recognition system that aimed to return trauma to a tight, event-based configuration—for this is how settler colonial counter-sovereignty efforts operate. The turn to British case law to do the work of containment reveals not so much the empire *of* trauma as the empire *in* trauma.

It behooves theoretical models to match lived experiences rather than join in their policing, to align with ethnographic realities rather than with governmental categories. Attention to housing deterioration and neglect might be an antidote to the event-based models and ethnocentric biases that still haunt cultural trauma theories. Precisely because infrastructural breakdown is inevitable via entropic processes that accelerate when programs to restore function are erratic, poorly done, or absent, infrastructural breakdown mimics the unnamed, invisible, policy-enabled traumas that are constantly transmitted as part of sustained settler occupation. If it is the nature of actually lived cultural trauma to escape borders, it is the nature of official recognition systems, including that of theoretical concepts, to redraw borders, assimilating new forms of collective duress into punctuated recognition systems.

Yet traumatic effects of Indigenous social policy lie in its ability to both recognize and deploy "trauma" with and without will. Trauma can be inflicted in the name of preventing trauma as a discrete interference; and trauma can simply be inflicted, without acknowledgement of its action, operating as neglect, inveiglement, or casual disdain. Such agility helps enable the still-settling liberal state in its ongoing quest of asserting counter-sovereignty through an arsenal of intermittent interventions, snares, and abandonments. It reveals the continuing need of settler states to work at their seized and subsequently assumed sovereignty over colonized territories using multiple and exchangeable methods that, under enduring occupation, have no end date. Counter-sovereignty efforts expand through space and time, and only some components (such as Stolen Generations) get to have a proper name.

Bureaucratically administered cultural trauma can be overt and easy to decipher, and covert, enacted within lengthy procedural quagmires that paper over their dispossessive conditions, in and through "paperfare."[6] As part of their twinned capacity to operate as modes of both harm and harm's redress, contemporary forms of authorized cultural trauma can switch between small print and no print

at all, between tight and loose criteria, between hyper-definition and vagary, the invocation of long-past legal precedents and the refusal of current histories. Time, recognition, legibility, endurance, complaint, interference, and neglect: all matter to how cultural trauma is enacted as a durable yet shape-shifting policy effect within maladministered Indigenous worlds. Decolonizing cultural trauma theory by modelling on infrastructure's persistent decay rather than the spectacle of a single horrifying event will bring us closer to understanding the relentless wielding of trauma within the greater counter-sovereignty project.

NOTES

1. Because the litigants refer to Ltyentye Apurte as Santa Teresa, and the overall trial is titled *Various Applicants from Santa Teresa v Chief Executive Officer (Housing)* [2019] NTCAT 7, for clarity I use the older mission name throughout.
2. These legal differences also obtained between different government departments, churches, and civic bodies, amplifying continuing difficulties in tracing records to assist kin to restore their connections.
3. The Commonwealth's compulsorily acquired five-year lease of the Santa Teresa tenement expired on August 17, 2012, but despite having no better systems in place, the federal government had no intention of returning tenure to Indigenous control. Instead, it planned to make future release of tenure the condition of new housing, in oppressively overcrowded communities. It sent a letter on the same day as its acquisition expiry date to the Northern Territory government to this effect, stating: "the preferred approach is to continue on an interim 'business as usual' basis, despite no formal underlying granted tenure. While in the long-term secure land tenure is required under NPARIH [a new housing intervention, the National Partnership Agreement on Remote Indigenous Housing], the short-term arrangement will be in accordance with our commitment to providing safe and secure housing and appropriate housing services while leasing decision (sic) are made and technical processes are finalised." Cited in

Cavenagh v Chief Executive Officer (Housing) [2018] NTSC 52 (30 July 2018), 11–13.

4. This high bar also has a long lineage, as legal adjudicators were and remain protectors of property over protectors of tenants, and originally used agrarian rules, from the time of lords and serfs, in managing dense urban tenancies, until population health pressures forced some amendments (Réynolds 1974).
5. Cited in Northern Territory of Australia Residential Tenancies Act in the Civil and Administrative Tribunal at Alice Springs Between: Various Applicants from Santa Teresa (Applicants) and CEO Housing (Respondent) Court Book: Form 6 Matter No. 21606830 Unattested Declaration for Witness Statement by Robert Conway, dated 25 Oct. 2018, p. 239.
6. The neologism "paperfare" (Lea, Howey, and O'Brien 2018) captures the bureaucratically saturated battlegrounds that Indigenous groups are suspended within, and attempts to signal its ubiquity and pervasiveness as a technology of ongoing occupation, despite the lack of obvious weaponry.

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