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Ethics in Kakadu (1988): Finding Djilile’s “True Tracks”

Abstract

Tasmanian-born Peter Sculthorpe (1929 – 2014) was one of Australia’s most iconic modernist classical composers of the twentieth century. *Kakadu* (1988) seems to have sparked the most controversy of Sculthorpe’s works and has become one of his most well-known pieces. In the program notes provided in the score’s foreword, Sculthorpe asserts that “the melodic material in *Kakadu*, as in much of my recent music, was suggested by the contours and rhythms of Aboriginal chant.” Sculthorpe attributed this melodic material to the Arnhem Land chant, *Djilile*. Consequently, Sculthorpe has been criticized for extracting *Djilile* from its authentic context as an act of musical appropriation. The published arguments through Australian musicologists and composers such as Jonathan Paget, Amanda Harris, and Anne Boyd have analyzed the issue in terms of creative license. These arguments have also incorporated value judgments of Sculthorpe’s ethics and persona to underscore their reasoning. The purpose of this project is to complicate the discussion of *Djilile* in Sculthorpe’s music by situating its usage within Indigenous Australian copyright lawyer Dr. Terri Janke’s *True Tracks: Respecting Indigenous Knowledge and Culture* (2021) model and framework for respectful cultural exchange. The previous defenses of Sculthorpe’s work need to be re-examined in order to fit a more modern standard of respectful cultural interaction.

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Ethics in *Kakadu* (1988): Finding *Djilile*'s "True Tracks"

A Thesis

Presented to

the Faculty of the College of Arts, Humanities and Social Sciences

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by

Natasia T. Boyko

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Title: Ethics in *Kakadu* (1988): Finding *Djilile*'s "True Tracks"

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FOREWORD

Statement of Cultural Acknowledgement: I acknowledge the Indigenous Australian – Aboriginal and Torres Strait Islander – peoples as traditional owners of Australian land and seas; the cultural ownership and knowledge of Indigenous Australian Elders, scholars, and artists who have contributed to Western research; the heritages of the Indigenous peoples in this thesis: Meriam, Wuthathi, Dharug, Jiman, Bundalung, Adnyamathanha, Ngarrindjerie, Kalkadunga, Woiworrong, Dua, Yiritja, Yorta Yorta, xwélmexw (Stó:ló), and Inupiaq. I acknowledge the traditional ownership of sounds, songs, and knowledge of the Arnhem Land peoples in A.P. Elkin’s 1949-1952 research and field recordings.

Attributions: The ©True Tracks® ICIP principles are trademarked and copyrighted by Dr. Terri Janke. Interest in using this model should be requested directly to Dr. Janke via the Terri Janke and Company website: <https://www.terrijanke.com.au>. Thank you Dr. Janke for granting me permission to use your model in this project.

Definitions of Terms and Abbreviations: Indigenous, Indigenous Australian, Aboriginal, and Torres Strait Islander are used in this piece interchangeably to refer to the First Nation peoples of Australia’s mainland and Torres Strait Islands. As a non-Australian, I choose to use “Indigenous” as a way of including all of Australia’s First Nation peoples; how “Aboriginal” is used in Australian contexts is dynamic and has been used exclusively to address mainland Indigenous communities.

AIATSIS: Australia Institute for Aboriginal and Torres Strait Islander Studies, <https://aiatsis.gov.au>. This is the only government organization in Australia that documents and maintains Indigenous cultural information, from historical knowledge and events to oral and visual tradition.

ICIP (Indigenous Cultural and Intellectual Property) defined by Dr. Terri Janke as Indigenous peoples' right to protect their cultural heritage. ICIP entails Indigenous knowledge, languages, visual art, dance, music, cultural property, human remains, documented culture, literature, and any performances of the abovementioned materials.

Indigenous terms in this thesis are spelled and used according to their official usages in music composition, by academic researchers, and as anglicized inventions and translations. Some of these terms, such as “didjeridu” and “Dadirri,” are terms specifically used in everyday jargon and academic writing. Spelling and definition of certain cultural terms may differ between Indigenous localities and cultures.

DISCLAIMER: This thesis contains references to deceased Indigenous Elders and peoples, and it contains culturally sensitive material to demonstrate issues that are in need of change.

I. Introduction

If you were asked to name three twentieth century Australian classical music composers and describe the compositional styles they are known for, would you be able to? As a classical performer of twenty years, Percy Grainger (1882-1961) was the only Australian composer I knew by name. Twentieth century Australian modernist composers go largely unrecognized in American classical performance canon, behind eighteenth and nineteenth century Classical and Romantic period names like Mozart and Beethoven. Even American modernist composers are barely peppered into standard symphonic repertoire.

On the periphery of U.S. American mainstream awareness, Australia has churned out dozens of reputable classical composers. Yet, Australian classical music in the U.S. has not been valued as an important contributor to Western art music, which affects how Australia's national musical identity is understood on a global scale. Music created in Australia is rich. It draws upon diverse musical styles rooted in music traditions of both Indigenous music cultures and those brought from colonialism and modern immigration. The most recognizably Australian music in traditional world music recordings showcases the reverberating drones of the didgeridu.

Indigenous Australian intellectual copyright lawyer of Meriam and Wuthathi heritages, Dr. Terri Janke, states that: "For non-Indigenous people, the word 'culture' has

a narrow meaning that pertains to the arts of the social elite, such as the opera or theatre” (Janke 2021a, 7). This viewpoint of Western classical “art” music, from an Indigenous perspective, is a form of cultural capital that is more readily accessible to people of Western affluence. As a result, “high art” culture such as participating in classical music production is understood by non-Indigenous people as something that is experienced on specific occasions and in privileged spaces. It follows that classical music participates in performing Western social stratification since it is perceived as an exclusive culture that requires social mobility via academic education and financial exchange.

This idea applies to those who participate in classical music culture as consumers, performers and listeners alike, and it applies to those who are culturally excluded from it (those who do not identify with classical music culture). Therefore, Western classical music can symbolize cultural privilege and represent a formalized sector of European culture. To enact a classical music habitus, a certain level of specialized education is typically needed to be considered an expert, and expert performance requires time and money to be spent on instruments, long term education is mandatory (traditionally beginning before adolescence), and prowess is a signifier of dedication to daily practicum.¹

Classical music has recently come under more pressure to reflect on its own colonial histories as it has been used to implement cultural erasure by becoming a method

¹ Habitus is the presentation of cultural capital through visible attributes such as physical build, scripted language, choice of clothing, and personality traits (Bourdieu 1977); in classical music, habitus is exercised in concert settings such as staging, stratified roles in instrumentation, seating around a conductor at the center-front of the ensemble, clapping conventions between performances, and strict performer dress codes.

of assimilation. Concert halls have historically been dominated by white, cis-male personnel, such as the omnibus of Classical and Romantic composers that make up the Euro-centric canon. Emblematic of the European colonial cultural centers, the modern classical performance canon leaves a substantial amount of non-white, non-European, non-cis-male composers unacknowledged in Western cultural awareness. Recently, idolization of the “classic” European composers is a world-wide conversation that has been recently evolving. De-colonization of Western classical concerts is an arduous process; there are formal behaviors that make up the classical music culture that contribute to the construction of its role as a socio-cultural status symbol.

Australia’s classical composers are not immune to post-colonial re-examination. In the last couple of decades, Peter Sculthorpe (1929-2014) has become the center of criticism for using Australian Indigenous melodies in many of his works. Debates about this usage emerged in a handful of academic journals and chapters. Cultural appropriation has become a prominent issue in recent music cultural studies as efforts rise to de-colonize Western cultural power structures in concert halls and music education settings. Inevitably, with these re-examinations, Sculthorpe has been scrutinized under post-colonial investigations in classical music composition.

As contemporary rhetoric for dismantling settler colonial structures become more common – and, therefore, normalized – in musicological research, conversations about appropriation in music are focusing more on the inequities experienced between composers and the communities they borrow from. Therefore, it becomes more important to re-open twentieth century Western classical attitudes towards non-European culture –

such as exoticizing “other” music and cultures to enhance their work. Recognizing problematic settler colonial ideologies of the past illuminates where disrespectful cultural exchange in classical music compositional practices has been (and remains) harmful to Indigenous Australian communities.

Tasmanian-born Peter Sculthorpe was one of Australia’s most iconic modernist classical composers of the twentieth century. Based on his autobiography *Sun Music: Journey’s and Reflections from a Composer’s Life* (1999) Sculthorpe was the only musician in his family lineage and expressed an early interest in Indigenous Tasmanian culture. Sculthorpe’s fascination with Indigenous peoples remained a lifelong, profound admiration until his passing. Sculthorpe’s pre-university musical education afforded him space to thrive creatively on piano and voice as his primary instruments. His first published composition was a string quartet that contained an arrangement of “Aspatia’s Song” – lyrics by seventeenth century English playwrights Beaumont and Fletcher. It was commissioned and premiered by a close friend’s string quartet in London when Sculthorpe was fourteen. Sculthorpe’s completion of his advanced music studies at the Melbourne Conservatorium of Music at the University of Melbourne reflects a traditional conservatory-style education since he was well-versed in Western compositional conventions.²

The Modern classical era, which is viewed as beginning in the late nineteenth century and lasting until approximately the mid-twentieth century, was a period of

² In these conventions, music is codified and notated onto a 5-line staff that requires a certain level of literacy to understand and decipher meaning.

composers challenging musical conventions of the past. Many composers experimented with source materials (where their melodic and sonic ideas came from) while challenging Western expectations of tonality.³ Sculthorpe’s “early” compositions (from the 1960s until 1970s, primarily) are demonstrative of the Modernist interest in non-European music traditions. His fascinations and experimentations with Balinese and Japanese musical devices such as pentatonic tonal centers (scales and modes), polyrhythmic structures, and non-European timbral mixtures reoriented Australia’s musical identity.⁴ Before, Australia’s national musical characteristics depended on their roots as a reflection of the British Commonwealth; Sculthorpe’s career helped to reshape Australia’s national music identity based on its geographical proximity to Asia and its position within Oceania instead.

In *Kakadu* (1988) Sculthorpe used the Indigenous melody, *Djilile* – noted in Sculthorpe’s orchestral score as “whistling duck in a billabong” (Sculthorpe 1999, 207) – as a melodic basis for the piece, further reinforcing his modernist style as a composer who fancied forming his musical fingerprint based on hybridizing his conservatory training with non-European music traditions. Indigenous ethnomusicologists Dr. Dylan Robinson of xwélmexw (Stó:ló) heritage and Dr. Victoria Levine of Inupiaq heritage state

³ Tonality can be described in terms of harmonic constructs; Bryan Hyer defines tonality in Oxford’s Grove Music Online: “One of the main conceptual categories in Western musical thought, the term most often refers to the orientation of melodies and harmonies towards a referential (or tonic) pitch class. In the broadest possible sense, however, it refers to systematic arrangements of pitch phenomena and relations between them” (Hyer 2001).

⁴ Timbre is often described as a sound characteristic, or color, of a voice or instrument that makes it distinguishable (i.e. a violin is recognizable from a cello and or flute).

that the extraction of Indigenous music as a means to enhance Western classical music's appeal results in exclusive practices in classical music spaces.

In her book *Hungry Listening* (2020), Robinson responds to Inuk throat singer Tanya Tagaq's experience as a token addition to Western composition is still an ongoing practice because Western structures prevail over concert protocols. Despite the modern classical musician's efforts to include Indigenous participation:

They may demonstrate a sharing of space – a visual and kinetic intermingling of bodies on stage, an acoustic blending of musics, or a mixed use of languages – but this integration often remains premised on finding a way to “fit” Indigenous musicians into Western paradigms of performance. In such performance, the fundamental tenets of Western musical genres and form remain intact, thereby reinforcing settler colonial logic: the structure of the aesthetic might be enriched by other sights and sounds without unsettling the worldview it supports. (Robinson 2020, 8)

By this logic, using *Djilile* in *Kakadu* was Sculthorpe's way of perpetuating colonial practices. “Fitting” *Djilile* into *Kakadu* (onto a score and into concert halls) presents issues with cultural appropriation in music are more nuanced than accusations of theft and bleed through to conversations of representation.

In Dr. Levine's introductory chapter in the co-authored monograph *Music and Modernity Among First Peoples of North America* (2019), Indigeneity and modernity are defined separately as European ideologies. Levine differentiates between modernity and Indigeneity by clarifying the former's implications of industrialism, urbanism, deviating from traditional practice, advancement of technology, and community “displacement.” Levine defines “Indigenous” as a European construct:

For settler colonists, the term *indigenous* conjured images of people practicing antiquated customs and rural lifestyles, removed from and out of touch with

mainstream social, cultural, political, and economic trends. But Eurocentric definitions of modernity and Indigeneity have changed, at least in academic circles. By the 1990s scholars began to develop new approaches to understanding modernity and Indigeneity... they grasped the centrality of ancestral values, knowledge, protocols, and cognitive patterns to contemporary Indigenous peoples. Music, as a symbolic system, plays a role in the articulation of the complexity and diversity of modern Indigenous lives... (Levine 2019, 1)

Levine suggests that the reason for this distinction is because Western society has operated under a dualistic European ideology that has historically depended on keeping Indigeneity separate from modernity.

Levine and Robinson's works influence how I think of classical music as a part of settler colonialism in this project since they illuminate its colonial ideologies that perpetuate problematic power dynamics via cultural misrepresentation. Jankes's *True Tracks* model resonates with Levine and Robinson's framework by revealing how *Djilile* was extracted, how it was used, and how its dissemination and control under Western legal (such as copyright) and cultural structures has not been an inclusive process.

Indigenous composer of Dharug heritage, Christopher Sainsbury, submitted an editorial in 2019 on the *Mirage.News* platform about the absence of respect shown in cultural interactions with Indigenous music and culture:

... it's not just composers... It's programmers. So then it gets programmed for broadcast or programmed in concerts. And then it's ensembles. So the ensembles are playing this stuff. [And then] the program notes. I was at a concert just the other week and a piece by Peter Sculthorpe talked about how he was referencing an Indigenous melody in this particular composition. Didn't say where from, didn't say whether any monies were ever returning to the original owners of that song. If that was all in place, state it in the program. (Sainsbury 2019)

To be discussed more in my analysis, Sculthorpe utilized program notes in his scores that are probably included in printed concert programs of his works.

Academics like Jonathan Paget and Anne Boyd have responded to similar criticisms, taking stances as apologists who describe Sculthorpe as a well-intended, pro-reconciliation member of Australian society. Since the 1990s, accusations against Sculthorpe spurred a debate with Australian composers and musicologists. Non-indigenous standards of conduct for respectful cultural interactions with Indigenous knowledge are becoming more commonplace because there are now published Indigenous resources to help set boundaries for respectful exchange.

The purpose of this thesis is to complicate the discussion of Peter Sculthorpe using traditional Indigenous Australian music in his compositions as cultural appropriation by situating *Djilile's* usage in *Kakadu* within the framework of Terri Janke's *True Tracks: Respecting Indigenous Knowledge and Culture* (2021) model for respectful cultural exchange. The *True Tracks* model is a set of ten principles (protocols) of respectful exchange with Indigenous cultural and intellectual property that Janke uses to advise her clients in legal cases both involving appropriation and preventing future instances. Janke claims that each *True Tracks* principle cannot be interpreted separately from one another.

While it has become easier to acknowledge and debate cultural appropriation since accusations against Sculthorpe began, it is no longer useful to just identify appropriation when it happens. Productive conversations about appropriation of Indigenous music need to involve solutions that inevitably include Indigenous interlocutors (such as Elders) as cultural custodians. Therefore, the previous defenses for Sculthorpe's work need to be re-examined and challenged in order to fit a more inclusive

standard of conduct. Since criticism towards Sculthorpe has been centered around usage of Indigenous melodies in his work, attempting to analyze the social issues from a non-Indigenous perspective is minimally constructive. *Djilile* is the case study for this thesis since it was directly involved in Sculthorpe's fame as a classical composer, and it is also one of the most used Indigenous melodies in Sculthorpe's body of work.

Djilile is an example of anthropologically gathered and archived Indigenous culture from twentieth century research expeditions. Its global exposure resulting from its previously open status in sound archives has acted as a cultural commodifier. *Djilile* has been transformed from a sacred song into a Western orchestral melody and is accessible to Western classical music audiences; Sculthorpe's usage of *Djilile* has raised questions of ethics as Australia continues to grapple with its colonial past. Recognizing problematic cultural interactions in classical music is an important step for improving respectful cultural interactions within settler colonial hegemonic structures. Therefore, I will be including frameworks outside of classical music since debating cultural appropriation involves reasoning from non-music fields of study: I use non-musical framework underlined by post-colonial and Indigenous cultural studies, and I use musical framework of this project from the academics who inspired it: Jonathan Paget, Amanda Harris, Fiona Magowan, and Anne Boyd.

Tackling an issue as meaty as cultural appropriation in music is underpinned by musicological, cultural anthropological, and legal reasonings. My methodology expanded beyond the traditional musicological approach of analyzing music in recordings, scores, and deconstructing modern compositional techniques. Since *Djilile*'s history within

Australian anthropological research has been lightly addressed in previous musicological publications, I will be including its cultural context and transformations in Sculthorpe's scores. This is then where I will be using Dr. Terri Janke's *True Tracks* model to explain the issues of *Djilile*'s usage in Sculthorpe's work and why it signifies colonial power structures from an Indigenous cultural exchange perspective.

By the end of Janke's ten protocols, it will become clear that standard twentieth century practices of cultural interactions between Indigenous music cultures in Western classical music were seldom respectful. The most notable difference between cultural standards of the past and now is mainstream awareness of cultural transgressions. This does not have to reflect on Sculthorpe's character specifically, but it is a clear example of a misinformed conduct that should be avoided by future generations of classical composers.

As seen in Australian classical guitarist Jonathan Paget's 2013 article "Has Sculthorpe Misappropriated Indigenous Melodies?," *Kakadu* sparked a lot of academic debate about cultural appropriation in Sculthorpe's music. Sculthorpe openly admitted to using Indigenous music as a means for cultural acknowledgement in his scores and in interviews, so his borrowing of Indigenous Australian melodies was not a secret. However, between Jonathan Paget's 2013 article and Australian composer Anne Boyd's chapter in *Soundscapes of Australia*, these conversations brought forth Sculthorpe's good intentions and genuine character as a way of avoiding appropriation as an expression of cultural violence. Evading this reasoning in the past has led to the recent rise in advocacy for amplifying Indigenous agency in musical, anthropological, and legal settings.

As Sculthorpe's first piece to premiere in the United States – commissioned by an Aspen Music Festival trustee and premiered in Aspen, Colorado – *Kakadu* (1988) was the catalyzing force that transported *Djilile* across the Pacific Ocean and made Sculthorpe's work (and name) known to an international audience. Having been born, raised, and pursued my graduate studies in Denver, Colorado, I felt a personal responsibility to address the use of *Djilile* in *Kakadu*. This piece is among the most famous of Sculthorpe's works and its premiere enacted Colorado as a participant in the globalization of Indigenous Australian music and cultural identities. The Aspen Music Festival is an internationally recognized and highly regarded summer institution for classical musicians and it is a local summer concert gem. Since it is physically removed from Australia, *Kakadu*'s premiere in Aspen allowed Sculthorpe to emerge as an international classical composer while benefitting from *Djilile*'s success and avoiding potential disapproval from his home audience.

While this thesis is based in musicology, anthropology, and some references to copyright law, I use a language to fit the Western academic and musical vernacular. My hope for this thesis is that it becomes accessible and easier to read than previous writings in musicology and anthropology that require a specific level of education to understand. I aim to provide an intelligible explanation of cultural violence mechanisms. This thesis is designed to speak to musicologists and composers so that cultural transgressions through research, musical composition, performance practice, and economic exchange may be clarified and avoided. The specialized vocabulary of this thesis is specified so that those without an education in music may encounter this thesis with more ease by understanding

the terminology, philosophy, and cultural constructs experienced in classical music communities.

Inter-cultural borrowing has been a popular source of melodic and rhythmic inspiration in classical music for a long time, and it is important to start identifying issues of cultural misrepresentation in iconic composers like Peter Sculthorpe. This thesis will not be assessing *Djilile*'s presence in Sculthorpe's music like a criminal trial as it has been treated by apologists who have sought to clear Sculthorpe's name. Situating Sculthorpe on a single side of a moral binary of right and wrong no longer produces constructive solutions for avoiding cultural appropriation in future music compositional processes. Asking *if* Sculthorpe appropriated Indigenous melodies is now irrelevant to the overarching goal of learning from the past, and using frameworks from Indigenous academics should set a new expectation in musicological and compositional research. Janke's *True Tracks* model helps to ask new questions: *how* did Peter Sculthorpe appropriate *Djilile* and how can future composers learn from his example?

II. Theoretical Framework

The theoretical underpinning of this thesis includes three non-music scholars, of whom the first two are Indigenous Australian women. Dr. Judy Atkinson, of Jiman and Bundjalung heritage, and Dr. Terri Janke. Their works engage with both internal and external cultural violence experienced by Indigenous communities under inequitable power structures caused by ongoing colonial practices. Atkinson's research in Queensland, Australia found local examples of internal Indigenous cultural and community violence – ranging from alcoholism to domestic abuse – stems from long term disconnection from Indigenous cultural identity. She identifies the causal relationships of Indigenous disconnection from their cultures with settler colonial practices of silencing Indigenous voices at the administrative levels of self-management and government.

Meanwhile, Janke developed and trademarked the *True Tracks* model, a set of ten protocols that non-Indigenous artists (musicians, visual, dance, etc.) should consult before interacting with Indigenous cultural materials in their future work. The third author of my framework is an Australian anthropologist, Patrick Wolfe, who theorized settler colonialism as a hegemonic structure underlined by elimination of the native via imperial practices such as assimilation, miscegenation, and genocide. These authors'

methodologies are directly applicable to ethical music cultural interactions for three reasons.

First, they illuminate the potential long-term devastating consequences of silencing Indigenous people in academic conversations and cultural interaction. Second, they offer a contemporary, culturally-acceptable model of conduct for using Indigenous cultural materials. Third, how non-consensual insertion of Indigenous melodies into Western art music replicates the goals of settler colonial power structures. Silencing Indigenous community control of their cultures can lead to disconnect when culture is removed or forgotten by assimilative processes of replacing prior knowledge and culture with new ones. Deciphering cultural ownership in music is more complicated than explaining how Indigenous musical material has been modified and (mis)represented by Western systems of rhythm and pitch.

I suggest that the following points from Atkinson's, Janke's, and Wolfe's frameworks could be helpful in making previous conversations about cultural appropriation in contemporary musicology:

- Engaging in “deep listening” as an effort to understand (and bear witness to) how violence experienced by Indigenous communities is a symptom of long term separation from cultural identity; this listening approach should be an intrinsic motivator for outside listeners and scholars in working towards healing inner and outer community relationships via learning from violent historical events.
- The way Indigenous culture is used by non-Indigenous creators has not always been consensual because Western legal and post-colonial frameworks have a

history of neglecting to form official sanctions to protect Indigenous culture from unwanted extraction. Therefore, the legal framework still does not protect Indigenous culture against non-Indigenous creative borrowings. Magnifying questionable ethics in instances of cultural extraction is needed. The process of complicating cultural appropriation in music entails considering the transformation of legal and cultural ownership via modification of the original material into the non-Indigenous composer's own working.

- Remembering that musical borrowings have existed within the contexts of uneven colonial power structures that have been persisting in Australian society for well over two centuries; these transgressions are not always a part of daily consciousness, and anyone is capable of doing them. The root of this project is raising awareness of how they have been done by an important Australian classical composer while providing a complementary framework to guide future ethical interactions with Indigenous culture.

Because cultural appropriation of Indigenous Australian music in classical music composition involves a critical understanding of Australian political and social cultures, I would not be able to carry out this thesis in good conscience without seeking out Indigenous perspectives and cultural expertise. The foundation of this project operates on the idea that Indigenous authorship is virtually missing in published conversations about Sculthorpe. Addressing the realities of daily struggles and devastating violence in Indigenous communities should present destabilizing perspectives for outside observers. Shifting the outsiders' narratives of how Indigenous culture is experienced and

understood is imperative if the overarching goal is to understand the repercussions of perpetuating transgressive patterns.

Atkinson: Cultural Violence, Indigenous Identity, and Cultural Disconnect

Dr. Judy Atkinson, of Jiman and Bundjalung descent – and emeritus professor of Australian Indigenous studies – wrote her book *Trauma Trails, Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia* (2002) to recount the research she had conducted through the 1990s. Atkinson explains that the long term effects of Indigenous cultural identity loss implemented through genocide, extracting Indigenous children from families, miscegenation (Indigenous children born from mixed Indigenous and colonizing heritages), and cultural assimilation into Western society. Loss from these events have resulted in violent, tragic realities that resonate among Australia's Indigenous people today. Atkinson defines these violent realities as a form of ongoing generational trauma.

When tasked with bringing these issues to local legal and cultural administrations for mediation, Atkinson found that the systematic inattention to Indigenous community violence was based on a paranoia that Indigenous self-governing programs (“self-management”) would be perceived by higher Australian government administration as ineffective. The potential implications of ineffective management programs are an unsettling reminder that Australia is still a part of the British Commonwealth. Nearly 250 years of violent systematic oppression of Indigenous peoples leading to community-wide fear of losing self-governance signifies Indigenous agency still relies on a strategy to

keep cultural and land management within reach of the current self-management programs.

Atkinson uses Deborah Bird Rose's framework of connecting Indigenous worldviews and spiritual belief systems with land and time as inseparable components for ceremony and music. With this worldview, Indigenous community healing has been historically (and presently) linked with processing catastrophe traditionally through music ritual. So, a part of Indigenous cultural identity confusion results from settler colonialism's agenda of elimination by separating Indigenous cultural identity from traditional practices; if music and ceremony are traditionally attached, then loss of identity with tradition means that identity can also be separated from music.

Atkinson's methodology relies on an Indigenous practice of *Dadirri* ("listening to one another") which she describes is a "culturally informed" listening process.⁵ *Dadirri* functions as an inclusive practice in Indigenous communities that recognizes individuality and uniqueness that every person brings to their community (Atkinson 2002c, 17). It bears witness through pure observation of each other, hearing each other beyond the physical sense, and it is an introspective process that aims to learn and act from that knowledge (Atkinson 2002a, 16). Atkinson claims that to effectively listen to traumatic experience for achieving a genuine understanding of Indigenous worldviews is key.

⁵ The bases for *Dadirri* are: "a knowledge and consideration of *community* and the diversity and unique nature that each individual brings to *community*; a non-intrusive observation, or quietly aware watching; a deep listening and hearing with more than the ears; a reflective non-judgmental consideration of what is being seen and heard; and, having learnt from the listening, a purposeful plan to act, with actions informed by learning, wisdom, and the informed responsibility that comes with knowledge" (Atkinson 2002c, 16).

Comprehending how land and spirituality is understood by Indigenous Australian cultures is important for realizing the connection that Indigenous music has to both culture and land. It is not just a part of daily life. It is a fundamental element of ceremony and ritual performance for catharsis and healing:

Ceremony is a time of communicating with the ancestral beings and the creation powers as well as other people. In using the sacred names, songs, dances and art in ritual, in telling the past and present life stories in ceremonies, people are preparing themselves for another stage of a journey they managed and started before birth: a journey that continues after death... (Atkinson 2002b, 32–33)

Ritual music practice, as Atkinson explains, functions to help Indigenous communities overcome catastrophic events together by being able to express traumatic events to one another in a safe space. Atkinson says that Indigenous societal impacts of trauma are scaffolded, built on layers starting on individual levels and working their way through community levels through familial and close relationships. Since Australia's colonial past has grossly affected how many Indigenous communities remember their ceremonies and process their generational traumas, a loss of connection with music ritual traditions could be a contributing factor to cultural identity loss.

Cultural appropriation in classical music is relevant to Australian Indigenous generational trauma because it aligns with settler colonial agendas of eliminating Indigenous culture. Atkinson's framework reinforces the idea that cultural appropriation aligns with settler colonial agendas by participating in uneven power structures that successfully hamper Indigenous communities' ability to control and benefit from how their cultural materials are shared with outsiders. Therefore, cultural appropriation in music resonates with Indigenous generational traumas of assimilation of being forced to

adopt new European cultures while forgetting their own. So, when Indigenous music is separated from cultural practice and placed in Western classical composition, its cultural ties are reformed and no longer serve its original purposes, so its own Indigenous identity is subject to erasure via assimilation into non-Indigenous music culture.

Janke: Indigenous Cultural and Intellectual Property (ICIP)

Terri Janke is a Meriam and Withathi descended ICIP lawyer who has been practicing Indigenous cultural, intellectual property, and commercial law at her firm in Sydney since 2000. She has been representing Indigenous culture and knowledge in legal cases involving exchanges with Indigenous cultures. Janke’s work addresses fair use of ICIP, which Janke defines as property consisting of “artistic works, literature, performance, languages, knowledge, cultural property (including objects held in museums), human remains, immovable cultural property such as sites and places” and “documentation of Indigenous people and culture” (Janke 2021a, 9). Janke’s definition of ICIP applies to *Djilile* since it was recorded as a part of a sacred Indigenous melody from Arnhem Land. It is important to realize that *Djilile* is rightfully owned by its original Dua and Yiritja communities, but it is not recognized as owned by those communities under copyright law.

If you are not familiar with benchmark Australian political and legal events, the Mabo Decision of 1992⁶ was a major turning point for Indigenous agency and

⁶ The Mabo Decision (or the Mabo Case) was a lawsuit from the 1980s and 90s pursued by four Merriam men - Eddie Koiki Mabo, Reverend David Passi, Sam Passi, James Rice, and one Meriam woman, Celuia Mapo Sale – against the State of Queensland and the Australian Commonwealth High Court. They were claiming two things against Australian legal framework: “On the assumption that Aboriginal and Torres

representation in Australian legal spaces. During this case, *Terra Nullius* was officially de-sanctioned as a valid ideology in Australian law as a means to acknowledge the Indigenous Australian peoples' prior occupation and custodianship of Australian land and seas. Since Terra Nullius was ideologically linked to land ownership, and Indigenous ownership of land is tied to cultural identity and practice, Terra Nullius as "Nobody's Land" is applicable to understanding *both* Indigenous land and culture are available to be colonized. Dismantling Terra Nullius affected ICIP as well. Australian copyright laws for protecting Indigenous ICIP require materialistic conditions, as stated in the Copyright Act 1968:

22 Provisions relating to the making of a work or other subject-matter.

Literary, dramatic, musical or artistic works

(1) A reference in this Act to the time when, or the period during which, a literary, dramatic, musical or artistic work was made shall be read as a reference to the time when, or the period during which, as the case may be, the work was first reduced to writing or to some other material form.

(2) For the purposes of this Act, a literary, dramatic or musical work that exists in the form of sounds embodied in an article or thing shall be deemed to have been reduced to a material form and to have been so reduced at the time when those sounds were embodied in that article or thing. (*Copyright Act of 1968*)

As Janke explains throughout her book, legal protection of cultural material is valid when it is "reduced" into a tangible (material) form; this way, the work/subject-matter is transformed into a tangible medium and authorship/ownership can be identified. *Djilile's* copyrights were transferred the second it was recorded onto cassette tape media. This is

Strait Islander peoples had no concept of land ownership before the arrival of British colonisers in 1788 (terra nullius)...That sovereignty delivered complete ownership of all land in the new Colony to the Crown, abolishing any existing rights that may have existed previously" ("The Mabo Case").

inherently problematic since many Indigenous cultural materials are community owned and are off-limits to being claimed under individual ownership. This leaves Indigenous culture vulnerable to appropriation and misrepresentation since the absence of a single author's name is not available to satisfy the conditions for copyright protection.

Dr. Janke trademarked the *True Tracks* model to navigate protecting ICIP within current Australian legal ideologies. She introduces her model by stating:

True Tracks involves ten principles. Although they appear sequential and separate, they are deeply interconnected. Their power lies in how they work in combination. Ultimately, True Tracks is about creating meaningful relationships and connections. It is about enabling Indigenous peoples to actively practise, manage and strengthen their cultural lives, keeping tracks into the future to empower the next generation. (Janke 2021a, 15)

Janke's model acts as a guideline for any non-Indigenous artist who wants to interact with Indigenous culture. Future interests in using Indigenous music in Western classical settings needs to focus on building close, positive relationships with the desired Indigenous communities. This should be standard practice since respectful exchange is determined by the communities who have the right to accept or deny outside access to their knowledge.

The following 10 headings outline Janke's model and the definitions that she provides in her book; the explanations of each principle will be used later in this thesis to frame *Djilile's* case study as an appropriated melody:

1. Respect
2. Self-determination
3. Consent and Consultation
4. Interpretation
5. Integrity
6. Secrecy and Privacy

7. Attribution
8. Benefit Sharing
9. Maintaining Indigenous Cultures
10. Recognition and Protection (Janke 2021a, 15–16)

Overall, these principles should be act as a guide for creating meaningful relationships with the people who own the desired music culture in question. According to the model, these relationships should be conducted in a timely manner for Elders and tribes to conduct comfortable decision-making processes within their own time, and they should be formed on an agreement that benefits from cultural sharing will be reciprocal; benefits can take form of financial, cultural, or whichever form is agreed upon by the ICIP owners.

I will be using each of these principles examine Peter Sculthorpe’s use of *Djilile* in *Kakadu*. Using these principles is a useful way of determining if *Djilile*’s presence in *Kakadu* could be causing cultural harm by using Indigenous viewpoints of respectful exchange. *True Tracks* will not be used to apologize for Sculthorpe since the point of using these protocols is to add Indigenous voice – via incorporating Indigenous standards of respectful exchange – to the discussion of cultural appropriation in Sculthorpe’s career.

Wolfe: Settler Colonialism

Patrick Wolfe (1949-2016) was an Australian anthropologist who completed his graduate and doctoral studies in social anthropology and Australian Aboriginal history under the supervision of Dipesh Chakrabarty – postcolonial and subaltern studies specialist – at the University of Melbourne. Wolfe developed a close relationship with the Wurundjeri people in Victoria and was permitted to build his home on their land. A

speech given by Elder Aunty Joy Murphy Wandin at his memorial service in 2016 is evidence of their close, positive relationship (Russell 2017, 116). Wolfe's theory of settler colonialism is based on racial structures that dictate how European settlers viewed Indigenous peoples as an obstruction to European domain over new land:

... settler colonies were not primarily established to extract surplus value from indigenous labour. Rather, they are premised on displacing indigenes from (or replacing them on) the land... to get in the way, all the native has to do is stay at home (Wolfe 1999, 1).

Further, Wolfe explains how British racial structures differentiated Black and "Red" labor. He uses the example of American settler colonies commodifying Black labor regardless of the "purity" of their race (addressing whether Black slaves came from mixed parentage).⁷ According to Wolfe's theory, producing Indigenous peoples of mixed Indigenous and white heritages compromised their identity as Indigenous and created unprecedented racial tensions. Wolfe claims that mixed race generations continually struggled to identify with either Indigenous or European (white) communities. Further, he emphasizes that Indigenous labor was not needed since Australia became a penal colony for British prisoners, so their removal from the desired land was imperative.

Wolfe mentions that "where survival is a matter of not being assimilated, positionality is not just central to the issue – it is the issue" (Wolfe 1999, 3), which means that in a racially stratified society, Indigenous survival is dependent on the inequity in power dynamics while being allowed to assimilate into colonial society. Assimilation left

⁷ Wolfe credits F. James Davis' One-Drop Rule from his 1991 publication *Who is Black?* as a part of his framework.

many surviving Indigenous peoples vulnerable to cultural erasure as they were forced to adopt European cultural practices and leave their traditions behind. Based on Wolfe's theory, Australian settler colonial society is a process that continues to produce serious cultural violence towards native Australian cultures. Atkinson's work is evidence of this since her work focused on how Indigenous communities are still struggling with the violent ripple effects from colonization. This is a perspective of appropriation that is often skirted in Sculthorpe's case and my analysis of addressing the presence of Indigenous melodies and instruments his music is centered on appropriation as a symptom of settler colonialism.

Musical Framework

Using a framework outside of musicology in this thesis is, again, meant to elucidate deeper issues than simply extracting culturally significant musical material and using creative license to transform it. This is a kind of discourse that is sorely needed to redirect red herring arguments of cultural appropriation in music. Creative license – such as a composer's ability to transform a pre-existing melody into an entire work – and genuine character are common examples in debates about Sculthorpe, and they are distracting points to evade a deeper issue. This debate has been published and controlled in academic spaces and Sculthorpe has remained an Australian icon while *Djilile* remains protected under Sculthorpe's name. Therefore, including Indigenous authorship within and alongside musicological framework is necessary. While Harris and Paget provide the formalized musical analyses of Sculthorpe's use of Indigenous melodies, Sculthorpe's creative abilities to create new music around *Djilile* is a central component to their

arguments. However, a thorough examination of Australian hegemonic structures is the focal point of this thesis to identify the significance of appropriation in music as a valid cog in the settler colonial machine.

Two pieces of literature that inspired this thesis was Jonathan Paget's article alluding to Sculthorpe's music signifying settler colonial hegemony, and Amanda Harris's recognition of Sculthorpe benefitting from using Indigenous musical material in his work indicates historical settler colonial practices in Australia's music industry. Harris and Paget both acknowledge the cultural significance of inserting Indigenous music into Western compositions as an issue of societal expressions of uneven colonial power structures. Dr. Amanda Harris is one of the most recent published Australian scholars to address cultural borrowing in Sculthorpe's compositions as a settler colonial event, while Jonathan Paget addressed this debate with a more music-theoretical analysis. Jonathan Paget's article (2013) "Has Sculthorpe Misappropriated Indigenous Melodies?" motivated me to engage with the Sculthorpe conversation.

"Did Sculthorpe (Mis)Appropriate Indigenous Melodies?"

Jonathan Paget's article involves a thorough contextual and music theoretical examination of Sculthorpe's use of Indigenous melodies. Paget provides the table in Figure 1 to demonstrate that Sculthorpe used a handful of Indigenous melodies in his work. Examining copies of the scores for *Kakadu* and *Port Essington* accurately reflects Paget's analysis that *Djilile* is central to these pieces. Clearly, Sculthorpe admired the melody enough to use it in five other pieces. Paget's music theoretical analyses of melodic transformation are clear and demonstrate Sculthorpe's creative abilities as a

composer. Unfortunately, his article does not clearly indicate if Sculthorpe's work is culturally appropriative since he sidesteps analyzing the Indigenous melodies' cultural contexts and avoids questioning best practices for respectful exchange.

Paget's framework addresses where Sculthorpe got the *Djilile* melody from specifically and what he did with it in his compositions to make it both a blatant and elusive melodic statement, which led to an invaluable discovery for this case study. Paget recognizes that some criticism towards Sculthorpe had previously decided that Sculthorpe's appropriative approach is "culturally insensitive and unethical" (Paget 2013, 86). This contextualizes academic and musical ideologies of ethics between the late twentieth century and the 2010s.

Paget focuses on how Sculthorpe quoted and transformed Indigenous melodies in his compositions. His explanation of ethics depends on how the Indigenous melodic material is altered and attempts to justify Sculthorpe's genuine character:

The way that Sculthorpe allows Indigenous music to shape and influence his style could be construed as a reversal of the colonial power structures. Similarly, the depth and persistence of Sculthorpe's ongoing fascination with these melodies suggest that he is making a sincere homage to Aboriginal culture, acknowledging and celebrating its diversity and richness. (Ibid., 109)

A flaw in this passage's logic is trying to reason with Sculthorpe's role in colonial power dynamics by conflating homage with music cultural assimilation. By writing *Djilile* into his own musical idiom, Sculthorpe assimilated an Indigenous melody as an expression of his musical voice; this is far from a "reversal of colonial power structures" but a direct application of colonial hegemony. Focusing on Sculthorpe's enthusiasm and admiration for Indigenous music created a blind spot in Paget's argument. This statement contributes

to why Paget misconstrues Sculthorpe’s appropriation of Indigenous melodies as a symbol of flattery.

Table 1. Appearances of the ‘Kakadu Songlines’ in Sculthorpe’s Works, 1974–1996.

Name	Source	Work	Style/type
Groote Eylandt Melody	Of Groote Eylandt origin, sourced from Jones (1965, 333, Elkin recording 76A)	<i>Song of Tailitnama</i> (1974) and multiple derivative works <i>Earth Cry</i> (1986) <i>String Quartet No. 12 (From Ubirr)</i> (1994) <i>Essington</i> (1974)	Japanese idiom, with [01568] or <i>in scale harmonies</i>
Djijille	From Arnhem Land, sourced from Jones and Elkin (1956, 339, Elkin recordings 24A and 12A)	<i>Port Essington</i> (1977) <i>Dua Chant</i> (1978) <i>Djijille</i> (1986; multiple versions) <i>Kakadu</i> (1988) <i>Dream Tracks and Tropic</i> (1992) <i>Manganinnie</i> (1980)	Unique (pitches, A, B, C, D, and lower auxiliary G)
Elcho Island Lament	As sung by the Elcho Island tribal elder, Mawuyul Yathalawuy	<i>The Visions of Captain Quiros</i> (1980) <i>Quiros</i> (1982) <i>Kakadu</i> (1988) <i>Nourlangie</i> (very loosely) (1989) <i>Threnody</i> (1991–1992) <i>Dream Tracks and Tropic</i> (1992) <i>From Kakadu</i> (1992) <i>Sun Song 1/Jabiru Dreaming</i> (1989) <i>String Quartet 11 (Jabiru Dreaming)</i> (1990) and <i>Jabiru Dreaming</i> (1992) <i>Third Sonata for Strings</i> (1994)	Japanese idiom, with [01568] or <i>in scale harmonies</i>
French Atlas Chant	Collected by a member of the Bauduin expedition published in Paris, 1824		Balinese idiom, but the melody is based on a major scale

Figure 1: Paget’s Table of Indigenous Melodies Used by Sculthorpe (Paget 2013, 93)

Harris, Paget, Magowan, and Symons' frameworks have historically relied on the authenticity of musical material to determine cultural appropriation in Sculthorpe's repertoire where the cultural integrity of Indigenous melodies is compromised when it no longer exemplifies the same pitches, harmonies, texture, rhythms, or instruments. For example, Fiona Magowan used this reasoning in an article about the commodification of the didjeridu as a part of the global music movement. Magowan argues that authenticity of musical material can be miscommunication of cultural accuracy and representation:

It is clear then, that authenticities can take many forms. These processes often allude to the need for Indigenous groups to defend culture in face of the potential for exploitation and appropriation... While Indigenous didjeridu players are intimately aware of the distinctions between their own styles and ritual templates, non-Indigenous audiences tend to propound an ideology of cultural homogenisation around the sounds and meanings of the didjeridu. (Magowan 2005, 95).

Magowan argues that presentation of Indigenous music material in official performance spaces can endanger cultural representation by conflating all Indigenous musics with the one they observe in performance. For example, the didjeridu in "traditional" music settings (played in a traditional style) and classical music spaces has created its global identity as an instrument that represents an entire continent of Indigenous people. Meanwhile, the didjeridu is only culturally connected to a fraction of northern and central Indigenous tribes, so the didjeridu becomes a symbol for all Indigenous Australian music. This logic could be applied to *Djilile* in *Kakadu*. If *Djilile* was altered until it is no longer blatantly recognizable, there is a potential issue of music cultural misrepresentation if attributions of *Djilile*'s cultural contexts are glossed over and left for misinterpretation among non-Indigenous audiences.

In her book *Representing Australian Aboriginal Music and Dance 1930 - 1970* (2020), Dr. Amanda Harris identifies the problematic history of Indigenous representation in twentieth century Australia's growing recording industry. Harris' following statement shows that the discussion is indeed moving forward:

When John Anthill named his work *Burraborang Dreamtime...* or Peter Sculthorpe riffed on the *djilili* melody in works as diverse as Port Essington, Kakadu and Dua Chant, they drew on the rhetorical capital of Aboriginal cultures to make a claim for *their own indigeneity* as the voices of Australia. Though the public rhetoric around these works claimed that they aimed to persuade listeners of the value of Aboriginal culture, value (through public recognition, commissions for new works, performances and recordings) was attributed to the composers and their works rather than to the cultures that ostensibly inspired them. (Harris 2022b, 142)

Harris' argument illustrates an ideology brought up by David Symon's research of applying the Jindyworobak movement. The Jindyworobak concept is mid-twentieth century non-Indigenous Australian artists attaching their colonial Australian identities to expressions of Indigenous culture and Australian landscape. This is important to consider later alongside analyzing *Djilile* as a contributing factor to Sculthorpe being a musically "Australian" composer.

Australian composer Anne Boyd's chapter in the *Sounds of Australia* (2007), an edited volume on Australian classical music, is evidence of the strong support of Sculthorpe's practices from within the Australian Classical composer communities. Boyd was one of Sculthorpe's compositional students at The University of Sydney and speaks from her experience as his pupil and refers to his autobiography:

In explaining his use of Aboriginal material, Sculthorpe writes: As a composer, it's always seemed foolish not to take heed of a music that has been shaped by this land over many thousands of years (ibid.). It is not my intention to canvas

sensitive issues of appropriation raised in this remark, other than to note that such borrowing has earned the approbation of Aboriginal elders who recognize the deep respect and regard that Sculthorpe has for their culture (ibid.: 213) (Boyd 2017, 22–23).

Paget reinforces this sentiment when he reports that Sculthorpe was constantly attempting to openly recognize Indigenous cultural ownership and seek out advice from Indigenous artists in his professional network. Nevertheless, a contemporary understanding of cultural appropriation views measuring Sculthorpe's genuine intentions as problematic when negative impact has yet to be addressed.

There is significantly less published evidence of public criticism of Sculthorpe's use of Indigenous melodies one might expect. Therefore, using anthropological and Australian legal framework to supplement musical framework dismantles the traditional reasoning of defining cultural borrowing as a vehicle for evaluating ethics in terms of character judgment. Sculthorpe is usually placed within a Western binary of right and wrong (good and bad), and the purpose of this thesis is to show that this binary ends up oversimplifying cultural appropriation as a dualistic issue.

Deciding Sculthorpe's actions as appropriative from Western cultural perspectives ends up silencing Indigenous voice when non-Indigenous interlocutors perceive his extraction and transformation of *Djilile* as non-appropriative. Publishing apologetic statements acts as a diversion by driving the discourse about appropriation based on Sculthorpe's creative license instead of focusing on his participation in colonial power dynamics. An apologetic approach has yet to provide constructive solutions to avoiding cultural appropriation in music composition, because equitable solutions for interacting

with ICIP are not actually available from within the academy. Deciding a fairness in solutions need to be a collaborative effort with Indigenous Australian communities. The underlying issue is that cultural appropriation leads to what Atkinson claims as cultural disconnect and prevents cultural healing from catastrophe and devastation. Ignoring such implications contributes to Wolfe's theory of settler colonialism as an ongoing racialized power structure. Cultural appropriation allows for non-Indigenous composers to conduct unfair cultural borrowing and benefitting from it in a way that overshadows the original material's connection to Indigeneity.

III. Methodology

Previous academic works about Indigenous Australian have ranged from cultural meanings of music to the hybridization of Indigenous Australian musics with Western popular styles – such as hip-hop, country, rock, new age, and folk music.⁸ Since traditional and popular contexts are the most common places where Indigenous music is consumed, my initial research was directed by where one could find more discourse about “inauthentic” uses of Indigenous music in Western classical music. More literature about Indigenous music in Western classical composition yielded the most results about ethics in Sculthorpe’s compositions. *Djilile* has been addressed the most by Paget, Boyd, Harris, and Sculthorpe himself. Since Janke’s *True Tracks* model has been trademarked recently in 2021, accusations of appropriation from Sculthorpe’s career have yet to be assessed alongside Janke’s protocols.

To find *Djilile*’s “True Tracks,” my research and analysis of Sculthorpe’s use of *Djilile* in *Kakadu* involve the following:

⁸ The following monograph publications make up the expanse of academic studies about Indigenous Australian music in both traditional Indigenous settings and popular Western music industries: *For the Sake of a Song: Wangga Songmen and Their Repertoires* (Marett, Barwick, and Ford 2013), *Deadly Sounds, Deadly Spaces: Contemporary Aboriginal Music in Australia* (Dunbar-Hall and Gibson 2004), *The Didjeridu From Arnhem Land to Internet* (Neuenfeldt 1997), *Representing Australian Aboriginal Music and Dance 1930 – 1970* (Harris 2022c), *Australian Indigenous Hip-Hop* (Minestrelli 2017), *Recirculating Songs: Revitalising the Singing Practices of Indigenous Australia* (Wafer and Turpin 2017), *Making Aboriginal Men and Music in Central Australia* (Ottosson 2015), *Songs, Dreamings, and Ghosts: The Wangga of North Australia* (Marett 2005). Authoritative academics in this field also includes work by Clint Bracknell, Alice Moyle, Fiona Richards, Fiona Magowan, David Symons, and many others that I have yet to discover.

- Where *Djilile* came from
- How Sculthorpe uses *Djilile* from a creative approach
- If Sculthorpe received consent to use *Djilile*
- If Sculthorpe shared the benefits he received from using *Djilile* (and other Indigenous melodies) in his music

So far, discussing Sculthorpe’s history of “musical borrowing” has been simplistic that emphasizes placing Sculthorpe on a strict moral binary of right and wrong. Those coming to Sculthorpe’s defense concluded he did not “steal” the melody because he never claimed it was his own melody.

Sculthorpe’s work appeared to have been based on his deep admiration for Australian landscape and its First Nation peoples. He was also a self-proclaimed advocate for reconciliation. Nonetheless, Sculthorpe was a product of his twentieth century colonial cultural environment and his fame as an “Australian” classical composer became the subject of scrutiny in his autumn years. Yet, the more questions about Sculthorpe’s use of *Djilile* that are asked, the better we can argue that this debate demands a multi-faceted approach and fortified reasoning. Determining the way Sculthorpe reinforced harmful cultural exchange can teach us how then we can learn to conduct more inclusive creative projects with Indigenous communities in the future.

Engaging in a nuanced discussion about ethics in Sculthorpe’s use of *Djilile* demands understanding cultural and historical contexts and how cultural interactions are symptomatic of underlying sociopolitical issues. A traditional classical community standard of ethics understands musical appropriation from a viewpoint that emphasizes musical authenticity. However, asking if or how the original musical material was altered may not be a productive argument in all discussions. Instead, understanding Indigenous

perspectives of of respectful cultural exchange is how this project will contribute to understanding how Sculthorpe conducted his interactions with the Arnhem Land melodies.

Defining Appropriation in Music

Finding a clear, standard definition of cultural appropriation in twentieth century musicological scholarship can be challenging. Yet, twenty-first century musicologists Steven Knopoff and Bruno Deschênes provided definitions that help to contextualize it in musicology. Steven Knopoff described in his article “Cross-Cultural Appropriation: A Musicologist’s Perspective” in *Sounds Australian*:

some critics and listeners have conflated issues of *appropriation* (in this case, taking a melody from one context for use in another) with what are actually issues of *representation* (positing an Aboriginal origin to a melody in a non-Aboriginal composition). (Knopoff 2006: 26-7) (Harris 2014, 92)

Similarly, Dr. Bruno Deschênes defines appropriation in his article “World Music: Appropriation or Transappropriation?”:

Appropriation is generally defined as the act of attributing something to one-self. It is about acquiring or taking possession of something for one’s exclusive use or aims. From a cultural or artistic viewpoint, it is about adapting something for a particular use, aim, or objective, or making a particular knowledge one’s own. This definition implies that it takes place without necessarily asking and/or getting consent from those being appropriated. (Deschênes 2021, 5)

The usage of appropriation in this thesis is understood as a combination of these definitions. Using Knopoff’s definition, I have been examining Sculthorpe’s use of the Indigenous chant melody, *Djilile*, by using Janke’s *True Tracks* model to show how the rhetoric of appropriation can afford to be specified beyond right and wrong. Sculthorpe has been scrutinized because “appropriation” is a stigmatized term implying that original material is being stolen solely for one’s own benefit. The working definition of cultural

appropriation in this project addresses issues beyond extracting *Djilile* from its original context. This project complicates meaning of cultural appropriation in music by demonstrating how reciprocity, building ethical relationships, and benefit sharing from Indigenous viewpoints of cultural exchange are included in assessing potentially harmful interactions with Indigenous culture.

Indigenous Australian Music Culture

A part of *Djilile*'s history is often mentioned in the literature about Sculthorpe's use of it in his work, such as in Paget's summarization of where Sculthorpe extracted Indigenous melodies. Traditional ethnomusicological research of Indigenous Australian cultures stems from twentieth century anthropological expeditions. Adolphus Peter (A.P.) Elkin and Charles P. (C.P.) Mountford were two of Australia's iconic twentieth century anthropologists to collect musicological field notes and audio recordings of Indigenous Australian music and dance performances from the 1930s to 1950s. *Djilile* came from Elkin's expedition to Arnhem Land in the northeast corner of the Northern Territory. Elkin conducted this project from 1949-1952 and published his analysis of his recordings in two volumes of *Oceania* – Australia's primary social and cultural anthropological research journal since 1930.

Searching for *Djilile* in "Arnhem Land Music" and "Arnhem Land Music (Continued)," it is somewhat easily found in the second volume if you read Paget's article beforehand. Luckily, in one of Paget's footnotes, he indicates that "Djilile was taken from Jones and Elkin (1956, recordings 24A and 12A)" (Paget 2013, 90), so if Paget's reference point is paired with Elkin's indexing, *Djilile* is traceable to Elkin's analysis

under “All night Singing at the Camp – Record 11B (end), 12A” and “Maraian Recordings, 1952 – Records 24 A and B (cuts I and II)” (Elkin 1955, 331–35).

Elkin’s notes about the songs on this recording are part of *Djilile*’s contextual analysis; *Djilile* is translated as “whistling duck” or “duck” in a Dua chant song from the Maraian ceremony, and in the 24A recording of the Mainoru from 1952 as a Dua chant about the “whistling duck” bathing in the billabong. In Elkin’s notes from his first publication “Sacred songs may be sung in camp, usually on special occasions, for example, the ‘outside’ part of secret ceremonies, as in the Maraian camp singing...” (Elkin 1953, 86). Defining what *Maraian* means outside of Elkin’s field notes is difficult, so we academics are forced to rely on Elkin’s work for cultural context if close relationships with Arnhem Land tribes are not yet established.

Ethnomusicological analysis of Indigenous traditions typically focuses on analyzing instrumentation, vocal technique, rhythmic patterns, musical texture defined by hierarchies of sound (such as distinguishing a melody from harmony), and hybridization with non-traditional musical styles. Elkin analyzed the Arnhem Land recordings based on the following:

- musical setting (secular, sacred, and secret music)
- song text (the subject matter of the lyrics)
- the process of music-making from a structural viewpoint – where a “Songman” might lead a ritual his musical relationship with other people in a ceremony
- instruments used

- song form
- instrumentation and their roles (clapsticks/bilma maintaining rhythmic patterns and tempo, for example)
- gender roles

These analyses were likely intended to provide cultural outsiders a glimpse into music's function and meaning in Indigenous daily and ceremonial practices.

My own criticisms of Elkin's analyses concern the anglicization of Indigenous culture by trying to make sense of Indigenous structures through a Western academic lens. For example, linguistic and cultural barriers between the Dua and Yiritja peoples and Elkin's expedition crew might have led to inaccuracies of Indigenous music culture. The underlying issue is that academics in music and anthropology might have previously relied on potentially misrepresented information in Elkin's work. Misrepresentation of ceremonial music practices and belief systems perpetuates generalizations and stereotypes of Indigenous Australian music. Indigenous cultural diversity deserves accurate representation.

Through a simple internet search, entering "Australian Indigenous tribal map" and clicking on Search, you will find images that show a rainbowed picture of the Australian continent. The rainbow represents a spectrum of approximated Indigenous territories across Australia that imply a rich Indigenous cultural diversity. Numerous factors such as language and music traditions help to diversify each Indigenous region further. The entire Australian continent, including Torres Strait Islands and Tasmania, is made up of hundreds of tribes. These tribal groups have their own distinct languages and dialects,

they have their own religious beliefs systems, they have their own knowledges and cultures, and they have their own expressions of music, art, and dance.

Licensing and permission to use such maps through the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) is required for distribution of such information, even in academic projects. Requesting permission from AIATSIS to use their Indigenous tribal map is an official and empowering process for AIATSIS to decide if they want their materials connected to outside work. It restores Indigenous agency and allows for Indigenous Australian people to decide how their cultures are represented.

Next, the Garland Encyclopedia for World Music (2000) was the introductory academic source for researching music cultures around the world. It contains an omnibus of research from ethnomusicologists who specialize in Australia's traditional and popular music practices. It provides a clear inspection of instruments, religious and secular functions of music, dances, arts, and histories of Indigenous Australian music traditions. Ultimately, it is a small window into how Western academics understand Indigenous Australian music as a fusion of religion, spirituality, and cultural identity. Figure 2 shows a map developed by Alice Moyle from her ethnomusicological fieldwork, focused on geographical location and music cultural diversity in the 1960s and 1970s.

It is important to note that Garland is an invaluable source to verify that the traditional Indigenous Australian instruments most often recognized by outsiders are clapsticks (bilma), the dijeridu (yidaki), voice, and bullroarer (this is a sacred instrument that is seldom recognized by sound compared to the name). These instruments are not

used within all Indigenous Australian music culture. For example, the didjeridu is a traditional instrument for a fraction of Australia's Indigenous cultures despite its global recognition as an Australian instrument.

This thesis does not operate as an outsider's attempt to specialize in Indigenous Australian traditional music like the work one finds in Garland. Instead, I am considering how ethnomusicology and classical composers have participated in cultural extraction. It is important to remember from Atkinson's framework that Indigenous Australian connection to the Dreaming is driven by musical and dance practices as a means to identify with landscape, spirituality, and cognition of self within the concept of the past, present, and future. Music practices should be treated as inseparable from Indigenous cultural identity. Indigenous Australian traditional music is often described to function in many forms as an expression of cultural identity, spirituality, gender structures, healing, ceremony, initiation, matrimony, and many functions that are not publicly broadcasted.

Since Sculthorpe did not directly employ Indigenous Australian instrumentation in *Kakadu*, but he did use recognizable Indigenous musical devices – such as the traditional repetitive rhythmic patterns of clapsticks and drawn out low-frequency tones that replicate the drones of the didjeridu. These will be pointed out in the following analyses of *Kakadu* as a part of understanding why insertion of *Djilile*, on its own, is not the defining aspect of Sculthorpe's cultural borrowing to express Australian musical identity via Australian Indigenous music.



Figure 2: Alice Moyle's map of Indigenous Australian instruments, from *Deadly Sounds, Deadly Places* (Dunbar-Hall and Gibson 2004, 18)

Virtual Ethnography

Fieldwork in Australia was not available during this project due to recent global events, so I have drawn on the paradigms of Dr. Christina Hine's virtual ethnography which values online communication to express cultural values in virtual communities. This approach affected everything in my methodology and allowed for virtual research to direct what kind of questions can afford to be asked about respectful cultural exchange

with Indigenous Australian communities.⁹ The presence of Indigenous voices in academia about Sculthorpe's career have been lacking, so a virtual ethnography proved to be an invaluable platform for pursuing Indigenous perspectives regarding Sculthorpe's music. This search revealed that there is much less online literature (in the form of social media posts and community forums) concerning cultural appropriation in Sculthorpe's music.

However, virtual searches outside of academic libraries showed that Australian musicologists have been talking about cultural borrowing in the local music industry since at least the 1980s. The musicological journal *Sounds Australian* (no longer in print) has articles about cultural appropriation and about Indigenous music; for example, Paget refers to Steven Knopoff's "Cross-Cultural Appropriation: A Musicologist's Perspective" (2006) and Gregg Howard's "Appropriation: An Ethnomusicological Perspective" (1991). This journal was a popular publication in the late twentieth century for its articles about Indigenous and classical music interactions. *Sounds Australia* has been discontinued since 2006, so there is a trove of scholarship that remains difficult to access. Unfortunately, the scope of this project is operating without these frameworks and would benefit from understanding more of Australian musicological discourse from the twentieth century. Fortunately, this makes literature and public sentiment about Sculthorpe's interactions with Indigenous culture easy to find. There is an abundance of testimonial evidence of how well-regarded he was in Australia's classical community.

⁹ In *Virtual Ethnography* (2000), Hine states: "A discursive and practice-oriented approach to online community offers up the possibility of seeing online phenomena as functional in a social sense... Through identification of insiders and outsiders and through the assertion of community values, episodes of conflict can be seen as strengthening community rather than posing a threat..." (Hine 2003, 18–19).

Engaging with Indigenous Australian cultural meaning and music inevitably leads to understanding Indigenous belief systems. YouTube was a valuable avenue for investigating Indigenous Australian culture to understand the following concepts: the function of Indigenous Australian music in daily life and ritual, how and why it is performed, and how it has been shared with outsiders via the Australian recorded music industry. The results from searching “Indigenous Australian traditional music” (or “Aboriginal,” which the previous search would direct results to) are posted videos that demonstrate traditional music and dance that have been performed for tourism, there are audio tracks of traditional music for meditation, there are video recordings of classical performances with Indigenous music incorporated into them by both Indigenous and non-Indigenous composers.

YouTube provided the most prolific results for observing Indigenous music and dance. This is also an avenue for learning about Indigenous culture, such as stories from the Dreaming. One specific video from 2012 was posted as a draft for the Australian Museum’s Dreamtime stories, and it showed that Indigenous descriptions of the Dreaming/Dreamtime¹⁰ is significantly more profound (and individualized) than any attempts to define it in academic work. Since the majority scholars do not identify as

¹⁰ The Dreaming, or Dreamtime, is an anglicized term for attempting to define Indigenous Australian religious belief systems. The Dreaming is usually described as a profound connection to land and sea and sky, to ancestors, to creation stories as cultural memory, and to consciousness of present, future, and past. How it is understood in Indigenous cultures is a matter of experience and agency. Expression of the Dreamtime in music, visual art, language, and knowledge of landscape is a key signifier of Australian Indigeneity.

members of Indigenous Australian communities, superficial descriptions of belief systems are inevitable.

As a result, TedTalk presentations became a valuable platform for observing how Indigenous Australian people share their cultural knowledge and experiences. Indigenous Australian presenters offered up cultural perspectives via anecdotes, research projects, and artistic performances. The comments from their videos posted to YouTube were also a source of societal data since, from Hines' framework, testimonies shared in comments are a valid data mine for gauging cultural experiences.

Audience reception of Sculthorpe's music – internationally and locally – was another approach to searching for debates about appropriation in Sculthorpe's music. Searching for an online fan club and scrolling through YouTube comments became a supplementary data; social media pages are currently devoid of any Peter Sculthorpe fandom pages and very little is available via a search engine entry. A post thread on the Good Music Guide Classical Music Forum (GMG) (Mirror Image 2010) was created to lead discussions about listening and responding to Peter Sculthorpe's music.

The responsorial posts show a devoted following of twenty-four thread members, praising Sculthorpe's compositional style and musical portrayal of Australian landscapes. One thread member expressed a contempt towards Sculthorpe's musical style, but it was not a politically motivated conversation like I was expecting to find. In order to search the forum for Sculthorpe in any controversial conversation, I searched the forum with terms like "Aboriginal" and "appropriation." Only one post in Sculthorpe's thread yielded a result, and it was a thread member's mention of Sculthorpe's use of Indigenous music

in *Port Essington* to juxtapose the British colonial character. No mention of *Djilile*, or *Kakadu*, or Elkin's field recordings were addressed in this post. This led me to conclude that a classical music forum is, perhaps, not a typical space for discourse about cultural appropriation.

So, I took to searching YouTube to sift through a virtual Australian classical music audience's comments. I sampled two videos for comments: "Peter Sculthorpe – Kakadu" (Durrdis 2012) and "Kakadu (1988) – P. Sculthorpe (1929-2014)." The first video contains a photograph background of a burning red sunset (or sunrise) with the New Zealand Symphony's recording (New Zealand Symphony et al. 2007), and the other video is a recording of a live performance featuring William Barton – professional didgeridu player of Kalkadunga descent from northwest Queensland – and the Sydney Conservatory of Music symphony orchestra. I chose to compare comments between these videos since they feature Sculthorpe's music, but the latter video features an incorporation of didgeridu that was not originally written into *Kakadu*.¹¹ The comments for this video display, yet again, an overwhelming outpouring of support for Sculthorpe as a talented composer.

In the comments of the second video, with William Barton, one commentor suggests that despite the pleasing aesthetics of the piece, it could be interpreted to be culturally appropriative (displaying both admiration and posing a critical perspective).

¹¹ Barton had collaborated with Sculthorpe in the 1990s and released his own albums of Sculthorpe's music. Barton has since become a classical composer, composing and arranging pieces for didgeridu and orchestra, performing in Western music spaces, and he is listed in the Australian Music Centre's classical composer list.

This comment was received with immense backlash, displaying the public understanding of appropriation to imply theft for the sake of re-attributing material for one's own gain. This kind of support for Sculthorpe's reputation could indicate that his adoring listeners receive accusations of cultural appropriation with anxiety. A mass discomfort could reflect guilt for enjoying Sculthorpe's music without pause. Such backlash from Sculthorpe's devoted listeners could be interpreted as managing their discomfort by stifling the commentators who express controversial views of Sculthorpe's work.

While searching for Sculthorpe in the Australian Music Centre and the National Library of Australia for music scores, audio recordings of personal interviews with Sculthorpe surfaced in the results. Three of the recordings are interview recordings – one from 1967 with Hazel de Berg, one from 1989 with Belinda Webster, and one with Robyn Holmes in 2000. Since Sculthorpe had discovered *Djilile* and used it in *Essington* (a TV film) and in his own orchestral work *Port Essington* (1979) – after the 1967 interview – the Holmes interview seemed to be a more relevant year. Unfortunately, upon reading the End User License agreements for accessing these recordings, EULA prohibits sharing direct information (in other words, directly quoting) from these interviews without Sculthorpe's or the archive's consent so that the information in them is protected. Violating these terms could be an infringement of copyright protection, so my descriptions of their contents will be vague. Sculthorpe's interview with Holmes verifies that by the year 2000, talking about ethics of cultural exchange was not a new idea among audiences, critics, and Australian classical composers. From Sculthorpe's

testimony, we know that he liked the *Djilile* melody immensely and was genuinely inspired by Indigenous music traditions of connecting with landscape and spirituality.

An online EULA agreement encountered in the National Library of Australia archive is required in order to access the interview recordings with Sculthorpe. This is worth addressing in this methodology, because even though it renders my findings in them virtually useless, it is an example of how Sculthorpe's testimony is more protected than the Indigenous melodies he extracted. The EULA prohibits the sharing of information that may compromise the integrity of the Australian national image, and I decided to err on the side of caution. Making an enemy of the Australian government is not on my agenda, so I defer to my own evaluation of his remarks. Sculthorpe confirmed his deep admiration for Indigenous belief structures and his instant inspiration upon hearing *Djilile* for the first time.

As an advocate for reconciliation, Sculthorpe was still a product of the settler culture he was raised in. He was not current with today's ideologies of how appropriation should be discussed, which influenced the ways that Sculthorpe extracted *Djilile* and how he conducted relationships with the Indigenous communities. We know from his autobiography that Sculthorpe was inspired by Bruce Chatwin's book *The Songlines*¹² (1987) as he wrote *Kakadu*, which helped him to shape musical ideas around connection

¹² Song lines are an Indigenous Australian concept of describing musico-spiritual connections and "pathways." Based on descriptions from Indigenous-led websites, song lines can encompass musical practices such as memorizing melodic contour to parallel a specific landscape and acting like a map, they can be connected to stories of creator beings, and they can act as a spiritual pathway for aiding in communicating with spirits/ancestors. Explanations of song lines are dynamic and depend upon regional knowledge.

with landscape. Sculthorpe had frequently emphasized that he had developed a close relationship with a couple clan Elders who were available for cultural consultation via his professional music and entertainment network.

British Colonialism and Terra Nullius

The realities of Australian colonialism rests on the fringes of American awareness; how many of us were taught about the British colonies and their violent encounters with the native Australian peoples? Atkinson's work using "Dadirri" reinforces a need for non-Australian settler colonial societies to learn about and understand the conditions of colonialism that contributed to generational traumas haunting Indigenous Australian communities today. Despite being geographically and culturally removed from Australia, understanding the settler colonial ideologies that have led to generational trauma explains why cultural appropriation is harmful. It was a systematically implemented "carte blanche" for colonizing Indigenous land while operating to interrupt Indigenous cultural transmission processes.

Captain James Cook was an eighteenth century British cartographer and British Royal Naval officer who underwent three exploratory voyages for Britain between 1768 and 1779. He led the expedition in that led to the discovery of the East Australian coast in 1770. Cook and his crew had discovered and landed in what is known today as Botany Bay. Meanwhile, the British American colonies had successfully achieved their independence from Britain by 1782 and were the newly established United States. The British industrial revolution witnessed the invention of machine-operated labor, which largely replaced the human laborers in textile factories, leading to a skyrocketing rate in

poverty and crime. British prisons were inundated with incarcerated men and women and the American colonies were no longer a viable option for the practice of punitively shipping prisoners to other countries.

Led by Arthur Phillip in 1787, the British First Fleet – eleven ships containing over a thousand convicted passengers and crew – made landfall in Australia. January 1788 saw the first British penal colony and the establishment of New South Wales in Port Jackson at Sydney Cove. The colonial legal ideology of the eighteenth century, *Terra Nullius* (meaning “nobody’s land”), meant that land occupied by Indigenous peoples was officially recognized by Europe as uninhabited and unclaimed. Unclaimed land by any European empire was considered a clean slate and free for the taking, making Australia vulnerable to British colonization. The *Terra Nullius* ideology drove the settler colonial agenda of pushing the Indigenous peoples out of the land, reinforcing the idea that their presence was an obstacle needing mediation. The effects of the “Nobody’s Land” viewpoint have reverberated through time as the European populations grew across the continent and the Indigenous people have been driven out both physically and culturally. These days, cultural erasure has reduced Indigenous contributors as unacknowledged informants of Australia’s land and history.

Jacinta Koolmatrie is an Indigenous woman of Adnyamathanha and Ngarrindjerii descent, and she is a museum curator in Adelaide (in South Australia). She presented a compelling TEDTalk about the importance of Aboriginal stories as non-myths. According to her experience as an Indigenous woman – and the knowledge of her Elders – Australia

had been inhabited by the native peoples for 50,000 years.¹³ In her presentation, Koolmatrie tells a story about a “megafauna” (giant animal) from one of her local allegory stories and ends up describing a creature that can be verified in the Western fossil record from the Pleistocene era.

Koolmatrie’s story illustrates that Indigenous oral traditions have been transmitting stories and knowledge of Pleistocene animals that Western paleontology has yet to discover in Australian fossil records. There is more than enough reason to believe that Indigenous Australian peoples have been witnessing and co-existing with ancient Australian creatures for thousands of years, and therefore reason to believe that the Indigenous Australians had been custodians of Australia’s land until the British colonies arrived. Australia’s native peoples have endured genocides, stolen children, miscegenation, and racialized power dynamics as a result of settler colonial agendas to eliminate Indigenous dominion over Australia. Structural racism has been a disturbing underpinning issue between Indigenous and non-Indigenous Australians just as it is in many modern societies across the world. Australia is one of the few colonial societies, if it is not the only one, to still not have formed any agreements and protections with their Indigenous populations, leaving them vulnerable to inequitable power dynamics.

¹³ Recent researchers from a University of Queensland archaeological excavation in Kakadu National Park found an ancient inhabitant site that dates Indigenous occupation at least as old as 65,000 years (Wright 2017), and one in a 2020 project in Kimberley (Northern Territory) investigated the age of some of the rock art paintings. They used mud wasp fossils that were embedded in the rock surface; so far the oldest painting is of a kangaroo that is at least 12,300 to 17,000 years old (Smith and Parke 2021).

Twentieth Century Australian Classical Music

Defining Australian nationalism in music of the twentieth century is challenging, because Australia is a diverse society comprised of a unique mixture of Indigenous Australian, colonial, and foreign musical cultures. This unique mixture of sounds that has put Australia on the mainstream music industry map. Despite their popularity on home soil, modern Australian classical composers have yet to emerge as a part of the Western concert canon in the United States. Sculthorpe's exposure to international audiences in the 1980s thrust his career across the globe while boosting Australia's reputation as a classical music entity.

In consideration of Australia's colonial music influence, we must address the European (English) folk and art music styles brought to Australia. After 235 years of being colonized, Australia has formed its own settler colonial folk musics through hybridization between Indigenous music and the folk and traditional styles found in modern Britain:

The relatively recent recognition of national Aboriginal creative expression belies a longer history of engagement between Aboriginal people and various non-Indigenous influences... Musical styles such as minstrelsy, vaudeville, and bush balladry grew out of their North American and European roots and were distributed and replicated in a variety of other places... (Dunbar-Hall and Gibson 2004, 36).

However, Australian classical composers have mainly followed the traditional the Eurocentric model of composition.¹⁴ Next, Sculthorpe considered himself to be a composer to

¹⁴ This is evidenced by the presence of the European tonal scales, tuning systems, written transmission via music notation in a score, Western classical instrumentation, and physical band, orchestral, and choral seating in classical performances.

branch out from the European education model as he gravitated strongly to Southeast Asian music influences such as those he heard from Bali, India, Indonesia, and Japan. Fascination with music cultures outside of Australia has been common among Australian composers since the 1970s. Ross Edwards's *Dawn Mantras* (1999) is an example of an Australian classical piece that samples music styles from India, Indonesia, and Indigenous Australia. Third, and the most controversial, is the fascination with Australian Indigenous music. One of the first, and perhaps most well-known, classical works to contain notated renditions of Indigenous Australian music was John Anthill's *Corroborree* (1944),¹⁵ and it was considered the posterchild work of Australia's musical maturity and worthy of international recognition.

Australian classical composers and ethnomusicologists have both been translating Indigenous music into Western notation since the late nineteenth century when wax cylinders were the first sound recording medium. Australian ethnomusicological research resembles that which is found in Europe and the United States, with an omnibus of research missing a substantial body of work addressing the use of Indigenous Australian music culture in classical compositions.¹⁶ The popular demand for using Indigenous music in Western composition has been compared to the literary Jindyworobak

¹⁵ An orchestral work for a *corroborree* ballet – a concert piece including dance performers – that placed Australia on the twentieth century classical music map. “Corroborree” is an anglicized, and now widely recognized term, for an Indigenous ceremony for mass gatherings. Music and dance function in these gatherings are known to have spanned from sacred ritual to casual entertainment (Campbell 2022).

¹⁶ *Oceania*, *Sounds Australian*, and *Musicology Australia* are the three most prolific musicological journals. *Sounds Australian* is no longer accessible virtually and the catalogue is difficult to navigate through the inter-library network.

movement where Indigenous culture and stories have been used by non-Indigenous (often white) poets, writers, and artists to make their work appear more interesting and “Australian.”

IV. *Djilile* in *Kakadu* (1988)

Peter Sculthorpe wrote *Kakadu* in 1988 as a commission from an American professor of anesthesiology, Manny Papper, for his wife's 60th birthday. Sculthorpe was requested to write an orchestral work to be premiered at the Aspen Music Festival, where Papper was a trustee, and Sculthorpe would be flown to Colorado to attend the premiere. In his autobiography, Sculthorpe mentions his hesitation to agree to the commission because he was bogged down with pre-existing projects. Papper managed to entice Sculthorpe to commit to it. Sculthorpe chose Kakadu National Park in the Northern Territory as his source of inspiration.

Where did Djilile come from?

Asking where the *Djilile* melody came from is an important question as it reveals some of the ongoing harmful effects from twentieth century Australian anthropological and ethnomusicological practices. The collection of Indigenous cultural materials for the sake of preservation within Western academic institutions risks erasure and white washing of those materials. They become vulnerable to a cultural repossession when contextual information is not provided in research or accurately represented via commodification. Reification of Indigenous music through audio recordings and notated transcriptions transforms the materials' medium and leading to a transfer of their ownership to non-Indigenous academics and artists.

In reality, Indigenous cultural materials that have been taken and used for institutionally led research were taken from Indigenous peoples' memories and bodies and stored in institutional and government archives. Janke's *True Tracks* will help to decipher the specific details of how the *Djilile* melody came to be in Sculthorpe's possession. The ways in which Indigenous musical material is acquired by non-Indigenous musicians is critical for understanding the ethics of interacting with Indigenous cultural materials.

In its original context, *Djilile* was a Maraian chant from a Dua ceremony in 1949. *Djilile* is on the 11th and 12th tapes from a compilation of A.P Elkin's field recordings.¹⁷ These recordings were later translated into academic descriptions and musical notation in 1965 by Australian ethnomusicologist Trevor Jones (1932-2012). Since Indigenous Australian music is an oral tradition and may not understand music in a scripted form. Sculthorpe had translated *Djilile* into western notation across six measures which inevitably changes how it is understood – sonically and contextually – by both Indigenous and non-Indigenous musicians. Figure 3 illustrates the ways that *Djilile* has been formalized into a mixed meter made up of alternations of compound duple and quadruple time signatures. The basic rhythmic subdivisions are conceived in groups of threes within each beat.

¹⁷ A.P. Elkin (1891-1979) was an Australian anthropologist whose work comprised of studying Indigenous Australian culture in Kimberley and Arnhem Land. Elkin became Australia's iconic representative anthropologist of the early twentieth century. His field recordings from 1949 – 1952 are housed at the University of Sydney and available for hearings in person, and they are regulated by AIATSIS for further distribution.



Figure 3: *Djilile* from Sculthorpe's *Sun Music: Journeys and Reflections from a Composer's Life* (Sculthorpe 1999c, 207)

How Does Sculthorpe Use Djilile?

Historically, the debate about cultural appropriation in classical music has pivoted on the creative license that Sculthorpe takes in transforming the source material into something of his own invention. In this case study, *Djilile's* transformation refers to its reification into modern musical notation and minimal rhythmic and modal (relationships between pitches) modifications. Transforming *Djilile* into a Western colonial notation system – codifying it into a new notated language – acts as an interpretive translation of what is being heard in lieu of the direct material itself. Sculthorpe makes it a point in his writings to mention that he did not think he was altering the original melody through its transcription or musical modifications. Since Sculthorpe was not an initiate of Dua culture, he was not likely aware of Indigenous musical knowledge to determine what parts of *Djilile* were important for its identity. The construction of Western music prioritizes pitch and rhythm over timbre (sound character), so Sculthorpe's idea of a faithful rendition of *Djilile* is only faithful to Western music standards if Indigenous musicians recognize the melody differently.

Consulting the scores of *Port Essington* and *Kakadu*, Sculthorpe makes rhythmic and modal alterations to *Djilile* that demonstrate its musical flexibility. For example, in Figure 4 below is a sample of the beginning passage from *Kakadu*. Comparing the melodic contour (the visual and aural topographical shape) in the Violin 1 part to Sculthorpe's notated melody above, a part of *Djilile* is the opening melodic theme in this piece. If you notice that it appears different from the version that Sculthorpe printed in his book, that is because *Kakadu* begins on the C note fragment from the second beat (omitting the first ascending tones, A-B-C) of the original transcription. The C tone is emphasized with rhythmic augmentation over one-and-a-half measures, with D-flat and B-flat reinforcing an F minor tonal center; if we abide by Sculthorpe's assertions that he did not modify *Djilile*, we can see that he left most of the *Djilile* contour intact, but the modification of tonal relationships around it affects its character.

Rhythmic repetitions in the percussion and strings and elongations of specific notes allow for the melody to fit in a new time signature of 6/4. The original meter is a combination of 12/8 and 6/8 signatures which allows for the beat emphasis to change in the fourth and sixth measures. This might be how Sculthorpe heard it grouped in the Elkin recordings. Sculthorpe maintains the original *Djilile* duration of six measures but does not mix the time signatures in the *Kakadu* opening. A consistent time signature communicates the ardent (enthusiastic) character he indicates in the score through stability of meter while relying on rhythmic syncopations and sixteenth-note subdivisions within the original melodic framing change the emphasis found in the original *Djilile*.

Sixteenth notes are also notated as a slash on eighth note stems with two dots under/above the notes' heads. The constant eight-note rhythms in the bongo part (notated in the Percussion 1 line of the score) provides a rhythmic drive while paying homage to patterns that can often be heard played in Indigenous traditional settings such as on clapsticks.

Figure 4: Opening passage from *Kakadu* (Sculthorpe 1992, 1)

The beginning of this piece sounds urgent and declamatory with the fast rhythms in the percussion, the forte (loud) dynamic marking, and the homophonic texture in the strings. The *marcato* commands a marked (single dot) execution of notes to distinguish rhythmic and pitch changes clearly. This is a markedly different sonic portrayal of the original *Djilile* melody found in *Port Essington*, despite it being the same notes. In *Port Essington*, *Djilile* is notated just like the example in Figure 3, where the smooth and calm melodic character is notated by the slurs (thin black arches) above the staff. It is important to acknowledge that Sculthorpe does incorporate the “true” *Djilile* melody –

the original one he transcribed – into its own section in conjunction with the other Indigenous “Elcho Island Lament” melody. This halfway point of *Kakadu* reinforces Sculthorpe’s claims of minimal modification to *Djilile* and reflects more of its languid character from *Port Essington*. In *Kakadu*, the combination of the pulse in the bongo part and the *Djilile* melody in the strings appears (and sounds) to be an intentional replication of Indigenous sound structures on Western instruments. Sculthorpe, with his love and admiration for Indigenous spiritual connections to land, expressed his impressions of Indigenous music characteristics in order to paint a musical picture of Kakadu National Park.

Did Sculthorpe Seek Consent from Arnhem Land Elders to Use Djilile?

In previous discussions of cultural appropriation, consent has been a defining characteristic, given appropriation is understood as a method of theft. However, assessing consent has not been a straightforward conversation. Consent to use *Djilile* outside of its original context has not yet been expressed in Elkin’s or Sculthorpe’s works. Sculthorpe mentions his awareness of the criticisms for using Aboriginal sounds and melodies: “I once sought advice upon these matters from the Aboriginal elder, Burnam Burnam. He told me, simply, to continue my work, adding, ‘We know you do it from the heart’” (Sculthorpe 1999a, 213).

The late Burnum Burnum (1936-1997) was a famous Woiworrong and Yorta Yorta man from New South Wales who was known for his work as a political activist and a sportsman – playing rugby in Sydney. While Elder Burnum Burnum granting Sculthorpe his blessing *is* important to remember when thinking about building relationships with

Indigenous communities, Sculthorpe's account of this exchange in his autobiography implies that it was sufficient to request consent from his Indigenous friend to use any Indigenous music in his compositions. Elder Burnum Burnum cannot speak for all Indigenous peoples of Australia, as gracious as his bestowal of blessings was. Archival evidence suggests that despite his relationships with Elders like Burnum Burnum, Sculthorpe's efforts to form close relationships with Dua tribe Elders in Arnhem Land (on the other side of the continent) is unclear. Dr. Janke's model will explain why this distinction is important for fostering respectful cultural exchange.

V. *Djilile's* "True Tracks"

Australian law, despite removing *Terra Nullius* as a legal framework in the 1990s, still does not operate to guarantee protection of Indigenous knowledge and culture from wrongful use. While there are copyright laws in Australia that protect Indigenous cultural material, as previously addressed, they depend upon identifiable authorship and tangibility. Dr. Janke's *True Tracks* model does not act as a replacement for the lack of copyright protections. Rather, it acts as preventative guide for future cases of cultural transgression for both Indigenous and non-Indigenous content creators. Comparing the known details of Sculthorpe's use of *Djilile* in *Kakadu* against Dr. Janke's *True Tracks* model illuminates the "gaps" in respectful conduct where improvements are needed for how classical composers approach Indigenous Australian music. Some of Dr. Janke's protocols are used to highlight where more answers are needed, so using this model to make value judgments for or against Sculthorpe is not useful.

Dr. Janke's protocols are used to look at the process by which *Djilile* was extracted from Arnhem Land and made available by academics and composers like Peter Sculthorpe for creative use. As mentioned earlier, Dr. Janke asserts that these protocols are not to be used separately from one another. If they read as repetitive, these protocols are to be understood as ten different angles for reinforcing and connecting ideas of respectful conduct. The processes of discussing *Djilile's* "True Tracks" are as follows:

1. *Respect:*

Indigenous peoples have the right to protect, maintain, own, control, and benefit from their cultural heritage. (Janke 2021a, 15)

Respect, in this case, must be discussed as an intersection of several ideas. Since Sculthorpe sourced *Djilile* from A.P. Elkin's recordings, this becomes a deeper discussion of agency for the recorded Arnhem Land peoples. Once those recordings were commodified in an academic archive under Elkin's name, *Djilile* became a formal copyrighted possession under Elkin's name. The Elkin recordings that contain the *Djilile* chant melody were documented by Elkin to have come from Maraian "camp singing" settings. Elkin classifies the 12A recording (where *Djilile* is found) as sacred ceremonial music and the vocal part is named as a chant that must be sung in a specific order as to act as a sequence for channeling the Dreamtime (Elkin 1953, 89). *Djilile*'s materialization into an audio recording and notated melody calls into question the level of respect conducted to obtain it – i.e. what Dr. Janke refers to as Indigenous rights to control, protection, maintenance, sharing benefits, and ownership of their cultural properties.

First, the Arnhem Land people from the 12A and 24A recordings (the specific performers from the Yirritja and Dua tribes) should have been able to have a say over whether *Djilile* could be extracted through the use of audio recordings by Elkin and his research team. The Elders and performers should have been able to have say over where Elkin's recordings were to be stored and made available to outsiders. They also should have been able to consent to *Djilile*'s "translation" into Western music notation and whether it should be able to be written into classical compositions (or popular music

forms) by non-Indigenous composers. This would include control over how *Djilile* is presented in music literature such as program notes, album notes, academic reports, etc.

Djilile has been subject to theft, left unprotected, and its ownership legally transferred to people like Elkin, Trevor Jones (an academic and transcriber), and Sculthorpe since they have made *Djilile* tangible and accessible to outside ears. Therefore, in material form, *Djilile* is legally protected on paper and via audio recordings under non-Indigenous names, and any record of custodianship by its original Dua communities is either missing or non-existent. The consent to disseminate this sacred melody was lost as soon as it was archived and officially recognized as Elkin's property in his field recordings.

2. *Self-determination:*

Indigenous peoples have the right to self-determination and should be empowered in decision-making processes within projects that affect their cultural heritage. (Janke 2021a, 15)

This principle directly relates to the previous one which asserts Indigenous peoples' rights to control over knowledge and culture. A.P. Elkin added a footnote of acknowledgement in his first *Oceania* research:

Finally, my most important collaborators were the Aborigines. They bore with us all and helped us when asked, though sometimes they would have preferred to do nothing. They raised no objection to the recording indeed, they showed great interest in this, and always asked for a portion to be played back. (Elkin 1953, 84)

The peoples in this study were reported to exercise choice over their performance for the Elkin expedition crew. The presence of novel recording technology and being able to hear themselves played back was probably, indeed, a fascination if it was not a part of their

daily life practices. But how was Elkin able to determine interest in research participation exactly? Was this evaluated through verbal communication? Was it determined by physical communication such as body language or facial expressions?

Putting into question the conditions under which these Indigenous communities were able to make a choice to share their music and culture is unclear since this consent is only expressed in academic research. Elkin's writing does not prioritize Indigenous agency in his methodology, so this is a deeper layer of the twentieth century Australian anthropology mechanisms that have allowed for potentially harmful interactions with *Djilile*. Unfortunately, by mastering the recordings onto publicly accessible cassette tapes and CDs, the Arnhem Land peoples' agency to express their desires (or lack thereof) to distribute and share their culture with outsiders had been taken away.

3. *Consent and Consultation:*

Free, prior and informed consent for the use of ICIP should be sought from Indigenous people. This involves ongoing consultation and informing custodians about the implications of consent. (Janke 2021a, 15)

Given the various avenues and formats through which *Djilile* changed: was consent granted to Elkins, Jones, and Sculthorpe to take this music and make it available for non-Indigenous consumption? *Djilile* is a Maraian ceremonial chant, performed by a Dua Songman, which is indicated by Elkin to be a sacred ritual setting. Traditional European-based copyright laws typically require a known author for a work to be protected, and Australia follows this model with some of its own modifications:

Australian copyright law protects musical works for 70 years after the death of the creator. A separate copyright exists in the music, the words or lyrics, the sound recording, and the performance of the song... The Western intellectual property

system doesn't acknowledge communal ownership of cultural expressions... For bootleg recordings (unauthorized recordings of live performances or concerts), the performer will own half of the copyright with the maker of the recording. (Janke 2021b, 119)

The performer(s) of *Djilile* are vaguely acknowledged in Elkin's field notes. Until someone from Arnem Land – such as a descendant of the performers on the Elkin recordings – demands legal action for outsiders capitalizing on *Djilile*, is copyright solely reserved to Elkin?

Since *Djilile*'s origins are clouded by non-specific research, who would Sculthorpe need to ask for permission to use *Djilile*? Janke states:

There are many organisations, businesses, advertising agencies and filmmakers who want to use Indigenous music and sound recordings in their work, whether that be a short film, advertisement or educational video or their website. This requires obtaining a license and paying the necessary fees to the artist to use their music or sound recording. The license may be required from the composer, lyricist, maker of the sound recording and performers with a copyright interest. Not clearing these rights may result in a copyright infringement (Janke 2021b, 119–20).

Legal requirements in this case remain elusive, and they complicate the debate of appropriation; copyright and licensing for use rely on defining identifiable ownership and if permissions were granted in *Djilile*'s extraction and transformation processes.

I ask the following questions for further research: did *Djilile* require a license for use when it was recorded? Did Sculthorpe and Jones each need one to transcribe *Djilile* into notation? Did Sculthorpe pay for a license to use the melody? Did Sculthorpe seek one out for the other pre-existing melodies he used in his music in general?

Since historic instances of anthropological and music academic interactions with Indigenous music have often neglected to mention or seek out these kinds of permissions

because *Terra Nullius* undertones in Australian culture were still prevalent. I am skeptical to consider if official avenues for seeking out licensing and permission to use *Djilile* were carried out.

4. *Interpretation:*

Indigenous peoples have the right to be the primary interpreters of their cultural heritage. (Ibid., 15)

Janke provides a breakdown of the ethical undercurrents for each of these principles, and she explains the issues of interpretation as a product of colonialism:

In Australia, almost 200+ years of settler colonialism has led to the interpretation of cultural practices, artefacts and knowledge of by non-Indigenous people such as anthropologists, historians, writers and the media. These interpretations... were often created without any input from the Indigenous people whose cultures they concerned, and they then made their way into institutions such as libraries, museums, galleries and archives. (Janke 2021a, 22)

Using Dr. Dylan Robinson's logic of modern inclusive practices, Sculthorpe enacted settler colonialism by taking *Djilile* from an ethnomusicological transcription and inserting it into Western musical notation, then into the symphonic orchestra setting, and then into the symphonic concert hall. How *Djilile* is interpreted beyond its "whistling duck" translation and A.P. Elkin's analyses is out of the Dua performers' scope of control. Their control over *Djilile* ended at their participation in anthropological research. Intentionally or not, positioning *Djilile* further outside of Elkin's anthropological research has made a sacred Indigenous melody a commercial exploit. Now, *Djilile* is vulnerable to further use since the copyrights are bestowed upon its material versions under Elkin's and Sculthorpe's names.

5. Integrity:

Maintaining the integrity of cultural heritage information and knowledge is important to Indigenous people. (Janke 2021a, 15)

Stemming from the previous principle of maintaining custodianship of cultural interpretation, Dr. Janke addresses integrity of cultural meaning since Indigenous culture is so closely tied to Australian land (Janke 2021a, 23). This connection is profound. It is a continuation of stories and pathways that “depicted knowledge and encoded information” (Ibid., 24) in the land that is supposed to be understood by people who were bestowed that knowledge; integrity should be a matter of “staying true, keeping culture strong.”

Djilile's history is not easily traceable unless you have access to Western academic archives and databases. The issue of maintaining *Djilile*'s cultural integrity is exacerbated by how much investigating must be done to verify its origins and cultural meaning. Not all Indigenous cultural knowledge is accessible to everyone within Indigenous communities; some Indigenous knowledge is kept and maintained by specific people in each community. Knowing what *Djilile* means beyond sound and lyrical content is not necessary to maintain cultural integrity from an outsider's viewpoints. Since *Djilile*'s sacred function is recorded in research, we can infer that maybe it was not originally supposed to be shared with cultural outsiders. It is not necessary to know the fine details of *Djilile*'s ceremonial meaning in order to maintain its cultural integrity, but since was originally performed in a sacred setting it is important to investigate where to go and who to ask permission for *Djilile*'s usage in Western music.

Sculthorpe frequently attributed his use of Indigenous music via forewords in his scores; these attributions could readily be used as concert program notes in classical concert settings. Figure 5 is the front matter from the *Djilile* solo work for Piano (1986); *Djilile* is mentioned specifically as meaning “whistling duck” and that it was collected by A.P. Elkin in Arnhem Land. However, the program notes provided in the *Kakadu* score in Figure 6 show that Sculthorpe does not mention *Djilile* by name or its cultural origins beyond Arnhem Land. He only refers to it as an Indigenous chant.

This is one of a number of landscape-inspired works which I have based upon the indigenous Australian chant 'djilile', meaning 'whistling duck on a billabong'. The chant, in its original form, was collected by Professor A.P. Elkin during a field trip to Arnhem Land in the late 1950's. While it is still sung today, I have found that aborigines in the area do not seem to recognize it in any kind of instrumental form. To them, it appears to exist only when it is sung, a quite wondrous concept.

Figure 5: Program note from “Djilile for Solo Piano” (Sculthorpe 1996)

PROGRAMME NOTE

Since the Beethoven Variations of the same name, it is well-known that *kakadu* is the German word for cockatoo. Certainly there are cockatoos in my music, as well as many other kinds of birds. The work, however, takes its name from the Kakadu National Park in northern Australia. This enormous wilderness area stretches from coastal tidal plains to rugged mountain plateaux, and in it may be found the living culture of its Aboriginal inhabitants, dating back for fifty thousand years. Sadly, today there are only a few remaining speakers of *kakadu*, or *gagadju*.

The work, then, is concerned with my feelings about this place, its landscape, its change of seasons, its dry season and its wet, its cycle of life and death. In three parts, the outer sections are dance-like and energetic, sharing similar musical ideas. The central section is somewhat introspective, and is dominated by a cor anglais solo representing the voice of Emanuel Papper, who commissioned the work. Apart from this solo, the melodic material in *Kakadu*, as in much of my recent music, was suggested by the contours and rhythms of Aboriginal chant.

P.S.

Figure 6: Sculthorpe’s program note from the *Kakadu* score (Sculthorpe 1992)

When Sculthorpe represents *Djilile* as an “Aboriginal chant” without disclosing Elkin’s descriptions of its performance, its deprived of cultural specificity, and therefore its identity a Dua sacred chant. Avoiding details of *Djilile*’s contextual information contributes to cultural homogenization of Australia’s Indigenous peoples. Then, uniqueness in Indigenous cultures becomes vulnerable to misrepresentation. On a worldwide scale, misrepresentation can lead to inaccurate music and cultural stereotypes, which can lead to dehumanization, increasing the risk of violence towards Indigenous communities.

6. *Secrecy and Privacy:*

Indigenous people have the right to keep their sacred and ritual knowledge in accordance with their customary laws. Privacy and confidentiality concerning aspects of Indigenous peoples’ personal and cultural affairs should be respected. (Janke 2021a, 16)

Elkin did not safeguard recordings of sacred music in his work since they were made available to non-Indigenous scholars and composers. If any of those recordings contained secret songs, then their privacy has been violated. Elkin only indicates that *Djilile* is a chant from a sacred setting, but it could be an important detail to investigate in future research. Distinguishing secrecy of songs in Elkins recordings could be useful in protecting their privacy from public access in the future.

7. *Attribution:*

It is respectful to acknowledge Indigenous people as custodians of Indigenous cultural knowledge by giving them attribution. (Janke 2021a, 16)

Based on the previous Figures 5 and 6, attributing *Djilile* to Indigenous chant shows that Sculthorpe was aware of the value of cultural attribution. Based on many books and websites containing information about Indigenous Australian culture, arts, languages, etc., attribution is commonly provided in literature front matter and in online pop-up prompts that acknowledge the Indigenous peoples' ownership of land and culture. Sculthorpe's works are purchasable in sheet music printed by the British sheet music publisher, Faber Music. The copies of these scores from the 1980s and 1990s do not contain statements of attribution in the front pages of Sculthorpe's pieces. This responsibility would be deferred to Sculthorpe, and his cultural attributions are minimal compared to the current standard like the ones found in the books of this thesis's framework.

Janke, Atkinson, Wolfe, and Harris all provide cultural attribution statements; these statements were models for the attribution provided at the beginning of this thesis. In Sculthorpe's case, a more respectful cultural attribution would acknowledge *Djilile*'s ownership by the people in Elkin's recordings who performed it (in Elkin's analysis, the Dua people).

8. *Benefit Sharing:*

Indigenous people have the right to share the benefits from the use of their culture, especially if it is being commercially applied. The economic benefits from use of their cultural heritage should also flow back to the source communities. (Janke 2021a, 16)

Whether monetary or of another form, there is no record of a contribution to the Dua communities (or any Arnhem Land communities) who own the Maraian chant

containing *Djilile*. Despite *Kakadu*'s commercial success in concert halls, sheet music sales, or sales and streaming of recordings, there is no mention of this kind of transaction between Sculthorpe and the Songman who sang *Djilile* on Elkin's recording. If that transaction exists, it is unlikely that Sculthorpe would have failed to address it while defending himself against criticism. In addition, Australian copyright law allows for Sculthorpe to own and profit – financially and through his reputation as an Australian composer – in part from using the *Djilile* melody in his work; meanwhile, *Djilile*'s original owners are not receiving financial or cultural benefits. Based on this principle, Sculthorpe capitalizing on these benefits without the Dua community makes *Djilile*'s use in Sculthorpe's repertoire a part of an inequitable cultural exchange.

9. *Maintaining Indigenous Cultures:*

In maintaining Indigenous cultures, it is important to consider how a proposed use might affect future use by others who are entitled to inherit their cultural heritage. Indigenous cultural practices such as dealing with deceased people and sensitive information should be recognised as important and respected. (Janke 2021a, 16)

Per Janke's explanation in her book: entitlement to royalties and/or future control of *Djilile*'s availability to outsiders involves repatriating it back to the Arnhem Land community it came from. She also explains that sensitivity of private cultural information:

...respect should be given to indigenous cultural practices dealing with initiation rites, deceased people and sensitive information, and that the importance of these practices should be understood. (Ibid.)

As Sculthorpe's program notes in Figure 5, since *Djilile* comes from a singing tradition – and is therefore unrecognizable to Indigenous peoples' traditions of listening – it will

remain susceptible to appropriation in instrumental work. In his autobiography, Sculthorpe mentions an encounter he had in Kakadu National Park when the *Kakadu* piece was performed:

Of the borrowed melodies that I use, *Djilile* is my favourite. When my orchestral piece *Kakadu* was performed in the National Park, I asked some members of the local Gagadju tribe how they felt about my arrangement of it in the work. They weren't even aware of its presence. I sang it to them, and then there was recognition. (Sculthorpe 1999b, 264)

Based on Sculthorpe's description of *Djilile*'s perception by some Gagadju people, there are further discussions of music cognition and how it enacts cultural and historical transmission, of comparing secular melodic traditions from Arnhem Land (giving space and respect to sacred cultural materials), and what kind of harm *Djilile*'s use in classical music is experienced by the Dua communities. After eighty years, are there deceased ancestors on Elkin's recordings? Are there song traditions that are no longer practiced on them? Are Dua communities aware that one of their songs was performed in a sacred setting and the melody is now famous? Since many (if not all or most) Indigenous Australian tribal music practices are passed down via oral traditions, Elkin's recordings are now acting as a form of Indigenous cultural preservation.

10. *Recognition and Protection:*

Australian policy and law should be used to recognise and protect ICIP rights. Copyright law, for example, as well as new laws and policies should be used to protect these rights. These issues can be covered in contracts, protocols and policies for better recognition. (Ibid.)

Contrary to what many people might assume, copyright was not invented to protect the artists and composers who create music. Instead, it was developed by 19th

European publishing houses as a financial safeguard against their competitors and to control their “right” to material distribution. Those priorities are fundamentally carried over into many Euro-centric legal frameworks today. Indigenous culture is almost always neglected in copyright law because their customs and belief systems are markedly different. Generally, in order to claim copyright protections, individual ownership must be claimed via mechanisms of authorship.

Cultural ownership is difficult to protect legally when a specific author’s name is a requirement for copyright and when Indigenous cultural traditions. When it comes to protecting Indigenous traditional stories, music, visual art (such as the rock art in Kimberley), dance, and knowledge, cultural materials are difficult to label as a single person’s possession when it does not fit Indigenous customary practices. Culturally, it is not always acceptable to claim creative and financial rights to a traditional song if it belongs to an entire nation, so Indigenous ownership customs are not always agreeable with Australian legal framework.

Regarding *Djilile*’s copyright protections, it calls into question who all owns and benefits from its copyrights presently. Since it has been converted into material form via Elkin and Sculthorpe, *Djilile* is protected under both of their names. For example, *Kakadu* (and *Djilile*, by proxy) is legally protected under Sculthorpe’s name as a part of his creation. Those rights now belong to his estate. According to a 2009 interview with Australian journalist, Amanda Hooton:

Australia’s most famous composer lives in the green glade of Sydney’s Woollahra, surrounded by birdsong and the gentle, reassuring rustle of money... He has recently willed his estate, valued at \$3.5 million, to the University of

Sydney for a new chair of Australian music at the Sydney Conservatorium.
(Hooton 2014)

Sculthorpe did not fit the classical composer stereotype of living in poverty or poor health, and based on this interview he was inundated with composition projects. This is a positive indicator of his popularity with classical music audiences. However, part of that comfort he enjoyed in his affluence was with thanks to his composing and teaching careers. So, Sculthorpe was financially secure due to, in part, his compositional success – Indigenous melodies included.

The True Tracks Decision

Some of these principles have revealed that there are components to this story that we do not know enough about, or we cannot share publicly, which further clouds judgments amongst people who raise the issue of appropriation in Sculthorpe's music. In fact, the *True Tracks* have complicated the issue because now deeper questions about traditional transmission, ownership, benefit sharing, and legal protections of Indigenous culture have surfaced. Is Sculthorpe entirely responsible for taking *Djilile* out of traditional context? No. Elkin and Jones expedited the process for him to access it in academic archives and literature; Sculthorpe should have jumped through a lot more hoops before using it. Sculthorpe should have investigated *Djilile*'s context, he should have sought out the community it came from, and he should have given back to that community in whatever way they deemed acceptable.

VI. Is Peter Sculthorpe a Jindyworobak Composer?

Fascination with a culture outside of your own in and of itself does not have to be a threatening or harmful gesture. How the fascination is manifested into action is where cultural harm can arise. David Symon applies the definitions of the 1930s and 1940s Jindyworobak literary movement to Australian composers¹⁸:

It refers to the music of Australian composers who sought to establish a uniquely Australian identity through the evocation of the country's landscape and environment, including notably the use of Aboriginal elements or imagery in their music, texts, dramatic scenarios or 'programmes.'

Symons states that while "Jindyworobak" is applied in full as a literary term, classifying classical composers as such is a partial fulfilment. For composers like Sculthorpe to be considered Jindyworobak, they must align with the literary movement's following criteria:

- identifying with Australian landscape and striving to understand Indigenous spirituality based on connection with landscape
- understanding their environment through Indigenous worldview (and landscape) descriptions using Indigenous language and terms to reinforce their Australian identity, and
- being able to understand their environment as a hybrid of colonial and Indigenous worldviews; connection with landscape is achieved by studying Indigenous history and heritage by emulating the Dreamtime concept of connecting

¹⁸ Founded by early twentieth century South Australian poet Rex Ingamells, who appropriated "Jindyworobak" into his artistic credo to mean "to annex or join" (definition provided by James Devaney in his 1929 book *The Vanishing Tribes*).

spiritually with landscape, time, stories, history, language, etc. (Symons 2021a, 2–3)

Harris and Paget both mention author Richard Covell’s take on this topic in his book

Australia’s Music (1967):

... he assessed these attempts to create a national style drawing on Aboriginal music as deserving of ‘sympathy rather than ridicule.’... believing in the promise of Peter Sculthorpe, Covell appraised the ‘the Jindyworobak idea’ as ‘basically... a kind of longed-for “short cut” to cultural maturity and national identity; an impatience with the slow process by which a literature truly naturalizes itself in a newly settled country and a desire to, as it were, take advantage of the experience of the Aboriginal inhabitants of Australia and their uniquely close relationship with the country. (Harris 2022a, 58)

And David Symons’s analysis of Jindyworobak-ism in twentieth century Australian classical music reveals that Sculthorpe did not identify with the movement. He asserted in a letter to Symons that:

...we did not feel a part of it... it may be that it hasn’t shaped our beliefs into anything wholly tangible, or, it may be that we hadn’t shaped our music according to our beliefs. (Symons 2002, 38).

It is clear that asking if Sculthorpe is a “Jindy” composer is common in surveys of his career and music due to Sculthorpe fitting the criteria.

Symons’ term for Sculthorpe is “neo-Jindyworobak” since Sculthorpe’s cultural influences and interests in Indigenous music were shaped by a more recent societal values. Nonetheless, Symons argues that

It has been seen that enough of the Jindyworobak criteria have been noted in the music of all these composers to make this question at least relevant... In the case of Sculthorpe... his Jindyworobak status is otherwise complete. (Symons 2021b, 140)

Sculthorpe shared the Jindyworobak values of wanting to identify as an Australian composer because of a profound connection he felt to Australian landscape while composing a piece about Kakadu National Park), he used of Indigenous words such as “djilile” in his work to establish an Australian cultural identity and connecting with both Indigenous and colonial histories such as composing pieces like *Port Essington*, about interactions between the colonies and the Indigenous peoples. Despite his sentiment towards the movement, Sculthorpe’s desire to identify as an Australian composer through the use of Indigenous music and culture in his work connects him ideologically to Jindyworobakism.

Since exploring Sculthorpe’s case of using Djilile without attributing it respectfully to the Dua nation, Djilile has become a “Jindy” melody since its mainstream identity as an Australian classical melody is disconnected from its origins in sacred Dua chant. Implications of ideological and philosophical connections to this movement suggest that Australian expressions of a national identity via art, literature, and music have a history of relying on understanding and identifying with Indigenous worldviews. This risks cultural erasure if non-Indigenous artists assimilate Indigenous knowledge and culture to colonial cultural identity, as Sculthorpe’s use of Indigenous music in his work has done. Symons describes the Jindyworobak label as a historic cultural response by non-Indigenous Australians to “dissolve” their empirical identity by exploring cultures closer to home. It remains unclear if this is a derogatory label in post-colonial studies, but it has been used in artistic and sociologic definitions of Australian nationalism. Attaching

non-Indigenous cultural identity to Indigenous practices, belief systems, and worldviews could reflect another settler colonial implementation of Indigenous cultural erasure.

VII. Conclusion

The modern perpetuations of the settler colonial ideology have become a central topic of social activism in Australia.¹⁹ It follows that re-examining Sculthorpe as a poster child for Australian musical identity is fitting since cultural appropriation is becoming a more popular conversation in response to current efforts to decolonize Western power structures. During the course of this project, I demonstrated the complexity needed to critically engage with accusations of cultural appropriation in Peter Sculthorpe's music. Examining Australian classical music culture should require a critical analysis with settler colonialism and legal framework to supplement the traditional debates about Sculthorpe. I have deliberately sought out voices of Indigenous Elders, professionals, and academics as invaluable interlocutors to offset their absence from musicological literature.

Addressing this conversation thirty-five years after *Kakadu*'s premiere was inspired after engaging with the following frameworks addressing cultural appropriation in Western classical music as a form of cultural violence:

¹⁹ The most recent example of rising sociopolitical awareness in Australia is an opinion-based article published in The Sydney Morning Herald by (self-proclaimed White Australian) local theatre and cultural organizer David Berthold. Berthold criticizes current Australian party culture for celebrating January 26 as a day that the British landed and colonized Australia. Berthold demonstrates a reasonable familiarity with Australian colonial history such as the concept of *Terra Nullius* and the events in twentieth century events and politics that have continually failed to protect Indigenous culture and land ownership. Berthold poignantly identifies a modern flaw of celebrating a day that perpetuates cultural violence towards Indigenous Australians instead of celebrating occasions such as drafting treaties with the Indigenous communities (Berthold 2023).

- Judy Atkinson’s “Dadirri” or Deep Listening as an approach for initiating cultural healing processes via attempting to understand Indigenous worldviews, generational trauma, and how they are traditionally expressed through ceremonial music traditions.
- Terri Janke’s *True Tracks* model to understand Indigenous Australian views of respectful cultural exchange and identifying the gaps in Australian copyright policy that have allowed for erasure and “white washing” of Indigenous culture.
- Patrick Wolfe’s theory of settler colonialism in Australia as a societal structure that acts to erase Indigenous voices as experts of land and custodians of culture.

Since musical appropriation concerns how Western music composers use non-Western music respectfully in their work, it is important to make this issue as transparent as possible to them. This thesis is intended for Western composers, the musicians who are performing their opuses, to Western academics who may be interested in studying Peter Sculthorpe, and for anyone studying cultural appropriation in classical music.

Instead of trying to position Sculthorpe on the traditional moral binary of right and wrong, this thesis attempts to add complexity to this specific case of *Djilile* in *Kakadu*. Sculthorpe wrote that he did seek out permission for using Indigenous melodies and sounds by building close relationships with tribal Elders in and out of his professional network. Yet, looking at how Sculthorpe used *Djilile* within Terri Janke’s *True Tracks* model, it has become clear that there are ways we can identify how using this melody failed to prevent cultural harm.

The effects from cultural appropriation in Sculthorpe's music spans beyond Sculthorpe, so it is unrelated to whether he is a good person or a talented composer. Amanda Harris addresses the implications of settler colonialism in Sculthorpe's work by identifying the power structures that allowed for Sculthorpe's professional success while using Indigenous music in his compositions. Expectations for fair cultural exchange have become clearer with recent global efforts to de-colonize Western hegemonic structures. Re-evaluating the debate over Sculthorpe's use of *Djilile* while including Indigenous voices as cultural experts offers the balanced perspective it deserves.

In *Hungry Listening*, Dylan Robinson describes the "fitting" of Indigenous music and performers as *additions* to classical performance. The Indigenous art forms are "interesting" while Indigenous art structures (practices) are ignored for Western performance protocols, so the Indigenous performer (or material) is superficially enhances Western art music and is privileged in the non-Indigenous performance space (Robinson 2020, 6). Since the late-twentieth century, there have been some changes to the Australian political climate and to how academics view inclusive practices with Indigenous art and performers.²⁰

This thesis is not an attempt to apologize on Sculthorpe's behalf or that of Australian settler colonialism. Sculthorpe demonstrated through his use of *Djilile* that he was culturally conditioned within Australian settler colonialism and racialized power dynamics. Sculthorpe seems to have been unaware of how to engage in more respectful

²⁰ The Uluru Statement of the Heart is being fully committed by the Australian government later this year for public vote; this policy will finally recognize Australia's Indigenous peoples in the Australian constitution and will allow for representation of Indigenous issues to Parliament.

cultural exchange, even though his impressions of respectful practices involved seeking out the Indigenous Elders within his professional network. Dr. Janke's *True Tracks* model reveals this approach falls short because it allows for neglect in due diligence and Djilile's representation as a sacred Dua chant was missing in mainstream programming.

Coming to a conclusion that using *Djilile* in *Kakadu* perpetuates cultural harm does not inherently mean that Sculthorpe had ill intentions towards Indigenous culture. Sculthorpe, his colleagues, and his friends have gone to great lengths to emphasize his genuine intentions, giving an overall impression that Sculthorpe did not identify with bigoted ideologies. Sculthorpe's musical style and artistic influences stem from the Jindyworobak movement's goals of forming an Australian cultural identity by connecting with Indigenous landscape and worldviews. While considering how often this discussion is considered in musicological discourse about Sculthorpe, it can potentially be used as a part of apologist rhetoric in future studies of Sculthorpe.

Finding *Djilile*'s "True Tracks" illuminates what a truly respectful cultural interaction with Indigenous music entails. For example, Sculthorpe would have needed to form a deep, meaningful relationship with the Arnhem Land Dua peoples as the traditional owners of *Djilile*. Janke's model reveals that appropriating *Djilile* was allowed by settler colonial hegemonic structures as an act of cultural property theft. From Elkin's Arnhem Land audio recordings in the 1950s, to the Western custodianship of those recordings in institutional archives, to Sculthorpe's transcription of it into Western notation, and to its public consumption through printed sheet music and orchestral concerts.

Previous discourse of *Djilile* in Sculthorpe's music has avoided including Indigenous voices so that the ethics of transforming musical material would be a primary focus over appropriations as a mechanism of cultural violence. It is important to acknowledge that the legal ownership of *Djilile* has been transferred various times since it was collected as a part of A.P. Elkin's massive 28-hour field recording project in Arnhem Land in the 1940s and 50s.²¹ *Djilile*'s original context and cultural meaning remains elusive since neither of Elkin's nor Sculthorpe's descriptions of *Djilile* are Indigenous cultural authorities. The Elders of the Arnhem Land tribes and communities recorded on these tapes seem to not have been consulted or even aware of how *Djilile* or their other songs have been used since they were extracted. Treating discussions of cultural appropriation in Sculthorpe's music as a space for forming character judgments inherently makes the debate about Sculthorpe instead of focusing on *Djilile* and the Dua communities. In the future, this discussion should be focusing on deeper social issues like racial marginalization, cultural erasure, and violence towards and within Indigenous communities.

²¹ *Arnhem Land Music* (1953) and *Arnhem Land Music (Continued)* (1953) were published in *Oceania: A Journal Devoted to the Study of the Native Peoples of Australia, New Guinea, and the Islands of the Pacific*.

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