

The Power of Knowledge. The Resonance of Tradition

Edited by Luke Taylor, Graeme K. Ward, Graham Henderson,
Richard Davis and Lynley A. Wallis



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of Mino's work to continue; the URL <<http://www.hokariminoru.org/>> contains the scholarship information. An obituary was published in *Aboriginal History*, 'Minoru Hokari, 1971–2004' (volume 28: 236–8 [2004]).

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Fred Myers lives and teaches in New York City where he is Silver Professor and Chair of the Department of Anthropology at New York University. Based on research with Western Desert people that began in 1973, Myers has written two books: *Pintupi Country, Pintupi Self: Sentiment, place and politics among Western Desert Aborigines* (winner of the WEH Stanner Award) and *Painting Culture: The making of an Aboriginal high art* (2002), a study of the development and significance of Western Desert Aboriginal acrylic painting. He has also edited and published on many other topics, most recently a volume on material culture, *The Empire of Things: Regimes of value and material culture* (2001).

Kingsley Palmer has worked in many areas of Aboriginal Australia including the Northern Territory, Western Australia and South Australia. Formerly Senior Anthropologist with the Northern Land Council in Darwin, he was appointed Director of Research at the Australian Institute of Aboriginal Studies in Canberra in 1985. He subsequently became Deputy Principal of that organisation, a post he filled until 2001. He is now a private anthropological consultant.

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Luke Taylor is currently Director of Research at the Australian Institute of Aboriginal and Torres Strait Islander Studies and Adjunct Professor with the Centre for Cross-Cultural Research at the Australian National University. He has written a number of books on Aboriginal art including *Seeing the Inside: Bark painting in Western Arnhem Land* (Clarendon Press, Oxford), edited *Painting the Land Story* (National Museum of Australia), and is co-editor with Jon Altman of *Marketing Aboriginal Art in the 1990s* (Aboriginal Studies Press). As a Visiting Research Fellow at the Institute in 1987–89 he prepared the first edition of the *National Aboriginal and Torres Strait Islander Visual Artists Database* (electronically published by Discovery Media).

Neil Thomson is Edith Cowan University’s Foundation Professor of Public Health and Director of the Australian Indigenous HealthInfoNet. Neil’s long-term involvement in Indigenous health is based on tertiary training in medicine, public health, mathematics, anthropology and public health. After five years of clinical medical practice, in 1981 he started his work in the development of health information and its translation for policy-making, planning and service delivery in the area of Indigenous health, when he joined the Australian Institute of Aboriginal and Torres Strait Islander Studies as Senior Research Fellow, Aboriginal Health. In 1997, Neil was responsible for the establishment

of the Internet-based Australian Indigenous Health *InfoNet* (<http://www.healthinfonet.ecu.edu.au/>), an innovative way of contributing to the health of Indigenous people by making relevant, high quality knowledge and information easily accessible to policy makers, health service providers, program managers, clinicians, researchers and the general community.

Elspeth Young was a human geographer working from the Environmental Management and Development program of the National Centre for Development Studies in the Asia Pacific School of Economics and Government of the Australian National University at the time of the AIATSIS Conference in 2001. She died the following year. Obituaries appeared in *Aboriginal History* 27:241–4 [2003]) and *Australian Geographical Studies* 41(1):85–90 [2003]. Dr Young studied geography at Edinburgh University, taught at the University of Papua New Guinea, and was then a Research Fellow at the Northern Australia Research Unit of the Australian National University; she subsequently taught at the Australian Defence Force Academy of the University of New South Wales, and finally at the National Centre for Development Studies. She carried out major comparative research in Papua New Guinea and in Australia.

Introduction

AIATSIS has a historical role in the construction of a multi-disciplinary perspective on issues of Aboriginal and Torres Strait Islander Studies. This is done through a membership network with researchers in a multitude of disciplines. The AIATSIS Conference has become an occasion to bring these people together to consider key themes impacting across a wide theoretical spectrum.

In 2001 the Council of AIATSIS identified the topic *The Power of Knowledge, The Resonance of Tradition* for its Conference. It was a response to issues that were becoming critical at the time. This book comprises a theoretical contribution to the conceptualisation of tradition in Aboriginal and Torres Strait Islander societies and provides numerous case studies investigating the complexity of representations of Indigenous history and culture across the country.

With the advent of native title legislation Indigenous communities across the country have been required to demonstrate their 'traditional' connections to country. In assisting communities make their cases according to the legislation, researchers have become complicit in the imposition of this traditionalist framework. As Myers points out in his chapter, this was also a time when senior Indigenous people such as Noel Pearson (2000) and researchers such as Peter Sutton (2001) were arguing for more intervention in respect to long-standing practices that were having negative effects in communities.

In this context Council was interested to encourage detailed examination of the complex processes by which Indigenous knowledges, and knowledge about Indigenous peoples, are constructed. Of particular concern was the way that knowledge about the past is deployed in the present both by Aboriginal and Torres Strait Islander peoples and by non-Indigenous groups. Implicit in this perspective was an analytical concern regarding the struggles to impose different interpretations of Indigenous lives; to examine the power relations involved in the

imposition of certain knowledge as authentic or correct. The aim was to engender more reflexive thinking about the use of the term 'tradition' since, for many Indigenous groups, the requirements to demonstrate or adhere to traditions are increasingly at odds with the complex intercultural realities of their contemporary lives.

Fred Myers, a keynote speaker at the Conference, addresses these problems squarely in the first chapter of this book and sets the scene for those that follow. He argues for a consideration of the power relations involved in the construction and circulation of meaning about Aboriginal and Torres Strait Islander lives. In particular, the importance of examining negotiations about meaning, knowledge, and tradition by individuals as a feature of political process. Just as a notion of static tradition is inappropriate given the upheavals associated with colonisation, similarly a representation of Indigenous lives as static at some point in the past fails to portray what we know of the internal politics of Indigenous lives. Myers makes use of the example of the art developed by Pintupi people for the world art market to make the more general point that social researchers need to analyse struggles in defining legitimacy in the Aboriginal and Torres Strait Islander context. This research should extend to incorporate the intercultural social fields that constitute contemporary Aboriginal and Torres Strait Islander lives.

The Power of Knowledge, The Resonance of Tradition develops a major critique of the concept of 'tradition' as has been applied in the Aboriginal and Torres Strait Islander context. The authors assembled in this volume are all social researchers working in different disciplines and their analyses constitute a tour-de-force examination of the intercultural realms in which representations of Aboriginal and Torres Strait Islander history and culture are produced and circulated. The authors argue for a deeper appreciation of the creativity inherent in Aboriginal and Torres Strait Islander social lives and for reflexivity in understanding how representations of those lives may in turn impose particular forms of legitimacy.

The book comprises vignettes of analysis of contemporary 'culture-making' in many different Australian locales and introduces a refreshing new style of analysis of Aboriginal and Torres Strait Islander circumstance. The authors engage with key contemporary issues such as land and sea ownership and management, native title processes, service delivery arrangements for health and outstation management, and representations in art, song and broadcasting.

For Aboriginal and Torres Strait Islander peoples there are multiple engagements with broad global processes. The authors argue for an understanding of the agency of Indigenous peoples within these political frameworks. However, the authors also point out the manner in which legislation and policy that rests on outmoded frameworks of the 'traditional' also cast social and cultural innovation as inauthentic. In this sense the policies constrain development. Each of the analyses in the book draws upon detailed first-hand information on local inter-cultural circumstances to undergird the points outlined.

The book's editors include staff of AIATSIS with extensive experience of research with Aboriginal and Torres Strait Islander people. The staff worked together with the AIATSIS Council to structure the themes of the original Conference, invited researchers to speak to the topics, and arranged for authors to develop their papers into chapters. The respective editors have also prepared introductions to each section of the book. Dr Luke Taylor is the Deputy Principal, Research, at AIATSIS and an anthropologist with many years experience working with Aboriginal artists; Dr Graeme Ward is Research Fellow, Cultural landscapes, and an archaeologist with extensive experience in Aboriginal interpretations of the cultural meanings of important sites; Dr Graham Henderson is Visiting Research Fellow, Health, with a strong background in research of the social determinants of Indigenous health; Dr Richard Davis was the Visiting Research Fellow, Social organisation and expressive culture, who has conducted research in the Torres Strait Islands and in the Kimberley on cultural expressions of gender distinction. He has since completed his fellowship and moved to the University of Western Australia. Dr Lynley Wallis is an archaeologist with expertise in north-west Queensland who worked tirelessly with authors to secure improvement to the manuscripts and copy edited the final texts.

Part 1

Land resources and knowledge

The five chapters that follow elaborate common themes of Indigenous peoples' relationships to country. In essence the papers reveal the strength of contemporary Indigenous land management practices and a willingness to graft new technologies and new modes of land management onto more long standing practices. Each author brings a refreshing perspective on appropriate theoretical means to characterise the dynamism of Indigenous social life they describe.

All chapters are concerned with differing perceptions and potential for misunderstanding between, on one hand, various Indigenous interests in land, sea and culture, and, on the other, the broader Australian policy and practice regarding land management and economic interests. Each calls upon interdisciplinary understandings and demonstrates multifaceted approaches to relationships to land in the late-twentieth century, providing explicit models of multiplicity: Adams and English's deconstruct nature/culture binaries, Davis explores the value of 'constellation' and 'force-field' concepts, Altman that of the 'hybrid economy', and Magowan 'aqua-aesthetics', while Strelein considers the commercial development of resources by native title holders in terms of the legal recognition of native title.

The writers demonstrate the multiplicities of responsibilities toward land and sea held by various individuals or sections of Indigenous communities, and the disparities between their understandings and those of outside organisations and authorities; they describe the ways in which these diversities might afford new understandings and question established assumptions held by governmental agencies — and the courts — about Indigenous economies.

Each contribution speaks with a distinctive voice, each based in the author's discipline and drawing upon the authors' experience in fieldwork in different locations: Altman and Davis (economic / anthropological / land management) analyse respectively trends in economic

development of Indigenous land, drawing upon examples from northern Australia, and Kimberley pastoral leases; Strelein (legal / anthropological); Magowan (anthropological / legal / sea management) explores particular Yolngu accounts of sea laws; Adams and English (anthropological / land management) focus on the development of Parks and Wildlife policy in terms of non-Indigenous assumptions about land-holding. Each explores instances of cultural continuity and ways in which this is balanced by transformation over time toward self-survival in a colonial context.

Other presentations to Symposium A have been published elsewhere; see Publications from Conference presentations and the Institute's website <www.aiatsis.gov.au/rsrch/conf2001/PAPERS/FullPublication.pdf>.

1. Unsettled business: Acrylic painting, tradition and Indigenous being

Fred Myers

Prologue

I start this paper with an anecdote of something that took place a few years ago in New York. We happened to be hosting a musician and artist, Aboriginal, who usually lived in Europe but performed also in Australia. The offspring of an unusual mixed marriage — Aboriginal father, Dutch mother — Jenyuwari found many of the conditions of living in Australia intolerable. This man had grown up, I understood, mostly in cities, but he had been painting acrylic dot paintings, authorised to do so, he told me, by a belated initiation into his father's cultural traditions. This was all the more surprising given that his father had taught himself to read, gone to Canberra from his remote community of origin and become a lawyer.

As an anthropologist, and one whose research career has been conducted mostly in remote areas, where the privilege of learning about Indigenous cultural traditions is greatest, I am wary about inquiring too much about anyone's knowledge or experience. I certainly don't want to appear overly curious, inquisitive or intrusive. As my visitor continued talking — and he didn't know much of anything about me (after all, I was simply a New Yorker with some knowledge of Aboriginal Australians) — the time came when I thought it might be polite to let him know I was familiar with many of the features of Western Desert sociality. This acknowledgement became a prompt for more conversation, and — as I remember now — it turned out we had some vocabulary in common.

This man had an incredibly interesting life, and how he had made his way so far in the world intrigued me. What I wondered, of course, was

how much he knew and what his relationship was to the forms of Aboriginality that were familiar to me? How was I to behave towards him, seated as we were under the presumption of an essentially Euro-American event; he the artist and I just another New Yorker to him?

What did his history mean to him? I struggled to hear the tones of Western Desert language in the English translations of his experiences as a child, rather as one hears the shapes of Indigenous knowledge in Sally Morgan's story. I remember the story he told of his grandfather and his grandfather's funeral. His grandfather, he told me, lived to nearly 200 years! What was I to make of this, really? I'm largely a rationalist and I don't believe anyone has lived to this age, but would I question this attribution of greater health to the Indigenous forebears? Or would I listen and wonder, what it meant to say this? He remembered the funeral. When his grandfather died, 'warriors' arrived from out of the desert, armed and impressive in their demeanour. I imagined the approach of the formation of men bearing spears point downward, the custom for 'sorry business'. Was this what he had seen? And was his translation really what that literal custom represented?

To me, it was very moving — an expression of identification, an attempt to translate some deep experiences into a language that might communicate its value to listeners and perhaps to himself. What kind of currency is contained in these statements? What mythopoesis is taking place with 'tradition'?

Introduction

I was very honoured to be invited to speak at the AIATSIS Conference, but I was also staggered by the request to talk about the 'resonance of tradition'. I remember back to 1973, when I began research in Australia. Jim Urry made it a point of honour to ban the words 'tradition' and 'traditional' from anthropological usage, insisting there must be more productive frameworks to apply to the problem of cultural processes. The Yayayi community, where I lived and started my research with Pintupi-speaking people, was typically represented, at the time, as 'traditionally-oriented' if not 'tribal' and by then only rarely as 'full-blood', in contrast to the other principal category of Aboriginal presence, 'the half-caste'. I recite these categories as a reminder of the field of meanings — or, as I would prefer to say, the field of cultural production — in which such concepts and categories must be understood. My doctoral dissertation (Myers 1976), 'To have and to hold' was subtitled

‘Permanence and change in Pintupi social life’ and not, as it might unthinkingly have been, ‘tradition and change’.

I suppose I was asked to speak about the resonance of tradition because my ethnography has stressed a dimension of cultural continuity, the past in the present in Pintupi social life. When he visited New York several years ago, David Trigger took me to task for what he thought was too great an emphasis on this cultural continuity, and I recognise very well that what I have perceived in Pintupi communities does not automatically extend to communities where the relations with settlers and the state, not to speak of the missions, has been rather more brutal.

Recognising the already considerable and eloquent works on tradition written by Tonkinson (1999), Merlan (1991, 1998) and Povinelli (1993), in this paper I want to engage with a line of thought begun by Beckett (1988) when he wrote about the making of Aboriginalities in distinctive institutions. This step away from culture as context and towards culture as produced can be extended. My essay will draw principally on what I have learned since my first book (Myers 1986) by an ongoing study of the circulation of culture, of acrylic painting in Central Australia and the processes through which it became ‘fine art’. Here my previous experience with Pintupi people underlies my study of this as an Indigenous project that extends into a broader space, of ‘business’. It leads me to the question of what makes something or someone Aboriginal: what are the boundaries of Aboriginality?

Culture-making

A fundamental question for an anthropology that engages with the present is how to think about cultural continuities without reifying culture? If we are not only antiquarians, concerned to unearth the truth of an original Aboriginal alterity (however alluring that is), attention to what is happening directs us to Aboriginal cultural production, to the production of Aboriginal cultures. This is a production in which the idea of tradition — an objectification of culture — has become significantly a part. Of course, for Indigenous peoples of the Fourth World, tradition is particularly fraught and more important than questions of reification; families have been torn apart on these grounds! It has been used as a vehicle for dividing Aboriginal people as well as empowering some. The claim of its possession, too, is a claim of survival, persistence and connection to a past. It is, in fact, because such a

seemingly innocuous concept can have such serious real world consequences for Indigenous people that it is worth thinking our way through it once again. I take it that my being asked to speak to this question now is a response to a zeitgeist in which the disintegration of communities designated as traditional has become epidemic, a time in which Pearson's (2000) interrogation of drinking practices and violence accepted under the sign of tradition (or 'Aboriginal way') and the status of Native Title rights to land, designs and knowledge figure prominently in public debate and policy questions about Aboriginal futures. Thinking about a 'cultural future' [as Michaels (1994) called it] is not as easily imagined as the frameworks of self-determination conceived of it.

Looking at culture as the context for rendering the world intelligible is not the same as conceiving it within history. I have to assert here that we should always have recognised that even supposedly 'traditionally-oriented' people didn't just 'have' a culture. They certainly had a set of interpretive practices and resources, but, however much the observer may gain entry to a world by learning the meaning of a sign, in actual practice signs don't just have a meaning; they are made to have meanings, given signifieds in practice. How else do children or initiates acquire them but through the practices of those who have the authority to define the signifieds? It is not, as Ruth Benedict's idea of culture once implied, that people can't think outside their culture; it is more the question of how their attempts at signification will be received by others and whether they will be ruled out as meaningless by those with the authority to do so.¹

What conception of culture might be required by an account of acrylic painting? A concept of culture that emphasises the 'universe of meanings within which signs operate', or 'a system of symbols and signs' has the capacity to explain different assumptions that Aboriginal painters might bring to interaction. Such notions of culture might help make Indigenous intentions intelligible, but they do not provide for the space of negotiation, in which, for example, Uta Uta Tjangala's insistence on a painting as a sacred object might coexist oddly with his willingness to sell it as a commodity for \$400,000 and then eventually to agree on \$35. Culture tended to get reified in the salvage project, as anthropologists tried to understand the many different ways in which people have made sense of the world. This concept was especially important or meaningful for America's national cultural project (asserting the dominance of nurture over nature, the idea of a New World,

asserting the possibility of immigrants becoming assimilated rather than racially determined). The claim that there could be many different ways of cultural being led to the conclusion of bounded — even exclusive — culture.

★

But such cultures were never what people saw, not according to the accounts of American anthropologists Radin or Sapir in the early twentieth century. What they saw through the medium of Indigenous life histories and autobiographies were people making sense of things, negotiating meanings, trying out new ways of thinking and being. Sapir (1938) famously knew that one informant, Two Crows, denied everything that another Dakota informant had claimed to be the case. This is the import of Ginzburg's (1980) extraordinary portrait of the sixteenth century heretic Menocchio in *The Cheese and the Worms* (burned at the stake for the personal cosmology he created through the application of his newly gained literacy) as it is also of Geertz's (1973a) depiction of Cohen. Deploying the old concept of culture, one was guided to discern implicit assumptions, whatever the theoretical inadequacies, and those of us in the early context of self-determination articulated the ways in which cultural models mediated Indigenous experience, the ways in which local models of authority — as in my delineation of *kanyininpa* (looking after) and local notions of personhood — constructed Indigenous relationships with the government and other bosses along the lines of those organised internally. Recognition of such assumptions may be vital to the project of those, like Pearson (2000) and Sutton (2001), who have suggested the necessity of examining the implications of different cultural formations for the contemporary situation. But it has been more difficult to recognise that such models were not an invariant structure, that they might have circulated with other alternatives, their application depending on the interpretive authority of particular actors.

That such a stew might be the cauldron of culture in Aboriginal communities is an important step, however much it might challenge the current folk view of traditional culture shared by many stakeholders in the definition of Aboriginal social life. Culture from the point of view that I wish to advocate — one more like that offered by Geertz (1973a) or even in the situational analysis of the Manchester School (such as Epstein 1967) — is not static. One imagines a range of possibilities, what might be called an 'arena' (Turner 1974), in which a field

of meanings is brought to bear by potentially competing actors, and any stability is sustained, not by inertia, but by authority and hegemony. I remember my surprise at hearing Pinta Pinta Tjapanangka, my self-appointed elder brother who was so aptly named 'Butterfly' for his lack of focus, leaving a meeting where discussions had taken place as he turned to me and asked what had been said. People had widely different perceptions of what was said, what things meant. Far from tradition simply ruling, they had their own minds and disparate perceptions were not so much an occasion for conformity as for temporary consensus building. Indeed, the Western Desert society I knew was one in which the mandate for the regulation of consciousness was not very strictly enforced. When did it matter?

Such has been my empirical warrant for recommending that we not think of signs as having a meaning, but of signifiers being made to have a signified in social action, in fields of power. Young initiates may have no comprehension of the signs in ritual, or even be misguided until they are addressed by the authoritative claims of elders. Even then, as we know, there is often serious disagreement rather than consensus. This is not a boundary condition but the basic condition.

My engagement over the past several years with understanding a history of acrylic painting has led me fully into the messy thicket of traditionalism. From the beginning, the ambiguous status of Papunya Tula's acrylic painting — as art or artefact, as tourist souvenir or fine art, as ethnographic object or painterly achievement — has pressed itself upon every analyst. Produced largely for non-local and non-Aboriginal buyers, are the paintings an authentic expression? Of what? Traditional culture? Traditional painters?...Or are they 'a product of non-Aboriginal culture' (Willis 1993)? Just as the one-time Papunya Tula art adviser Peter Fannin felt obliged to hedge his bets with the category 'fine art-ethnology', Megaw (1982) made this the centrepiece of a thoughtful article — and the problem of authenticity pressed itself on the producers themselves, so much that they insisted to me in 1979, 'These are not just pretty pictures. We don't just make these up. They come from the Dreaming' (see also Myers 1989:79–80). Like other anthropologists in the 1970s and 1980s (e.g. Anderson and Dussart 1988; Dussart 1988, 1993, 1999; Morphy 1977, 1983, 1992), I have recognised many linkages between contemporary Pintupi cultural production and that of the past. For example, the painters at Yayayi imagined the circulation of their paintings and the relations this involved with whites to be subsumed within a single cultural model

(see Myers 1980a, 1980b, 1986), not intrinsically limited by the supposed boundary of white and black. I have conceived of such productions of value as a project of objectification (see also Sansom 1980), an analytical term drawn partially from theories of exchange that allowed me to generalise from the cultural specificity of Pintupi practices. As I have written elsewhere, the painters conceived of their activities as ‘giving’ or ‘making visible’ their Indigenous forms of value to Canberra — expecting recognition of their identity and a return in value (Myers in press, n.d.). Exceeding (obviously) the standard rendering of the ‘gift’ as a moment of reciprocity, this kind of giving is a temporary production of one’s identity for an Other. Such externalisations of identity into visible form, individually or collectively, represent a kind of social practice that the painters aimed to their new exchange partners, constituting themselves as an autonomous presence in the process.²

But Aboriginal understanding of what the paintings mean has not been simply an internal matter, nor could any of us control the meanings in the emerging intercultural space where concerns about authenticity and tradition had defining power. If acrylic paintings aren’t really produced for local consumption, for ritual use specifically, their status as ‘authentic’ primitive art (Errington 1998; Price 1989) would be problematic for collectors who regard them as less vitally linked to the life-world of those who make them. Yet the Aboriginal producers do regard acrylic paintings as authentic. They are at once commodities and what Weiner (1992) taught us to recognise as inalienable. What is the problem here? Is it the truth of Indigenous meaning and intention? Or rather, do we need a framework more suited to comprehend such processes of interpretive contest? You can feel the pressure in accounts to overcome the slippage in our concepts.

Acrylic paintings have been challenged as ‘non-traditional’; extended from ritual and other legacies of sign making into the field of art. Surely, we might have said that since there is no concept of art [or perhaps we want to argue that there is, as Morphy (1998) and others such as Sutton (1988) have done, this is not authentic, not traditional. It is something else. However, it is nonetheless grounded in the subjective horizon of Pintupi painters, a directing of their signifying practice towards new participants. Even more, it has been pointed out that they were criticised for breaking their rules (Johnson 1990; Kimber 1995), as if these rules were everlastingly definitive and unchanging. But, it seems to me that the Pintupi men I knew were never absolutely

sure whether an action did break the rules according to someone, and they knew that every ritual step was dangerous precisely because some might claim it was inappropriate. Is it surprising they thought everyone died from sorcery, in punishment for overstepping their rights?

Can we open the boundaries of this culture concept? The meanings and practices of ritual performance, design and mythical narrative are not a cause — the absolute determinants — of contemporary form. They rather are but part of the field of its contemporary production. For some, perhaps a man like Jenyuwari, their claim is, as the Pintupi painters also sometimes said, that the designs had been held by those who went before: tradition, surely. The emphasis may be on repetition, or continuity and survival, but who is to say that a sign grasped first for its indexicality may not itself grasp other signifieds? Who is to say that the only authentic participation in Aboriginal cultural traditions is that from birth, that engagement with the tradition of signs is not to be part of the culture itself, or — better — a form of participation in a cultural community?

To find common ground between the so-called traditional and the contemporary as equally instances of culture-making is not to claim a simple continuity. The point is rather to insist on interpretive struggle, ambiguity, as regimes of value are constantly brought into new relationships. This line of thinking about culture-making has its roots in the tradition of Pacific studies of intercultural practice, emanating from Lawrence's (1964) work on cargo cults through to Sahlins (1981) and Thomas (1991) who have emphasised cultural construction and agency in the face of a world system. To this legacy of cultural study, however, has had to be added a concern with the power of the outside 'gaze' to define the legitimacy or authenticity of local cultures, of claims to Native Title. This concern with tradition is not, as Tonkinson (1997, 1999) shows, so much a fact as it is part of the interpretive struggle itself. Indeed, it is centrally a condition for the production of Aboriginality.

Such concerns with genuine culture or traditions echo a concern with authenticity intrinsic to the modern art-culture system (Clifford 1988; Kristeller 1960), and in this convergence, my story follows. In my analysis, I pursue the unsettled situation of acrylic paintings as forms of commodity and also sacred value, in terms of the organisation of distinctive regimes of value that distinguish market and culture as distinctive spheres of human activity and attempt to regulate the relationships between them. This is a significant site of culture-making around the significance of Indigeneity.

Linda Syddick: Tradition and beyond

That acrylic painting presents a difficult problem for interpretation should be obvious. It is fine art-ethnology; sort of one and sort of the other. It is traditional and not really so. This shows quite clearly in the history of interpretive activity, or criticism, awaiting authority. Interpretation of acrylic painting has tended to be either (1) iconographic and referential (explaining mostly what Dreaming stories and landscape features are signified) or (2) formalist, asking what colours and organisations of the colour plane attract us. When criticism has pressed further, with some exceptions and more often in the past few years, it has suggested that the painting is expressive of agency or asserting an Indigenous presence, an identity, and so on. Johnson (1994) has pointed out how Clifford Possum's paintings addressed a knowable white audience, attempting to reproduce an aspect of the Dreaming. And von Sturmer (1989) has brilliantly written about the expression of self-realisation in Jarinyanu David Downs. My position (Myers 1994) has been that acrylic paintings are only beginning to create their own critical culture, that they are not transparent, not reducible to a pre-existing iconographic repertoire. But they are not simply open signifiers, waiting to find a signified. They are complex constructions that are finding an audience, making viewers. Otherwise, would these paintings be anything more than endless, if pleasurable and compelling, repetition? Are they something new in this new media, however much they are also something old?

The paintings are not just transpositions of Indigenous design onto a new media. They are transpositions of signifying practice, and only in grasping that do we grasp their particularity as well as their hybrid entanglements. And the problem for criticism, surely, lies in its capacity to engage with what may be new or different sensibilities, a problem exacerbated by the intercultural, but also valorised, if you will, by the way in which the artworld attends to difference, creativity and innovation.

Much of Western Desert painting concerns places, particularly the places made in the activities of Ancestral Figures. But what is largely ignored is that, as Munn (1970) has shown, place or places are meaningful as tokens of social relationship, acquiring value by virtue of their participation in the transmission of identity (see also Myers 1986, 1993). That is, place enters into the life-world of subjects already objectified as a location of a Dreaming event and known as such in

ritual and mythological practice, acquiring meaning in those practices. Moreover, rather than using this simply to demonstrate a generalised Aboriginal form of placedness, constructed, so to speak, out of a contrast with the West, such meanings should be considered in historically specific ways, as in the deployment of such constructions in Aboriginal image-making.

In order to consider these issues concretely and in greater depth I explore the work of a single painter. Rather than picking someone like Uta Uta Tjangala, who is an exemplar of the historical cultural tradition, I have found considering someone whose affiliations are more complex helps us to interrogate the question of tradition. The paintings by a Pintupi woman known as Linda Syddick, or to me initially as Tjungkaya Napaltjarri, do not fall neatly into aesthetic categories. The awkwardness of her placement marks, in an extreme, the unsettled situation of acrylic painting. Appropriately so, since tradition is always already unsettled. That Linda Syddick's Christian paintings signal her Aboriginality through the use of dots seems almost a gimmick until one looks more deeply into her deployment not of iconography or paint schemes but the practice of painting.

On longing: A contemporary Aboriginal painter in Australia

Because of her development of Christian themes and interest in Western popular culture, Syddick's paintings are challenging to the critical conceits of what might be authentic Western Desert painting.³ Such authenticity has largely been understood as transmitting an understanding of the Dreaming and placedness. Syddick's work makes it clear that critical understandings of place in Aboriginal painting remain as limited in understanding the activity as were the former categories of primitive art.

Syddick's work shows what and how a place signifies, both in its relationship to local Aboriginal identities and also to an engagement with wider themes of disruption and loss, often implicitly coded within the meanings of place itself as a social formation. The activity of painting, which she traces as coming from her adoptive father and is enabled by his giving her the right to paint his place, is an activity of recuperating identity. In grasping this we better grasp Linda's artistry — as perhaps the first 'modern' Pintupi artist — in conveying this complex understanding of place, loss and identity. Her paintings are not only an example of this sort of construction, but they also, as good art should, offer us Linda Syddick's insight into it.

Tjungkaya Napaltjarri

Linda Syddick was the daughter of one of my principal informants and close friends, Shorty Lungkarta Tjungurrayi who died in 1987. Shorty was a wonderful man and gifted painter, who helped me to understand much of what I came to know about Pintupi social life and culture. I understood that one of his daughters, Tjungkaya, had been born in the bush, but she seemed to have turned her back on the traditions embraced by Shorty in moving to Alice Springs.

In 1981, Shorty's wife Napulu told me a story of the killing of her first husband by a revenge expedition (*warrmala*), long ago when she still lived 'in the bush'. Napulu's husband was speared by the killers and thrown into the fire.⁴ In the commotion, Napulu escaped with her small daughter, Tjungkaya, crawling off away from the camp. This must have occurred in the early 1940s in the Gibson Desert. I knew Tjungkaya in the early 1970s, when she and her husband Musty Syddick lived near Shorty at Yayayi, a Pintupi community in the Northern Territory. I knew her as a tall and hearty woman, who lived with this part-Aboriginal initiated Arrernte man — somewhat outside the local community, with long stays in the fringe camp of Morris Soak in Alice Springs. In the early 1970s, I would never have imagined her as a painter. Imagine my surprise, to see two paintings by Linda Syddick in the Gondwana Gallery in Alice Springs in early July 1991! The two paintings were set up as a series and, I was told, they represented 'her story'. The first painting (Fig. 1) shows 'her father being speared and put on the fire, while she and her mother are hiding near the fire'. The second painting (Fig. 2) represents 'spears — men spearing the clouds and washing away the blood'. That is, they cause it to rain and cleanse the earth.

I was greatly affected by seeing these paintings, for personal reasons more than aesthetic ones. Tjungkaya was not Shorty's biological daughter, but adopted by him when he married Napulu — after the death of her first father, known as Riintja Tjungurrayi, about whom I had heard in Napulu's account but also in Shorty's life history accounting for his experiences as a young man who had hoped to have Napulu for a wife. I was also interested to discover that Linda (Tjungkaya) had made a name for herself as a painter of Christian religious images — such as these of the Ascension and the Last Supper (Figs 3 and 4) — winning the Blake Prize for Religious Art. Apparently, the painting of the Ascension draws on the fact that 'men of high degree [Aboriginal shamans] were buried with their arms and



Fig. 1. 'Father's body thrown in fire' (1991) © Linda Syddick, 1991/Licensed by VISCOPY Sydney 2001. Photo by Fred Myers

legs tied up', which is how Linda paints Jesus in this markedly syncretistic image. Initially, I thought of her work as interesting in a number of ways, as an introduction of historical narrative into Pintupi painting, informative as an indication of how Pintupi people might experience over time the loss of a parent through violence,⁵ and as an insight into the process of becoming Christian, using some of the iconography of Pintupi painting to tell Christian stories. I thought the second painting referred to her state of mind, a Christian sort of grace, not recognising initially any deeper specific links in the image. How little I understood the interpenetrating of cultural signifiers and signifieds.

It was when I returned in 1996 that I gained a deeper understanding of these images, both as artistic communication and as evidence of the way in which place and its representations might convey significance for Pintupi. When I strolled with an elderly Aboriginal painter friend into the gallery where Linda's paintings were sold, I was recognised by the dealer (Roslyn Premont) who said she wanted to talk to me about



Fig. 2. 'The cleansing rain' (1991) © Linda Syddick, 1991/Licensed by VISCOPY Sydney 2001.

Photo by Fred Myers

Linda. There was interest in doing an exhibition of her work, she said, but Linda was troubled. Actually, I realised, she 'had trouble' in the Aboriginal sense: someone had accused her of doing wrong, as a woman, in painting *Tingari* stories. These are part of a class of Dreaming stories that are associated with the travels of Ancestral Beings who were instructing post-initiatory novices. The dealer thought Tjungkaya might want to talk to me; I assume Tjungkaya's interest arose because she knew me to have been very close with her father and because she thought me unusually suited, for a white person, to understand her predicament. The dealer rang Linda on the telephone, calling Taree where Linda was living in South Australia with her current husband, a white man who had met her when serving as a dentist for the Aboriginal Health Service in Alice Springs.

I spoke to her in Pintupi and to her husband in English. She had a story, she said, about Emu men who were perishing (dying of thirst) at Walukirritjinya, so they got some clever men to fashion spears (*kularta*)



Fig. 3. ‘The Ascension’ (1991) © Linda Syddick, 1991/Licensed by VISCOPY Sydney 2001. Photo by Fred Myers

and to use a mirror, throwing spears into the sky to bring a cleansing rain. This was, I realised, a story associated with Shorty Lungkarta. It is a *Tingari* story, part of their cycle of activities, but the key to understanding its significance is that it involved Emu Ancestral Beings at a place called Walukirritjinya. This is a place that I knew to be closely identified in almost everyone’s mind with Shorty Lungkarta. His father had died there, and Shorty was ceremonially in control of its stories and ritual. I hadn’t known about the Emu Beings as part of the story, but I had seen Shorty paint versions of this story numerous times. Following his own logic of authenticity, the husband wanted to know what the mirror was, and Tjungkaya told me it was a *tjakulu*, that is, a pearl shell — an item often associated with rain in Aboriginal understandings. As Tjungkaya talked, I realised that this story was the second of the ones I had seen in her paintings a few years before: this one is identified with Shorty and Shorty’s place or country while the first, of the spearing and fire, was of her first father, Riinytja.



Fig. 4. ‘The Last Supper’ (1991) © Linda Syddick, 1991/Licensed by VISCOPY Sydney 2001.
Photo by Fred Myers

The issue for her, and for her husband, concerned her right to paint. Her own country, she told me (I knew), was near Kiwirrkura, considerably further to the west, where she was born and from which her mother came as well.⁶ She told me that before he died, Shorty Lungkarta had told her she could paint his country, the Tingarri there. Linda’s husband suspected that the jealousy of a sister had been the basis of recriminations of wrongdoing, but Linda was unquestionably concerned by it and insistent on the right to paint Shorty’s country, insistent on what this meant about their relationship. The emotional tone made me realise something in the paired paintings I had seen, a pair that Tjungkaya had insistently told the dealer should be a set, not separated. If the cleansing rain represents Shorty Lungkarta, then his fathering of her — indexed not just in the painting’s iconography but also in the transmission to her of the right to paint his country — represents a settling of the upset of the first loss, signified by the fire. Iconographically, this occurs at another level of mediation: water soothes the fire, cleanses, makes grow, cools the pain. The activity of painting, which comes from Shorty and is enabled by his giving to her the right to paint his place, is an activity of having a place and of recuperating identity.

In this way, Linda's paintings represent a powerful symbolic formulation of loss, estrangement and redemption. I had the extraordinary fortune at this same time of meeting Allison French, the curator of the government art gallery in Alice Springs, who had written a grant proposal⁷ for Linda Syddick to obtain funding for her painting. In order to write this submission, French had asked Linda and her husband to make a tape answering the questions she thought were important for the proposal. In short, she needed to know, what did Linda want? Allison felt that she really didn't understand much of what Linda had said, because most of it was in Pintupi, but she felt it was somehow important. So she asked me if I would listen to it and see if I understood.

Beginning in somewhat laboured English, Linda talked about how her father, Shorty Lungkarta, taught her his country, his Dreaming, and told her — his eldest daughter — that she would paint these when he was dead. Thus, she paints Tingarri stories, the stories of the carpetsnake (known as *kuniya*, probably referring to a place Lampintjanya which Shorty often painted), and God's word (*Katutjaku wangka*). What the tape was supposed to elicit was what she wanted to do with the grant — and she said she wanted money 'for my property, for *ngurra* [that is, country, camp or home] here' [in South Australia where she is living at the time]. Then she said she was getting tired of talking. When he took up the microphone, her husband reported that Linda was 'singing to her painting', apparently wanting Allison to know that something authentic was going on — rather than an inauthentic money-making scheme. Singing would indicate to him that the painting was traditional, associated with ceremonies. He recorded what she was singing, saying it was men's stories. But, as I realised when the singing went on, what she was singing was the class of song/story known as *yawalyu* and sometimes identified in English as 'love magic'. She tells Allison this, addressing her in Pintupi and English: 'Did you understand my word (what I said)?' And then she sings more songs. She seemed to me to be redefining the relationship between herself and Allison, reconstituting who she was, performing herself more and more as Pintupi in shifting to that language. Instead of being the supplicant, responding to questions in English, she offers herself as knowledgeable, autonomous.

Her comments are intended for Allison. She says, 'You Allison, you are woman alone' [single]. 'This story is bringing man, making him "see" you' [bringing you to his thoughts]. She sings verse after verse and

narrates the event in it — initially with an emphasis on women singing to bring a man, because ‘she doesn’t want to be alone’. Increasingly, however, Linda’s narration turns to feelings of sadness (*ngaltu*) in the songs; not just of the longing to overcome separation and desire, of love magic premised on the desire to be recognised by certain others. The narration describes a man’s sadness at his distance from a daughter. In the account she is giving on the tape, she describes the man of the story as having moved away *yuntaltjirratja* — wishing for his daughter. These are also probably the feelings that Linda is concerned with herself, having moved to South Australia with this husband after the sequential deaths of her children. Her loss, or losses, have been crushing: a father to violence, three children at an early age, two husbands.

Addressing Allison initially as a woman without a man, she establishes a common human ground, but one which she controls as the possessor of ritual and its knowledge. While her husband wanted to emphasise Linda’s authenticity, referring to the songs, she centres herself and defines first a relationship with Allison, whom she addresses directly, but says, ‘You (are) white woman; you can’t sing inma (ritual), can you?’ This shows something important in her possession. Second, she defines herself as an Aboriginal. Finally, she invokes sadness. ‘Tired’, as she says, of responding in the terms initially established by Allison (about the grant, about publishing), Linda shifts the ground of the communication. This seems apparent as the tone of the tape shifts.

Linda’s concern with loss and salvation is palpable. It is the story of the loss of her first father and her life being cleansed and repaired by her second father, Shorty, who gave her — in his adoption and in the transmission of his country — a new life. Unexpectedly, it is also the story of the substantial body of paintings she did of ET, the extraterrestrial figure in Steven Spielberg’s film of that name: the alien estranged from home (Fig. 5). She watched this Hollywood film absorbedly, over twenty times. ‘Linda is fascinated by this movie’, Ros Premont (1983), her dealer, has written. ‘Her empathy was sparked by ET longing to return home.’ These are the feelings — homesickness, pining — of grief, of loss, which Central Desert Aborigines articulate in song and ceremony. These are feelings signified in and through places, as Walukirritjinya and its story of bringing the rain does for Linda. And this is the story of Christianity, offering similarly a salvation from her loss and estrangement; the loss of her children, of her father and to some extent now of her culture.



Fig. 5. 'ET Returning Home' (1994) © Linda Syddick, 1991/Licensed by VISCOPY Sydney 2001. Collection Museum and Art Gallery of the Northern Territory

As Pintupi learn to experience the environment, places such as Walukirritjinya are already objectified. Shorty Lungkarta gave Linda the right to paint it, and doing so is central to her. The specific iconography of the place, the story elements of its fashioning in the Dreaming which are already socially objectified and define it as a token of identity and exchange, takes on a doubled use which is part of its aesthetic function [to borrow a usage from Jakobson (1960)]. Jakobson described the aesthetic function of any communicative event as one oriented to the

message for its own sake. It is not only the possession of the place and the right to paint that establishes an identity, but also the specific imagery of spearing of the clouds and the cleansing water poetically reverses the loss of her first father in the fire. Herein, at least in part, lies Linda's artistry, in conveying this complex understanding of place, loss and identity. Longing.

It is difficult to ignore the larger themes, of how place signifies 'at homeness' or wholeness, in narratives of uprootedness, displacement and loss. This connection is invoked through the ET paintings, and it is a theme about place one also finds expressed in the formulation of diaspora cultures. Linda seems to have found something of value in *ET*, something paralleled by the longing of the Jewish diaspora for the place (Zion) tied to ancestors, continually evoked and kept alive in ritual (such as the Passover seder).⁸ *ET* is one of several films, which has included also *Schindler's List*, by Spielberg, a filmmaker whose attention to Jewish themes of exile and return have been pointed out by many critics. Undoubtedly, the Pintupi construction of place is not built on separation from a homeland in the same way, but in an uncanny and perspicacious manner, Linda has picked up on Spielberg's concerns in her art. Rather, Linda's painting suggests that separation/longing/recognition are fundamentally encoded or activated in the transmission of relations to place.

It should be no surprise that Syddick can formulate this relationship of place in her art. The sensibility of this complexity is central to Aboriginal communications about place. In 1983, when the hearing for the Mongrel Downs Land Claim — on which I worked — was held, the Aboriginal Land Commissioner visited some sites with the claimants. That night, the claimants performed an enactment of a *Tingarri* sequence to demonstrate their rights to the area, since the *Tingarri* Ancestors, known in this region near Lake Hazlett as *Wirntiki*, the stone curlew bird who led them as they passed through the region and made the country by their actions. The main performer, Allen Wintu Tjakamarra, was understood to have been conceived from the essence of the *Wirntiki*, and therefore was its real life embodiment. The men chose to perform the sequence in which the stone curlew passes with the novices under his supervision through a raging (ceremonial) fire. He looks back sadly to the country from which he came, his own country, and calls out, 'Goodbye my country; I will see you no more.'

Syddick's paintings extend and discern in painting practice a particular formulation of identity, loss, and replacement that must have

had long standing in Western Desert life. Distilling this cultural formation, she articulates a more general longing; one we can now see to have been imagined more concretely in practices we regarded narrowly as love magic. Her painting of loss, redemption and longing is a reflection of states of being and an economy of desire defined by Pintupi understandings of sorrow — *yalurrpa* — as the loss of an object fundamental to one's identity.

Circulating discourses of art: Blurred genres

The concern about tradition, of course, comes from somewhere. The anthropology of Indigenous Australia is partially constrained by the legal concepts and processes of land claims. Legitimate claims rely on being cast as authentic tradition. This makes anthropology and its interpretive practices complicit with a production of Aboriginal cultures that continues to stitch culture and tradition into some kind of wearable garb. In this respect, while the interest of scholars of and from the diasporic world has valorised hybridity and dislocation in cultural theory, those of us working with Indigenous communities have a different problematic. I was well aware that my first ethnography — the 'last' of the ethnographies, according to Eric Michaels — would have an impact on land claims. This puts constraints on how deconstructed your concept of culture can be.

The irony of Aboriginal acrylic painting condenses these debates. It acquires value (in the market) ostensibly through its incarnation of tradition and the recent and ongoing debates or scandals about its authenticity ('dots for dollars') exemplifies the power of this. Yet, I want to argue its real power and lasting value is that it appears to be of tradition while violating it. This ambiguity constitutes its unsettlement.

But this work must be seen as addressed to a present, whatever it brings from a past. Writing about multiculturalism, Turner (1993:17) has argued that the current global cultural conjuncture has made for 'the steady proliferation of new cultural identities along with the increasing assertion of established ones'. Along these lines, the principal discourse of Aboriginal painters emphasises their works as vehicles of self-production and collective empowerment. Such interpretations almost surely represent an engagement with emerging theoretical discourses in the arts themselves which emphasise, in the framework of multiculturalism, 'the self-definition, production and assertion of cultural groups and identities in general' (Turner 1993:17). Yet, as Fiona

Foley has claimed it should (Isaacs 1990:12), Aboriginal painting does so from its own particular histories and conceptions of collectivity and power. These differences, or particularities, are what make this work of interest to the artworld — both contributing to its development of a general theory of such cultural activity as art and drawing on it for an historical frame. Syddick's painting could be seen as instantiating the capacity for self-creation within a particular history — having both transcultural and specific meaning.

Blackfella/whitefella

Whatever they might be understood to say, the entry of acrylic paintings into the category of fine art has produced a counterweight of suspicion in Australia where the rough edges of the fit between Aboriginal acrylics and fine art generate a concern about commoditisation and evoke the constitutive opposition of art and money in Western theory. In her essay *Culture Wars*, Langton (2003) has seen the scandal-mongering as part of an ongoing and intensifying culture war in Australia, whose base lies in white anxieties, anxieties about the entry of Indigenous culture and values into the broader society. This resistance to the rise of Aboriginal regimes of value can be palpable, but so has been the ever-increasing visibility of Aboriginal cultural production. In August, the Art Gallery of New South Wales and Papunya Tula Artists opened a retrospective exhibition in Sydney, *Papunya Tula: Genesis and Genius*, focusing on the past 30 years of work. It received major critical attention and publicity. Curated by an Indigenous curator, Hetti Perkins, and with approximately 150 paintings (from 50 artists) from the entire period of the movement, including almost all the most celebrated examples of Papunya art that had been sold for record prices, this exhibition announced definitively the recognition of Aboriginal fine art. For my friend Bobby West Tjupurrula, the retrospective was an occasion for pride, as he said, especially in his father's painting. Even so, at the Radio National interview (18 August 2000) occasioned by the opening, the questions from Michael Cathcart carried a probing nuance. Was this really fine art, or was it just a kind of sentimental recognition of Aboriginal culture? 'Fred Myers,' he asked me, 'what's your take on this? Is it fair to see this kind of art as part of a world-wide phenomena in art, or do we need to see it within a purely Aboriginal context?' Pressing further, the question revealed a concern for the authenticity of current Western Desert art.

These probings so paralleled the suspicions circulating in the scandals of the previous several months, that most of us understood them to be phrasing that point of view.⁹ The next day at the symposium, Langton made the fundamental response: that viewers of Aboriginal art expect that looking at the work will itself reveal its value and meanings. Instead, she told the audience, responding to the paintings requires work — the work of scholarship, research and attention, just as we cannot understand Renaissance art merely by looking. Indeed, she said, her own understanding of Western Desert culture was not something she simply knew because of her Aboriginal identity but was acquired over a long period. How could it be otherwise? Or do we think that Aboriginal paintings are somehow transparent? A simple recognition of hybridity is not enough to grasp the internal life of culture. This lies not in reified notions of culture or even of culture-mixing, but in specific histories of culture-making.

At the end of the events opening this retrospective, the Western Desert Aboriginal rock and roll group, the Warumpi Band, played in the art gallery's main hall, a space usually restricted to the serious gatherings associated with fine art. The words of their celebrated song *Blackfella/Whitefella* were an anthem to the mixed crowd, black and white, pressed together in the new combination objectified in the acrylic paintings:

Blackfella, whitefella,
It doesn't matter what your colour
As long as you're a true fella
As long as you're a real fella.

It isn't colour, but recognising the reality of Aboriginal lives that matters: recognising the emerging conditions of cultural production. And then the refrain, 'Are you the one who's gonna stand up and be counted?' Here is an invitation that — like the paintings — finds new combinations of white and black. Songs with the specificity of the Western Desert and even Arnhem Land locations of band members — *Kintorelakutu* (back to Kintore) and *My Island Home* (Elcho Island) — now circulate as part of a more abstract currency, for young Australians white and black, in ways similar to the circulation of Western Desert acrylic paintings for other identities inside and outside of Australia.

Conclusion

If we are to regard acrylic painting in the frame of culture-making, we will need a more action-based approach. That this is not an unusual

situation is evident if one peruses the works of art criticism with the acceptance of Cubism or considers the processes of ritual socialisation or evangelisation in cases like the ‘Balgo Business’ of the Western Desert: where forms are put forward and acquire their subjects, hail them and produce new meanings. The concept of social drama (Turner 1974), or even of tournaments of value (Appadurai 1986), recognises these reshiftings of cultural hierarchies as part of cultural life, not something added on ‘by change’. It is the recognition of the fields of cultural production that would take us away from the idea of people having a culture (or is it they are had by the culture?) towards the idea of them making their culture, and remaking it through the unsettled business of acrylic painting — neither ritual business nor fully commerce.

I want to end with my conclusion from the lecture I gave in 2000 at the Art Gallery of New South Wales, celebrating Papunya Tula’s retrospective where I tried to explain why the circulation of these paintings has been so promising and so problematic. They help us as well to rethink tradition in a contemporary context. The hopes of the Yarnangu painters at Papunya, Yayayi, Yinyilingki and beyond for new levels of connection and recognition, the expectation of renewed value for their own cultural forms, this is all part of what the paintings have achieved. Equivalence has not been easy to work out, but in the long view, it is clear that the original insistence on the power of their paintings has been borne out. The effects of the painting movement have been remarkable, far beyond what my early literal translations had imagined. I understood what the painters said, of course, but I would never have anticipated the effects they had in producing a recognition of their value and power across cultural boundaries. They have contributed to the accomplishment of land tenure security, of establishing significant identity for those whose Dreamings they are, and that they have made a kind of Aboriginality knowable to those who view them. In this way, they have evidenced the power they were said ‘traditionally’ to have.

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This paper is dedicated to the memory of Tjupurrula, painter of ‘Straightening Spears’.

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Notes

1. Acrylic painting is one of the arenas in which the conundra of the concept of tradition are faced. This arena is important to consider because ideas such as tradition must be considered in relation to specific fields of cultural production, with distinctive characteristics (such as those that the artworld's concern with 'authenticity' and the market might bring). In this note I carry this perception into some general anthropological terrain for a moment, outlining the implications of cultural theory. I want to trace a particular genealogy for an anthropological concern with Aboriginality, a genealogy within anthropological theory rather than in the politics of Aboriginal communities. Perhaps it is a just-so story, but it represents a history of engagement with Aboriginal situations that flows from theoretical developments in Pacific studies. Cargo cults — and

millenarian and revitalisation movements — have been challenging phenomena for anthropologists. Principally phenomena of Papua New Guinea societies, the situation of local people building miniature airstrips and conducting rituals to redirect European goods to local folks demanded an explanation. Were these the irrational wish-fulfilment outbursts of primitive people, results of relative deprivation? Were these the consequences of colonial interaction, the products of a world-system's disruption of local systems? Anthropology in the Pacific in the 1950s and 1960s began to develop an alternative formulation to those explanatory frameworks that saw only disruption in the local from outside exploitation, only culture change inevitably in the direction of Western culture. In *Road Belong Cargo*, Lawrence (1964) made the elegant and eloquent analysis that the coastal history of cargo cults in the Madang area could be seen as extensions into the current history of long-held Indigenous cultural assumptions. The configuration of the disparity between whites and blacks was organised through the body of available myths and rituals combined with selective readings of the Bible: when the boats came to New Guinea with cargo, the black brother refused it or was tricked, and it was sent to the white brother — to England or Germany. It had rightfully been theirs, and this historical mistake could be redeemed through proper ritual, through learning the ritual from whites or whatever. The point was that cargo cults were rational extensions, they made sense given the cultural assumptions of Melanesians. This exemplified a stance common in Pacific anthropology — of the continuity of culture, of its capacity to engage and assimilate external change to itself, of the vitality and confidence of Pacific cultures. For anthropologists, enthralled often by the exotic and the different, largely in the service of a project of cultural critique (that Western assumptions did not represent human nature), this was cause for celebration — their concept of culture had explanatory value and their hope for continued existence of cultural difference could be sustained. Indeed, it would be no surprise to most here that Pacific anthropology found its heyday in the 1950s and 1960s, with one after another documentation of cultural difference.

However, as Marcus and Fischer (1986) noted, by the end of the 1960s and the early 1970s the outward manifestations of cultural difference were diminishing. Almost everywhere, people were engaged with institutions of the world-system. The instantiation of authentic cultural difference moved inward, beyond the surface — towards what was known in the US as 'ethnopsychology'. This was a peculiar amalgamation of symbolic anthropology and psychological anthropology, attempting to delineate different notions of the self and the person. While for some Mauss was the inspiration for this work, I suggest that Geertz's

work on Bali — ‘Person, time and conduct in Bali’ (1973), especially, and later ‘From the Native’s point of view’ (1976) — and Schneider’s influence in Pacific ethnography was central to this development. It was very American, this concern with something other than the maximising, self-interested individual, equally a concern with the possibility of socialising different cultural kinds of human nature. That this took place in the Pacific ethnography is clear, and certainly in opposition to work on world-systems — symbolic anthropology opposing political economy. The stakes were ‘native agency’. Even if people in these societies took on many of the outward forms of Western institutions and cultural life — like Samoans, long Christianised (see Shore 1982) — they remained different kinds of persons. There may be a precursor for this in the US and in American anthropology — namely, the long history of Indigenous life histories and autobiographies (the personal document). Native Americans had been the subject of much research, although their social systems were radically disrupted. What anthropologists discovered as different was their culture, embodied in their worldview and their discourse about themselves. What anthropologists discovered was also what the US government and missionaries found exasperating: they were not easily assimilated, but often preferred their own ways.

Sahlins (1981) later picks this up more definitively with his work on Hawaii, as does Thomas (1991) in *Entangled Objects*. Against the Wolf model, Sahlins emphasised survival, continuity and agency of local cultural traditions, but for Sahlins it became necessary to postulate something more than cultural continuity. His structuralism, of cultural structure assimilating new conditions, had to be modified with a notion of transformation. The problem for Sahlins was how to overcome the notion of tradition as static. He did not face the challenge in court faced by claims of Aboriginal cultural continuity which insisted on continuation of cultural objectifications as tradition. More powerfully in political sense, Turner (1980) took up the problem of Indigenous people’s politics and culture in an attack on ‘cultural preservation and cultural survival’ in which he insisted one must focus not on cultural products but on the process of making culture.

2. Turning in this direction has suggested to me further that such objectifications must be conceived as various within a society and not as transparent transformations of a single process. Following the theoretical orientation of my previous ethnography of the Pintupi (Myers 1986), I argue that objectifications should be regarded first as mediations of specific processes. For example, in my earlier study of Pintupi social life, I identified various objectifications of the tension or contradiction between the values of relatedness and autonomy: in the different structures of ceremonial organisation (patrilineal and generational, each

offering a means of mediating distance and closeness), in the protocols of speech and in the structure of the Dreaming itself — its extension in space allowing for the articulation of spatial singularity (a base of autonomy) within a continuum of connections (relatedness).

- 3 For other articles on Syddick's work see West (1994, 1998, 2000).
4. Napulu was a young woman at the time, with only one child. She remembers seeing a group of men:

The revenge party stood there, a group of men. I said, 'Hey, there's trouble...look, an attack.' His name [her husband] was Riintja, Tjungkaya's father. She was the only child, very small. I tried to warn him; that's how I tried to tell him. I stayed there all day, saw the whole thing.

Napulu remembered her own actions in detail:

I took spears, a firestick, a spearthrower. Swiftly — alone — I crawled away, carrying Tjungkaya, crawling. I felt my way along. There were no trees to hide in, no scrub, only spinifex [a spiky grass]. They did not see me; I was lucky. What happened? I became magical [laughs], truly!...I tried to tell him.

According to her story, Napulu crawled and hid at the side of a sandhill. From there,

I saw them come forward, all those men, with spears. They burst in. They descended on the camp. I left a rabbit cooking in the fire. It just kept cooking. I spoke to the child, 'Look out!' Tjungkaya was crying, her stomach was bad, from the way I had carried her. I said, 'Look out, we'd better leave.' He was just a young man...

The revenge expedition killed Napulu's husband and tossed his body on the fire.

She remained hiding at the base of the sandhill, barely sheltered from the cold, while her daughter cried. They had no fire. Darkness fell, but it was not until the moon rose that she went back to the camp, gathering coals to start a fire. She made a firestick and left, returning to her own relatives.

5. The issues of grief, loss and orphan status are significant questions in my monograph.
6. For detailed discussions of the multiple rights to country, see Myers (1982, 1986, 1988).
7. This was a submission to the Australia Council for the Arts. From it, Linda received a grant of \$35,000 to live on, in order to produce an exhibition and/or book of her work.
8. Faye Ginsburg (1997 pers. comm.) pointed out how this parallel might work.
9. Marcia Langton's first response was to draw attention to what she called an 'excess' of appropriation which betrays a policing of whiteness, and ultimately a trivialising of Indigenous culture. But, she insisted, 'If you stand in front of some of these paintings, it is surely not possible to walk

out of the gallery with the low level apprehension of Aboriginal art that is now circulating in Australian popular media. It is surely not possible' (Marcia Langton, Radio National, August 18, 2000).

2. Development options on Aboriginal land: Sustainable Indigenous hybrid economies in the twenty-first century

Jon Altman

At the start of the twenty-first century we have seen the emergence of a new and very provocative discourse on Indigenous affairs policy. The popular media have allocated labels to two ideological camps: the ‘progressives’ who support an amalgam of Indigenous citizenship rights and special rights, and the ‘conservatives’ who believe that the way forward is through a more thorough incorporation of Indigenous people into the mainstream.¹ Two recent books depict the extremes of these contrasting positions: Folds’ (2001) *Crossed Purposes* and Sandall’s (2001) *The Culture Cult*. Sandall accused the progressives of giving too much weight to history, of dishonestly ‘romanticising the primitive’ and facilitating the exclusion of Indigenous people from the benefits of modernity. The policy implication of his position is assimilation. Folds, on the other hand, provided a markedly different polemic of informed cultural relativism based on long-term residence in a Pintupi community. His position recognised lived reality, cultural difference and Pintupi choice. The policy implication of Folds’ position, however, is arguably the continuation of the status quo.

This paper challenges the ideological positions of both ‘progressives’ and ‘conservatives’, and of conventional economic thinking in general. An economic development problem is faced by Indigenous peoples living on Aboriginal lands in remote and regional Australia. Part of the development problem is that the hybrid economy that is a distinctive feature of such situations is poorly understood — by politicians, policy makers and Indigenous peoples and their representative organisations alike. Consequently, important Indigenous economic contributions remain unquantified and unrecognised in mainstream calculations.

Part of the problem is generated by inadequate intellectual approaches to development on Aboriginal land that are encapsulated in the false question: how can development based on market engagement be delivered to communities that are remote? Part of the answer is to properly understand the hybrid economy by using a hybrid intellectual framework that combines science, social sciences and Indigenous knowledge systems.

The people and the country

It is difficult to say just how many people live on Aboriginal-owned land. One recent estimate from 1999 suggested a total figure of about 110,000, with perhaps one in ten being non-Indigenous residents (ABS 2000). The Indigenous population of these lands accounted for about 25% of the total Indigenous population at that time. It is significant that historical analysis over the last four censuses (1981–1996) indicates that this population has grown markedly. More importantly, some recent preliminary population projections undertaken by Taylor and Bell (2001) in relation to a number of remote mining regions forecasted rapid future growth. The Indigenous population of these selected regions is conservatively estimated to grow by 10,000 from 24,000, at a rate of 2% per annum, between 1996 and 2016.

As this population grows, it is likely that the Aboriginal-owned land base will also grow. For example, recent research by Pollack (2001) indicated that the Indigenous share of the national estate of Australia comprised 14.2% in 1993, 15.1% by 1996, and between 16 and 18% in 2000. Such growth is a result of claims processes incorporated in land rights and Native Title laws, as well as the purchasing activity of the Indigenous Land Corporation. At the same time, Native Title property rights have also received enhanced statutory recognition, most significantly in the *Yanner v Eaton* High Court decision on customary use rights over wildlife.

The economic development problem for Indigenous peoples resident on Aboriginal lands can briefly be described in the following terms: compared to the wider Australian norm, incomes are low and there is heavy dependence on the state as a source of income. At times this situation is depicted in terms of poverty and excessive welfare dependency: recently there has been a tendency for welfare reformers (e.g. McClure 2000) and Indigenous spokespersons (e.g. Pearson 2000) to attribute many problems in Indigenous communities to these features.²

Reliance on the state can be explained by the relative absence of commercially viable enterprises in these remote localities. The market (or the private sector) is at best small, at worst non-existent, and consequently the state looms relatively large as a provider of welfare and services. Had the populations of many of these regions been entirely non-Indigenous it is highly likely that today they would be even more sparsely populated, or even uninhabited. Conversely, if the land now occupied was not of marginal commercial value, it is unlikely that it would be Aboriginal-owned, because most restitution of land since the 1970s has been predicated on it being unalienated Crown land, which has been historically of limited commercial value.

The hybrid economy

The hybrid economy framework used here is intended as an analytical construct for the assessment of the particularities of any one situation and the linkages between the market, the state and the customary components of the economy. These linkages can be complex and are simplified significantly here.

The market

The market can best be conceptualised as the productive private sector; it is always evident, but often more in a consumptive than a productive manifestation. In its productive form the market is often very small and might include the retail sector, the arts industry, commercial wildlife harvesting, local entrepreneurial activity and, in some situations, articulation with the mining and tourism sectors.

While there has been considerable debate recently about the emerging impacts of globalisation on market activities in regional Australia (Gray and Lawrence 2001), in reality the Indigenous economy has felt limited impact because there is so little market engagement. This does not mean, however, that Indigenous communities are not subject to globalisation: in some situations international impacts on arts, tourism and mining have direct and indirect ramifications for Indigenous stakeholders.³

The state

The state is present on Aboriginal land in many manifestations — as it is everywhere — as service provider to citizens, as provider of the

welfare safety net, as law enforcer and as regulator. In many Indigenous situations the state as provider looms relatively large because the productive market is relatively small and the customary economy is largely ignored in analysis. There are arguments to suggest that given the extent of relative need, the state should in fact play a greater role in many Indigenous communities (CGC 2001). Others have argued that excessive state intervention, especially in the delivery of 'passive welfare', is often the cause of social problems: it is not that there is too little state support, it is just of the wrong form (Pearson 2000).

More involvement of the state might be needed in the short-term, but the political economy of Australian federalism and the relative absence of the productive market in remote areas often results in regional neglect. From the late twentieth century, governments have increasingly tried to corporatise and privatise state service provision, or else cost-shift onto that part of the corporate sector operating under the new rubric of 'corporate social responsibility'. Recent welfare reform based on McClure's (2000) recommendations and under the auspices of the government's 2001–2002 package *Australians Working Together* (Commonwealth of Australia 2001) seeks to establish relationships of mutual obligation between communities and welfare beneficiaries, a potentially fraught new form of cost-shifting from government to citizens.

The customary economy

The customary economy is made up of a range of productive activities that occur outside the market. They are based on cultural continuities: hunting, gathering and fishing occur within the customary economy, but so too do a range of other activities such as land and habitat management, species management and the maintenance of biodiversity. A distinctive feature of the customary economy is that it is not monetised; consequently, its value has remained either unquantified or unrecognised in mainstream terms. Researchers, as a general rule, have ignored the value of the customary economy for a variety of reasons, but mainly because it is very difficult to quantify, especially on a regional scale.⁴ Case study material suggests that the customary economy can have significant economic value, especially in the tropical savannas and wetlands (e.g. Altman 1987; Griffiths 2000; Griffiths et al. 2000; Vardon 2001; Whitehead et al. 2001). The monetary value of the customary economy is most clearly evident when its products are

marketed and attract a dollar value, as with the sale of Indigenous art. Even in such contexts there are indications of underestimation of the value of these aspects of the economy.⁵

Linkages and interdependencies

In reality, there are invariably linkages and interdependencies between these three conceptual sectors of the market, the state, and the customary economy: that is the nature of hybridity. Four cross-cutting alignments are noteworthy:

- Market, state and customary — as evidenced, for example, in the marketing of arts via art centres that are state-supported, but are also dependent on their operating profits. Similar hybridity is evident in the commercial utilisation of wildlife and in cultural tourism enterprises, indeed in most activity that is underwritten to some extent by the state.
- Market and state — as in commercial enterprises that are underwritten by the state, be it by the Community Development Employment Projects (CDEP) scheme or through direct state enterprise support.
- Market and customary — as in joint ventures that might not be predicated on any state support, but which require customary involvement.
- State and customary — as in customary activities that are underwritten by state support, usually in the form of income support from the CDEP scheme or welfare.

Regional interdependencies are also significant, but are rarely recognised. An example is the significant attraction to international tourism of species biodiversity in Kakadu National Park; much of this is linked to habitat conservation not just in Kakadu, but also in abutting Aboriginal land in western Arnhem Land. A positive spin-off benefit for Australian tourism is generated on Aboriginal lands by the activities of Aborigines, but is largely unrecognised, except by biological scientists, and is neither quantified nor remunerated.⁶

Development dilemmas

The fundamental development challenge faced by most Indigenous communities located on Aboriginal land is how to grow the hybrid economy. In many situations it is possible that, population growth aside, the level of state intervention has peaked and the key issue is how to

expand the productive market and customary sectors. Development dilemmas abound: herein four are discussed.

First, given that many members of Indigenous communities on Aboriginal lands aspire to maintain a degree of physical distancing from the wider global economy (Levitus 2001), the extent of engagement with the market will vary enormously. While members of each community will make decisions about the trade-off between engagement and isolation, it is important that the implications of any new business opportunity, especially in high social contact industries like tourism, are understood. Distinctions between direct and indirect engagements with the market will be important: there is a significant difference between producing art for sale at controlled outlets and high levels of tourist visitation onto one's land (Altman 1989).

A second dilemma is the establishment of appropriate recognition of the contribution of the customary economy to Indigenous households and communities and to the wider society. Such a contribution can be of direct benefit to Indigenous economic wellbeing, for example in the returns from wildlife harvesting. But indirectly, external benefits are also generated for regions and the nation, for example by the positive impacts of such harvesting on the maintenance of species biodiversity. Another example is the use of fire for land management and biodiversity conservation (Russell-Smith et al. 1998; Yibarbuk et al. 2001). Of secondary significance, but still noteworthy, is the unrecognised contribution of Indigenous peoples to nation-building: roads, airstrips and other infrastructure developed over time with minimal state support represent a growing investment in the remotest regions. The development dilemma here is how to ensure that Indigenous persons are remunerated for the spill-over benefits they generate for regions and the nation, while also ensuring that recognition of the previously unrecognised does not result in cost-shifting and the jeopardisation of state support for households. And while those who profit should theoretically underwrite the provision of economic activity that has spin-off benefit, there are clearly what economists call 'information' and 'freeloader' problems here and little opportunity for trade between providers and beneficiaries.

The third dilemma is the difficult issue of governance. There is a belated recognition by many stakeholders, but especially the state, of the need to invest in community capacity building and institutional strengthening that will ensure political stability (critical to investor confidence) and the equitable distribution of income. This is reflected

in new programs such as pilot Community Participation Agreements (Commonwealth of Australia 2001; cf. Smith 2001), but also in a number of Inquiries by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. A key issue here is the tension between customary law on one hand, which gives primacy to traditional land-ownership, and commercial law on the other hand, which gives primacy to sound business practice, clarity of property rights and investor interests.

A fourth and associated issue is how to structure community and economic governance in a manner that recognises the intercultural nature of many Indigenous communities and the heavy reliance of many organisations on non-Indigenous staff. It is likely that enhanced engagement with the market will increase rather than decrease the extent of such reliance, and there will be a need for governance structures that protect the interests of Indigenous stakeholders, especially in joint ventures. There is clearly a tension here between the rhetoric of Indigenous self-management and the reality of interdependence. Considerable attention needs to be given to the issue of how Indigenous interests might gain access to non-Indigenous staff of high quality: how do communities ensure excellence in staff recruitment, how do staff stay abreast of the latest developments when residing in isolated situations, and how do communities ensure that they curtail staff influence while also retaining the best people? Is there a need for larger regional structures with critical mass that might attract more highly skilled people, provide them with a career structure and encourage outward-looking and productive relationships with universities and the private sector?⁷

Sustainability issues

The numerous development possibilities within the hybrid economy suggest that a diversity of approaches will be needed to assess sustainability — be it in the market, state or customary sectors, or any combination thereof. Some recent research in which I have participated indicates the benefits that accrue from collaboration between scientists, social scientists and Indigenous stakeholders. Such collaboration is unusual, but it is an important and necessary, if not sufficient, precursor to ensure sustainability of enterprise.

One example is Maningrida Arts and Culture (MAC) in central Arnhem Land which sells over 1000 carved wood sculptures per annum. However, there has been limited research on the sustainability of species harvested, and no assessment of the limits to sustainable production. In 2000, a project undertaken by the ARC Key Centre for Tropical Wildlife Management in collaboration with MAC and the regional Djelk community rangers investigated the impact of the industry on one softwood species, *Bombax ceiba*, and found that production levels were currently sustainable because 80% of harvested stems regenerated (Philips 2001). A collaborative project is now under way between MAC, Djelk community rangers, and academic researchers from the Northern Territory University and the Australian National University to assess the impact of the carved-wood industry on all species and to estimate sustainable production limits.

In the same region, a study called the Bawinanga Sustainable Use Project is under way, involving the same set of stakeholders and local Indigenous experts. It is estimating the stocks and sustainable yield of a number of wildlife species including wallabies, saltwater goannas and mud mussels (BAC 2000, 2001; Griffiths 2000). The aims of this research are to variably assess the limits to wallaby utilisation in the customary sector, the impact of cane toad infestation on goanna populations and the potential to harvest mud mussels for both customary and commercial purposes. Another project being undertaken here is a commercial and biological assessment of the potential of small-scale plant harvesting enterprises (Whitehead et al. 2001). Nearby in Kakadu National Park, a project sponsored by Environment Australia is beginning to look at feral animal management, and options for undertaking management through customary and commercial use rather than through expensive and probably futile attempts at eradication.

Lessons from the past suggest that no one approach is sufficient on its own to assess sustainability properly. There is a need for a hybrid approach that combines scientific assessment of biological sustainability, social-scientific assessment of commercial and social viability, and Indigenous expert assessment of cultural and ecological practices. Just as with the various combinations between market, state and customary sectors of the economy, so a variety of approaches combining science, social sciences and Indigenous expertise is needed to provide holistic and realistic assessments of sustainability and viability.⁸

Future development options

The economic futures for Indigenous people living on Aboriginal lands have to be different from the situations existing in the immediate past, otherwise it is likely that remote area and rural enclaves of poverty and dependence will not only remain, but will increase in number and size with population growth. This is not the occasion to examine future options in any great detail, but rather an opportunity to elucidate some broad views including the following observations:

- There will be enormous variability in the nature of the hybrid economy, in how peoples address local and regional development, and in the thoroughness of their approaches to ensure sustainability.
- Accurate information will be needed if strategic decisions are to be made regarding which of the market, the state and the customary sectors should be given growth emphasis.
- Overall reliance on the state, so-called 'welfare dependence', will not decline markedly, because there are structural and other impediments that will limit the overall growth of the market in the remote regions where Indigenous peoples live on Aboriginal lands. However, there is a strong moral, political and economic argument for using a different nomenclature for such state support. It could be defined as regional fiscal subvention (in much the same way as that provided to other parts of regional Australia) and targeted to situations where previously unrecognised productive activity has spin-off benefits to industries and regions beyond the Indigenous estate.

In the twenty-first century it will be necessary to combine elements of what has been and is successful with new opportunities, some of which are currently unimagined. Development will require greater Indigenous engagement with the market; a greater Indigenous uptake of opportunities provided by the state; and an enhanced participation, in an ecologically-sustainable manner, of the customary.

The future potential value of the Indigenous land base and the future rights of Indigenous people in species should not be underestimated. If current research by the Tropical Savannas Management Co-operative Research Centre is indicative (Tropical Savannas CRC 2000), much of the Indigenous-owned estate is environmentally relatively undegraded and species biodiversity remains high, and these features will be increasingly valued both by Australia and by the world at large in the future. There is real possibility that a conservation role will be increasingly recognised as a contribution of the hybrid economy, occurring at

equivalent or lower public cost than mainstream conservation projects in national parks. Such an approach, one that sees the state underwriting sustainable use by Indigenous peoples (and the associated maintenance of species biodiversity), is already partially evident in support for Indigenous Protected Areas. If the state sees the value of conserving the biodiversity of Aboriginal-owned land, then the apparently high cost of underwriting remote outstations or community ranger programs (that might have a secondary commercial role in cultural tourism or wildlife resource exploitation) begins to make economic sense: cost/benefit trade-offs fundamentally alter.⁹

New industries will emerge or develop from their currently embryonic state. An early twenty-first century example is the Arnhem Land Fire Abatement Project under consideration by the Australian Greenhouse Office (AGO) under its Greenhouse Gas Abatement Program. This project is a collaboration between the Bushfires Council of the Northern Territory, CSIRO Sustainable Ecosystems, the Northern Land Council, some other Indigenous regional and community organisations, and the University of California. This project aims to deliver 300,000 tonnes of measured carbon abatement per annum that will be commercially tradeable under the Kyoto Protocol from 2008 if ratified by Australia. The project will generate important employment and training opportunities in the customary sector for Indigenous peoples living on their lands. However, there is a very worrying unresolved question: whether property rights in tradeable carbon credits in the period 2008–2012 will be vested with Aboriginal land-owners or with the Commonwealth.¹⁰ Another new possibility is linked to the carbon sink potential of the Aboriginal estate that again might be tradeable in the future.

Conclusion

I began by outlining an emergent discourse about Indigenous development. I conclude by especially challenging the polemics of one group — the conservatives — which argues that there is no economic future for Indigenous people residing on their remote lands. For these commentators the future for Indigenous Australians lies in modernity, urbanisation, a full embrace of the market and ultimately, assimilation. I also challenge the polemics of another group — the progressives — for being a little too wedded to the status quo and perhaps for not being progressive (or innovative) enough. In the process I also try to

demonstrate that Indigenous development has important links to broader development debates in Australia, particularly those about sustainability and environmental issues.

A critical flaw in the conservatives' position is that it is unconnected to statistical demographic reality: indications are that the Indigenous population of much of remote and regional Australia, where the expanding Indigenous estate is located, will increase. In my fundamentally different prognosis, I argue that there are sustainable development options on Aboriginal land. An initial problem must be overcome: both policy makers and Indigenous stakeholders are using the wrong conceptual framework for understanding the nature of the economy in these regions. The choice is not limited just to the market and/or welfare economy. There is a tendency by all to ignore the customary sector in the modern hybrid economy and this sector's direct and indirect linkages and important commercial potentialities.

The realisation of economic development possibilities will not occur automatically or quickly, and the broad challenges, many based on a deeply-entrenched historical legacy that has resulted in low and well-documented Indigenous socio-economic status (see Altman 2001), are great. The key immediate challenges are threefold. The first is to understand the nature of the economy, plan for sustainability and nurture the hybrid economy in ways that mesh with Indigenous values. The second is to shift the political debate to ensure recognition of customary contributions provided by Indigenous people to regional and national economies and industries, and ensure appropriate financial underwriting by those who benefit. Finally, market opportunities in many remote localities are rare, so when new opportunities arise they must be quickly harnessed by Indigenous interests. It is imperative that newly emerging property rights (e.g. in tradeable carbon credits or in water) are commercially realised, not alienated as in the past.

The challenges to utilise the expanding Aboriginal estate so as to provide economic opportunities to its growing Indigenous population are significant. Recent research clearly indicates that there are regional opportunities for both development and conservation embedded in the customary economy, but realism also suggests that the state as provider will loom large in most situations for many years. The form and design of institutional structures within the Indigenous realm will be crucial in determining whether new regional opportunities are fully realised for the benefit of Indigenous people. It is also important to consider the transportability of best practice across regions. But there can be little

doubt that development opportunity in the hybrid economy, enhanced by a hybrid approach focused on sustainability, will be of great significance in the twenty-first century.

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Notes

1. While popular media coverage of such issues characteristically waxes and wanes, the extent of such coverage in 2001 does warrant reference. See, for example, the series 'What matters most' in *The Australian* in April and May 2001, and Nicolas Rothwell's concluding article 'At the dawn of a brand new day', *The Australian* 5–6 May 2001.
2. It is important to make the point, when first using the term 'Indigenous community' that very few with populations exceeding 50 persons have Indigenous-only populations even when they are located on Aboriginal-owned land. Most community populations are mixed and it is not unusual for 10% of a community population to be non-Indigenous. The socio-economic status and economic power of the non-Indigenous component of any 'Indigenous' community is far greater, in proportion to its size, than that of the Indigenous component.
3. The longer-term impacts of globalisation, especially of new communications technology, on the economy and social fabric of remote Indigenous communities awaits thorough investigation.
4. There are important issues embedded in this which I cannot address in detail in this chapter. First, it is hard enough to aggregate case studies using fine-grained scientific and cultural data from discrete relatively environmentally homogeneous environments like Arnhem Land, let alone incorporate in addition studies of Aboriginal land that is in more arid zones or that is more environmentally degraded. Second, there are ecological debates about the relative productivity of different environments. The biological-human ecology questions concern the factors that maintain some form of bounded equilibrium. This is a very complex issue that will be influenced by demography, history, forms of wildlife and change, regulatory regimes, cultural practices, and so on.
5. For example, ABS (2001) values Indigenous commercial art sales in 1999–2000 at \$36 million, a likely under-enumeration owing to a focus on only 31 Indigenous art centres and a failure to identify Indigenous interests in, or ownership of, commercial galleries.
6. It is interesting to contrast the reluctance to quantify spin-off benefits with the rush to quantify costs associated with invasions of exotic pests like the cane toad into tropical Australia. The state underwrites farmers when their productive capacity is impaired by drought or flood, weeds or locusts, but there is clear reluctance to quantify or compensate Indigenous

peoples when the productive bases of the customary economy are impaired. The recent incursion of cane toads into tropical savannas and wetlands will lead to the poisoning of freshwater crocodiles, long-necked turtles, goannas and carnivorous birdlife — species that are integral to the customary economy. There is no hint of state intervention to compensate Indigenous peoples for the lost productive capacity of the customary economy, let alone to resource attempts to control such intruders.

7. The Balkanu Cape York Aboriginal Development Corporation, based in Cairns but with a service focus on Cape York Peninsula, is one illustrative example of how such regional development and recruitment organisations might be structured.
8. Such issues are part of a broader challenge to mainstream economics and its faith in the market and the price mechanism (which often ignores the long-term, the intangible and the environmental, let alone the cross-cultural). The challenge to ensure sustainability has not thus far been particularly taken up in Australia.
9. An unpublished document 'Community Ranger and Land Management Groups, Top End' compiled by Peter Cooke and dated September 2001 indicates that there are currently 24 such groups at various stages of development in the region of the Northern Land Council. These groups receive highly variable levels of support from a wide variety of programs, ranging from the Indigenous Protected Areas program, to Landcare to Natural Heritage Trust, to the CDEP scheme.
10. In my view, there is a strong case for full property rights in tradeable carbon to be vested with Indigenous participants in the Arnhem Land Fire Abatement Project. Otherwise there would be limited incentive for Indigenous people to participate in the project after 2008, when AGO funding would cease. If the Commonwealth wanted to limit trade in carbon to meet national abatement targets, then Indigenous interests could be provided with an equivalent of the value of carbon abatement (currently estimated at ranging from \$2–\$30 per tonne), quarantined for use on future abatement. There are existing precedents under the *Aboriginal Land Rights (Northern Territory) Act 1976* for payment of mining royalty equivalents.

3. Identity and economy in Aboriginal pastoralism

Richard Davis

Kimberley Aboriginal peoples of northern Western Australia have, since the early 1970s, come into the ownership of roughly one third of all 98 pastoral leases in that region. The leases have been purchased for them by a variety of government agencies and, while many Aborigines of that region have regarded these acquisitions primarily as a means to attain land in a State that does not have specific land rights legislation, other Aborigines have regarded the leases as opportunities to engage in commercial pastoralism. Given the complexity of issues that Aborigines face when engaging in significant commercial ventures such as pastoralism it is no surprise that some ventures have achieved commercial success while others have struggled to achieve financial viability (Davis 2004).

While undertaking research on four Aboriginal-owned commercial stations in the Kimberley during 1999 and 2000 and listening to other Aboriginal station managers and stockworkers discuss their concerns about the problems and commercial opportunities that lease ownership presented, it became clear to me that they held multiple views and positions about the pastoral activities that they participated in. At some points they wished to convey their activities as distinctively Aboriginal, continuing stockwork traditions laid down by previous generations of Aboriginal stockworkers (cf. Smith 2003). At other times they regarded their work as indistinguishable from that done by White stockworkers and managers of neighbouring stations. This affinity of labour was again cross-cut by constant demands placed on them by Aboriginal kinsfolk for their time, money and access to fresh beef, and to a lesser extent the ceremonial calendar. In the course of my work with them I came to understand that they regarded themselves in seemingly contradictory ways: as resolutely distinct from non-Aboriginal managers and stockworkers in terms of their social and cultural connections with other

Aborigines, while enthusiastically sharing common work histories, practices and identifications as stockworkers with non-Aboriginal stockworkers.

The issue of identity was not confined to multiple social recognition or participation in ethnically distinct cultural activities, but also extended to include debate about the character of the commercial pastoral activities they engaged in. This debate had no clear locus; it extended throughout the regional pastoral fraternity as well as amongst Aborigines who no interest in pastoralism other than it had involved activities that took place on lands they had an interest in as Aboriginal owners. One of the most significant strands of this multi-faceted debate concerned the extent to which pastoralism could create enough wealth to be experienced by an appreciable number of Aborigines, in turn leading to the related issue of whether commercial pastoral activities were inimitable to Aboriginal forms of social life that are predicated on the collective ownership of lands and resources.

Recently, debate over the direction and content of Aboriginal economic development has focused on whether there are aspects of Aboriginal social and cultural life that mediate, or act as barriers to, their capacity to create wealth and improve their quality of life. There are two components to this debate; the first asserts that, broadly speaking, economic success has faltered as a consequence of thirty years of poorly conceived government policy resulting in widespread Aboriginal dependency on the state (Pearson 2000; Sutton 2001), and the second, that improving access to industrial opportunity and money can only be achieved when key aspects of Aboriginal culture that mediate these activities are grasped and then incorporated into policy design (Altman 2001; Martin 1995). These two perspectives are not mutually exclusive; for instance Pearson (2000:217) argued that the sharing of resources amongst some Cape York Aborigines, ideally a process that enhances the bonds between kinsfolk, has been altered for the worse, resulting in constant demands for others' money for injurious purposes. In his estimation this has occurred because welfare programs, which regularly deliver cash income, have not created a climate of Aboriginal self-sufficiency. In a different vein, Altman (2001:36–7) argued that Aborigines living in remote parts of Australia distinguish customary from market-oriented activities, and where the two are simultaneously distinct and combined, such as in art production, it is possible to discern a hybrid economy, one that largely resists the imposition of wider economic forces.

One concern in these debates is the extent to which Aboriginal peoples should or could assimilate to conventional social and economic life, or at least increase their commercial opportunities and access to the labour market. A parallel issue takes culture as its focus, particularly the interaction between the analytically distinctive cultures of remote Aborigines, commerce, money and the state (cf. Austin-Broos 2003; Peterson 1998). By placing culture at the heart of economic activity and noting fundamental difference as a defining feature of both cultural and economic systems, these writers are compelled to describe intercultural relationships, and to a lesser extent the effect of these interactions on relationships between Aborigines.

While I am partly sympathetic to these concerns, I want to argue that the treatment of intercultural relationships that informs this debate tends to position economic behaviour as in index of cultural identity. By this I mean that an analysis of what people do, in this instance Aboriginal commercial activity, is largely interpreted in terms of whether it exhibits Aboriginal or another, distinct, cultural activity. In historical terms, this kind of analysis is understandable, as the relationship between Aboriginal peoples, government and the market has been, until recently, one where Aborigines have rarely been in a position to influence policy or aspects of the general Australian economy. This is a particularly acute concern given that the general non-market-oriented Aboriginal economy is one in which ceremonial economies and kin-based demand sharing form important components. Nevertheless, as Yang (2000:478) has noted in a general discussion of the predispositions of economic articulation theory, analyses of differences between capitalist and non-capitalist economic systems frequently collapse forces of production with relations of production. The latter (relations of production) can be understood to involve emphasis on expenditure through collective rituals and feasting, as well as interpersonal sharing, all activities that persist irrespective of how cash, food or other resources are come by. By contrast, the former (forces of production) are very much the outcome of historical contingency, even though they are often characterised as progressively (or regressively) distinguishable modes of production. In the Australian context, the issue, then, is to recognise that the uniqueness regarded as evident in customary Aboriginal economies arises from a blurring of the two domains such that contemporary Aboriginal economic behaviour is able to be characterised in terms of whether it is recognisably Aboriginal or not.

In earlier discussions of the relationship of Aboriginal economies with colonial capitalist economies, the articulation model was used to distinguish particular Aboriginal economic activities that were of value in maintaining colonial economic activities (Hartwig 1978; Maddock 1977; Thiele 1982). The general idea expressed in these works was to identify distinctive and essential features of Aboriginal economies that were maintained but utilised by colonial capitalist economies such as pastoralism, thereby proving the articulation model. While articulation theory has rarely been cited as a viable interpretive model in Australian anthropology since the early 1980s, the general endeavour to distinguish clearly identifiable Aboriginal economic activities from non-Aboriginal capitalist activities has been an influential feature of economic anthropology and associated analyses in the Australian Indigenous setting (Altman 2001; Head 1994; Martin 1995; Schwab 1995; Young 1995; Young and Ross 1994). This commitment to alternative socio-economic recognition has two problematic aspects to it. Firstly, it is only partially supported by the ethnographic literature, and secondly, it fails to distinguish the extent to which customary Aboriginal economies are regarded as antithetical to commercial activity as much because of identifiably different modes and relations of production as because of a colonial insistence that Aborigines and settlers participated in economic systems that were incapable of being breached by the other. The former issue is considerably muddled by the recent works of Austin-Broos (2003) and Macdonald (2000). Both describe aspects of contemporary Aboriginal economic life in central and south-eastern Australia, respectively, in terms that are not easily distinguishable as Aboriginal or otherwise. The latter issue continues to be problematic because it continues a colonial legacy of difference through maintaining binary oppositions between the socio-economic activities of Aborigines and other Australians.

Pastoralism is a complex phenomenon that not only involves questions of political economy but is also experienced by Aborigines as a matter of identity within and beyond the Aboriginal domain. Aboriginal pastoral activities are not only criticised by onlookers (Sandall 2004) as not realising the fullness of their economic potential, but also receive censure from Aboriginal peoples themselves. Aboriginal criticisms often revolve around whether pastoralism is a fitting use of land and resources because it involves the management of vast tracts of land by a very small number of people with seemingly few financial benefits flowing back to the Aboriginal landowners. However,

Aboriginal stockworkers and managers regard their pastoral activities to be economically worthwhile and socially appropriate because it is they, Aboriginal people, who undertake the ventures.

This is not just a matter of academic conjecture but goes to the heart of how Aboriginal pastoralists in the Kimberley are negotiating their futures in a context where they are living what is often understood as White land and resource-use practices. The complexity of these issues is well recognised among Aborigines, as they oscillate their debates between the hoped-for commercial prospects of pastoralism and the cultural and identity implications of Aboriginal management of pastoral stations. In posing these concerns, Aborigines are raising the fundamental ethical and political question of 'how should we live'? It is the defining issue of a region that is undergoing decolonisation and it is for that reason that identity, in regards to Aboriginal pastoral activities, is an intricate aspect of the Aboriginal struggle to answer that question.

So how should one start the business of understanding the interplay of Aboriginal pastoralism and Aboriginal identity? My approach is that one should start from a paradoxical position that aims at undermining and defeating any final synthesis that characterises difference as deriving from identifiably distinct social and cultural systems. Otherwise, descriptions are offered that rest on an either/or model of culture that utilises limited notions of social expansion and cultural adjustment that accompany ideas of acculturation and which often ignore historical circumstances that have generated social change. Aborigines who have committed themselves to commercial pastoralism frequently challenge serious attempts to characterise their choices to live as they do as primarily ones of reconciliation or integration within and beyond the Aboriginal domain. They articulate their pastoral lifestyle practices as distinctively Aboriginal, if only because they employ different registers of environmental recognition, deriving from their Aboriginal heritage, to those they have learnt from non-Aboriginal pastoralists. They also recognise that commercial pastoralism produces antagonism within Aboriginal landowning groups as it tends to isolate land and cattle from the traditions, social practices and communal bonds that characterise Aboriginal land ownership in the Kimberley. But nobody could doubt the extent to which pastoralism has etched itself deeply within the society and culture of the region, from the 'cowboy culture' of rodeos and attendant dress styles to the claim by Aboriginal cowboys that pastoralism has only ever been possible because Aboriginal peoples have

shared knowledge with white pastoralists about how to live and move in the Kimberley and have historically provided much of the labour on cattle stations across northern Australia (May 1994; Jebb 2002; McGrath 1987). Thus, Aboriginal pastoralists claim that their involvement in pastoralism does not diminish their Aboriginal identity, a position that embraces two antithetical identity positions: the one, essential and continuous and between Aborigines; the other, an incorporation of the radical alterity of Whiteness. Following Hall (1990:226), we can say that Aboriginal pastoralists are fashioning their identity by positioning themselves within different discourses of history and culture — the history of pastoralism as a White enterprise and the uniqueness of Aboriginal culture.

In order to develop a grasp of the complexities of Aboriginal pastoralism and identity that is deeper than that which the model of acculturation allows, Theodor Adorno's elaboration of the dual metaphors of 'force-field' and 'constellation' is a useful point of departure. According to Jay (1984:14–15), Adorno analysed modernity through a dual analytical prism:

The first of these is the force-field (*Kraftfeld*), by which Adorno means a relational interplay of attractions and aversions that constituted the dynamic transmutational structure of a complex phenomenon. The second is the constellation. An astronomical term Adorno borrowed from (Walter) Benjamin to signify a juxtaposed rather than integrated cluster of changing elements that resist reduction to a common denominator, essential core, or generative first principle.

In using these two metaphors, Adorno avoids a series of problems that relate to how contradictions and differences are necessarily regarded as moving towards reconciliation as well as problems arising from the opposing view that diversity supposes permanent irreconcilability. Rather, Adorno calls us to do justice to both elements of reconciliation and incommensurability, which is not only a statement that applies to how to understand the non-Aboriginality of Aboriginal pastoralism but is also the beginning of understanding how Aborigines are working out the ethical issues Aboriginal pastoralism presents them.

Aborigines have used lease and reserve acquisition (vested in the Aboriginal Lands Trust, a statutory body established under the Western Australian *Aboriginal Affairs Planning Authority Act 1972*) as a means to return country and also to generate economic returns. In organisational terms, all Aboriginal-owned leases are directed by a corporation that is

comprised of owners of the land that the lease encompasses and that abides by the responsibilities set out on the *Western Australian Land Administration Act 1997* for the appropriate conduct of a lease. It is not uncommon that the composition of the corporation is a highly contested one where some members may not hold the same land ownership and religious ties to land as other members. The implications on a daily basis are disenfranchisement for some from station operational matters, but the more substantial issue that arises will be where native title claims cover a lease and there arises the possibility of two corporate bodies administering the same tract of land. These two administrative bodies are likely to have shared directors but, unlike a prescribed body corporate deriving from a successful native title determination, a pastoral lease corporation does not require the membership of traditional owners to the lease country. Nevertheless, the lease passes into the control of a corporate collective that always appoints an individual to have managerial responsibility for the running of the cattle station.

There are thus two major aspects arising from this arrangement that are distinctive features on Aboriginal stations. Firstly, they are collectively owned with responsibility for the conditions of the lease and the management of cattle vested in a group that can be controversially composed with respect to the lease land it is governing. The second issue is that, in large part, the corporation passes operational responsibility for the station and management of the herd over to a single man, often Aboriginal, and preferably with pre-existing rights and responsibilities to the land and experience of cattle work. This aspect of station management is an arrangement inherited from the pre-transfer stations, which centralises decision making over considerable resources to a single person. This arrangement places responsibility for large areas of land management and hundreds if not thousands of head of cattle in a single individual, and this has created powerful, well-resourced men in an already existing situation where rights and responsibilities to land are claimed by numerous other Aborigines.

Appointing Aboriginal men as station managers continues the gendered management styles of White stations, but it is not always the case that these men arrive at this position as a result of their own privileged position within a network of rights and responsibilities to land. On three of the four stations where I undertook fieldwork the manager was married to a woman who had inherited ties to the lease land or had far stronger claims to the area than did her husband. Other

significant aspects of station management are the distinctions and continuities between the lease-station community and excision communities on the property.¹ On some stations, the distinction between the two communities is more than the state of the tenure: they regard themselves as distinct entities even though they may share the same access to services, such as generators and roads, and the residents of both are closely related. At its most extreme, station residents or workers may identify themselves as 'ringers' or 'cowboys'. Both designations signify a commitment to pastoralism but, whereas the former connotes a high level of stockwork competence, the latter indicates an awareness of the performative dimension of stockwork, as expressed in attention to dress and regular participation in local and regional rodeos. Both identities can be used to distinguish Aboriginal identities on the grounds that they express recognisable ways of relating to land, in distinction to other Aborigines who may stress their inherited or religious connections to land. In effect, these terms are a form of communicative action, following Austin's (1962) observation that to utter an expression is to perform an action and not merely to describe a state of affairs. When Aboriginal men use these, and other pastoral derived terms, to describe themselves, they immediately invoke their pastoral activities, and by extension the historical and social contexts that have given rise to them.

The pastoral lease arrangement then introduces new aspects to Aboriginal sociality, some of which I will discuss briefly by referring to one station located in the Fitzroy Valley. This comprises 216,200 hectares and has approximately 4000 head of cattle. It is Gooniyandi country and the main excision community, where up to forty persons live, is named after the nearby gorge, which is where two lizards started their Dreaming travels through to Noonkanbah and Margaret River. Other sites of religious significance are scattered throughout the country. Since 1995 an Aboriginal couple has managed the station; they have successfully trained themselves in contemporary paddocking regimes, administrative practices and land and herd management. They are regarded as successful station managers among Aboriginal pastoralists and have a good deal of respect throughout the region both within Aboriginal and non-Aboriginal circles. Two senior people who are present on the Board of Directors have primary responsibility for the lease country and the manager's wife is niece to both. The main excision community consists of anywhere between five and forty persons in any given week and the Chairman is the nephew of the

manager's wife. The manager carries most of the major activities of the station while his wife shares responsibilities for the administration of the business. The station residence and the community residences are almost spatially indistinguishable, and the members of the main community are mainly Gooniyandi people with enduring links to the lease country. They therefore expect access to fresh meat and negotiate with the manager for access to it. He frequently charges residents of other communities on the lease with not negotiating with him for killers but, by and large, he and his wife are regarded as the managers of the herd and have virtual monopoly control over it. No community member seriously impinges on this arrangement and the station workforce is recruited entirely through the manager's wife's family. The manager handles all aspects of herd management from pregnancy testing and weaning, sale, breeding, turn-off and infrastructure maintenance. Three musters were done last year, each herding enough cattle to make significant sales. The success of this station derives, in the first instance, from the strength of support given to the manager through his wife, her aunt and her uncle, and, in the second instance, by the desire by the manager to run a successful commercial operation. No monetary gains are returned to the company, all are put back into the station. The herd is thus managed entirely for its market potential and only secondary considerations are given to their subsistence value.

The constellation of circumstances and relations present at this station are to a certain extent site specific but they also present a microcosm of similar issues occurring at other Aboriginal-managed stations. While tensions exist between members of the station and excision communities in the above example, they rarely rise above trenchant criticisms of each other. At other stations these tensions are more publicly acknowledged in communities and influential in determining relations between station members and others. Overlapping these relationships are another set of interactions and politics that derive from the way different bodies of legislation can recognise different associations of landowners, which in turn influences claims of land and resource ownership. To a certain extent these tensions are irreconcilable because they represent different aspirations for the use of land and resources but this does not mean these goals cannot co-exist. In an alternative vein the changing ownership of stations over time — from White-owned to Aboriginal-owned — has introduced new elements into pastoral practices. Distinctive elements include the way in which governing boards are staffed by those who can exert their status as

landowners and who represent a larger collective of landowners, as well as the kin-based mode of recruitment. Also, managers who have operational responsibility for all aspects of the commercial pastoral enterprise manage stations as they have been for many generations.

In this way Aboriginal managers and stockworkers continue recognisably White forms of pastoral management while challenging the exclusive association of non-Aborigines with pastoral management. In turn, this situation creates social differentiation between Aboriginal pastoralists and other Aborigines. Attractions and aversions juxtapose with each other as Aboriginal pastoralists 'gesture in opposite directions' (Derrida 1984:214). Commercial pastoralism allows Aborigines the capacity to accrue the social and cultural capital that has historically rested with White pastoralists while maintaining a radical alterity to them. Likewise, Aboriginal pastoralists maintain a social and cultural asymmetry with other Aborigines while recognising that pastoralism is a knowledge- and value-system that is transmitted across generations in a distinctive Aboriginal way. All are points of attraction and aversion that are confronted by Kimberley Aborigines as an internal critique and as affirmation of imagining new social, cultural and economic possibilities.

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Note

In this chapter I use the terms ‘White’ (or ‘Whitefella’ in colloquial English) to signify the different cultural worlds of settlers and Aborigines and settlers, where it is twinned to the term Black (or ‘Blackfella’ in colloquial English). I am not suggesting that there is a clear identifiable boundary between the two but I recognise that these terms refer to characterisations Aborigines and settlers make of each other. Without performing an exact taxonomy of all of the features that would be included in these characterisations it is clear that a major feature arises out of a long, difficult history according racial distinctiveness to the two groups, such that the two terms gain their meanings in response to the other (cf. Cowlishaw 1999: 295–300).

1. Excisions are areas excised from the lease, often referred to as ‘living areas’ on which Aboriginal peoples can establish communities.

4. Culture and commerce: The use of fishing traditions to prove native title

Lisa Strelein

Introduction

Fishing was recognised in the *Native Title Act 1993* (NTA) as one practice that was likely to be protected by the recognition of native title. Early cases concerning the exercise of native title rights to fish assumed that such a right was a legitimate exercise of native title rights and interests.¹ However, recognition of rights over sea country had not been directly considered in *Mabo* (1992).² It was not until the High Court decision in *Yarmirr* (2001) that it was confirmed that native title extended to the territorial waters. The High Court found that native title over the sea could only exist as a non-exclusive title. This has been confirmed in later decisions (*Lardil* 2004). The *Yarmirr* decision posed a challenge for the interpretation of native title. The non-exclusivity of offshore native title led to greater reference to the rights and interests that were to be exercised as a result of the recognition. But perhaps the most significant question left open by the High Court in *Yarmirr* was the nature of the non-exclusive title to the sea.

The right of native title holders to exploit commercially their native title rights for individual or community economic development has not always been accepted as a natural extension of the recognition of native title. In fact, commercial aspects of resource use have often been presumed to be excluded from the recognition of native title here and overseas, preferring to limit native title rights to subsistence and ceremonial use. This is so despite the inherently commercial environment in which much native title activity occurs. Applications for recognition are often a response to commercial development. Mediated agreements are negotiated under commercial terms —

employment opportunities, joint business ventures — and often, in commercial confidence. Even extinguishment is usually negotiated in a commercial context.

Involvement with local industry and government are not the only arrangements being brokered in the native title arena. Many claimants are taking the opportunities provided by native title negotiations to seek commercial fishing and aquaculture opportunities, shore licences and fishing licences.³ Here I explore the questions of how the long-standing commercial involvement in the fishing industry can fit into the proof of native title; and how native title can further facilitate this involvement. These are central issues in the native title claims of coastal, and many inland peoples. It is not a matter simply of future economic opportunity, it is also part of a vibrant ‘cultural tradition’. It is this idea of cultural tradition that I want to pursue here because these words are problematic in native title jurisprudence and must be subject to greater exploration, from every discipline and perspective.

The concept of tradition in the proof of native title

The Court in *Mabo* suggested that native title will be recognised where an Indigenous people have substantially maintained a traditional connection to the land or waters, observing the laws and customs, as far as is practicable, since the time of colonisation. The elements of proof at common law that can be drawn from the decision in *Mabo* are the need to establish an identifiable community that has a connection with the land or waters claimed and which is maintained through traditional laws and customs. This connection does not necessarily reflect the kinds of relationships that characterise other titles.

The term native title was said by Justice Brennan in the *Mabo* decision (1992:42) to describe the:

interests and rights of Indigenous inhabitants in law, whether communal, group or individual, possessed under the traditional laws acknowledged by and the traditional customs observed by the Indigenous inhabitants.

To characterise native title in this way was an explicit acknowledgement that native title should not be understood by reference to common law property rights. The title was described as *sui generis*, or unique, because it reflects the rights and entitlements of Indigenous peoples under their own laws.

The potential gap between the aspirations of Indigenous peoples and the capacity of common law native title to fulfil those expectations is enormous. Even in *Yarmirr*, the claimed right of the native title holders to exclusive possession and the concomitant power to regulate use and access by others, was reduced to a limited right to fish and gather for subsistence purposes in common with, or even subject to, commercial and public rights to fish. The interpretation of the requirements of proof, and in particular the meaning attributed to the concept of 'traditional', form a significant part of that gulf.

This is particularly pertinent for Indigenous peoples of the more settled regions of Australia. The determination against the Yorta Yorta raised significant questions about what is considered 'tradition' in the sense that can sustain native title (*Yorta Yorta* 1998, 2002). It has been suggested that interpretation of the requirements of proof applied in *Yorta Yorta* may lead to discriminatory differentiation between one Indigenous people and another based on what are considered appropriately 'traditional' Aboriginal and Torres Strait Islander societies. This is exemplified in the approach of some judges to examine pre-contact activities and trace them through to the present to determine the content of native title.

The way that Justice Olney posed the question of proof in *Yorta Yorta*, as he did in *Yarmirr* (1998), assumed that an historical account of the laws and customs of the original inhabitants was required. The traditions and customs observed at the time of settlement were said to constitute the title that burdened the Crown and it seems that only through continued observance of these particular customs would the title survive. The forced settlement on missions within their traditional territories, and the suppression of language and old forms of cultural expression, and, importantly, the taking up of paid employment and admitted 'settling down to more orderly habits of industry',⁴ were said by Justice Olney to evidence that by 1881, a mere forty years after settlement of the area, the Yorta Yorta had lost their culture and their status as a 'traditional society'. This was in large part measured against their adoption of commercial farming and settled lifestyle.

Contemporary practices that the Yorta Yorta saw as cultural traditions, such as the protection of sites of cultural significance and the involvement in the management of land and waters in their traditional areas, were rejected by Justice Olney because they were not of a kind that were exercised or of significance to the pre-contact society (*Yorta Yorta*

1998:para. 128). To this end, it was deemed appropriate to prefer the writings of a nineteenth century squatter over the evidence of the Yorta Yorta witnesses. The traditions and customs observed by the squatter Curr were said to constitute the title that burdened the Crown and it seems that only through continued observance of these particular customs would the title survive.

Other judges may take a different approach to the requirements of proof. Justices Branson and Katz (the majority) on appeal to the full Federal Court in *Yorta Yorta*, while not rejecting the ultimate finding of Justice Olney, did reject a strict approach to the tracing of tradition from pre-contact. This is particularly important distinction for native title claim groups whose cultural strength is their participation in local industries such as commercial fishing, who base their cultural identity in their identification as a fishing community and their involvement with local and state authorities, and political and commercial associations. Economically and socially they are fishers. They have maintained their lifestyle and traditions as fishers and their connection to country in the most appropriate manner available, through involvement with the local commercial fishing industry. Their connection to the waters in which they fish is distinctively Indigenous and cannot be replicated elsewhere. They are intimately involved in debates regarding tourism, sustainable yields, exclusive licences and aquaculture, and fiercely defend their rights as the first owners to be involved in these debates, asserting their rights and interest through those forums, and they use their commercial and non-commercial activities to reinforce cultural traditions, language and practices. The industry is central to the key outcomes they wish to achieve from native title. This is consistent with the continuation-of-society approach later applied by the High Court in the ultimate appeal in *Yorta Yorta* (2002:para. 56).

It is imperative that the native title law be pressed to reject an approach that again places Indigenous societies on a scale of social organisation that discriminates against societies that do not meet some imagined ideal of the 'native title holder'. The law must be capable of recognising and respecting contemporary Indigenous cultural expressions as a continuity of culture, tradition and society rather than a fracturing with a romanticised view of the past. There are two important elements of the High Court's approach in recent cases that militate against the approach exemplified in Justice Olney's decisions and these should be read in conjunction with the decision in *Yorta Yorta*. The first is in relation to the methods adopted in the exercise of native

title, and the second is in the approach by some members of the Court to the issue of enforceability.

The manner of exercising native title rights

The common law accepts that the manner in which native title rights and interests are exercised will develop and change over time. From the *Mabo* case and since, the High Court has firmly stated that it does not expect that the laws and customs that sustain native title will be frozen in time or reflect some arcane notion of ‘traditional’ as reflecting pre-contact activities. It is accepted that native title rights and interests are regulated by law and custom internal to the group and change and evolve as the society changes and evolves.

Members of the High Court expressed concern at the arguments put by Counsel on this matter during argument in *Yarmirr*. The State and Territory governments followed Justice Olney’s reasoning in both *Yarmirr* (1998) and *Yorta Yorta* (1998), and argued that the rights claimed must be ‘traditional’ in the sense of being referable back to laws and customs prior to colonisation. Western Australia, for example, emphasised the laws and customs in existence and as exercised at the time of annexation. The Solicitor General for Western Australia suggested that native title rights and interests may diminish but cannot grow, and especially not in ways that reflect commercial activity (High Court of Australia Transcript *Yarmirr*, 6 September 2001). Therefore, a traditional right to fish could not develop to become a right to develop a commercial industry.

In *Yanner* (1999), the High Court held that there is no prescription on the methods employed in the exercise of native title. It has been generally accepted, for example, that modern methods will be employed in hunting and fishing. As Justice Gummow noted in *Yanner* (1999:para. 68), and Justice Lee observed in *Ward* (1998) at first instance, it does not matter that fishing is undertaken from an outboard-motored dinghy.⁵ Justices Branson and Katz, in the full Federal Court appeal in *Yorta Yorta* (2001), explained also that the ability of traditions and customs to evolve is not limited to the mode of exercise. All that is required is that the general nature of the connection between the Indigenous people and the land remains and the people remain a society. Justice Brennan (*Mabo* 1992:45) explained that:

so long as the people remain as an identifiable community, the numbers of whom are identified by one another as members of that

community, living under its laws and customs, the communal native title survives to be enjoyed...

If we return to a commercial fishing community, the group's contemporary identity is a window into and reflection of their past that shows strong continuity and the survival of their distinct political, social, cultural and economic identity. The orthodox approach of Justice Olney would deny this as a legitimate expression of tradition in a sense that is relevant to the proof of native title. On the reasoning of *Yorta Yorta*, adoption of commercial industry may be interpreted as a rejection rather than affirmation of tradition and culture. And in failing this first test, trade and commercial activity would not form part of the bundle of rights and interests that delimit the determination of native title, regardless of what practices were exercised at the time of the assertion of sovereignty. Looking at Justice Olney's reasoning in these cases it is difficult to see how, if he had seriously entertained the right to trade put forward by the applicants in *Yarmirr* (1998), that he would have found a right to engage in commercial exploitation of the resource as a natural evolution of such a right.

Exclusivity and enforcement against third parties

In a similar vein, the approach of Justice Olney to the idea of enforcement and exclusion in the exercise of traditions, customs and laws requires critique. Justice Olney has held in a number of determinations that, despite the fact that until 1992 Indigenous peoples had no recognised or enforceable rights over their lands, their failure to exercise traditional customs to the exclusion of others meant that those rights had been extinguished or lost. This was the basis for denying any exclusive possession rights to the Arrernte people in the Alice Springs determination (*Hayes* 1999). The difficulty of showing exclusive rights to trade in resources under this approach would pose obvious problems for claims relying on commercial traditions up to and including present commercial arrangements.

In *Yarmirr* (2001), because Justice Kirby had taken a different view of the implications of the public right to fish, his Honour went further to discuss the trial judge's finding in relation to the proof of exclusivity as a matter of evidence. Justice Kirby agreed with Justice Merkel (full Federal Court, dissenting) that the enforcement of laws against others is clearly not determinative (*Yarmirr* 2001:para. 307). Justice Kirby criticised the 'overly narrow approach' of Justice Olney as one that will

always be unfavourable to the rights of claimants who, until the *Mabo* decision, could not assert and uphold their rights to their country (*Yarmirr* 2001:para. 316). His Honour suggested that such an approach is not only unreasonable, but discriminatory (*Yarmirr* 2001:para. 317).

Chief Justice Gleeson and Justices Gaudron, Gummow and Hayne (the majority) in their joint reasons appear to support this criticism. They say that it is not necessary that a claimed right or interest carry with it or be supported by ‘some enforceable means of excluding from its enjoyment those who are not its holders’, and that there is no need for an enforceable system of sanctions (*Yarmirr* 2001:para. 16). This approach reflects a consistent underlying approach to the nature of native title based on the principles outlined by Justice Brennan in *Mabo*, which prioritises the maintenance of connection through the identification with cultural traditions rather than the uninterrupted observance of particular practices.

The nature of native title and the privileges of ownership

The NTA distinguishes two concepts: ‘native title’ and ‘native title rights and interests’. It describes both of these in terms used by Justice Brennan in *Mabo*, as the communal group or individual rights of Aboriginal peoples or Torres Strait Islander peoples in relation to land and waters, where those rights and interests are possessed under traditional laws acknowledged and the traditional customs observed, by which law and custom they have a connection with the land. This definition is followed by the express inclusion of hunting, gathering and fishing among the rights and interests protected by the recognition of native title. It has been acknowledged by Justices Branson and Katz that the legislature did not intend the reference to traditional laws and customs to narrow the common law concept of native title (*Yorta Yorta* 2002:para. 123).

The determinations reached to date begin with a broad statement of title to ‘possession, occupation, use and enjoyment’, whether said to be exclusive or not. They are then supported by a statement of the specific rights and interests that are of significant importance to the community and that were used to prove the title. The determinations of native title have referred not only to the right to ‘possess, occupy, use and enjoy’ the land, but also to the right to control access, to use and control the use of resources, to maintain and protect places of importance and to safeguard cultural knowledge (‘Minute of Order’ Justice Lee in *Ward*

1998; and 'Draft Minute of Proposed Determinations of Native Title', Justice Olney in *Hayes* 1999). Others have sought to pay greater regard to the laws applicable as between members of the native title group (Gungarri consent determination agreed between the Gungarri people, the Queensland government and Telstra, 4 December 2001).

While particular activities, law, customs and traditions may be of interest to the court in determining if the claimant community has maintained a connection with the land through observance of traditional law and custom, those traditions, uses or activities should not be taken to define or delimit the title. This is certainly consistent with the approach in *Mabo*, where the High Court examined many of the laws and customs of the Meriam people, but, in ordering that native title existed, the Court granted to the Meriam 'possession, occupation, use and enjoyment' 'as against the world' without reference or limitation by particular rights and customs (though subject to extinguishing acts). The NTA, amended in 1998, requires a determination of native title to set out 'the nature and extent of the native title rights and interests in relation to the determination area' (s.225(b)).⁶ The courts have not interpreted these provisions as requiring an exhaustive account of the rights and interests that may be exercised pursuant to native title.⁷

The emphasis on traditional law and custom in determining the nature and content of native title has led to a reliance on the enumerated laws and customs being considered the definitive 'bundle of rights' that will be exercisable. This conception of native title relies on comments by Justice Brennan (*Mabo* 1992:43–44), Justices Deane & Gaudron (*Mabo* 1992:66, 84) and Chief Justice Mason & Justice McHugh (*Mabo* 1992:8) that the content of native title is to be determined by the laws and customs of the group, and that the content/nature of the title reflects the entitlement of the group under its traditional laws and customs. But it denies the evolution and development of societies that was acknowledged in the judgments.

These rights that form the 'content' of native title are variously described by judges as native title rights and interests, or pendant, parasitic, or subsidiary rights, rights carved out of or captured by native title or as the incidents or privileges of native title. All of these descriptions suggest an underlying communal title that supports the rights of individuals, groups and communities within the group of native title holders. These rights and interests are defined by law and custom, and change as the society evolves. They cannot be enumerated at a point in

time in the form of a determination and henceforth limit the generality of the native title. The exercise of the group's native title by individuals is internally regulated by the group's laws and customs, which provide the limits on the 'privileges' of ownership that can be exercised (Justices Branson and Katz, *Yorta Yorta* 2001:para. 139; *De Rose* 2003:para. 312–313). In other words, the radical title of the Crown at the time of the acquisition of sovereignty was burdened not by the native title rights and interests then existing, but was burdened by the fact of the existence of a native title. It is imperative that the courts apply an understanding of native title capable of evolution and contemporary expression, particularly in a commercial context. The alternative is that native title becomes a burden on Indigenous societies that are unable to develop their land and resources according to their needs and aspirations.

Establishing a commercial right to trade

Among the different levels of appeal in *Yarmirr* some confusion emerged as to the basis for rejection of the right to trade. It is difficult to extract the precise rationale for this limitation. Justice Olney's reasoning seems to be clouded by a problematic understanding of the concept of tradition. The judges of the full court of the Federal Court more correctly dealt with it as an issue of fact but accepted the assessment of Justice Olney. The High Court did not discuss the issue specifically and implicitly accepted the findings of fact of Justice Olney on the issue.

There seems to be little support for the idea that the common law is incapable of recognising commercial aspects of native title because of an inherent limit within the common law itself. Judges in various determinations have considered whether the evidence established a right to trade.⁸ Some consent determinations have contained right of trade and industry.⁹ In addition, Chief Justice Gleeson and Justices Gaudron, Kirby and Hayne (the majority) in *Yanner* (1999:para. 28) stated that the recognition of native title is not inconsistent with the Crown's power to manage scarce resources and is not extinguished by regulation of resource exploitation. Therefore, commercial aspects of native title do not fail at the point of recognition and are not extinguished by regulation of commercial exploitation.

The view that commercial industry is somehow antithetical to Aboriginal life has not been explicitly supported by the High Court,

despite comments by trial judges, such as Justice Olney in *Yorta Yorta* and Justice McLoughlin in *De Rose v South Australia* (2002). In *Yarmirr* (1998), the applicants rested their argument on the pre-existing rights of the Croker Island communities to full beneficial interest and exclusive rights to offshore resources prior to colonisation. However, in relation to establishing particular rights and interests, Justice Olney was tempted to inquire whether there had in fact been a pre-contact (being the definition of traditional) trade in fisheries and whether that right had continued to be exercised after annexation to the present day. Justice Olney (*Yarmirr* 1998:para. 122) concluded that:

... there is no evidence to suggest that trade in the resources of the claimed area formed part of the traditional customs of the applicants' ancestors, and in any event such trade as there may have been conducted is no longer engaged in. The evidence does not support the claims that the applicants enjoy a native title right or interest to trade in the resources of the claimed area.

This link from pre-contact activities to current and future rights to trade is fundamentally flawed, and is the type of inquiry that led Justice Olney to reject the evidence of the *Yorta Yorta* and determine instead that they had 'lost' their culture.

In essence, it is far too limiting on Indigenous communities to suggest that a right to trade and to exploit their natural resources in a modern economy must have existed at the time of sovereignty and could not evolve as a natural and appropriate exercise of native title. This analysis highlights the link but also the distinction between the rights and traditions used to establish the title on the one hand, which I have argued should embrace commercial traditions, and the rights exercisable as a result of establishing native title. In this latter instance I argue that these are not limited by the elements used for proof and may be expressed in ways not envisaged at the time of determination. Both arguments are related to the evolution and development of the customs and traditions of the native title holders and the nature of the underlying title in the maintenance of connection with country.

Conclusion

It is illogical that native title should be limited to the non-commercial sphere. It does not reflect the reality of people living on their country. It is inconsistent with the context in which many Indigenous communities hope to seek economic as well as cultural independence

and it is inconsistent with the context in which Indigenous peoples are asked to manage their native title claims in response to the commercial imperatives of industry and the state. Exclusive rights to trade from pre-contact to now need not be proved in order to establish a right to commercial fisheries. Where a strong tradition of commercial fishing exists, this should provide legitimate and relevant evidence of a connection with the land based on the observance of law and custom.

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- Derschaw v Sutton* (1996) unreported (Full Court, Supreme Court of Western Australia)
- Dillon v Davies* [1998] (Supreme Court of Tasmania)
- Hayes v Northern Territory* [1999] FCA 1248 (Federal Court of Australia)
- Kaurareg People v State of Queensland* [2001] FCA 657 (Federal Court of Australia)
- Lardil People v Queensland* [2004] FCA 298 (Federal Court of Australia)
- Mabo v Queensland [No.2]* (1992) 107 ALR 1 (High Court of Australia, Australian Law Reports)
- Masig v State of Queensland* [2000] FCA 1067 (Federal Court of Australia)
- Mason v Tritton* (1994) 34 NSWLR 572 (New South Wales Law Reports)
- Members of the Yorta Yorta Aboriginal Community v Victoria* (1998) unreported (Federal Court of Australia)
- Members of the Yorta Yorta Aboriginal Community v Victoria* (2001) 180 ALR 655; (2001) 110 FCR 244 (Full Court, Federal Court of Australia, Australian Law Reports, Federal Court Reports)
- Members of the Yorta Yorta Aboriginal Community v Victoria* (2002) 194 ALR 538 (High Court of Australia, Australian Law Reports)
- Ward v Western Australia* (1998) 159 ALR 483 (Federal Court of Australia, Australian Law Reports)

Land resources and knowledge

Western Australia v Ward (2000) 170 ALR 159 (Federal Court of Australia, Australian Law Reports)

Yanner v Eaton [1999] HCA 53 (High Court of Australia)

Yarmirr v Northern Territory (1998) 82 FCR 533 (first instance, Federal Court of Australia, Federal Court Reports)

Commonwealth of Australia v Yarmirr (1999) 168 ALR 426; (2000) 101 FCR 171 (*The Croker Island Appeal*) (Federal Court of Australia, Australian Law Reports; Federal Court Reports)

Commonwealth of Australia v Yarmirr; Northern Territory v Yarmirr (2001) 184 ALR 113 (High Court of Australia, Australian Law Reports)

Australian legislation

Crown Lands Act 1978 (NT)

Native Title Act 1993 (Cth)

Notes

1. For example, *Mason v Tritton* (1994); *Derschaw v Sutton* (1996); *Dillon v Davies* (1998); and *Yanner* (1999).
2. In this chapter, references to case law within the text have the case name italicised and detailed references are to paragraphs (para) not pages; e.g. first reference *Mabo* (1992), thereafter *Mabo* or (*Mabo* 1992:para. 42). The full case citation is listed under References (List of Australian Case Law) — Editor.
3. For example, the Malgana agreement with Monkey Mia Resort and Department of Land Administration (WA).
4. Referring to the 1881 Petition to the Governor General of New South Wales signed by 42 residents of Maloga Mission who requested that lands be reserved for them so that they could ‘support ourselves by our own industry’, rather than as evidence of the ongoing struggle for the return of lands, as it was tendered by the applicants, it was adjudged evidence of abandonment of laws and customs.
5. Also *Campbell v Arnold* (1982), concerning the *Crown Lands Act 1978* (NT) regarding the use of firearms in hunting.
6. The provision as originally enacted required identification of only those rights and interests considered ‘important’.
7. Justices Beaumont and von Doussa in *Western Australia v Ward* (2000:para. 208) (*The Miriuwung Gajerrong Appeal*), citing Justice Lee in *Ward* (1998) (at first instance, *The Miriuwung Gajerrong Determination*). Also Justices Beaumont and von Doussa in *Yarmirr* (1999:para. 357) (*The Croker Island Appeal*).
8. Justice Olney himself in *Yarmirr* and Justice Lee in *Ward*, both considered the question.

9. For example, *Kaurareg* (2001), which recognised the right to use and enjoy the Determination Area and the Natural Resources of the Determination Area for social, cultural, economic, religious, spiritual, traditional and customary purposes, including to: (i) hunt, fish and gather; (ii) exercise and carry out economic activities on the Determination Area including to grow, produce and harvest; and (iii) engage in trade in relation to the Natural Resources of the Determination Area; see also *Masig* (2000).
10. Australian cases and legislation can be found at <www.austlii.edu.au>.

5. A sea has many faces: Multiple and contested continuities in Yolngu coastal waters

Fiona Magowan

In 1994, a Yolngu Steering Committee for the Arafura Sea released a draft proposal of their recommendations (Ginytjirrang Mala/ADVYZ 1994:3) for legal dealings with seas in Arnhem Land based on the fact that:

Our names for the seas off our homelands are Manbuynga and Rulyapa...the names of the two elemental forces or currents in the Arafura Sea. These are the most important names for the sea and Yolngu law arises from their journey. There are also named waters which arise in the bays and elsewhere along our coast. But...all water ends up as Manbuynga ga Rulyapa. Only these two names extend out into deep water.

The steering committee recommended that Yolngu waters should be recognised under Australian law. What they did not address was how the Australian legal system should reconceptualise and rethink existing mechanisms to accommodate Yolngu perspectives. In this chapter, I explore how these recommendations might be recognised through Yolngu ancestral law and still comply with the requirements of the Australian legal system. In particular, I examine the recommendations that there should be government recognition of Yolngu sea laws and that a bilateral co-management arrangement with Indonesia should be pursued by the Australian government and Yolngu.

In legal arguments about sea rights there has been an emphasis upon pragmatic or utilitarian approaches separate from issues of ontology. Furthermore, the status attributed to resource use in Native Title discussions and procedures has tended to mask more searching questions of disjuncture in the presentation of indigenous knowledge in the court context. Consequently, there is a need for a more nuanced approach to

different forms of knowledge from indigenous and legal perspectives. Here I address differing knowledges as presented through Yolngu cosmology in relation to legal issues; question what sorts of measures would be needed for government to rethink the seas in Yolngu terms; and assess some of the difficulties posed.

The year after the steering committee announced their findings, Ian McIntosh published an insightful article on the meaning of the name Manbuynga and the concomitant rights and responsibilities of the 'managing' Warramiri group of the Yirritja moiety in the open sea. He noted that 'an entirely separate paper would be needed to delineate the Dhuwa moiety Rulyapa perspective' (McIntosh 1995:11). In this chapter I attempt also to redress the imbalance of anthropological analysis of Dhuwa rights to the sea by offering mutually constituting principles by which Rulyapa waters carry corporate ancestral rights and significance for the Dhuwa moiety while articulating distance and differentiation as well as interpenetration with Yirritja waters. As the Dhuwa leader of the Golumala group, Rev. Dr Djiniyini Gondarra (pers. comm.) has stated, this philosophy is revealed 'only as you sing'.

The emphasis that Djiniyini placed on understanding the essence of water and the genealogical and ancestral links between places through songs was echoed by other leaders in their discussions with me. Songs encompass multiple names for fresh and saltwater courses and include adjectives that describe the flow, speed and colour of the current indicating points of conjuncture and disappearance. These ritual words are not used in ordinary conversation and thus constitute a specialist language of one's emplacement in country that is allowed only for the appropriate singer who shares particular kinship affiliations to the waters of song. Despite the stress placed upon song knowledge in understanding social and ancestral connections, this approach to establishing groups' rights in waters has generally been overlooked. Due to the Western separation between science and religion, assessments of sea rights have tended to follow separate strands of inquiry from utilitarian aspects to ancestral values.¹ Thus, much of the legal argument that has been provided for sea closures and indeed for Native Title has focused on patterns of resource use and yet, as Peterson and Rigsby (1999:11) remarked:

Aboriginal systems of...ownership do not focus on exclusive use of land. Rather, they centre on ownership of the land itself and the sacred property associated with the land: the songs, dances, paintings and sacred objects.

Nevertheless, proof of physical use and resource access are sometimes highlighted over cultural and intellectual property matters when legal principles of connection are being established. The need to address legal knowledge and its discursive forms shapes the anthropological presentation of Indigenous understandings of the sea, potentially obscuring Indigenous experience because, as Peterson and Rigsby (1999:3) wrote:

a pervasiveness of legal discourse in the ethnography of marine tenureship...tends to alienate Aboriginal people from their own experience and practice at the same time as it makes those experiences and practices recognisable by the state.

Likewise, in determining how to present their rights to the sea, Yolngu have had to contend with a Western view of property as private or belonging to the state and its rules of exclusion. Ideals of Western property have been problematic as Indigenous communities require 'common access to scarce resources leading to the view of common property that its resources are owned collectively by a group and not owned by anyone ...' (Ciriacy-Wantrup and Bishop 1975:714). Indeed in the formative stages of setting up the Yolngu Steering Committee, some tensions arose in the need to elect one spokesperson from both the Dhuwa and Yirritja moieties to represent all named bodies of water and act on behalf of Yolngu as a whole. McIntosh (1995:9) noted that two members were elected as 'only two of the representative groups have dreamings exclusively from the sea'.

We sing for the sea

In the establishment period of the steering committee, 1993–94, the issue of speaking for sea rights provoked heated feelings from other groups that bubbled beneath the surface of the official positions held by the spokespersons for Manbuynga and Rulyapa. Some leaders considered that if the open seas were recognised as legally owned by two individuals this would give them control over fishing and other commercial ventures, thereby masking the ancestral rights of other leaders who also had shared rights to 'sing for the sea'. In response to this concern, in 1997, other groups began speaking about the connections between fresh and saltwaters and the multitude of ancestral voices that resided in them. They presented the sea as an indivisible and plural network of freshwater and saltwater courses that they felt should be recognised in legal terms. This identification of pre-existing interests held by Yolngu groups across north-eastern Arnhem Land meant that

rightful recognition of different bodies of water and their group affiliations could also be established.

However, prior to 1997, little research had been done on inshore currents pertaining to the Dhuwa moiety.² Rudder (1993:257) noted that while he obtained names of currents relating to three groups of the Yirritja moiety, he 'did not discover any such currents relating to Dhuwa clans'. Before this, the only sea-related claims in the Arnhem Land region had been Justice Toohey's closure of the seas around the Milingimbi, Crocodile Island and Glyde River areas in 1981³ and the sea closure around the Castlereagh Bay/Howard Island region of Arnhem Land determined by Justice Kearney in 1988.⁴ At the time of my research between 1990 and 1997, leaders were increasingly at pains to stress their own rights and their group's rights to multiple waters of both the Dhuwa and Yirritja moieties, as well as relating ongoing family and political disputes that had arisen in the course of discussions around claiming rights to coastal areas for legal purposes. One response to this was a substantial artistic display of the ontological status of shared water connections in the exhibition and publication *Saltwater: Yirrkala bark paintings of sea country* (1999).

Yolngu displays of cosmological unification require all groups to come together in an agreement about the form, structure and content of what knowledge will be released and how it will be displayed (and this occurs most commonly in paintings), a process that is not new. Collective demonstrations of knowledge have emerged throughout Yolngu encounters with *balanda* (non-Yolngu) systems of law and belief: an early instance appears in 1957 with the religious Memorial on Galiwin'ku (formerly Elcho Island), followed in 1963 with the Yirrkala church panels which came to rest in Parliament House in Canberra as statements of title deeds to land. The most recent expression of collective action emerged in the 1999 publication of the exhibition *Saltwater* that comprises 80 paintings by 42 Yolngu artists. In this volume and the exhibition disparately and differentially held knowledge that normally forms part of intergroup politics in establishing the rights and authority of one group over another, instead serves as a potential mediator of legal defence and a public statement of Indigenous unity.⁵

Given the place of published works in the assessment of Indigenous land rights cases, it must be asked how Yolngu cosmology is presented in this book and therefore what it would mean for the legal system and ultimately the government to recognise Yolngu sea laws. Common

principles of an ancestral aesthetic are evident throughout the *Saltwater* publication. It is my contention that this ancestral aesthetic underpins Yolngu interpretations of sea rights as well as rules about resource use. Thus, if the primary recommendation of the 1994 steering committee (that there should be government recognition of Yolngu sea laws) was to be enforced this would necessitate a more consolidated understanding of Yolngu ancestral principles and a reevaluation of the common view among lawyers, environmentalists, planners, anthropologists and others that 'the environment is a culturally constructed space where decisions about resource use are influenced by both *scientific and human values*' (Moore 2000:3, my emphasis).

Furthermore, as Sharp (1997:8) identified, the social construction of sea space has suffered from a concept of free space and open access in which the citizen is allowed to travel or fish at any beach or coastal estate where the concept of freedom is sacrosanct. For Yolngu, freedom is attained through constant surveillance of the proper relational etiquette in approaching, entering, and using land and water, whether it 'belongs' to close relatives or to another group. The effect of placing the bounded relationality of freedom into legal contexts is that 'the voices of indigenous coastal peoples are often ignored or dismissed even in the face of legislative imperatives to the contrary and the people themselves are treated as obstacles in the formulation and implementation of marine development, management and conservation strategies' (Pannell 1996:22; see also Altman et al. 1993:61). What needs to be addressed here is the way in which Western ecological and cultural constructions of resource use largely determine whether an ecosystem should be closed or opened for access. Rather, resource use might be viewed as emergent from ontological interpretations of the Indigenous environment and, thus, there is a need to demonstrate how Indigenous resource use arises from an ancestral aqua-aesthetic and how it can never be entirely separated from its philosophy of use.

Aqua-aesthetics

For the government to recognise Arafura sea laws from a Yolngu perspective, the definition of waters found in the *Seas and Submerged Lands Act 1973* would need to be reconfigured in Yolngu terms. Legally, coastal waters are identified as waters between the baseline and three nautical miles out to sea; territorial waters are legally defined as between the baseline and twelve nautical miles out to sea; and the EEZ

(Exclusive Economic Zone) stretches from the twelve nautical miles line to 200 nautical miles out to sea. Yolngu rights to waters cross-cut these legal definitions as some named waters stop close to shore and two extend across all the zones. Neither do coastal water flows necessarily correspond with the lines of enclosure imposed by the three nautical mile limit, rather the presence of an ancestor determines the length of watercourses through conjoining places. As Kingsley Palmer (1984–85:452) has noted, ‘Estates are not bounded by the sea shore, but by the travels of marine species within the sea during the Dreaming’. Thus, a different means of mapping would be required to illustrate the complexity of ancestral travels in coastal areas (see Keen 1978 and Rudder 1993 for connection maps of ancestral tracks and the movement of women across north-eastern Arnhem Land, respectively).

It is my contention that an Indigenous aqua-aesthetics constitutes the philosophical ground from which a legal argument that allows seas to be closed can proceed. This philosophy has been implicit in earlier judgments on sea closures. In his findings on the closure of Milingimbi, Crocodile Islands and Glyde River areas, Justice Toohey noted in his summary judgment (point 22) that, ‘The beds of rivers, streams and estuaries which intersect the seacoast of Arnhem Land are Aboriginal land. The waters which lie above them may be closed, if properly classified as “seas” which include “arms of the sea” or “estuaries”’. In 1988, Justice Kearney accepted Prescott’s definition of ‘arms of the sea’ or ‘estuaries’ as ‘a semi-enclosed coastal body of water which has a free connection with the open sea and within which sea water is measurably diluted with fresh water derived from land drainage’ (as cited in Kearney 1988:18). Justice Kearney also determined that inland waters constitute part of the sea so long as they entail the mixing of fresh and saltwater. Both these findings underpin the critical philosophy of a Yolngu aqua-aesthetic, as subsumed within the two names for the open sea are the names of multiple ancestral currents that flow along the coast to join with the waters of the open sea.

In speaking of water, both Dhuwa and Yirritja members commented to me about the characteristics of waves: the foam on the water and colours and speeds of currents and whirlpools. Where one feature changed it was suggested that rights to the currents changed because submerged rocks, deep reefs and sandbars altered the wave action, indicating specific ancestral activity in the water at those places. Furthermore, each current has its own set of names and ancestral aqua-aesthetic where the colour, sounds and smells of swirling pools, or

waves with white foam gurgling and crashing on the rocks, or the brackish taste of salt or freshwater constitute 'divine' bodily emanations of water ancestors.⁶ The perceptions of water are fluid and ambiguous depending on context and a person's ancestral affiliation reflecting the many faces of those looking at it. Ritual specialist, Dula Ngurruwutthun (Buku-Larrngay Mulka Centre 1999:11) commented:

And just over there is the open ocean Garnggirr Manbuynga. There the water can strike you and shock you. And it is moving — imitating the crocodile, holding on to the water with arms outstretched.⁷

Both Manybuynga and Rulyapa waters begin inshore as currents belonging to Mandjikay and Mukarr group aggregates. They are further embedded with and carry other ancestral bodies, essences and forms whose aesthetic may be divinely manifested as shadows in the water, in green, blue and red coral, or in darker colours of the sea. Group histories, ancestral rights and resources within this extensive aqua-aesthetic can be seen to be mutually constitutive of the waters themselves. In some cases the ancestral water may be considered an extension of the ancestral being or vice versa. As Burramarra told McIntosh (1995:12, 15) the 'salt water is whale...where the whale is understood to be a product of the salt water itself and the movement of the tide is indicative of the movement of the ancestral whale being'.⁸ As there are indications that an ancestral aqua-aesthetic extends out into deeper waters, this approach would have implications for Yolngu in establishing a bilateral co-management arrangement with Indonesia. If the government recognises Yolngu sea laws, such recognition must extend beyond questions of resource use to a complementary understanding of an ancestral aqua-aesthetic in which the sea has many faces of human and ancestral agency and the associated potential for personal harm and invasion towards it, such as strangers entering restricted coastal areas and using resources without permission.

While leaders claim rights to currents that flow from and to their particular lands each current holds another current 'deep inside' or 'underneath' it and all these currents have at some point been part of a confluence of fresh and saltwaters. Thus, there is a conflation of coastal waters and identities in the open sea that does not articulate with the Australian legal identification of a single named body of water as occupying a numerically fixed distance and area. Mapping estate boundaries of watercourses then is somewhat arbitrary where, for example, white foaming waves indicate the length of a watercourse but

not necessarily the width. The transference of rights in watercourses generally occurs at the end of the estate beside the mouth of a river. A Rirratjingu woman told me that there are marine features that demarcate the change of waters from one group to another and one moiety to another. She commented, 'Where Rirratjingu water stops and joins to Lamamirri water, there are clouds that go up and you see that foam going into the sky'. In other instances, no specific water qualities are visible as ancestral beings reside invisibly, held deep within them. For example, where Datiwuy sing of their shark waters crossing Yirritja currents they also sing 'inside the current' (*djinaga gapu*) to tell of the Gumatj canoe travelling above the shark as the Dhuwa ancestral waters briefly carry the Yirritja waters before continuing on their way. Muwarra Ganambarr (Buku-Larrngay Mulka Centre 1999:18) commented:

One current in Arnhem Bay was slowly spinning around and round. Bulurruma (power name for Datiwuy) water. This water came down with the rain. It had flooded down and ran out to the sea where it slept. And then the water called Gandjipa...was sitting on top of Bulurruma. The Datiwuy water awoke and shifted. 'Hey, what did I land on?' said Gandjipa. 'The Dhuwa water', Bulurruma replied...Do not tread on my Djerrkurrul (power name of the eyes of the shark or wisdom). 'Climb over behind my back, mother'. The Yirritja mother water replied, 'I am only passing my child, with forceful ritual movements' . . . and the Yirritja water went on to Yinyikay.

The Yirritja water relates as mother to the Dhuwa shark water whom it carries a short distance whilst it crosses over the Dhuwa current on its way to Yirritja lands. So, while a canoe or crocodile current may cross over a Dhuwa current it can never become one with the Dhuwa current, although one can carry the other underneath and inside it and vice versa out to sea. Muwarra continued, 'They carry each other as mother-child or child and mother. We Datiwuy carried that child from this group of Yirritja clans' (Buku-Larrngay Mulka Centre 1999:18). Seas then are skins and wombs, holding objects and encasing them, concealing and revealing their identities as currents carry objects and people as they are co-substantive with their ancestral water counterparts.⁹

Freshwater and saltwater are not just linked in the crossing of currents or the merging of their streams but also through their interactions with the land resulting in the regeneration of the cosmos. In the 1978 Djungguwan ceremony filmed and documented by Ian Dunlop

(1990:71), a man of the Wanambi group commented on the connecting forces of the ancestral floating log with the land: 'As wuḍuku is swept back to shore it provides the connection between land and sea that you must always have'. This horizontal movement is complemented by the vertical relationship of freshwater and saltwater bound in a cycle from earth to sky and back again as the clouds of the wet season build up announcing the coming of the ancestral thunderman *Djambuwal* where his fluids rain into the sea imbuing it with procreative capacity. When it rains on the land he makes the termite mounds grow tall. Speaking of her Dhuwa Rulyapa water, Langani Marika remarked, 'Clouds always rising and raining on the ocean. And then after the rain, the calm sea will sleep there. The song cycle of the sea starts there' (Buku-Larrngay Mulka Centre 1999:19). The same principle operates in the Yirritja moiety as Gäwerrin Gumana noted in relation to Yirritja waters, 'Clouds we will see emerge at the bottom of the sea. That is why we really love the ocean...for there lies stories, songs, feelings' (Buku-Larrngay Mulka Centre 1999:13).¹⁰

If water embodies the fluency of feelingful emotion it is because aqua-aesthetics of Yolngu ancestral waters embody people and personalities: where waters come together, the interaction of different personalities is implied in their ebb and flow.¹¹ Consequently, a conjunction of personalities is also a conjunction of groups and kinship relations. Watermarks left on rocks after the high tide are important aspects of ancestral identity as personalities are remembered in the drying marks. The inscription on the grave of a deceased leader of the Rirratjingu group at Yirrkala notes that, 'The low watermark *mel-wawutj* in the waterhole would give way to the high watermark *dhä-wulkthu*'. Members of the Dhuwa moiety, Rirratjingu and Djambarrpuynngu, memorialise their leader and his rock in a song about the ancestral turtle hunters. Give and take of water is used to image the give and take of knowledge and politics between Yolngu and Australian legal contexts where watermarks are conceptualised as metaphors of political interaction. The strong political stand of the leader in this inscription was embedded in his ancestral identity as that of his submerged rock aware of the forces of the waves of Australian government policies upon him. In a tribute to his great contributions fighting for Yolngu rights since the 1970s, the inscription reads:

Although the waves crash over me continually, I will stand firm.
 Even though the strong waves, Rulyapa and Manbuynga leave their
 mark on me I will remain here, my rock, *ngarritjpal* (name of the
 sacred Dhuwa rock).¹²

Conclusion

Yolngu sentiments regarding the need to stand strong are echoed in the statements about their saltwater paintings whose complex ancestral ties have often confounded legal and scientific paradigms of classification — an ontological gap that has been persistently and frustratingly ever-present for Yolngu. As Muwarra exclaimed, ‘We show these barks and yet they still belittle our Law’ (Buku-Larrngay Mulka Centre 1999:18). It seems that this will continue to be the case until the ontological essences of waters are better understood as part of the legal system with regard to access to resources, and the ancestral wellbeing of the people who live there. I have argued that for the government to recognise Yolngu sea laws requires rethinking how the proof of evidence in Native Title relates to this ancestral aqua-aesthetic of waters: one that carries genealogy, rights, access and ancestral continuity from freshwater springs to the deep sea and back again as a feelingful extension of the people themselves.

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Notes

1. As Peterson and Rigsby (1999:6) note 'indigenous interest in the sea encompasses a great deal more than subsistence as the anthropological literature makes clear'.
2. This analysis is determined from twelve years of work on Yolngu cosmology through research and consultancies carried out in Arnhem Land.
3. Toohy (1981).
4. While the NT laws passed in 1979 do not permit ownership of the sea they do restrict activities in the area and by June 2000 nine sea closures had been applied for and two were in force.
5. The exhibition of Saltwater paintings is permanently housed in the Australian Maritime Museum in Sydney.
6. I am using the term 'divine' in its broadest sense to mean the province and/or influence of a divine power or powers.
7. Similarly, among the Yanyuwa, Bradley (1998:132) has reported that the activity of a seasnake is described as being 'one which is kin to the waves and sea'.
8. Similarly, McIntosh (1995:13) has remarked, 'Ngulwardo is the ocean floor, bedrock and coral reef and is the basis of Warramiri rights to lands associated with various sea totems under its direction and of the sea itself' (cf. Cawte 1993:19–23).
9. For a complementary and contrasting analysis of consubstantiation in northern Australian waters see Bagshaw (1998) and Magowan (2001).
10. McIntosh has noted that the cycle of water from land to sea to clouds is well described from the Dhuwa perspective but further analysis is required on this point from a Yirritja perspective (pers. comm.).
11. Berliner (2000) uses the term 'feelingful' with regard to the way that musical emotion penetrates the singer in the expression of a song.
12. Rulyapa (his own water) and Manybuynga (his mother's water) are spoken of here as agents of human force that imprint his own identity with theirs which are already part of his being.

6. 'Biodiversity is a whitefella word': Changing relationships between Aborigines and the New South Wales National Parks and Wildlife Service

Michael Adams and Anthony English

While there are many points of intersection between the interests of Aboriginal communities and organisations, and the interests of state conservation agencies, these intersections have more often generated conflict and confrontation than co-operation and trust. Attempts by governments to implement resolutions to these apparently different interests have often been unsuccessful. It is awareness of these problems that has stimulated the research described.

We approach this chapter by reflecting on our personal experiences working in different parts of the New South Wales National Parks and Wildlife Service (NPWS).¹ Adams currently works in an area of NPWS that focuses on 'nature', developing and assessing proposals for new protected areas. English previously worked in an area that focuses on 'culture', researching Aboriginal people's interests in biodiversity and land management.

Adams' (2001) recent research sought to uncover conservation agencies' cultural constraints to effective engagement with Aboriginal peoples about conservation. He instituted new programs in the NPWS that aim to respond to these issues by exploring the conservation value of areas held under Aboriginal land claim in western Sydney. English's (2000a, 2000b, 2002; English and Brown 2000) research with communities in different parts of New South Wales (NSW) has revealed Aboriginal peoples' views on the cultural value of flora, fauna and environmental health. In many ways, these views challenge the agency's understanding of core concepts such as 'biodiversity' and 'cultural heritage'.

Historically, contact between staff involved in 'natural' and 'cultural' heritage management within the NPWS has been limited or conducted along sectoral lines. In contrast, the research mentioned above is representative of growing contact across this divide. This contact is based on the desire to ensure that agency practice and decision-making reflects the complex interactions between people and environments. The need for this is now actively reflected in corporate language that acknowledges that people ascribe cultural values not just to archaeological sites, but to broader landscapes (NPWS 2000a, 2000b). This change is an overdue response to long-standing concerns among Aboriginal peoples in NSW that government has not understood their interests in heritage management and the environment.

Underlying any attempt to integrate new perspectives into the agency's operations and culture are entrenched Western views about how the environment is defined and managed. State conservation agencies, as subsets of the dominant Australian culture, hold normative social constructs, which may be only tenuously linked to the 'realities' they symbolise. These constructs are institutionalised in the structure and processes of conservation agencies and have a constant presence in the policy and decision-making process. Significant social constructions include those focusing on nature, culture and Aboriginality, and a spectrum of detailed issues around these. Contemporary Aboriginal interests in conservation issues have to engage and negotiate with this culture of conservation. Aboriginal constructions of nature, culture and Indigeneity may differ significantly from those held by conservation agencies, and by non-Aboriginal society more generally.

Nature, culture and Aboriginality

The NPWS is the state government agency with primary legislative responsibility for nature and for the protection of Aboriginal cultural heritage. It therefore has a critical role in how concepts such as nature, culture and Aboriginality might be defined, presented and operationalised.

Conservation management mobilises essentially around the premise that 'living nature is under siege' by humans (Soulé 1995:145). This binary and oppositional portrayal of nature and human society is fundamental to Western worldviews (Glacken 1967). In the last 10–15 years, scholars from a range of fields have challenged this view, analysing the idea of nature as socially constructed. A social constructionist view

of reality argues that 'truths' like Soulé's 'living nature' are 'the cultural stuff out of which broad moral and material systems are made' (Anderson and Gale 1992:3).

Conceiving of nature as socially constructed means recognising that the way the world is described and understood is intimately bound up with values and assumptions. Perceptions of nature 'out there' are necessarily mediated through human senses and intellects, and the cultures in which peoples live. Understanding this construction means understanding that the nature/culture dualism might be subverted, and also alludes to arguments that what has been assumed was 'natural' is in fact enormously influenced by anthropogenic forces over long periods. Nature is socially constructed as an epistemological concept (as knowledge), and as an ontological concept (as reality), and knowledge of the ontological concept is understood *within* the epistemological concept. Useful summaries are provided by Cronon (1995) and Proctor and Pincetl (1996).

Aboriginal peoples, and some of those working with them, have written about Aboriginal worldviews and concepts of 'nature'. In some senses these are not easily compared with non-Aboriginal constructions of nature, as nature is not an obviously defined concept in Aboriginal societies. This clearly points to some fundamental difference, as nature is a defining, oppositional concept in Western traditions.

Langton (1998) and others have linked Aboriginal peoples (the body), place (land, sea and sky), animals and plants, and ancestor beings. It is a genealogical relationship structured through inheritance and transmitted knowledge. Aboriginal constructions of nature tend to place people and landscapes together, materially, bodily and spiritually. For many Aboriginal peoples in NSW, their association with a landscape may be created by a complex mixture of life history, traditional, historic and contemporary connections. They may also reflect the desire for economic independence and cultural strengthening and revival. While apparently similar connections to landscapes may be held by many non-Aboriginal people, Western constructions of nature, including those of conservation biologists, tend to separate people and natural landscapes. Head (2000:215) suggested a useful metaphor: 'perhaps ironically, the backyard — the place held in such affection by many Australians — has more in common with Aboriginal constructions of the world than has the national park'.

Aboriginality can also be analysed as a social construct, with a strong dichotomy between 'noble savages' and 'cultureless outcasts'. Byrne (1996) identified dual and opposing historical trends in the south-east of Australia: Aboriginal people were engaging in transactional relationships with white settlers and creating a new cultural geography; and settlers were simultaneously marginalising Aboriginal people and denying the authenticity of their emergent culture, and promoting archaeological remains as a benchmark of (now past) authentic Aboriginality. Archaeology became the management of national heritage. Relics, artefacts and sites became nationally important, symbolising essential authentic Aboriginal culture, partly to justify the denial of the threatening, actual, living Aboriginal culture. As Cowlishaw (1999:273) said, 'we all need the "full bloods" to occupy a symbolic cornerstone of the nation'.

There is an enduring set of common constructions, which separates and opposes supposedly 'traditional' Aboriginal peoples and other Aboriginal communities. These constructions are simultaneously cultural, spatial and temporal. The traditional peoples represent the culture of a past, essentialised Aboriginality and are anchored to that past, and they are to be looked for in 'remote', 'frontier' locations. Other Aboriginal peoples are defined by this construction, and judged against it, so Aborigines of the settled south, or the urban centres of the north, are modern, cultureless, and live close to 'us' (Beckett 1988; Cowlishaw and Morris 1997; Keen 1994). Aspects of these views have existed in the NPWS. Head (1990) and Sackett (1991) have analysed constructions of Aboriginality by conservationists. Both argued that some conservationists have created an image of Aboriginal people as 'noble environmentalists', and then used deviation from this image as evidence of corruption (Sackett 1991:242):

As they saw it, the people they had backed as original environmentalists turned out to be mere shadows of their ancestors. For the conservationists, it was not a case of the model being wrong; rather the Aborigines themselves were a disappointment.

Native Title and other rights to land, aspects of Aboriginal identity and freedom to pursue Aboriginal cultural practices are all determined by the non-Aboriginal structures of the state, which also determine what processes and proofs are necessary.² Povinelli (1993:242) argued that 'political legislation supports a particular Aboriginal social form: it endorses Traditional Owners as a certain type of religious and descent formation'.

Policy processes and outcomes

Reflecting this historical and legal context, NPWS's position in the machinery of government has acted to maintain conservative processes; the adversarial history of the conservation movement has acted to position Aboriginal interests as a 'threat'; and the hegemony of science has masked the primacy of social values in negotiating these issues. Within this dominant organisational paradigm there are opportunities for large-scale change as well as niches for new values to develop and grow. At the current time several strands with diverse origins but related themes are beginning to coalesce. A new paradigm in cultural heritage management is being strongly expressed, both in terms of Aboriginal control and in the blurring of boundaries between cultural and natural heritage. Recognition of the limits of the traditional national park model, and the need to negotiate with Aboriginal peoples and others to achieve national conservation objectives, is expanding the concept of protected area systems. Questioning around the ideals and definitions of wilderness and concepts of nature is creating entry points for new conceptual approaches.

The decision-making processes in government conservation agencies are deeply rooted in the ideology of conservation, and in the ways mainstream Australia is accustomed to thinking about Aboriginality and Aboriginal culture (Byrne et al. 2001). The centrality of ideas about Aboriginality in Australian nationhood and national identity, in conceptions of the landscape, and recently in conservation debates, influences these policy processes. To proceed beyond rhetorical impasses, we need to understand the historical roots of modern thinking. The cultural legitimacy accorded to various Aboriginal peoples by NPWS has varied over time. The two sections of NPWS considered here have had quite divergent approaches, reflected in varying policy regimes and outcomes.

Today the NPWS sections that deal with cultural heritage have begun to acknowledge the social and historical complexities of Aboriginal peoples' heritage in NSW. Central to this has been the Cultural Heritage Division's (CHD) decision to implement research and planning that moves away from a focus solely on the identification of pre-contact sites and a reliance on archaeological knowledge.

The primacy of archaeology has characterised cultural heritage management in NSW since the evolution of the Environmental Impact Assessment (EIA) system in the late 1970s (Byrne et al. 2001; English

2000a). This focus reflects a variety of factors including the scope of heritage law and entrenched emphasis on positivist science (Byrne 1996; English 1996). Such an emphasis has long been questioned by Aboriginal staff within the agency and by various Aboriginal communities who have argued that it ignores other cultural values that are being impacted by land-use planning decisions. Since the mid-1990s, CHD has responded to this by seeking to acknowledge historical and contemporary associations with landscape and place. This is being guided by an emphasis on oral history research, investigation of post-contact interaction between Aboriginal and non-Aboriginal peoples, and explicit attention to the cultural values that Aboriginal peoples ascribe to biodiversity. All of this work requires the agency to engage with a wide range of Aboriginal interests that have been shaped by complex historical forces and contemporary aspirations. While legislative definitions of Aboriginality obviously remain important, CHD is attempting to develop more practical relationships with communities that are not bound solely by constraints of statutory language.

A key element of the change being generated by CHD has been acknowledgement of the complex ways in which Aboriginal peoples have retained and adapted connections with place since invasion. This challenges the view that Aboriginal heritage is only validly expressed by pre-contact sites and traditions. Instead, life histories become important and they reveal a wide range of valued places that until now have rarely been accounted for in land-use planning contexts. The fishing hole used today by numerous families, the remains of the fringe camp on the edge of town and the areas where Aborigines have worked, protested and expressed a continuing connection with the land all gain prominence through this form of assessment. Importantly, this approach recognises the interests and values of both 'historical people' whose connection with place stems from post-invasion life and those who trace a traditional association with country.

Implementing such research involves a multi-disciplinary approach to understanding how people have lived their lives and valued places around them. Furthermore, the knowledge held by Aborigines themselves gains primacy as many of the places and events recorded in this context cannot be identified by archaeologists or historians.

The research program also requires staff in CHD to establish contacts with those sections of the agency that deal with 'natural' heritage. Awareness of Aboriginal interests in land and of the potential impacts

of conservation planning on social values means that the Division needs to shape natural heritage planning exercises so that they account for Aboriginal peoples' perspectives.

In the sections of the NPWS focusing on 'nature', the geographic patterning of relationships with Aboriginal people has reflected assumptions about who has legitimacy and who might be 'cultureless outcasts'. It has also been influenced by particular constructions of 'nature'. In discussion with the New South Wales Aboriginal Land Council about some of these issues, the manager of the Land Rights Unit pointed out that many Aborigines would see 'biodiversity' as a 'whitefella word', and that past relationships meant that, for many, 'the Department of Land and Water Conservation is the devil, and the NPWS is Beelzebub' (S. Wright pers. comm.). There were clearly some major cultural and historical challenges to be addressed.

Mutawintji National Park, in far western NSW, is the first protected area to be handed back to its 'Aboriginal owners' in the six years since the Aboriginal ownership amendments were made to the *National Parks and Wildlife Act 1974*. The hand-back was in September 1998, fifteen years from the date that local people first blockaded the road into the Park in a demand for proper protection of Aboriginal cultural values. Simultaneous to the hand-back of Mutawintji, the NPWS was vigorously opposing Aboriginal land claims over bushland near Sydney, contesting (and losing) four court cases. In a reversal of the attempts by the Aboriginal owners to participate at Mutawintji, the NPWS may now face a long process to gain participation in conservation management of land which is part of granted land claims. These processes reflect the spatial constructions of Aboriginality: Mutawintji is 'remote', western Sydney might be too close to home.

As an organisation operating across the entire state, the NPWS is involved in numerous relationships with Aboriginal communities, negotiating involvement in bio-regional planning, as well as protected area and cultural heritage management. While there are many examples of positive processes that open doors to Aboriginal involvement, they have tended to be at the 'grace and favour' of the government, rather than as an acknowledgement and transfer of legal rights. Where they are part of the groundwork for a transfer of power, there are real possibilities for new relationships, and new understandings, between the NPWS and Aboriginal communities.

A period of transition for the NPWS

Today the agency is in a period of transition and is seeing increasing attention being given to integrating Aboriginal interests and values into broad environmental management strategies and programs. Increasingly, staff in CHD are being called upon to help ensure that these interests are built into bio-regional planning studies, recovery planning and other elements of what in the past would have been perceived as being the domain of natural heritage specialists. The natural heritage specialists are also finding that they have clear points of communication with Aboriginal communities about the local status and future of flora and fauna. The provision of external funding to CHD also reflects this change. Projects have now been funded under the NSW Biodiversity and Salinity Strategies that will further assess how Aboriginal interests in land management can be extended beyond a narrow emphasis on relics.

Generating change

The agency and Aboriginal peoples still have a long way to go if such initiatives are to have a broader effect on environmental and park management programs across NSW. NPWS staff from different professional backgrounds must continue to communicate about integrating natural and cultural heritage management. The agency also needs to work with Aborigines to develop approaches to environmental management that recognise the link between people and landscapes that encompass a holistic view of heritage. This will require new multi-disciplinary programs with high levels of community involvement. It requires a range of issues to be considered that, until now, have rarely affected NPWS's operations.

For example, the recommendations being advocated by the 'Aboriginal People and Biodiversity Project' (English 2002; English and Brown 2000) argue for revision of many aspects of the agency's approach to environmental management. The project reports state that the NPWS should:

- Acknowledge that protected areas will be important to Aboriginal people for reasons that extend beyond the presence of pre-contact sites. The desire to access and use parks for cultural purposes, to revisit areas associated with past occupancy or use, collect wild resources and

play an active role in maintaining the health of reserve environments all need to be provided for. Acknowledge that the creation of reserves can generate both social impacts and benefits for Aboriginal people. Social Impact Assessment procedures need to be built into conservation planning and land acquisition programs so that reservation is undertaken with an awareness of such issues. Reconsider the role of key staff. For example, Aboriginal Sites Officers and Rangers need to have their role amended to allow them to play a role in assessing the cultural values that Aboriginal people ascribe to biodiversity and environmental health. Currently their role in the heritage context is largely defined as having a focus on site management and this is reflected in Ranger competencies and Aboriginal Sites Officer work plans.

- Establish collaborative approaches to biodiversity survey and research.
- Ensure that core land management activities such as fire planning and pest species control are redesigned to account for Indigenous interests in land and sea.
- Reshape EIA and land-use planning to encompass people's contemporary and historical associations with land and sea, including their interests in continued access, wild resource use and involvement in environmental management.

Of equal importance is the need for Aboriginal communities to be appropriately resourced to take part in a broader range of planning programs.

The Central Directorate Conservation and Aboriginal Lands Program is beginning to put some of these recommendations into practice from the position of the natural heritage specialists. The NPWS is investigating what resources can be made available for achieving conservation of mutually recognised natural and cultural values on 'Aboriginal lands', with complementary Aboriginal input to the management of 'NPWS lands'. NPWS staff (through newly created specialist positions) and Aboriginal organisation members are discussing the differences and correspondences between their understandings of nature and culture.

Conclusion

As non-Aboriginal employees of the NPWS, the growing awareness within our workplace of Aboriginal peoples' complex interests in land and heritage has enriched our experience. This, and the increasing

emphasis on establishing partnerships with Aboriginal communities, forces us to question not only the role of our professional training, but also our assumptions about the functions of protected areas. Institutionally, there can be no doubt that the NPWS still has a long way to go if it is to respond to the real diversity of Aboriginal peoples' interests and experience. However, there appears to be a real chance that the small steps achieved during the 1990s can be built upon.

The conceptual and practical issues described herein articulate to debates in the broader community. The NPWS has a role in being informative, educative and perhaps provocative in the broader public debate. Doing this in a socially constructive way, and acknowledging but not feeding off the divisions of the past, is part of the challenge. As an agency we can strive to establish stronger relationships with Aboriginal communities and acceptance of their contemporary social and environmental goals. By doing so we may find ourselves better able to avoid conflict in the future and find new tools for negotiating mutually acceptable conservation and social justice outcomes.

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Notes

1. In 2003 the NPWS became part of the NSW Department of Environment and Conservation. The term NPWS is used in this chapter as that was the identity of the organisation during the periods to which we refer.
2. For example, in the Yorta Yorta Native Title case, written information by a non-expert early white settler was given greater evidentiary weight than the oral evidence of Native Title applicants about their own law and customs.

Part 2

Knowledge and colonialism

The four chapters that follow cover important broad issues around contemporary intercultural relations and service delivery, so-called ‘self-determination’, and aspects of public health within Indigenous populations. The writers are collectively insightful, challenging and stimulating in capturing the struggles for Indigenous people to assert their agency within these pervasive bureaucratic regimes.

The chapters by Palmer and Young discuss worrying aspects of contemporary Indigenous self-determination and autonomy in the more remote areas of Australia in the context of constraints to community development activity. Palmer argues that despite purported increases in autonomy, many remote Indigenous communities are increasingly dependent on external supports of both a bureaucratic and technical nature, with increased reliance on external non-community experts. He describes three case studies of small community water supplies and general issues around CDEP to strengthen his case. Young directs her attention to Indigenous cattle station communities in central and northern Australia where autonomy in the sense of economic independence and sustainability remains a difficult goal for a variety of reasons including changing community priorities, diversification of the economic base and increased dependence on external supports. Both authors are positive in the sense that they discuss possible solutions to the reduced autonomy and sustainability of these remote communities. However, the recent and abrupt demise of ATSIC and ATSISS and the return to mainstreaming of their Indigenous specific functions will have an as yet unknown effect on the already strained autonomy of many Indigenous communities including those described by Young and Palmer.

Brady’s and Thomson’s contributions derive from their perspectives as experienced researchers in Indigenous health. The health sector and the provision of health services, particularly by Indigenous health

practitioners, can be viewed as a positive contributor towards Indigenous autonomy despite its colonial origins. The work of Brady and of Thompson described here strongly supports this view. Brady argues persuasively, in the context of interventions against excessive alcohol consumption and resulting Indigenous ill health, for a balanced health sector approach between comprehensive primary health care and conventional medical practice. Medical practitioners and other health professionals, armed with an understanding of the complex determinants of Indigenous drinking behaviour, can 'contribute to autonomous decisions by Aborigines to leave the grog'. Thomson describes the innovative internet-based Indigenous health information resource he set up some years ago in Perth, called *HealthInfoNet*. This enormously valuable resource is freely available to all health practitioners working at the coalface and beyond, and to any other persons interested in learning about Indigenous health and who have access to the internet. Thomson has had a long history of disseminating useful knowledge about Indigenous health, including his work as a Research Fellow at AIATSIS in the early 1980s, and this description of his recent work reinforces the view that the health sector can contribute towards the autonomy of Indigenous communities because of the easy access to this knowledge throughout Australia and beyond.

7. Dependency, technology and governance

Kingsley Palmer

In Australia, European colonisation denied Indigenous peoples their autonomy. Progressively, force of arms, government policy, economic arrangements, the imposition of law and order, statutes and cultural priorities together ensured there was no chance that autonomy could be regained, at least in the short term. The power to act upon Indigenous Australians rested with the dominant European government, its agents, officers and functionaries. Then, two-thirds of the way through the last century, some sought to provide a corrective to the consequences of colonial policies and the dependency which was a mark of post-colonial aftermaths. Indigenous peoples were allowed to assume some limited control over their affairs and the planning for their futures. Terms like 'self determination' and then 'self management' became popularised. There was no promise of autonomy, just the suggestion that people would be able to choose how (and to some extent, where) they lived, and that they would be able to decide on their own priorities and lifestyles. There was also an assumption that the new policies would lessen the dependency status of Indigenous Australians because communities would have greater control over their own lives.

The creation of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1990 placed the management of funding for Indigenous affairs in the hands of Indigenous peoples.¹ This meant that for the first time it was no longer government departments (State and Federal) that were directly in command of the programs that allocated money to Australian's Indigenous peoples.

There are limitations to this move to greater autonomy. ATSIC is funded from the Federal government's appropriations. Funds from

ATSIC flow to communities but are subjected to extensive conditions and regulation. Some important functions (like funding for health services) are not now controlled by an Indigenous body at all, despite consultative inclusions such as Indigenous reference groups. Some services for Indigenous Australians have been 'normalised'; made subject to the same rules of operation and procedures that apply to the same services provided to other Australians. Many municipal services are funded from State and Territory departments that are directed by the government of the day. All are subject to restrictive rules, directions and legislative compliance requirements that constrain how funds can be applied and acquitted.

From the start, ATSIC was subject to extraordinary scrutiny and in response funding guidelines and administrative requirements grew. Policies and plans and a raft of bureaucratic and administrative devices were demanded, often bundled together under the single rubric of 'governance'. Compliance with these governance impositions continues to be a requirement for Indigenous bodies receiving grants.

Unchanging relations of dependency and inequality: New manifestations

Over the last two decades there have been several studies showing how Indigenous Australians have attempted to come to terms with these new policies, while recognising their limitations. Typically, the studies document how the process of self determination yielded various degrees of self direction, power over outcomes, choice over life styles. *Going it Alone*, for example (Tonkinson and Howard 1990), shows how communities had come to manage their own affairs and have a say in the direction they wished to travel. However, the accounts also chronicle the limitations of that process (Palmer 1990) as well as the difficulties and conflicts that it occasioned (Sackett 1990). There have been other collections of papers which included reference to similar themes, such as Howard (1978, 1982a) and Sanders (1982).

Tonkinson commented in 1978 that, 'Aborigines have less autonomy now than they had in mission times' and that the increased expenditure on Aboriginal programs had in fact reduced their freedom to act (Tonkinson 1978:95-6, 98). Acceptance of government funding required tight controls over how the money was used and how it had to be acquitted, a process which, according to Howard (1982b:93), commenced as far back as 1974. These views, evidently at odds with

popular perceptions that Indigenous Australians were gaining greater freedom to determine their own future, warrant further consideration. Acquittal of funds does not, in itself, limit autonomy. A requirement to show that money has been spent in the manner agreed (and not appropriated for some other purpose) is neither unreasonable nor overly onerous. Given acceptance of the process (which is, of course, an imposed process) Indigenous organisations can use funds to help attain goals of their own choosing, but always within the constraints of the rules. However, the arrangement rests upon an asymmetrical relationship. The state provides the funding that the communities depend upon. Dependency is not significantly lessened because communities have more influence over how the funds are spent.

John Bern, writing in 1989, but referring to work he undertook fifteen or more years earlier, noted that at one government settlement, which had formerly been a mission, all control was in the hands of the Australian government, which provided finance, personnel and maintenance for the settlement (Bern 1989:167). Yet, the community members also enjoyed limited freedom of movement, and thus could exercise a choice over their place of living and occupation (Bern 1989:169). Dependency did not disappear with the Commonwealth government's promulgation of self-determination policies. One form of dependency waned, while another took its place, despite the benefit of residency choices. The dependencies are a consequence of the systematically disadvantaged nature of Indigenous Australians within the broader Australian context. Dependency is a complex relationship and may be manifest in many different ways while the substance of the dependence is perpetuated (cf. Howard 1982b:83, 94–8). Peterson (1998:112) argued that in order to achieve greater statistical equality within the Australian state, Indigenous Australians are frequently forced to accept welfare programs:

Equality of outcome in a social welfare system is achieved by bureaucratic surveillance, which entails some loss of individual autonomy. As the degree of subsidy increases so does the surveillance or, as it is called in Aboriginal affairs, accountability. But this increased accountability is in direct conflict with the emphasis on self-determination.

Much changed during the last two decades of the twentieth century. Community development became an accepted reality, bringing with it consultation, community elected government, boards of Indigenous directors, elected counsellors, presidents, Chief Executive Officers and

all the paraphernalia of incorporated bodies, boards and businesses. Community organisations were subject to statutory regulation as well as review by ATSIC, State and Territory regulators, and funding bodies, designed to ensure transparency of action and accountability to stakeholders. Their perpetuation, I will argue, deepens the dependency of Indigenous communities on others — non-community members and usually non-Indigenous personnel.

Increased operational complexity, typified by the use of advanced technologies, means that even basic maintenance is beyond the skills base of most community members. Again, the consequences are evident: increased dependency on others who live outside the community and whose principal interests also reside elsewhere.

In the rest of this paper I seek to examine the idea of community development within the context of the past history of a process whereby major steps were taken in an attempt to free Indigenous Australians of the legacy of dependency. In looking at data collected during work with developing community organisations I also describe this new form of dependency that is occurring. While community groups are now freer to determine their own priorities and, in a broad sense, how and where they will spend their funding dollars, other constraints have gathered to impose new dependencies which in some respects are as constraining as the old. The new dependency has two dimensions: bureaucratic and technological. While both develop from very different sources they have a similar consequence: loss of independence and an increased reliance upon non-community experts. Both develop from the same root cause that generated dependency in the mission, in the government settlement or on the pastoral station: relative powerlessness and inequality in relation to resources, funding and the expertise required to operate in the dominant culture.

Technology, water security and dependency

In areas of arid Australia water security is a primary concern for developing communities and those without adequate potable water are not viable. As community members have acquired better housing, demand for water has significantly increased. This increased demand has developed its own form of dependency because ensuring safe, adequate water typically involves complex technologies. Ideally, a community needs a reliable water source and one that does not make the community

dependent on external sources of expertise to maintain. Below I look briefly at three water sources that illuminate these issues.

Some 190 km west of a community settlement in the Northern Territory (NT) is a small outstation comprising a couple of houses and sheds. Water is supplied by a sophisticated submersible pump in a bore, powered by a series of solar panels. When I visited the outstation in July 1999 the place was unoccupied and in some disrepair. However, the solar pump and pipe work were evidently quite new. I was advised by the Outstation Resource Agency (ORA) co-ordinator that the water supply was installed and serviced by the NT Power and Water Authority. The ORA knew little about it. Servicing had to be undertaken by technicians from Katherine, some 400 km away. There was no firm commitment or formal arrangement relating to payment of maintenance costs and in the event of a breakdown, there was no clear view as to who would need to be contacted. There was no arrangement, however informal, between the agency responsible for the outstation and those responsible for the pump and solar panels. While the equipment itself was not overly complex, it could not be repaired locally and the pump would have to be sent out of the NT for repair.

In summary, the outstation residents had become dependent for an essential service upon a distant government body and a technology that no local persons could fix. Ironically, in an area that has produced some of the most famous Aboriginal stockmen, windmill maintenance was well understood and widely practised by some former station workers. A reliable and well-tested technology, able to be maintained by local station workers, windmills would have been a viable alternative that would not have created such dependence.

At another outstation nearby, an attempt had been made to provide water by means of a submersible pump and bore, powered by an on-site generator (missing!). The generator required was large and had been bolted to a concrete slab — the fact that it had been stolen raises other issues about security in remote places. However, and as the matter was explained to me, the generator would have been both noisy and expensive to run — the cost falling on the outstation residents. Moreover, it required regular maintenance by a trained mechanic. It was unlikely that these skills would be found in the parent community, resulting in expense and prolonged down time. Again, the choice of the technology deepened residents' dependency on others. When I visited the outstation it was, understandably, vacant because there was no water on account of the missing generator.

A third example illustrates how systems can be devised which do not require either the perpetuation of dependency or complex technology. The far west coast of South Australia provided European settlers with access to the hinterland, but the arid interior was inhospitable and water hard to find; wells often proved salty or yielded little water; surface water was unreliable; and reliable springs or soaks were minimal. The completion of the trans-Australian railway line in 1917 increased the need for overland travel to the numerous sidings on the line. The need for reliable water had been met by 'shed-tank' catchment systems consisting of large, open-sided sheds with corrugated iron roofs, under which were placed water storage tanks. Rainfall in the area, while unreliable, was at times reasonably heavy and so the tanks were replenished.

During the early 1980s a series of these shed-tanks were still to be seen on the road from Yalata to Ooldea, a railway siding on the trans-Australian line. By this time many of these tanks had fallen into disrepair and some had been removed. However, one somewhat battered set remained intact and was a popular camping site for persons from Yalata venturing on weekend hunting trips away from the mission. The tanks had also served an important role in the lives of Aboriginal people who had been removed from Ooldea to Yalata in the early 1950s and had used the tanks as reliable water sources on many occasions (Brady 1999:8).

In 1982 a group of Yalata residents decided to set up an outstation at Oak Valley on their traditional lands, some 350 km north (see Palmer 1990). Initially, water was taken from Yalata in a water tanker, towed behind a truck. This was unreliable and sometimes dangerous, given the sandy tracks. Subsequently, water was obtained from a railway tanker dispatched from Adelaide and stored on the siding at Watson. The round trip from Oak Valley to Watson and back took about five hours, although this was much better than the sixteen hour round trip to Yalata. The amounts of water supplied were insufficient for modern community living, with water decanted into small mobile tanks which were placed round the traditional bush camps.

Drilling programs were unable to locate any large quantities of potable water, although some saline supplies were found that could, with treatment, be used. However, the experience of the Indigenous residents in times past was not lost and it was decided to build a large shed-tank at Oak Valley. Construction methods were much improved on the old prototypes: steel sheeting and frames were more robust and

less prone to corrosion; and the tanks were stronger. Within a few years two additional large tanks had been erected with a combined capacity of over 200 kilolitres. A small hand pump was placed at the base of each tank to allow travellers to gain easy access to water. The system was simple, effective and easy to maintain by the community residents who often made their camps close to a shed tank for convenience.

At the time of writing² some ten tanks had been built at strategic sites round Oak Valley. However, with the advent of a more settled community, houses and proper ablution and laundry facilities, the demand for water has required the exploitation of groundwater. Some wells yielding low quantities of potable water were located some 25 km west of Oak Valley during 1986–87. The bores were equipped with solar pumps that delivered water to a small holding tank. A tanker collects water from the solar sites and delivers it to a central reservoir at Oak Valley, mixing it with rainwater from the shed tanks to create ‘mixed’ water.

The community employs a local Emergency Services Officer to maintain the bores and pumps, thereby retaining some control over the water supply system. Overall, the technology selected is not overly complex and much of the maintenance and other work can be done by local employees.

Water security is, and probably always will be, an issue at Oak Valley. However, the reliance on external systems is minimised and the technology is kept simple. This, in turn, has called for some compromises. There is insufficient water for any purpose other than essential needs. All houses have drop (i.e. dry) toilets (except the clinic) and garden watering is not an option (Graham Henderson pers. comm.). Mixed water is not as palatable as pure rainwater. The strength of the Oak Valley experience is that, within some acceptable limitations, the community can have a modern water supply without developing a substantial reliance on external and costly technical services through a process that deepens their dependency on non-Indigenous peoples.

Employment, governance and administrative hegemony

CDEP: Modern dependency or Indigenous labour market strategies?

The Community Development Employment Projects (CDEP) scheme was heralded by proponents as a means to provide communities with the opportunity to manage their own labour market strategies, train participants for mainstream employment and break the cycle of welfare

dependency which was seen as a substantial impediment to community self-determination (cf. Pearson 2000).

The CDEP scheme has been the subject of substantial criticism (Spicer 1997) and its failure to provide movement for participants from 'work for the dole' type activity to full labour market participation seen as perpetuating welfare dependency, albeit as a form that is 'active' (that is, usually requires structured work programs to be performed) rather than 'passive' (that is, requires no work). These issues have been extensively discussed and explored elsewhere (e.g. Altman and Gray 2000; Altman and Johnson 2000; Altman and Nieuwenhuysen 1979; Madden 2000; Sanders 1988). So-called 'workfare' (Sanders 1988) can be seen as an activity that simply perpetuates welfare dependency, while providing no opportunity for entry into the mainstream labour market because, for most rural and remote communities, the potential for employment is minimal because the labour market is extremely limited.

While the debate about CDEP and welfare dependency is not the main subject of this paper, the research findings that characterise new dependencies in the post-colonial context are pertinent to what follows. Altman and Johnson (2000:21) made the following observation:

There are indications that...the majority of job growth is for qualified non-Aboriginal labour that needs to be recruited to the region. This is paradoxical, because BAC [Bawinanga Aboriginal Corporation] is attempting to expand the regional economy for the benefit of its membership, but it seems at present that suitably skilled and committed Indigenous people are either unavailable or disinclined to take up the skilled managerial, administrative, and trade positions available...With growing demands for greater external accountability and with initiatives to establish increasingly sophisticated enterprises and services, the gap between skills held by local Aboriginal people and those required for employment is widening.

This brief excursion into the area of employment programs and labour welfare serves to remind us that the contemporary dependency environments are diverse, complex and pose difficulties that have no ready solution. This is because Indigenous Australians remain powerless and subject to the dominant paradigms of government. This in part is a reflection of current labour market economics for mainstream labour market strategies for rural areas face similar dilemmas: how can training for work be judged a success when there are no jobs for participants once trained? How do people who lack education equip themselves for

participation in a work force that increasingly demands high levels of skills, training or professional qualifications? The excursion also serves to remind us that despite the hyperbole of assertions that Indigenous communities are self managing and autonomous in many areas of their operations, there remains a continuing dependency, even though it has taken on a new form. Indigenous community members need skills and qualifications, not only to hold down a job, but to control and direct the administrative, mechanical and technical components of their community. Relying on others, invariably drawn from outside the community and, it seems, almost inevitably non-Indigenous people, serves to deepen that dependency.³ CDEP, for all its worthy intentions, is generated within a relationship of inequality and so serves to perpetuate dependency (Bernardi 1997:41–5).

The business of running the agency

Emergent, localised and limited community autonomy struggles in a web of bureaucracy which forms a key component in the administration of Indigenous affairs in Australia at present. This is because government programs that provide services to Indigenous peoples are bound by the same operational rules that govern most other programs. While the residents of the various communities I have described above have been able to make certain choices about how and where funding will be applied, this can only be done provided quite stringent reporting and accounting requirements are met. This is not the place to discuss these regulatory parameters. Indigenous enterprise has been all too often slurred by accusations of robbing and wastage. Indigenous Australians are now one of the most accountable community groups in our country. This has implications for how community groups can operate, their work priorities and the external expertise they may need to seek to acquit themselves to the levels demanded of them. The requirements of governance mandated both by government departments which provide the funding and, in part, by regulation and statute, add to a complex administrative world where requirements of running community organisations are time consuming and often beyond the skills and knowledge base of those required to do so. Administration does not only imply reporting to government and many community organisations employ clerks and accountants as well as technicians to undertake the more complex tasks of preparing financial reports, cash flow projections, annual budgets, maintaining asset registers, developing business and strategic plans, formulating

policy, to name but a few. The question is: how real is the community control of these arrangements, especially if the degree of complexity of the administration is well beyond the knowledge base of the Indigenous stakeholders?

This is a complex area and has received some attention elsewhere (e.g. Palmer 2001). In this paper I will concentrate on data collected during several reviews of community organisations that administered and provided services to outstations in the NT.

In a national survey of outstations and the resource agencies that serviced them (Altman et al. 1998), 21 of the 44 recommendations of the review related either to community and organisational governance or administration. Given that thirteen recommendations other than the twenty-one noted previously were directed specifically at ATSIC, it is evident that the review found substantial room for improvement in how the community organisations were being run. Issues covered are summarised in Table 1.

Table 1. Recommendations relating to community organisations

Area for improvement	No. recommendations
General admin. & IT	6
Training	6
Planning	4
Governance	3
Policy development	2

Reporting requirements and audit (undertaken by externally retained auditors) were not considered by those surveyed as onerous as the requirement to apply for funding each year, which made for uncertainty with respect to employment tenure and the continuity of programs. Preparing the applications was both time consuming and complex, some organisations needing to employ a contractor specifically to undertake the task. Resource agency staff found it difficult to understand why triennial funding was not the norm. Training was typically a component of service delivery programs but schemes lacked the resources required: skilled trainers, proper planning and defined goals. Within the CDEP projects, training goals were sometimes better defined, but the skill levels achieved seldom led to full-time employment, as discussed above. Planning, governance and policy development posed significant problems for community organisations, since the level of

expertise needed for their development often required outside consultants, or resulted in their neglect.

In 2001, ATSIC devolved responsibility for the development of outstation policy and planning to Regional Councils, but they remained subject to national policy. The ability of Regional Councils to balance their local objectives with those of national policy and the complexities of drawing up both policy and plan are generally beyond the resources of Regional Councils — requiring, once again, the use of external consultants.

The national review also found some very positive outcomes from the development of community based organisations and the report contained sixteen examples where things were being done particularly well. These ranged from ranger programs to protect the environment to the provision of transport services to outstations. In another more regional study, the reviewers found that some Indigenous governing bodies had developed strong and effective understandings of the governance processes and the Regional ATSIC Council was seeking to promote such practice across the region (Gillespie et al. 1999:26).

However, despite these positive examples, there remains a significant, and to my mind, deepening dependency. This is not born of the fact that all funding is ultimately derived from the public purse. This dependency develops from an increasing reliance on resources that are exterior to the communities and over which they may have little control, as a consequence of the levels of complexity that are now a feature of governance and administrative systems.

New dependencies in a global context

Indigenous affairs in Australia has moved away from a colonial model, where non-Indigenous Australians determined the community processes and largely undertook them while government departments, missionaries, and sometimes even pastoralists delivered services. Self management has meant, for some decades, that community organisations now operate to deliver outcomes and have acquired the responsibilities that accompany that process. Implementation of self management and the establishment of ATSIC, as a principal means of its promotion, was a major step forward. However, highly complex operating environments now require those with specialist skills and the training to acquit themselves well and to deliver what is required, effectively and efficiently. In the absence of suitably skilled Indigenous persons, community organisations have developed a new dependency.

It derives from the same asymmetrical relationship as the old dependency on rations (Rowse 1998a, 1998b), welfare and the pastoralists: the powerlessness of Indigenous peoples with respect to access to and control over resources and power of the state and its agents with respect to the same. This new form of an old dependency does, however, have a novel aspect. Indigenous dependency can no longer be characterised as a product of colonial experience, nor is it unique to a 'conquered' people. This dependency is shared by others and is a feature of a global phenomenon.

Third world development and global dependency was described some 25 years ago by George (1976), principally in the context of neo-colonialism, aid and political hegemony. Arguably absent in Australia's Indigenous communities are the Machiavellian chicaneries which characterise the delivery of aid to so many third world nations. Instead, the results of globalisation, advanced technologies and increasingly complex solutions to simple (but massive) problems have resulted in similar dependencies. This, coupled with stringent government regulation and controls, gives Indigenous community organisations little room to directly control their future, despite the appearance of self management and, at local levels, autonomy.

We are all caught, to a greater or lesser extent, in the globalisation of commodities which sustain the way of life we choose. This paper could not have been written without the help of Bill Gates. The airlines that fly us on our business trips or to our holiday destination are in alliance with a dozen others worldwide. The air we breathe in most public buildings is regulated by a few companies worldwide. For the educated and relatively affluent, with access to cash or credit, consumer pressure groups, legal advice and other resources, our dependencies are managed by our ability to seek alternatives, to limit the control of single suppliers or simply to pay up and fix the problem. In Indigenous communities, however, many of these choices are not readily available. Those that direct community organisations are, for the most part, poorly equipped to seek alternatives, to argue for their rights or counter the demands of technology, regulation or government control. Communities with endemic health, housing, municipal services and social problems are increasingly being forced to accept complex administrative, technological solutions, whether it be for banking, plumbing, electrical services, water or vehicles. Choice is also often severely limited because of the remoteness of communities and difficulties of supply and subsequent servicing. These problems are not limited to Indigenous Australian

communities. Many have accepted that the future for Australians lies in the big cities, or close to them, and rural economies have declined. However, for Indigenous Australians escape to the city is not a solution. Indigenous community development now needs to move beyond the rhetoric of self management to deal with the real issue: a new and just as damaging dependency born of the same structural inequalities as the old where Indigenous peoples were powerless to control their outcomes because they are subject to the direction and control of the state. Community development issues need to be addressed with an understanding of these insidious relationships of power inequality. There are answers to be found in such organisations as the Centre for Appropriate Technology in Alice Springs which provides advice to Indigenous communities over choices in technology. However, areas of training in the broad area of corporate governance and a review of how money is allocated and then acquitted within these communities requires drastic overhaul. As far as I know, little or nothing is being done to assist communities to deal with these major and often stifling problems.

Nearly thirty years ago I first visited an Aboriginal owned and run cattle station and community in the Pilbara region of Western Australia. Unusually for that time there was no white adviser and no non-Indigenous person lived at the community. While services were basic they were better than those found in most other communities at the time. The pastoral station worked effectively, providing employment to most of the young men (although not the young women!) who lived on the property. Administration was simple, utilising the services of one non-resident book keeper. Government involvement was also minimal, with one Department of Aboriginal Affairs employee visiting (and camping over night) every two weeks or so. Technology was basic but effective. No doubt the same community today is more modern, has power 24 hours a day, but is more reliant on outside services, more dependent on technology and has more rigorous lines of reporting and regulation. I am not advocating going back thirty years. However, there may be lessons to be learnt from the recent past that provide us with glimpses of how some of the autonomy can be put back into self-management on Indigenous Australian communities.

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Notes

1. This chapter was written prior to the events of early 2004 and has not been updated to reflect current government proposals to disband ATSIC. However, the comments in the following paragraph demonstrate a trend in public policy as it affected Indigenous Australians which resulted in substantial mainstreaming of programs and a move away from Indigenous control. At the time of publication (2005) it is evident that this process is now complete.
2. In 2002. I thank Graham Henderson for providing me with up to date information in relation to the water supply at Oak Valley, particularly in relation to water harvesting and current management practices.
3. Altman and Johnson (2000:8) estimate that in 2000 some 70 per cent of full-time salaried jobs at Maningrida were held by non-Indigenous persons, a figure that had increased from about 41 per cent in 1980 when Altman had undertaken an earlier survey.

8. Rhetoric to reality in sustainability: Meeting the challenges in Indigenous cattle station communities

Elsbeth Young

The replacement of assimilationist policies by ones promoting self-determination and encouraging greater degrees of autonomy has had a major impact in Australian Indigenous affairs over the last thirty-five years. It is a philosophical transition that appeared to promise much in terms of economic development and in the empowerment of Indigenous groups to take responsibility for their own social and political development. However it is not a transition that has been readily translated into reality. This reflects the entrenchment of concepts of development within the 'European' tradition (Coombs 1978; Rowley 1978). Indeed, Australian Aboriginal policy has essentially been 'a by-product of policies related to economic development for whites — policies about land, labour, migration, mining and trade' (Rowley 1978:18). Despite the commitment to self-determination of the Labor Party when it won the Federal election in 1972 — demonstrated practically through such measures as the establishment of Northern Territory land rights legislation, the upgrading of Aboriginal Affairs to departmental status and the setting up of the Aboriginal Land Fund Commission (ALFC) and the Aboriginal Loans Commission (ALC) — such attitudes continue to lurk beneath the surface of many policy decisions. And in recent years they have been reinforced by the Howard government's preoccupation with encouraging Aboriginal development that is firmly focused on the mainstream. As a result the rhetoric of self-determination has yet to begin moving into the realms of reality.

This failure to translate rhetoric to reality is not peculiar to the Australian situation, with many other examples present in countries such as Canada and New Zealand. On a global scale it is closely related to beliefs that aid donors often fail to meet the needs and aspirations of aid recipients. Such failures reflect a continuing commitment by donors

to the conventional viewpoints of development that have governed decolonisation processes and dogged efforts to reduce the dependency of the 'South' on the 'North' ever since the establishment of overseas development aid processes in the 1940s. Such failures are strongly grounded in the varied concepts that are embedded in the very term 'development'. These range from earlier, relatively narrow interpretations such as development as economic growth without emphasising redistribution of benefits and resources (e.g. Lewis 1955); to subsequent more holistic expressions such as 'development is the opportunity to live full human lives' (Goulet 1971) or 'development involves a structural transformation which implies cultural, political, social and economic changes' (Hettne 1990); and encompassing enabling mechanisms such as the opportunity to choose the development path, the interdependence of the North and the South (e.g. Brookfield 1975) and, at a more local scale, the reliance of effective development on community participation, cross-cultural sensitivity, and effective consultation and negotiation. The transition in development philosophy that is implied here suggests increasing commitment to real application rather than externally driven top-down policy approaches. However, as with the policy shifts in Aboriginal affairs in Australia, the rhetoric has not necessarily matched the reality.

Development philosophies and policies targeted at Indigenous Australians trace a parallel path to that which has influenced global thinking, and the resultant conflicts and frustrations have much in common (Young 1995). Commitment to the overall concept of more sustainable development requires that these parallels be further explored. Sustainable development, most commonly defined as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED 1987:43), not only encompasses broader aspects of earlier philosophy but explicitly extends this into the arena of resource use, and hence the whole interaction of peoples and their environments. It also introduces the idea of responsibility — of present generations for their successors (intergenerational equity), of more equitable distribution of sustenance (including wealth) across society (intragenerational equity), and asks for equal valuation and respect for peoples' knowledges, belief systems and rights.

All of these principles are fundamental to planning for the future of Australian Indigenous communities and indeed for other communities, particularly those in rural and remote areas of the country. Grappling

with the challenges of implementing policies based on these sustainability principles is a monumental task. Indigenous communities are extremely diverse and development programs designed for them would have to be highly flexible in order to accommodate this (Young 1995:270–5). They would have to be firmly grounded in thorough consultation and negotiation at the community level, and reflect the community's visions and goals, rather than those of external agencies. Acknowledgement of the need for Indigenous control over development, encouragement of Indigenous persons' skills to enable them to participate fully in whatever form development might take, the creation of a resource base for the community, and provision of adequate and appropriate forms of financial backing for community efforts would all be essential elements. Policies, programs and community experiences in the Indigenous pastoral industry provide graphic illustration of these themes.

Indigenous pastoralism: Development policies

The contemporary Indigenous pastoral industry reflects the impact of broader policies and programs that have been part of the process of Indigenous development over the last three decades. For many decades the pastoral industry was used as an instrument of assimilation, an industry within which Indigenous peoples were trained to take on conventional roles in the mainstream workforce, largely providing labour in the stock-camps and in domestic positions in the homesteads. In central Australian government settlements, such as those at Yuendumu and Haasts Bluff, cattle projects were established in the 1950s primarily to train workers for adjacent non-Indigenous owned cattle stations. Rather than encouraging Indigenous persons to develop their own entrepreneurial skills and use these to reduce their dependency on government welfare, participants remained dependent on other employers and, other than their meagre wages, had no chance to benefit directly from the business. Others who continued to work for the pastoralists who had taken out leases over their traditional 'country' were also dependent, with their sustenance provided through wages in kind and rations rather than through monetary wages. Opportunities for exploitation were everywhere and, until the Gurindji walk-off from Wave Hill station in 1966 — a graphic protest against unacceptable and exploitative working conditions and demonstration of Indigenous commitment to establishing their own independent

community in the heart of their country — many other Australians were probably ignorant of the situation. That action, coupled with the introduction of equal wages rights for all pastoral workers in 1968, focused attention on the key role of pastoralism in Indigenous land rights (Hardy 1968; Phillipot 2000; Rowse 1998). Government commitment to land rights, officially promoted by the Whitlam government following its election in late 1972, subsequently highlighted this role. It also established the role of pastoralism as central to self-determination, the policy that officially replaced assimilation in the early 1970s.

Government funded acquisition of pastoral properties for Indigenous peoples was a practical expression of the beginning of the self-determination era. Immediately following the 1972 election, Commonwealth government funds were allocated to finalise the purchase of two cattle stations, Willowra (central Australia) and Pantijan (northern Kimberley). Subsequently, under a succession of government agencies including the Department of Aboriginal Affairs (DAA) (1973–75), ALFC (1975–80), the Aboriginal Development Commission (ADC) (1980–90), the Aboriginal and Torres Strait Islander Commission (ATSIC) (1990–95) and the Indigenous Land Corporation (ILC) (1995–present), funding has provided for the purchase of around seventy such properties throughout Australia (Phillipot 2000; Young 1995). Most lie in the rangelands of the Northern Territory, South Australia and Western Australia and comprise marginal lands where pastoralists were eager to sell. Elsewhere, in Queensland, New South Wales and other parts of southern and eastern Australia, prices were higher and prospective sellers more reluctant to let go. As a result the opportunities for development based on Indigenous pastoralism have been unevenly spread.

Establishing meaningful self-determination does not rely solely on encouragement of greater economic independence but is also a product of social, cultural and political coherence and careful use of the natural resource base. Such an approach lies firmly within the framework of sustainable development. This social and economic inter-linkage can be traced through the policies of successive pastoral station acquisition programs. Thus the ALFC explicitly accepted the statement of Indigenous applicant groups that they wanted to buy back the land for both social and economic reasons; getting the land back would enable them to ‘care for country properly’, would reinforce/regenerate their cultural integrity, strengthen their social identity and politically

empower them, and would provide them with a basis for income generation. Under both ALFC and DAA the more social reasons for purchasing the land often came first; however, ADC, ATSIC and ILC increasingly emphasised economic reasons: the development of the stations as viable commercial enterprises. This reflected increasing concern with the lack of commercial viability of many of the properties, a deficiency that exposed both the government agencies and the Indigenous pastoralists to severe criticism from both the public and private sectors. Since most of the purchases were made with government funds, or from funds allocated under royalty type agreements, their linkages to 'taxpayers' money' were strongly emphasised, particularly when problems arose.

Finding workable solutions that balance social and economic priorities in such pastoral properties remains a challenge (e.g. ATSIC 1992; Coombs 1978; Palmer 1988; Phillpot 2000; Young 1995). Encompassed within these efforts is the basic problem of assimilation and self-determination — all too often the ideals of self-determination, of supporting a group's efforts to encourage a type of development that is appropriate to it rather than to mainstream government agencies, have been buried in practices that are assimilationist. Hence dependency rather than empowerment remains dominant.

Policy to practice: The realities of Indigenous pastoral management

General assessment of how effectively policy has been translated into practice in the Indigenous pastoral industry is difficult because of diversity of the circumstances of purchase, the cultural and socio-economic characteristics of those for whom the property was bought, and variations in the way that the policy has been interpreted and applied. Nevertheless, it is possible to identify some significant issues that need to be recognised and addressed in considering how development in Indigenous pastoral stations might become more sustainable.

Economic dependency remains a dominant characteristic in most Indigenous pastoral station communities. Reasons for its persistence are complex and reflect the interaction of factors related to both Indigenous and non-Indigenous development aspirations. These include the following.

Traditional knowledge of/responsibility for the land purchased

In more remote parts of Australia groups applying to buy stations have included a high proportion of Traditional Owners of the country concerned; and they have subsequently been joined by additional Traditional Owners who have been living on other cattle stations or who have relocated to towns. The presence of Traditional Owners has been a major factor influencing how the property is used and managed; even if they lack the practical experience and skills, their high standing in the community means that they are likely to play important roles as managers and company directors of the pastoral enterprise (Hanlon and Phillipot 1993; Phillipot 2000). In other parts of Australia, where the impact of dispossession from traditional country has been more destructive, those with ties to the country have often spent decades living in or on the margins of small rural towns. Their practical knowledge and experience of living on the land, including pastoral work, may have been quite limited, particularly in the case of younger persons who may never have had the chance to work in a stock-camp. Traditional owners within these groups also have paramount responsibility for speaking for the land, but they may lack the practical knowledge of how to translate this into managing the land in ways that enable them to realise their visions.

Social coherence or disparities within the Indigenous group

Inevitably, because of generations of dispossession, the effects of land alienation and intermarriage, most groups are diverse and conflicts within the group threaten consensus decision making and cause frustrations that are socially disruptive (Cowlshaw 1983; Young 1988). As with traditional responsibility, lack of social cohesion is likely to be more severe in southern and eastern parts of the country where the disruption has been greater.

Funding

Questions concerning funding both for land acquisition and for subsequent enterprise development and provision of appropriate community infrastructure and services have never been adequately addressed. Between 1972 and 1991 land acquisition alone (including cattle stations) had cost more than \$72m, but many of these properties earned very little income (ATSIC 1992). Additional funds had been

allocated for community housing, services and infrastructure, all of which were essential; but these monies were allocated from DAA's or ADC's enterprise budgets rather than their community development funding, and were frequently interpreted as evidence of 'wastage of public funds'. Funding strategies have also been inconsistent. They have included granting funding even when there was little likelihood of income generation through the enterprise; or refusing to grant funding to renew wholly inadequate infrastructure, redress inherited environmental damage or improve herds even when the group was committed to commercial development. Major difficulties have included lack of holistic planning and assessment of resource use and management needs for the enterprise along with the community (Young 1995).

State of stations at the time of purchase

Many cattle stations were chosen for purchase partly because they were cheap — and they were cheap because they were run-down. Some livestock herds were non-viable; roads, water supplies, bores, buildings and equipment were poorly maintained or non-functional; and the land itself was suffering from long-term degradation through overgrazing, including topsoil loss, water point contamination and erosion. Clearly such properties offered very limited scope for more sustainable management.

Skills base of the Indigenous group

While members of many Indigenous groups acquiring stations were highly skilled in the techniques of stock work, few had had much experience in managing cattle commercially. They had had little involvement in day-to-day decisions about marketing livestock, taking into account market fluctuations and demands; their financial skills were lacking; and they had never participated in broader aspects of enterprise planning, essential for providing a working framework to ensure the present and future viability of the enterprise. Skill deficiencies were more serious in some Indigenous groups than others — where the traditional owners of the country on which the station was located had been living for long periods elsewhere even the technical skills of pastoral management were lacking.

Population size

Many Indigenous pastoral stations have considerable resident populations, perhaps up to 300 individuals. Clearly, unless some members of these groups undertake jobs off-station, a high degree of economic dependency is inevitable. Although many of the more remote properties had large populations while under non-Indigenous ownership, significant support for the Aboriginal families came from government welfare agencies; the station earnings went primarily to support the single non-Indigenous family. Criticism of the Indigenous pastoral groups for continuing to live on income from unemployment benefits and other pensions and allowances has, under these circumstances, been both unfair and unrealistic; the sheer size of these groups increases their economic dependency.

Such reasons can be usefully grouped into internal factors — those that stem from characteristics and conditions within the pastoral communities themselves; and external factors that impinge on the operation of the enterprise and are often beyond the control of Indigenous groups. Traditional attachments to and knowledge of the country, and many socio-cultural characteristics including kinship structures, social coherence and reciprocity principles, are essentially internal; climatic variations, government policies and programs for funding and the provision of extension and training services programs, and livestock price fluctuations both within Australia and also globally are primarily external. In general, the persistence of economic dependence reflects entrenched failure to accommodate both sets of factors adequately.

Beyond pastoralism: Diversification of the economic base

Many Indigenous groups pastoral communities have extended the scope of their economic base beyond conventional pastoralism. Other commonly adopted activities have included subsistence hunting and foraging, the development of small-scale tourism enterprises, arts and crafts, retail stores and perhaps other businesses that support rural development. Such developments are very positive both in terms of creating greater economic security for the community and also in enabling environmental regeneration (e.g. Young 1998). They also have ramifications in terms of sustainability, not only for the Indigenous

communities but also for the rangelands in general. This point has to some extent been recognised in Australia's national rangeland strategy, where diversification progressively emerged as the primary human theme throughout the six-year development process (e.g. ANZECC/ARMCANZ 1996, 1999). But practical acceptance of these changes still has far to go — most support programs, including extension programs and funding programs, still focus mainly on single activities, such as pastoralism or tourism; integrated development programs have yet to receive much support, particularly from government agencies.

Community aspirations for managing country

A group's aspirations for living on pastoral lands that are also their country reflect their own diversity and also diversity in their experiences during the whole period of non-Indigenous settlement. Determination to reinforce, or if necessary reintroduce, traditional ways of using the land has been fundamental in setting future goals; but the socio-cultural and spiritual benefits that this provides do not usually generate much cash. People also need sustenance; thus income generation from the land is also a focus. These socio-cultural and economic priorities are often incompatible; yet both are needed for sustainability. Individual communities have adopted different combinations of these goals, sometimes reflecting differences in age or in enforced resettlement experience through dispossession. Thus older men and women who have retained first-hand knowledge of both the spiritual and subsistence values of their country, and who are also likely to be more experienced in working in the pastoral industry, value being able to look after the land in traditional ways, and also want to keep pastoralism going. However, they may have only limited interest in increasing the income earning capacity of the property, having become accustomed to entrenched economic dependency. Younger persons, with more formal education but perhaps less direct experience of living on their country or of pastoral work, may well be more interested in promoting the income earning capacity. When such differences emerge the resultant frustrations are difficult to deal with. Pearson (2000) has recently identified economic dependency, resulting from the welfare society, as a prime cause of social problems in Cape York. As he and some other Indigenous leaders are stressing, greater economic independence through the development of enterprises in industries like

cattle is essential for future community and family survival. This reflects Indigenous frustration with the status quo; and also rising levels of Indigenous education and political awareness. Developing appropriate strategies for job and skills training that enables rather than inhibits choice and opportunities can help to overcome some of these problems.

Reconciling traditional responsibility for country with running a commercial enterprise on country is a fundamental issue that, given the large expenditure of public funds on land acquisition, needs to be taken seriously. Strategies that accept that community and enterprise are inseparable, and provide appropriate, holistically based government support for Indigenous pastoral groups (e.g. Young 1988) have not been effective. Today, this issue has been addressed more pragmatically by explicitly separating these two components. ILC's (1996) National Land Strategy clearly establishes that its recurrent funding responsibilities exclude on-going needs for community services and administration — these should be supported by other government agencies such as ATSIC. Further, if the cattle station claims to be a commercial enterprise it will only receive ILC funding after producing an acceptable and realistic business plan. This approach makes sense; but it may still be difficult to implement in practical terms because members of the Indigenous community still see the enterprise as wholly inter-related with the functioning of their society. Government agencies also will have to collaborate more effectively with each other if this approach is to work.

The way forward: Bringing rhetoric and reality into accord

Up until the 1980s buying cattle stations was a prime way of getting country back; in the 1990s and beyond, with the expansion of the proportion of Australia's Indigenous held land and the recognition of Native Title, more questions are being asked about how that land will be used in the future and assumptions that the land will be wasted are common. Answers to the questions raised are not simple. They depend not only on the priorities of the Indigenous community members, but also on the external factors identified above — national political, economic and institutional agendas and frameworks, and the state of the beef industry both nationally and globally. They also depend on the provision of appropriate opportunities for community members to acquire the range of training, skills and experience that they need to

make land-use decisions that are valued not only by themselves but also by other rangeland users. This issue is fundamental to the question of reducing economic dependency and enhancing greater sustainability in development.

*Extension and training for Indigenous pastoral management:
Past and present approaches*

Providing training for Indigenous persons in the pastoral industry has been a priority from the beginning of the property acquisition programs. It has focused on:

- Improving practical stock management skills (Hanlon and Phillpot 1993).
- Training in financial skills provided through both government and non-government programs.
- Training for company directors, of vital importance because a high percentage of directors of Indigenous cattle station enterprises are Traditional Owners of country who lack understanding of the responsibilities and requirements of running an incorporated organisation. Training has generally been provided by non-government organisations (e.g. Mitchell 1997; Phillpot 2001; Tilmouth and Mitchell 1998).
- Management planning for Indigenous pastoral enterprises, a process that in the 1970s and early 1980s was firmly grounded in non-Indigenous approaches to economic development and largely excluded the visions of the Indigenous pastoralists. More recently planning has become more holistic (Dodds 1993).

Training and support schemes offered to Indigenous peoples have largely accorded with conventional non-Indigenous approaches to development; however, they have progressively become more flexible, in efforts to better meet Indigenous needs and priorities. Such changes, arising from increasing recognition of the need not only to decrease economic dependency, but also to allow for more diverse forms of land and enterprise management and cater for a range of different community priorities, have been welcomed by Indigenous peoples. However they have sometimes been scorned by representatives of government and pastoral industry agencies who see alternative approaches as pandering to unproductive non-commercial approaches to cattle management; and perpetuating the wastage of financial and other resources. In those circumstances the positive and innovative

approach now being explored by Land Enterprise Australia (ILC/LEA 2000), the enterprise section of ILC, is particularly welcome. LEA's Extension, Education and Training Strategy takes a multiple approach, providing training opportunities aimed at participants with different levels of experience and who are performing different roles. These include several of the elements of past training efforts: directors training, managers training and station-hand training. They also incorporate basic induction training, aimed at introducing those with no experience to the demands of cattle-station work; and aim to encourage personal development at all levels. A national pilot project of these programs has now been funded by ILC with the intention of identifying characteristics of a program that could then be implemented nation-wide to complement land acquisition itself.

Conclusion

The problems faced in translating the ideals of self-determination into reality are very significant. Tackling them requires learning from the past and then devising alternative strategies that take into account key challenges such as breaking the shackles of economic dependency; catering for a diversity of goals and finding ways in which these can be integrated; and meeting the changing needs of all community members who differ according to criteria such as gender, age, education, traditional knowledge and level of ambition. The experiences of the Indigenous pastoral communities exemplify the complexities of these demands. Contentious and divisive issues arising from the recognition of Native Title in pastoral lands, and the need to accommodate Indigenous and non-Indigenous visions for the use and management of these lands, make it even more imperative that they be addressed (Young 1999). Ultimately the goal of enhanced sustainability in the use of Australia's rangelands is one that is shared by all their inhabitants.

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9. Making use of medics: Overcoming cultural constraints in alcohol interventions

Maggie Brady

Since the birth of the Aboriginal health services movement in the early 1970s, the role of medical practitioners — and indeed of biomedicine itself — has occupied an increasingly ambivalent space in the discourse and practice of Aboriginal health. In this chapter I examine the deflation of the doctor's role and the associated emphasis on community participation, the role of health workers, and some of the outcomes and shifts in these developments.

The Alma-Ata declaration (announced at the influential World Health Organisation/UNICEF conference on primary health care in 1978) marked a radical swing by WHO, a major international body, towards the idea of a health-based 'rights' agenda. It made an explicit association between primary health care, self-reliance and self-determination. This reorientation was no accident. It came about as a result of a contest of ideology prompted by growing discontent in developing countries about WHO's paternalistic championing of Western medical science as the single solution to world health problems, and as a result of the huge impact of China on WHO once it had become a member state in 1973. By this stage, China had trained a million barefoot doctors, ordinary workers with basic training who delivered preventive and curative health care — and WHO was suitably impressed. China succeeded in giving the WHO a much-needed new ideology and a more politicised rhetoric of health; the Soviet Union offered to sponsor the international conference at Alma Ata, and the rest is history (Lee 1997). From this conference emerged the broad WHO definition of health in which health was defined as being 'not just the absence of disease' but also included 'physical, social and mental wellbeing' (Brady; Commonwealth of Australia 1988).

The Aboriginal health services in Australia were originally developed in urban areas, in order to make primary health services available to people who were otherwise not receiving any health care until they were seriously ill. The movement was an entirely Aboriginal concept which was neither instigated nor initially supported by any section of government. The services were free, accessible and local; governed by all-Aboriginal boards, and employed Aboriginal staff. Dedicated volunteers, including doctors, ran clinics. From the start, Aboriginal health problems were articulated by these health activists as being thoroughly enmeshed with wider economic and social issues. 'Rather than emphasise the acquisition of high quality sophisticated medical skills and treatment for the community', wrote Nathan (1980:22) of the Fitzroy service, 'priority is placed on using health as a way to motivate people to improve their standard of living and quality of life.'

The Aboriginal health worker movement was explicitly linked by many early protagonists with the barefoot doctor program in China. In Melbourne, the Victorian Aboriginal Health Service (VAHS) planned to equip 'Indigenous workers of a "barefoot doctor" variety with the knowledge and ingredients of bush medicine, together with rudimentary diagnostic and treatment skills of Western medicine' (Nathan 1980:96). VAHS planned to use an adapted version of the Barefoot Doctor's Manual as the basis for its training. In 1981 an Aboriginal delegation to China included Bruce McGuinness, the then-Chair of the National Aboriginal and Islander Health Organisation (NAIHO), and there were hopes for exchange programs between Aboriginal health workers and Chinese barefoot doctors (Dodd 1981). The emphasis on wellbeing (rather than freedom from disease); on community participation; on Aboriginal health workers as a variant of the barefoot doctors; and on culturally appropriate service, all served directly and indirectly to downplay the position and role of the fully fledged medical practitioner in the Aboriginal health service (Burden 1994; NAHSWP 1989). This was despite the fact that doctors had played a key role in the establishment of the AMSs. They provided the professional legitimation to the embryonic services necessary for their credibility in the eyes of government funding agencies, which finally came to the party. Indeed it was a female doctor's concerns about lack of medical treatment for Lake Tyers Aborigines that provoked moves for the establishment of the Victorian Aboriginal medical service. The ideology of the AMSs, articulated by Foley (1982), stressed that doctors were unimportant, indeed that they were the least important people in

the services. In Melbourne the professional staff were merely the 'sources of advice and expertise and the decision makers were Aboriginal staff and community members' (Nathan 1980:90). This early antipathy towards doctors reflects a Maoist position of the 1960s — doctors were 'bourgeois intellectual aristocrats', and indeed the barefoot doctor scheme in China was explicitly designed to break the power of the medical profession. International health expert Rifkin (1978) observed that the Chinese scheme was a political, rather than a technical, creation. It is clear that 'barefoot medicine' had great appeal to the Aboriginal health movement because of its political agenda.

Other developments that followed Alma-Ata included the construction of Aboriginal (and Maori) definitions of health, which were initially based on that of the WHO (Brady et al. 1997; van Meijl 1993). These enlarged on the WHO definition, and various formulations were created that included a wide range of other factors in health: the spiritual, the cultural, the family, the community. The canonisation of an Aboriginal 'definition of health' helped to promote a holistic perspective, which had the effect of de-emphasising the role of the physician and a disease-focus in Aboriginal health discourse. This trend has continued in the intervening years, influenced by developments including the emphasis on living conditions in the 1989 National Aboriginal Health Strategy, concerns over medical research ethics and related critiques of medicine (Humphery 2001; Humphery and Weeramanthri 2001) and by the furore surrounding the Human Genome Diversity Project (Dodson and Williamson 1999).

But has something been missed in this process? Has the baby been thrown out with the bathwater? Without resorting to what Kunitz (1989) terms a 'heroic' view of medicine, it has to be said that medicalisation has its place, not just as a curative system, but as a means of furthering understanding. For many Aborigines seeking solutions to their chronic health problems, better and more thorough medicalisation is desired, not less. As Kunitz (1994:31; 1989) has pointed out, although culture and setting make the provision of care difficult at times, a dramatic decline in infant and child mortality can be accomplished by a health service that is adequately supported to provide both public and personal care.

There are some important critiques of vertical programs and the medical model, notably Schepher-Hughes (1992), who writes of the medicalisation of distress and hunger in rural Brazil. In Australia, Aboriginal health lobby groups such as the National Aboriginal

Community Controlled Health Organisation (NACCHO) refer pejoratively to bio- and specialist medicine as the 'body-parts' approach to health (NACCHO 2002). Nonetheless, researchers working in developing health have also pointed out that medicalisation has both direct and indirect value. It can increase the self-perception of morbidity which makes it more likely that individuals will be motivated to take action (Briceno-Leon 1993:293; Kunitz 1989; Murray and Chen 1994). This is particularly relevant in situations where endemic health problems have become normalised and taken for granted. Kunitz (1994:140), for example, provides an example of problems associated with the normalisation of childhood epilepsy among Pueblo parents in the American southwest. Their placid acceptance of epilepsy masked a tendency to deny the serious and chronic nature of the disease, and contributed to the development of adolescent emotional problems. In sub-Saharan Africa, HIV-positive patients said they preferred a precise explanation of their serostatus from hospital doctors, rather than the use of 'culturalist' metaphors that failed to convey their true condition (Seidel and Vidal 1997:75).

The use of health services and physicians can also result in more people being diagnosed with problems that are not directly perceivable. Chagas disease, a life-threatening parasitic disease prevalent in Latin America, is an example of this. The absence of 'medicalisation' of Chagas and the fact that it was entirely unrecognised and unnamed by local people, had prevented community awareness of its risks, and prevented people from participating in its control (Briceno-Leon 1993:293). Increasing local knowledge of health processes and health ideals can raise community and individual health standards to more exacting levels. This has happened in Kerala, India, where self-reports of morbidity are three times higher than that in the whole sub-continent. Despite, or perhaps because of this, Kerala has one of the lowest mortality levels among Indian states (Murray and Chen 1994:103).

In rural and remote regions of Australia, there are examples of demands from Aboriginal patients for appropriate, detailed information from the medical sphere. Far from rejecting the 'medical model', many are intrigued by it, and wish to embrace the detail. One such example is found in the sensitive study by Devitt and McMasters (1998) of Aboriginal patients with end-stage renal disease (ESRD). Their work highlighted the fragmented and deficient communication network around these seriously ill patients. They found appalling levels of ignorance among patients, and an inexcusable lack of attention to their

needs on the part of service providers. They described how ESRD patients on dialysis in Central Australia were deprived of good quality medical information about their condition that, together with the social complications and physical difficulties of dialysis, contributed to poor outcomes, fear and loss of control (Devitt and McMasters 1998). They observed that '[T]here was never a lack of interest about end stage renal disease; most patients were keen, exceptionally keen, to learn more of their illness and its treatment as understood medically' (Devitt and McMasters 1998:168); Aboriginal patients, they concluded, have the right to make decisions about their health in the fullest knowledge.

From Arnhem Land there are examples of the value of using microscopes to help people to understand the existence of bacteria and other microscopic creatures. Enabling Aboriginal patients to look at scabies mites, red and white blood cells, and bacteria under a microscope proved to be a revelatory experience for many (Trudgen 2000:186). Likewise, long-term Aboriginal alcohol counsellors report the persuasive power of showing patients medical specimens of diseased livers. As Jack Little from Bulla, NT, explained to me (Brady 1995:27):

When I go round to do a run, to the community and wherever I go, I take an example human liver from the Darwin hospital. And I took em around and show the people what a good liver is and what the bad liver is, that's the alcohol damaging the liver you know? And so when I go round I talk to them both sides, in the physical side and the spiritual side...they like to see something in front of their natural eye. Because they can't understand...They would like to see something.

Biological test results have been welcomed by Aborigines in several regions. Medical teams in Arnhem Land have undertaken community screenings of overall health, kava use, and of cardiovascular risk factors and heart disease in an Aboriginal football team. Dr Peter Markey and his co-workers found that the young footballers were keen to hear the full story, and eagerly participated in checks of blood pressure and GGT, a liver enzyme test. These test results were fed back immediately to participants. Far from being seen as a medicalised imposition, another community invited the medical team back to do a follow up series of tests, so that the community could be informed about change over time (Markey 1996). Medical practitioners in east Arnhem Land have long been invited to contribute their medical interpretations to communal explanations of unusual death (Reid 1983).

Medical practitioners also have potential as interveners in Aboriginal alcohol misuse. Assuming these individuals are personable and have good rapport with their patients, they may even have a particularly culturally appropriate role to play. The usual association between the medical metaphor and problem drinking is in the context of the 'disease' model of alcoholism. This is a model that characterises alcoholism as a progressive disease, in which there is loss of control and 'remission' but never cure. The disease model of alcoholism is but one example of the tendency to label a variety of conditions and misbehaviours as 'diseases' (Keane 2002; Kunitz 1989; Peele 1989).

This, however, is not the link between medicine and alcohol that I wish to make. I want to make a quite different and less problematic link — one that focuses on the doctor in his or her clinical context — as a motivator of change in Aborigines with problem drinking. There is now evidence, from international and Australian studies, that primary health-care service providers can be influential in helping patients to change damaging drinking behaviour. This can happen by making the link between relevant presenting symptoms and alcohol consumption, undertaking alcohol-specific screening and following up with advice. We know that, at a population level, these brief interactions as well as more intensive motivational interviews can make a difference (Bien et al. 1993; Wallace et al. 1988). Studies have identified GPs, nurses and a range of other health professionals to be suitable persons to deliver these interventions, to encourage change before drinking becomes socially and medically disastrous. Apart from the evidence that some individuals are amenable to advice before their alcohol-related problems become unmanageable, we have qualitative evidence that late-stage interventions from doctors can be influential with Indigenous drinkers. I interviewed people who had been experiencing dramatic and devastating consequences of their alcohol consumption (Brady 1995). They were motivated to change primarily by family responsibilities and by health problems. Of these, most recalled an interaction with a doctor who had spoken honestly about their life chances if they continued to drink. Those I interviewed believed that they had taken the decision themselves, but attributed considerable influence to the doctor's words, expressing trust in them both as individuals and as representatives of the medical profession.

If more use is to be made of health professionals in initiating this kind of intervention, it would seem logical to encourage and train Aboriginal health workers in brief counselling such as this. Since the

days of barefoot doctors and the birth of community-controlled services, the Aboriginal health worker has been promoted as the key conduit of 'cultural appropriateness' in Indigenous health care, although even partisan researchers observed that, as paramedics, health workers and nurses were not accorded the same degree of status as doctors (Nathan and Japanangka 1983:148). Aboriginal health workers would seem to be the most obvious and appropriate persons to pick up on early alcohol problems through simple screenings or personal contact with individuals, and to offer advice to patients. They are, after all, part of, or close to, the communities they serve. They experience on a daily basis the health issues that affect their patients. They speak the language and know the colloquialisms of their communities. However, there can be barriers to mobilising health workers to become involved in alcohol interventions. Indeed, giving advice in a non-threatening and non-authoritarian way — the intervention that has been found by international studies to be influential — is the very thing that many health workers find most difficult to do. In the last few years some caution has been expressed about the rapidly expanding expectations of health workers' roles, the increasing weight of responsibility being placed on these workers, and the degree to which they are willing and able to engage with numerous highly sensitive emerging issues: HIV/AIDS, family violence, sexual abuse, alcohol, tobacco and other drug use. In 1996 Tsey (1996:228) observed that the health worker is in a most awkward position — the least educated and most poorly paid of all health-care workers is being asked to tackle what are Australia's most difficult health problems. This is not the only problem they face, as McMasters (1996), himself a health worker, pointed out. He highlighted the dilemmas involved in giving advice to people about what might be contributing to their poor health. 'It can be difficult to give advice in this way to other members of the Aboriginal community,' he wrote. 'It can sometimes be interpreted as interfering and telling people what to do, or even worse, as a personal criticism' (McMasters 1996:319).

Alcohol is probably the most sensitive issue a health service has to deal with, and health workers are well aware of this. In a research partnership with an Aboriginal health service in South Australia, some colleagues and I found that health workers believed screening and questioning patients about alcohol to be intrusive — and disrespectful — altogether uncomfortable. Health workers were unwilling to ask older persons and anyone to whom they were related, about their

alcohol intake (even for screening purposes), and some felt awkward asking questions of any patient (Sibthorpe et al. 2002). Some felt hypocritical because they consumed alcohol themselves and believed that this 'disqualified' them from being able to discuss the subject. The health workers were disinclined to ask about drinking because to do so implied a lack of appreciation of the reasons why an individual might be drinking heavily. Workers were concerned lest patients thought that they might be insensitive to these underlying causes, and as Aborigines, they are presumed to hold inside knowledge of these. In short, social proximity was not an advantage. With these caveats surrounding the role of Aboriginal health workers, it seems reasonable to reconsider the role of the medical practitioner working with Aboriginal patients. Doctors are not usually kin to the communities they serve but relative outsiders, at a social distance. They are, for the time being, mostly not Aboriginal persons themselves. For these reasons, they are arguably culturally appropriate sources of advice and providers of a 'motivational nudge' to change drinking behaviour. At the level of a purely bio-medical model, they can have a role in providing to the patient 'proof' of the physical effects of excessive alcohol consumption by offering biological tests of liver damage, the results of which provide neutral but personalised evidence of physical harm. The old-fashioned medical specimens come to mind here. Doctors are in a position to take on the role of the 'authorising outsider' to be used as a face-saving excuse with which to explain a change in behaviour to drinking mates and kin. There are, then, indicators of the potential value of this form of 'medicalisation' with Aboriginal patients that capitalises on the respect accorded to doctors, the weight of their authority and their social distance.

There is a discernible shift from an earlier uncompromising stance on medicine and its role in Aboriginal health, on the part of at least some Aboriginal health activists. Organisations and individuals that referred to it as the 'body-parts' approach to health are now also endorsing evidence-based medicine (Couzos and Murray 1999). More Aborigines are qualifying as medical practitioners. If there is — as I would argue there should be — a balance between comprehensive primary health-care approaches to Aboriginal health on the one hand, and conventional medical practice on the other, then the practitioners of medicine need help. In the case of the alcohol interventions discussed, doctors need to know something of the pressures and patterns of drink, of the complex of factors that underlie the difficulties for many Aborigines of

changing drinking behaviour. Perhaps, armed with such understandings, these practitioners of medicine will contribute to autonomous decisions by Aborigines to leave the grog.

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10. The Australian Indigenous Health/InfoNet: Knowledge transfer to assist decision making in Indigenous health¹

Neil Thomson

There has been increasing recognition in recent years of the need for the health (and other) sectors to develop better ways of disseminating research and other relevant information by the full range of decision makers in health (and other fields).² Recognition of this need is not original, but received a major stimulus in 1972 by Archie Cochrane's treatise on effectiveness and efficiency in health services (Cochrane 1972). Cochrane's work triggered the so-called evidence-based medicine (EBM) movement, which led eventually to the establishment in 1993 of the international Cochrane Collaboration (2003). The Cochrane Collaboration and similar organisations have already made major contributions to the medical evidence base, particularly for clinical interventions.

Clinicians are, of course, only one group of decision makers in the health industry. This is reflected in the broadening of the concept of EBM to evidence-based decision making (EBDM), developed by policy-makers and high-level managers (Canadian Health Services Research Foundation 2000). The role of evidence may be different for these decision makers, particularly policy-makers, as many other factors (affordability, equity issues, etc) need to be taken into account along with 'science'.

Extending EBDM to managers and policy-makers is crucial, but there are many others working in a broadly-defined health system whose decisions are important in enabling the system to function effectively and efficiently. These people include health professionals other than clinicians, health program managers, administrators, academics and teachers, students and researchers. The general public

must also make important decisions, both as consumers and voters. The need for evidence on which to base decisions is far broader than implied by EBM or even EBDM.

The need for knowledge transfer

Most people need to make decisions relating to health services. The wide-ranging Alberta Heritage Foundation for Medical Research 'Research in Practice' Task Force highlighted the need for better knowledge synthesis and its dissemination 'in a timely and appropriate manner to appropriate audiences' (AHFMR 2000). Their framework identified knowledge synthesis ('assessing what we know') and its dissemination ('providing access to what we know'), as two of the six components to maximise the use of research knowledge in healthcare decision making (Fig. 1).

The AHFMR attributed 'some huge gaps between what we know from research and what we practice in health care' to the fact that few funds had been allocated for activities 'to strategically communicate the results to those who can use the information and to help them apply it appropriately' and that 'dissemination of results requires adequate resources in time, money and leadership, and that effective communication requires that messages be customised for target audiences and delivered through a number of channels' (AHFMR 2000). As a trial, the AHFMR set up multidisciplinary teams comprising an academic researcher, members of related professional organisations, a medical librarian and a research assistant to 'do all the translational work between research that exists somewhere in the world' and its use 'in a local situation' (AHFMR 2000).

The attention directed by the Foundation to knowledge translation and transfer was endorsed in 2002 by a province-wide consultation involving 362 direct stakeholders and more than 1600 indirect stakeholders, where its importance 'was particularly emphasised by those outside the research community: senior government officials; regional health authority administrators; health organisations; and professional administrators' (AHFMR 2002).³

The emphasis placed by the AHFMR on the translation of research into practice is also reflected in the mandate of the Canadian Institutes of Health Research (CIHR), established in 2001 by the Canadian government: 'the creation of new knowledge and its translation into improved health for Canadians, more effective services and products,

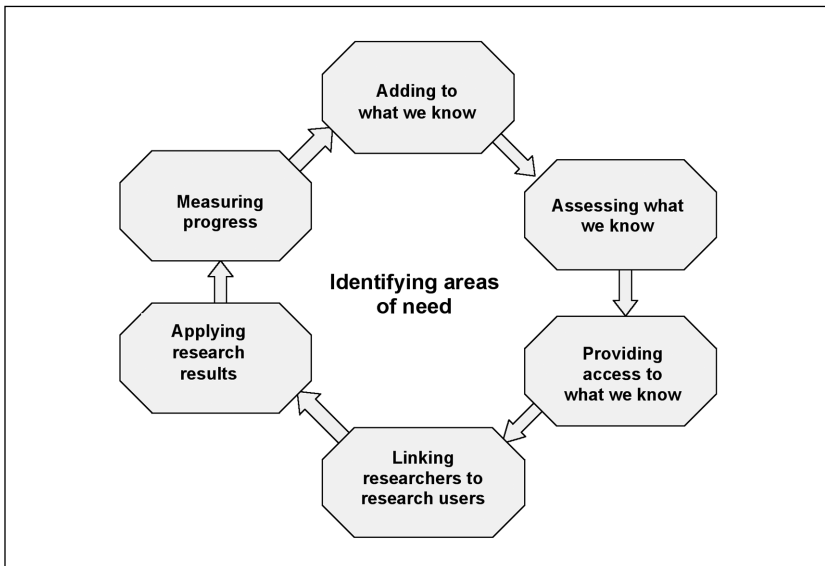


Fig. 1. Components for effective use of research in health decision making.

Source: Alberta Heritage Foundation for Medical Research 2000

and a strengthened Canadian health care system' (CIHR 2001). The importance placed by the Canadian government on knowledge translation (and transfer) reflects the considerable funds on pure and applied medical and health research without knowledge transfer.

Attention in Australia to knowledge transfer

There appears to have been little systematic attention in Australia to the need for knowledge transfer to improve the performance of the health system. However, a review in Western Australia identified 'the urgent need for a systematic review of public health research data...in order to gain a coherent picture of our knowledge base, identify significant gaps, and contribute to global strategic initiatives in public health reform' and 'the belief that efficient and effective policy is based on sound evidence' (Health Department of Western Australia 2000:4). The review considered five possible models for an Institute of Public Health (IPH), three based on overseas bodies (the Swedish Council on Technology Assessment; the Finnish National Public Health Institute and Swedish Health Welfare Model (KTL); and the Canadian Institute for Work and

Health), one based on an IPH Council structure, and one based on the Australian Indigenous Health *InfoNet* (Health Department of Western Australia 2000).⁴

In the area of Indigenous health, the 2000 Australian Parliamentary report *Health is Life* recognised the need for a much better knowledge base (HRSCFCA 2000), as did the National Health and Medical Research Council's research 'road map' (NHMRC 2003). Based on detailed consultations undertaken as part of the road map process, it was concluded that 'the knowledge is there to improve Aboriginal and Torres Strait Islander health, but is either inaccessible, inappropriate for individual communities or has not been translated into strategies that are practical' and that 'focusing on what works, understanding why it works, and spreading the knowledge around was seen as critical' (NHMRC 2003:6).

Overall, however, the importance of knowledge transfer has not yet been recognised widely in Australia.

It is somewhat surprising that the importance of knowledge transfer has not been recognised in Australia. It was in recognition of the need for knowledge transfer that AIATSIS established in 1981 an Indigenous health research fellowship to undertake:

research (involving primary data collection and analysis, and the synthesis of a wide variety of data and other information obtained from academic, professional, government and other sources) and

dissemination of knowledge and information.

The work that I undertook as part of that research fellowship led, eventually, to the establishment in 1997 of the Australian Indigenous Health *InfoNet*, the subject of this chapter.

The work of Health *InfoNet* has been influenced greatly by an important lesson learned during my time at AIATSIS: that there is an enormous gulf between knowledge and information on Indigenous health and the use of this knowledge to assist decision makers. Not a narrow range of decision makers — such as key political and bureaucratic people — as is often assumed by the term, but the full range of people who may need to make decisions about Indigenous health. Using this definition, decision makers include the full spectrum of health professionals (including Indigenous health workers, doctors and nurses), health-service and health-program managers, researchers, academics, teachers and students, as well as key political and bureaucratic people. It is also true that members of the general community need the best information about Indigenous health and other issues to inform their (thoughts and) decisions.

I am greatly indebted to AIATSIS for providing me with the essential background to the work we undertake with the Australian Indigenous HealthInfoNet.

HealthInfoNet: Synthesising and disseminating knowledge

In addressing the gulf between knowledge and its use by decision makers, HealthInfoNet focuses on the generation and sharing of knowledge — mainly via its website (www.healthinonet.ecu.edu.au) — about a wide variety of issues relevant to Indigenous health to the full range of decision makers.⁵

It is difficult, of course, to define just what type of knowledge a particular decision maker requires; there is considerable overlap between categories of decision makers. Rather than providing separate entry points to its internet resource for different categories of decision maker, HealthInfoNet presents different types of knowledge and information within the specific topic area, as might be illustrated for four types of users: a person who needs a fairly thorough introduction to a new area of knowledge; someone who may need access to much more comprehensive knowledge (such as a person responsible for development of a broad strategy and/or program); a member of the general public who may want to know briefly about some aspect of Indigenous health; and a person who is looking for a general summary or overview of Indigenous health.

An introduction to a new area of knowledge

For people taking on new roles in the health sector, there is often a need for introductory information about specific aspects of their new role. For example, a newly appointed Indigenous health worker taking up the position of tobacco control officer with a community-controlled health service might need to develop their understanding of the health consequences of tobacco smoking. They, like the majority of people, may not realise that lung cancer is not the leading cause of death from smoking. No, heart disease is (English et al. 1995a, 1995b); heart disease is the number one killer of young and middle-aged Indigenous men and women (Thomson and Brooks 2003). The first piece of knowledge in HealthInfoNet's section on 'tobacco' (accessible from the Home page by clicking on 'Health', then 'specific aspects', 'substance use' and 'tobacco') summarises the best epidemiological information about 'the health consequences of tobacco smoking'.

This type of knowledge will assist the Indigenous health worker in talking with their first ‘client’, a 55-year-old man whose uncle died recently from heart disease. It probably won’t help them as much with their second client, a 23-year-old woman whose first attempt at starting a family ended recently with a miscarriage. The fear of heart disease is not likely to be prominent in her thinking, but she will be interested to know the impact of tobacco smoking on pregnancy. This knowledge (further down in the section on ‘the health consequences of tobacco smoking’) includes the fact that one in eleven miscarriages can be attributed to smoking, as can one in four cases of low birth weight.

It is essential that the health worker can rely on the knowledge available from *HealthInfoNet*. And they can: *HealthInfoNet*’s knowledge is based on the best local and international scientific literature. In the case of ‘the health consequences of tobacco smoking’, the source of its knowledge is the world-class analysis of morbidity and mortality attributable to drug use undertaken by Dr Dallas English and colleagues at the University of Western Australia (English et al. 1995a, 1995b).

Access to more comprehensive knowledge

Many people require much more than introductory knowledge. For example, a policy officer within the Commonwealth Department of Health and Ageing’s Office for Aboriginal and Torres Strait Islander Health, who has been given the task of developing a national strategy addressing end-stage renal disease (ESRD) among Indigenous people.

Unless that person already has a good understanding of ESRD, they would need to know general information about the condition. As with the tobacco example, this type of information is summarised in an introductory section [‘What are renal and urologic disorders?’ — accessible from the Home page by clicking on ‘Health’, then ‘specific aspects’, then ‘Renal disease’ (included in list of chronic disease)]. But, they’ll need much more than that. The following section, entitled ‘Summary of renal and other urologic disorders among Indigenous Australians’, provides much more of the knowledge they would require. It summarises evidence of the incidence and mortality from ESRD (with incidence broken down by State and Territory), factors contributing to the condition among Indigenous people, and general information about its prevention and management. The section is fully referenced in a standard academic manner, so that inquirers can explore relevant aspects in more detail.

HealthInfoNet aims to ensure that all substantial sections undergo a peer-review process, but, as noted earlier, the summary of ESRD is still in the process of peer review. In the longer term, the goal is for all of the substantial knowledge overviews and summaries to be written by the leading authorities in the area, and to be subject to peer review. In this way, HealthInfoNet will be able to reassure users that they can rely on the knowledge and information on the site.

The specific knowledge provided in the section on ‘Renal disease’ would be of great assistance in the policy officer’s task of developing a national strategy addressing ESRD among Indigenous people. But, they would also need to know something about the administrative context/structures through which the draft strategy would have to pass before it is accepted nationally — they would need to know about the ‘framework’ agreements in each jurisdiction.⁶ They would also need to know about the Standing Committee on Aboriginal and Torres Strait Islander Health (SCATSIH), the high-level group of government officials from the Commonwealth and each State and Territory.

HealthInfoNet covers these aspects, as illustrated in the summary on the establishment of SCATSIH (in the ‘Current topics’ section of the Australian Indigenous HealthBulletin, HealthInfoNet’s peer-reviewed electronic journal).⁷

Brief information about a particular aspect of Indigenous health

Many people require access to quite simple information about some aspect of Indigenous health. For example, a student in their final years of secondary school may need information for an assignment; about births to Indigenous mothers, for example. The ‘frequently asked questions’ (FAQ) section provides brief information about various aspects of Indigenous health.

Before looking at the FAQs related to Indigenous births, the student may need to review how Australia attempts to identify Indigenous people in data collections related to births, and how many Indigenous people there are. Information about each of these aspects is provided in the section of FAQs entitled ‘What do we know about Indigenous population characteristics and identification issues’. Once the student is clear about these aspects, they can move on to ‘What do we know about Indigenous birth rates?’, in which HealthInfoNet summarises the most recent information about births to Indigenous mothers. They will find that birth rates for Indigenous mothers are much higher than those

for non-Indigenous mothers in the 15–19 years and 20–24 years age groups, but thereafter are much the same. They will probably also be interested in the weights of babies born to Indigenous mothers. This information is summarised in the table in the following FAQ, which shows that the mean weights of babies born to Indigenous mothers are around 200 g less than those of babies born to non-Indigenous mothers. Importantly, the following table shows that 13 per cent of babies born to Indigenous mothers were of low birth weight (less than 2500 g), compared with 6.5 per cent of those born to non-Indigenous mothers.

Thus, the section on FAQs provides valuable summarised information about various aspects of Indigenous health, for upper high school students, for members of the general community, and for others.

A general overview of Indigenous health

Many people require much more than the brief information provided as an answer to an FAQ. For example, a Minister for Health might need a thorough briefing about current health status. In addressing this need, HealthInfoNet regularly updates its 'Overview of Indigenous health'. This overview, drawing on the best and most current sources (and some special analyses), includes sections on population, births and pregnancy outcome, mortality, hospitalisation, selected health conditions (such as cardiovascular disease, respiratory disease, cancer and injury), and health expenditure. The overview is updated when substantial new information becomes available, usually around three to four times a year. To make it easy, for the Minister and others, HealthInfoNet provides the overview as a downloadable PDF document as well as the on-line HTML version.

Internet-based materials

Two aspects, in particular, should be borne in mind in assessing any material on the internet. Most importantly, the material needs to be accurate and reliable. HealthInfoNet addresses this requirement: first, by having rigorous procedures to ensure that all materials have been subjected to quality control checks before being added to our site; second, by developing a full peer-review process for all substantial reviews, overviews and summaries before their inclusion on the site;⁸ third, by negotiating with specialist agencies for them to take overall responsibility for sections of the site within their areas of expertise.

The second aspect which needs to be borne in mind is the currency of the material. Does it reflect/include the most recent new knowledge in the area? Unlike knowledge synthesised in journals and other hard-copy media, the internet provides the opportunity for knowledge to be much more up-to-date. HealthInfoNet's overview of Indigenous health is updated whenever substantial new information becomes available. Ideally, summaries, and other substantial materials on the site, should be updated within a few months, at the most, of important new knowledge becoming available.⁹

Facilitating the use of internet-based materials

Making authoritative knowledge available on the internet in a timely fashion is not enough in itself. It is important also to facilitate its use and to make it more widely available. So, as well as making the knowledge available on the internet, HealthInfoNet works directly with Indigenous peoples to provide them with the skills to access internet-based knowledge and information. By promoting the site to Indigenous peoples, HealthInfoNet attempts to reduce the disparities between Indigenous and non-Indigenous internet access. Internet and related training is provided to Indigenous health workers and other staff and students from Indigenous organisations to enable them to take advantage of the wide range of relevant information available on our site and the internet more generally. This has included the provision of internet introduction and training sessions to employees and students from a variety of Indigenous agencies and organisations.¹⁰

To reach a wider audience, HealthInfoNet also conducts HealthInternet 'cafes' at relevant conferences. The cafes are designed to introduce conference participants to online services and technology that provide knowledge and information on Indigenous health. They are conducted in a supportive and culturally appropriate manner and pay particular attention to the needs of participants with limited computer or internet experience.

Internet access is undoubtedly increasing across urban and regional areas of Australia, but rural and remote areas continue to be underserved. As well, internet access in many organisations — including Indigenous community-controlled health services — is often restricted to one or more senior staff members. This means that other people working for some Indigenous community-controlled and other health services may not have ready access to HealthInfoNet's internet site. As

long as they have access to a reasonably recent computer, this limitation can be overcome by the use of a CD-ROM: HealthInfoNet site can be written to a CD-ROM, which enables people to access all knowledge except that needing linkage to another site. HealthInfoNet doesn't have the resources to support the regular reproduction and distribution via CD-ROM of its internet site. Only modest funds would be required for this reproduction and distribution, which would go a long way towards addressing inequalities in access to HealthInfoNet's knowledge and information.

It is worth adding that HealthInfoNet also assists Indigenous and other relevant agencies with internet site development, thus making their information more accessible. Examples include the initial sites of the National Aboriginal and Community Controlled Health Organisation; the Koori Health Research and Community Development Unit; and the Nganampa Health Council. HealthInfoNet also developed and maintains for Queensland Health a substantial site on Aboriginal and Torres Strait Islander health.

Substantial sites are undertaken on a cost-recovery basis, and the site development process employs a fully participative process. Organisations are assisted with the development of the site, and, if required, training in web authoring is provided to organisation employees. The site is hosted and maintained by HealthInfoNet until such time as the organisation acquires sufficient expertise to manage the site independently.

Conclusion

The Australian Indigenous HealthInfoNet has emerged as the major source of knowledge and information about the health of Aboriginal and Torres Strait Islander people. HealthInfoNet is at the forefront of knowledge sharing in the health sector, and has been recognised internationally as an innovative use of technology in bridging 'the digital divide'.¹¹ The enormous potential of HealthInfoNet will not be realised, however, until the coverage of individual health issues for each category of decision maker is complete, and a full range of dissemination strategies is exploited.

Further development of HealthInfoNet will benefit greatly from the development of formal collaborative arrangements with relevant research agencies. Such arrangements would 'close the loop' and recognise the importance of AIATSIS' initiative more than twenty years ago in the genesis of the HealthInfoNet.

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Notes

1. This chapter is an updated version of the original presentation.
2. Traditionally, ‘decision maker’ has been taken to mean politicians, senior bureaucrats and the like, but, in fact, all people need to make decisions about health care. So, to maximise the effectiveness and efficiency of the health-care system, some attention needs to be directed to the knowledge needs of everyone.
3. Despite this endorsement, the AHFMR does not appear to have proceeded with systematic knowledge transfer, possibly because the function is outside its core ‘mandate’. Instead, AHFMR has developed systems to support knowledge transfer undertaken by the province’s health professionals and other people.
4. The review’s discussion paper led to a brief series of meetings, but no real outcomes.
5. The terms ‘knowledge’ and ‘information’ (and sometimes ‘data’) are often used interchangeably, but there are clear differences. For the purpose of this chapter, knowledge is used to mean ‘information made actionable’, where information can be defined as data that are ‘organised, patterned, grouped, and/or categorised’. Thus, a journal article is really information for most people. The exceptions are experts in the area, who have the capacity to place the article in its context — making it actionable. The challenge is to translate information (such as journal articles) into knowledge by placing it within its context. This largely requires synthesis of this new information with existing knowledge and information on the subject.
6. Framework agreements involve the Indigenous community-controlled sector, the Aboriginal and Torres Strait Islander Commission and the Commonwealth and State/Territory health authorities (and, in Queensland, the Torres Strait Regional Authority).
7. Accessible from the Home page by clicking on ‘Journal’, then ‘Archive’ and *Health Bulletin* 1(2).
8. This will apply even to the substantial contributions by recognised authorities in the various areas. This means that people accessing *HealthInfoNet*’s knowledge can have the same confidence as they would have in reading an article in a peer-reviewed journal. At present, not all reviews, overviews and summaries have been subjected to this process.
9. The capacity to respond this quickly will depend on the availability of resources to undertake the updates.

10. HealthInfoNet's core funds, provided by the Commonwealth Department of Health and Ageing's Office for Aboriginal and Torres Strait Islander Health, do not include resources for these training sessions, or for the conduct of some HealthInternet cafes, which must be acquired from other sources.
11. HealthInfoNet achieved semi-finalist status in the prestigious 'Stockholm Challenge', an international award highlighting the benefits that information and communication technology can bring to people and society, with an emphasis of bridging the 'digital divide'.

Part 3

The resonance of tradition

The chapters that follow are remarkable for their passion and the quality of insight brought to bear on the issues. A desire to push the boundaries of what might be thought of as permissible is evident. The theme binding them together largely focuses on communication, encompassing art, the poetics and politics of Aboriginal performance and literature, Indigenous philosophy, tradition and modernity, media and technology, language and culture. The chapters reveal the social arenas in which representations of Aboriginal and Torres Strait Islander lives are negotiated. We are given insights into the politics of these fields, particularly the way that Aboriginal and Torres Strait Islander representations of history and culture are enmeshed in broader intercultural relations.

The first three chapters, those by Hinkson, Batty and Taylor, emphasise a basic, often neglected, aspect of Indigenous media and artistic creation: that it is a communicative activity rarely created in isolation from the individual, social and political contexts that give rise to it. Hinkson takes on this via an interrogation of Eric Michaels' groundbreaking work on the implications of Walpiri implementation of new media technologies during the 1980s. In Michaels' work, cultural continuity was a prevalent theme, but Hinkson shows that Michaels' own ethnographic material, as well as other uses Walpiri made of media, indicates a more pressing desire on their part to take up the intercultural opportunities presented by new technologies. Batty also explores the emergence of Aboriginal media products in Central Australia, namely the establishment of Central Australian Aboriginal Media Association (CAAMA) in 1980. Through an analysis of the political and ideological imperatives that lay behind CAAMA's creation, particularly government expectations of Aboriginal agency in creating the organisation, Batty comes to an important conclusion; that Central Australian

Aboriginal selfhood was significantly influenced by government policy. In regards to artistic production, scholars have generally been averse to recognising individual agency in the creative accomplishments of Aboriginal artists. Taylor makes a significant challenge to this tendency and through it we come to a greater appreciation of the processes by which Kuninjku artists of central Arnhem Land innovatively interpret major cultural themes through their pictorial and sculptural creations.

The next three chapters, those by Duelke, Hokari and Smith, relate the themes of tradition and history in unexpected, insightful ways. Duelke discusses the topic of Aboriginal tradition-making in the Northern Territory in the context of proof of connection in land claims. She grasps a literary device, citation, and notes that its selective qualities are somewhat like remembering; a slice of a text/the past is inserted into another text/the present to make and legitimate the new textual structure/the present. Through this process Duelke argues that the past is best thought of as a plurality that achieves wholeness when brought to bear on a consequential task such as legitimating an historical claim to land. If the past is labile, it is also, to borrow Hokari's choice of words, mobile. Hokari uses the idea of mobility to explore Gurindji ideas, and more importantly, practices of history. For Hokari, Gurindji movement through country, the experience of contrasting emotions, and the variety of kin-based relationships that Gurindji are part of, extends mobility across the span of Gurindji experience. Through these motions Hokari draws our attention to the situated, localised conventions of Gurindji history-making, a pointed rejoinder to the synthesising tendencies in academic historiography. In the final chapter, Smith returns to the topic of intercultural relationships with which Hinkson opened this section. Drawing on his work with Cape York Aboriginal communities as well as a range of anthropological and legal arguments about the influence of government and legislation on Aboriginal culture, Smith shows how difficult it is to maintain a commitment to the notion that Aboriginal culture is a discrete, enduring, identifiable entity.

11. New media projects at Yuendumu: Towards a history and analysis of intercultural engagement

Melinda Hinkson

In the early 1980s, before television was accessible to most of remote Australia, residents of some Aboriginal communities in these parts of the country were experimenting with video production. One township where such activity was occurring was Yuendumu, 300 km north-west of Alice Springs, home to a fluctuating population of 900 predominantly Warlpiri-speaking Aboriginal and 100 non-Aboriginal people. At Yuendumu local video production preceded the establishment of a 'pirate' television station in April 1985. A new organisation, the Warlpiri Media Association (WMA), was incorporated the same year. Established as the Federal government was preparing to launch AUSSAT,¹ WMA became a rallying point for the concerns and interests of persons from Yuendumu and surrounding areas regarding the launch of the satellite and arrival of national television in the region. This activity laid the groundwork for a range of subsequent developments in the township, most notably the establishment of the Tanami Network, the first Aboriginal-owned video conferencing network in Australia and the first publicly accessible facility in the Northern Territory (NT).

Aspects of the first phase of this history are relatively well known, largely through the writings of the late Eric Michaels (1986, 1989, 1994). Michaels, an Institute Research Fellow [AIATSIS] appointed in 1982 to assess 'the impact' of bringing television to remote Aboriginal Australia, located his enquiry at Yuendumu where he became integrally involved in projects leading to the establishment of the WMA. Michaels' published works depict a culturally distinctive Warlpiri approach to video production and viewing. His descriptions of Warlpiri cultural resilience in the face of massive social change had wide appeal, particularly for academics and students with an interdisciplinary interest in

contemporary Indigenous cultural expression, as well as policy makers and arts practitioners. Michaels completed his fellowship in 1986 and met an untimely death in 1988. In subsequent years, in the wake of the launch of AUSSAT and the increasing connectedness of 'remote' Aboriginal Australia into regional, national and international arenas through a suite of new communication technologies, a near industry of writing about the implications of that process was born.²

Indeed, Michaels contributed to the establishment of a whole way of speaking about Indigenous media practice in Australia that continues to have considerable currency today. At the core of this way of speaking sit the concepts of political resistance and cultural maintenance. When I went to Yuendumu in the mid-1990s to undertake extended research in this area, I found the WMA of Michaels' accounts difficult to recognise. And over the next two years that I lived in the township it became clearer to me that, while no doubt much had changed, there were certain aspects of Michaels' analysis that remained fundamentally problematic.

In this chapter I want to do three things. First, revisit the central findings of Eric Michaels' research regarding Warlpiri use of video and television. Second, briefly explore developments that have occurred at Yuendumu in the years since Michaels was working there. Finally, offer an alternative way of thinking about ongoing motivation to use new visual media and communications technologies at Yuendumu. I argue that these new technologies play a central part in sustaining an expanding arena of social interaction which is unprecedented and carries with it a new range of choices and challenges for Warlpiri to negotiate regarding how they might live.

The Michaels model of Aboriginal media

The title of Michaels' final report to the Institute, *The Aboriginal Invention of Television*, gives a clear indication of the overall framework of his findings. In short, having taken video recording and editing equipment to Yuendumu in 1983, and having trained several Warlpiri in its use, Michaels observed those individuals' utilisation of these new media to take a culturally distinctive form. In the production and viewing of videos, for example, Michaels identified culturally distinctive practices observable more widely in Warlpiri social relations. That is to say he observed video production and viewing to be circumscribed by kin-based social organisation, with its attendant prescriptions and

prohibitions. Michaels drew attention to the challenges that audiovisual recording practices pose for those who regulate the flow of knowledge within and between kin groups, as well as across generation and gender, as a fundamental framework of social life. The revelation of ritual knowledge, for example, was once thoroughly circumscribed in contexts in time and space, with careful regulation of who could and could not see and/or hear that which was being revealed. Michaels (1985) showed the ways in which recording these events in audiovisual format dissolves such constraints, enabling knowledge to be lifted out of the grounded social contexts in which it was originally articulated, performed and exchanged.

Across his published works Michaels positioned himself at the centre of an apparent contradiction. On the one hand, mass media and Aboriginal systems of knowledge were viewed as ‘cultural systems diametrically opposed in their logics’ (Michaels 1989:13). Yet at the same time Michaels (1989:25) argued that Warlpiri may subvert the inherent logic of the mass media through an invention of their own culturally distinctive media practice. He posited the question of control as central in resolving this contradiction. Around this issue of control Michaels articulated two alternative possible futures Warlpiri had to choose between; ‘a cultural future’ which he translated as cultural maintenance, or a ‘lifestyle future’ and cultural demise. ‘A cultural future’, Michaels (1989:78) argued, ‘can only result from political resistance’. In Michaels’ terms, a cultural future will only be realised if the Warlpiri can ‘embed [video] production in traditional forms’ (Michaels and Kelly 1984:34). Yet there is a false dichotomy implicit here — between traditional and modern, culture and lifestyle — that assumes cultural reproduction to be a static process. In Michaels’ accounts, culture is itself reified as a set of aesthetic practices or ‘systems’ to be preserved, rather than as a series of lived realities and social relations evolving through time. There is a further unintended consequence of his analysis: in adopting this discourse of media as ‘cultural maintenance’, Michaels allowed the Warlpiri only one way of engaging with new media, and by extension with other new social forms, that is conceived as truly authentic. In so doing, he falls prey to what Robert Hodge (1990:202) has dubbed the ‘spirit of Aboriginalism’. In a ‘cultural future’ Warlpiri will succeed in doing what no other people has done before them: they will subvert the very logic of the mass media. Yet if they fail, they will be subsumed within the homogenising tendencies of those same media, lose their cultural

distinctiveness, and be reduced to membership of a pan-Aboriginal mass.

Static oppositions such as these are marked throughout Michaels' work and, as I discuss below, they do not sit well within a long and complex history of *intercultural* engagement at Yuendumu that well and truly pre-dates the arrival of television. Yet perhaps the most compelling counter-argument to Michaels' binary possible futures is reflected simply in the subsequent use of communications technologies at Yuendumu after his departure.

Tracing two decades of developments in electronic communications at Yuendumu

In his 1986 report to the Institute, Michaels (1986) reported that the modes of communication available to Yuendumu residents for contact with the outside world were a highly unreliable radio-telephone, a telegram service, Royal Flying Doctor Service emergency radio, police radio, a CB radio network (operating in European houses) and a twice-weekly mail service.

Less than a decade later, this situation had shifted considerably. By 1995 Yuendumu had a functioning telephone and facsimile system, two TV channels — ABC and Imparja — transmitting simultaneously, ABC and CAAMA radio, email and internet access, and a video-conferencing network.

By mid-2001 this situation had expanded further: there were now four television channels being transmitted simultaneously, and the accessibility of telephones had markedly increased with phones recently installed in fourteen new Warlpiri houses. Electronic Funds Transfer (EFTPOS) facilities were also available in the Social Club store.

These observations deserve considerable unpacking, but I list them here merely to give a sense of the extent to which 'remote' townships such as Yuendumu have been swept up in the telecommunications revolution that has traversed the globe in recent decades. Fifteen years ago, Michaels saw the introduction of commercial television looming as an unprecedented challenge to remote living Aborigines. With the benefit of hindsight, the arrival of television comes to be seen as just one manifestation of a much broader process: globalisation, in a new accelerated form, carried by high-tech communications to all corners of the world.

New communications technologies have greatly expanded Warlpiri engagement with images, objects, persons and places originating from

outside their township. Conversely, they have made Yuendumu ever more accessible to a whole array of institutions with diverse interests in that place. But how has this high-tech revolution made itself manifest on the ground at Yuendumu? There are several fronts on which these questions might be addressed [see Hinkson (2002) for a fuller discussion of these issues]. For the purposes of this short chapter I shall confine my comments to a brief discussion of what has arguably been the most significant development to emerge from the activities of the 1980s at Yuendumu — the establishment of the Tanami Network.

Tanami Network

Tanami Network was launched in 1991 after representatives of the townships of Yuendumu, Lajamanu, Willowra and Kintore voted to contribute significant moneys from local mining royalties to its establishment.³ At the time that Aborigines of the region voted in favour of launching their own video-conferencing network, they also identified particular programs that they were keen for the facility to provide. Paramount among these were a secondary education program that, for the first time, would allow children to participate in secondary classes without leaving their community, a prison-links program linking the member communities with Alice Springs and Darwin prisons, and links on demand between the four communities themselves. The network was established with six sites, one in each of the member communities, Alice Springs and Darwin.

One criticism commonly levelled at those associated with Tanami Network's establishment is that the amount of money involved — \$1.6m infrastructure and substantial recurrent costs — could have been allocated to other, more basic priorities. Why would those who are supposedly so 'disadvantaged' according to what we might refer to as 'mainstream social indicators' want a video-conferencing network? In conjuring up the diverse social arenas across which contemporary Warlpiri life is lived, an answer to this question begins to emerge. As it does we can also, I think, reach a better understanding of the limitations of Michaels' analysis.

The range of uses to which the facility was put over the first four years of operation provides some context for considering such issues. While it is beyond the scope of this chapter to discuss in detail the uses to which Tanami Network has been put in the first four full years of operation, Table 1 provides something of an overview. In brief, the

Table 1. Tanami Network video-conferences (by hour)

Use / Client	1993	1994	1995	1996
Family/community meetings	70	51	17	14
Secondary education	120	515	240	98
Adult education	21	19	5	2
Teacher inservicing	20	43	-	-
Prison links	11	62	33	12
Community recruitment	6	11	12	18
Legal hearings(commercial)	11	17	32	42
Miscellaneous commercial users	16	35	35	47
Central Land Council	2	3	7	4
Telemedicine trials	14	24	34	42
Representations to public forums	20	18	13	17
NT Government agencies	28	7	15	2
Art marketing	2	2	-	1
International cultural exchanges	1	2	2	1
Demonstrations	6	44	2	-
Internal training and meetings	20	11	5	9
Test links	16	23	5	11
Cancelled links	16	80	71	78
Recorded failed links	6	9	4	17
	406	976	89	115
Total hours	368	864	452	309

Source: Tanami Network bookings diaries, 1993–1996.

Note: Totals do not include tests, failed or cancelled conferences. All links include Yuendumu.

diversity of uses documented here can be interpreted as directly reflecting recent history as well as some key dimensions of contemporary life at Yuendumu. Secondary education, adult education and teacher in-servicing reflect the central place of the school and education as an institution within the township — as an education provider in the tradition of bilingual education the school is a major focus for the town's children, but also for the growing number of Warlpiri men and women who are qualified teachers and teaching aides. Contrary to Michaels' (1989:74, 1990:25) claim that Warlpiri resisted attempts by missionaries and government agents to teach them

print literacy, reading and writing are central dimensions of many aspects of contemporary life, not least of all the processes of community governance. The desire for a prison-links program reflects the high levels of incarceration of Aboriginal men in the region. Links with the Central Land Council, as well as with some arms of government, reflect the central place of the *Land Rights Act* as an institutional framework through which a range of activities undertaken on Warlpiri lands are negotiated and administered. Trials of tele-medicine equipment occur in an attempt to tackle the poor health status of Warlpiri and the under-resourcing of their clinic. The bureaucratic implications of self-determination policies for remote living Aboriginal persons are reflected in links to diverse government departments and agencies. And finally, successful involvement in the Aboriginal art market and the global arena of Indigenous rights are also indicated.

Each of these uses of the video-conferencing facility is not only an outward-looking interaction, reflecting enthusiastic interests of some Warlpiri men and women to engage with and learn about the wider world, but also a wider political reality articulated by many Warlpiri about the need to do things ‘both ways’ in a post-settlement context. It would be highly misleading to interpret the activity of Tanami Network in terms of ‘cultural maintenance’. Certainly there are categories of links that may be seen as simply extending the contexts in which relations between kin are fostered and reproduced; the categories of family/community meetings and prison links in particular. But as the data in Table 1 reflect, these are by no means the dominant uses.⁴ When Warlpiri participate in video conferencing — whether it be in school classes, in exchanges with other Indigenous persons, in meetings with government departments or service providers, or the exhibition and sale of Warlpiri art — they may be engaging in many things, but cultural maintenance would appear to be low order among them. It seems that there is a different dynamic at work here. This is a tendency in Warlpiri society to reach outwards, to engage with persons, objects, images across the intercultural divide, at the same time as seeking new ways to communicate with the kin who now travel through this expanding social arena. This is a dynamic that can be seen to have been at work in Warlpiri social relations since the earliest days of non-Indigenous contact, a dynamic which also complicates and cuts across the localism and self-preservation of Aboriginal cultural practice that Michaels’ work sought to emphasise.

Re-viewing Warlpiri media as an intercultural enterprise

Michaels' descriptions of Warlpiri media practice focus wholly on the actions of Warlpiri participants. Nowhere in his writings does he attempt to analyse the involvement of non-Aboriginal collaborators in this process, nor the local intercultural context of the project's emergence. The importance of this context is reflected clearly in the brief discussion of video conferencing above, but also in the very first television broadcasts that were made at Yuendumu in August 1985. Video-taped recordings of these events are held in the WMA archive. In viewing these tapes, one observes a group of Warlpiri men in what was then the broadcasting room, with a non-Warlpiri voice audible in the background, recognisably that of Adult Educator, Peter Toyne, who was also integrally involved in the inception of WMA, discussing technical problems with the planned transmission. Conversation between the young men is in Warlpiri, with much joking and playing around. When Toyne advises the men that the transmission link has been established and they are 'on air', two Warlpiri men seated side-by-side in front of the camera compose themselves and start talking to each other in English. Their discussion takes a question-answer format, one asks the other, 'What's your name?', 'Where do you live?', 'What do you work?'.

It is striking that Michaels chose not to write about the social relations of these first broadcasts. The conclusion to be drawn from this episode is that the Warlpiri participants seem to have had their own, very particular, assumptions about who their viewing audience was. Surely it was not Warlpiri in their own community they were imagining at the end of television monitors watching their exchange? Alternatively, perhaps it was, and these men were familiar enough with mainstream television formats to be engaging in mimicry? Regardless, it would seem that in this early phase something more complex was occurring than the 'Warlpiri TV for Warlpiri people in the Warlpiri language' that Michaels documented. My aim in drawing attention to these first broadcasts is not to expose Michaels' depictions of Warlpiri media activity as myth-making. Nor do I wish to question the agency of Warlpiri people in this project. What I do want to do, however, is draw attention to a core aspect of these projects that remains largely invisible in Michaels' accounts, that is, their *intercultural* nature — intercultural in terms of who was participating and driving the projects,

intercultural in terms of the traditions being engaged, intercultural in terms of the meanings produced.

There are two associated questions that follow, first, why did Michaels fail to represent the intercultural nature of the media project? And second, why does it matter? Other commentators have pointed out that Michaels allowed his politics to set limits to his analysis (Rowse 1990:178). His was a politics based largely around Black Power concepts imported from the United States, incorporated into the rhetoric of Aboriginal self-determination. Certainly it is important to recognise the historical and political context in which Michaels was writing. In Australia, the mid-1980s marked a period of significant optimism for Aboriginal peoples and their supporters. A new Labor government had been elected under the prime ministership of Bob Hawke and there was hope that the progressiveness of the early 1970s might be revisited. The rhetoric of self-determination was highly charged. This rhetoric put the control of Aboriginal futures unambiguously in Aboriginal hands. There was an associated tendency in much writing of the period to overlook or play down the role of non-Aboriginal advisers, co-ordinators, and managers who replaced the superintendents in the domain of community development.⁵ Sympathetic whites were viewed as playing a transitional role in a newly emergent regime. It was assumed that they would eventually make themselves redundant, with a new generation of Aboriginal leaders stepping into the breach. In line with such thinking, Michaels and Kelly (1984:34) argued in 1984 that Aborigines should 'be acknowledged as the experts in the matter [of video production] and that training, production and distribution assistance by Europeans be reduced to an ancillary role'.

To put it quite simply, to date, such a vision has not been realised. As the use of new media at Yuendumu has expanded to encompass new formats and more complex projects, the number of non-Warlpiri involved has increased as well. There is no sign of this situation changing in the short to medium term. Like so many other aspects of community development, community engagement with new media did not arise spontaneously within an unambiguously Aboriginal domain. It follows that there may be a whole host of complex reasons why Aborigines *want* non-Aborigines to continue being involved in their organisations.

Conclusion

I have suggested that to see Warlpiri engagement with new media in terms of an 'Aboriginal invention' is to overlook the wider social and historical context through which those media have become integrated into daily life at Yuendumu. What is at stake in this misrepresentation? At a purely practical level it underwrites the continued mismatch between government programs and the situation 'on the ground'. If Aboriginalisation is viewed as the attainable end goal of media policy then there is a compelling rationale for not funding managerial and training positions held by non-Indigenous personnel. The last twenty years suggest that Aboriginal media associations survive only where they are creatively entrepreneurial, often through the active collaboration of Aboriginal/non-Aboriginal partnerships. Where such creativity is not realised, equipment tends to lie unused in the corner of offices, or is used simply to re-transmit mainstream programming. Acknowledging the intercultural reality of Aboriginal media practice requires a more complex set of interpretations and responses. It requires, first, an understanding that in their interactions with and use of new media Aboriginal people are engaged not simply in the politics of resistance, but rather something more multifaceted and ambiguous. It requires an understanding that media practice occurs side-by-side and at times in spite of competing interests, demands and responsibilities. Through their interactions with new media Warlpiri are caught up in and take hold of a dynamic world, at the same time as their own modes of engagement with that world are altered. In this sense new media enact a contradictory process: they are drivers of social transformation while also providing new mechanisms for holding together social relations, but in new ways, across an expanding social field. These circumstances throw up new choices and new challenges which Warlpiri, like the rest of us, have to negotiate.

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Notes

1. The first Australian-owned satellite, which would bring national television to much of 'remote' Australia for the first time.
2. For example, see Fischer (1995); Ginsburg (1993, 1995); Hinkson (1996, 2002); Langton (1993); Meadows (1994, 1996); Molnar (1990); Spurgeon (1989); and Tafler (1994).
3. The cost of establishing the Tanami Network was \$1.6m, an amount raised with the assistance of grants from the Jangampa Association Granites Mine Affected Areas Aboriginal Corporation, ATSIC and the Aborigines Benefit Trust Account [see Hinkson (1999), especially chapter 5].
4. It is beyond the scope of this chapter to discuss the reasons for the overall decline in use of video conferencing over the four-year period that is reflected in the table. For a detailed description of the history of Tanami Network, see Hinkson (1999).
5. Notable exceptions that explicitly seek to grapple with intercultural relations during this period include Gerritsen (1982) and Trigger (1986).

12. Recruiting an Aboriginal voice: The state development of Aboriginal broadcasting

Philip Batty

To understand the situation of Indigenous people in Australia one must understand the role of the State. (Beckett 1985:7)

When the Whitlam Labor government launched the policies of Aboriginal self-determination in 1972, it seemed to assume that all Aboriginal people harbored an overwhelming desire to 'liberate' themselves from the past oppressions of the old 'assimilationist' era. In fact, the first Minister for Aboriginal Affairs in the Whitlam government, Gordon Bryant, fervently believed that once Aboriginal people had been provided with the means to 'control their own affairs', the state would, in his own words, 'withdraw' from any further engagement in Aboriginal life (Cavanagh 1974). Of course, this did not eventuate. As Altman and Sanders (1991) have shown, over the following decades a vast array of new governmental structures were introduced that only served to increase Aboriginal dependency on the state. It seems the Whitlam government had been too hasty in assuming the existence of an Aboriginal constituency willing and able to grasp the reins of its new policies. Indeed, it became apparent that it would have to find ways of nurturing this constituency in order to make its policies of 'Aboriginal self-determination' work.

I argue that in implementing its project of 'Aboriginal self-determination', the Federal government presupposed a certain Aboriginal agency capable of facilitating these governmental policies. This presupposition created the need, and therefore the conditions, for the formation of such agency.

The notion that Aboriginal agency is shaped by government policy may seem confronting, especially when the aim of such policy was to 'empower' Aboriginal people. Nonetheless, as I hope to demonstrate,

one of the primary objectives of the policy of Aboriginal self-determination was to produce 'appropriate' forms of Aboriginal agency imbued with the ability to undertake a variety of projects on behalf of the state. In supporting these arguments, I will focus on the Federal government's project to establish Aboriginal broadcasting services between 1970 and 1979. It entailed a complex range of initiatives including the commissioning of feasibility studies, pilot projects, the investigation of Indigenous broadcasting services in other countries and many other strategies. This not only produced concrete expectations within government about the development of an Aboriginal broadcasting service, but facilitated the formation of an Aboriginal agency capable of creating it. Before discussing these developments, I will first provide a brief outline of what I mean by 'Aboriginal agency'.

Aboriginal agency

As is commonly accepted in contemporary cultural theory, I view all 'human agency' as a social product and not as an 'essential' entity that exists beyond the realm of ordinary social discourse (see Easthope and McGowan 1992; Jenkins 1996). In this sense, human agency is not to be understood as something that emanates from a non-human, transcendental source (e.g. god); rather, it is constituted through mundane interactions with other selves, ideas or objects. As Mansfield (2000:3) suggests:

...our interior lives inevitably involve other people, either as objects of need, desire and interests or as necessary sharers of common experience. In this way, the subject is always linked to something outside of it - an idea or principle or the society of other subjects...

I therefore reject the popular notion that Aboriginal agency exists in some 'transcendental' space removed from mundane reality. I also reject the kind of essentialised, undifferentiated Indigenous agency that is promoted in certain scholarly literature (see Lattas 1993; Wolfe 1999). Rather, I view 'Aboriginal agency' as a social product, just like all other forms of human agency. While there are innumerable social forces that might shape such agency, I have chosen to focus here on the specific effects of governmental power in its formation. Furthermore, by arguing that governments are directly implicated in the formation of Aboriginal agency, I do not wish to suggest that it is only Aboriginal agency that is given form and meaning within the mechanisms and policies of government. Indeed, liberal-democratic governments are

constantly initiating programs and policies designed to shape the agency of its citizen-subjects. As Shore and Wright (1997:25) state:

...policy has become an increasingly central concept in the organisation of contemporary societies. Like the modern state...policy now impinges on all areas of life so that it is virtually impossible to ignore or escape its influence. More than this, policy increasingly shapes the way individuals construct themselves as subjects...

An object of governmental interest

Official interest in Aboriginal broadcasting began in 1970 when a discussion took place within the Federal government's Office of Aboriginal Affairs (OAA) about 'the effect of radio coverage on the Aborigines of the Northern Territory' (OAA 1970a). As a result of these deliberations the OAA's chairman, H.C. 'Nugget' Coombs wrote to the Australian Broadcasting Commission (ABC) seeking its advice on the matter. He asked: 'Would the ABC be prepared to develop special programs for Aboriginal listeners in Northern Australia in their own languages?' (OAA 1970b). Coombs considered that the programs should be broadcast in Aboriginal languages, not as a way of maintaining them, but for purely educative purposes. He (OAA 1970b) stated:

It is a sad fact...that the majority of the Aborigines in Northern Australia...have only a poor understanding of English. Until the present school generations attain sufficient fluency in English, Aboriginal Australians in remote areas will not know with any clarity about plans for their future advancement.

The OAA proposal met with a favourable response and, in November 1970, the Director of the OAA, Barrie Dexter, met with the ABC's Federal Director of Radio Programs to discuss ways in which a broadcasting service for Aboriginal listeners could be developed.

After the election of the Whitlam government in December 1972, the interest in Aboriginal broadcasting shown by the OAA was given further impetus within the newly created Department of Aboriginal Affairs (DAA). In April 1973, DAA sent one of its departmental officers, Kel Lewis, to Papua New Guinea to investigate its Indigenous broadcasting system. When Lewis (1975:6) presented his findings, he concluded that:

A properly instituted broadcast system with regional stations at say Darwin, Derby, Geraldton, Alice Springs and Cooktown would

cover a large part of our country and bring a service to our indigenous people. It would strengthen Aboriginal groups from all walks of life.

Lewis's report prompted high-level discussions between the then Federal Minister for Aboriginal Affairs, Senator Cavanagh, and the Federal Minister for the Media, Senator McClelland. As a result, McClelland directed the General Manager of the ABC, Talbot Duckmanton, to write to his colleague in DAA, Barrie Dexter. Duckmanton (ABC 1974) stated:

We have been giving further thought...to the possibility of providing...special programs for Aborigines living in [Northern] Australia...We are anxious to move on this matter, but we...need your...guidance to enable us to do so...we would attempt to define the areas in which the proposed broadcasts might be most effective, as well as the nature and content of them. I realise there will be very real problems to be faced perhaps in determining the languages and dialects in which these broadcasts should be made, and also as to their content...

Duckmanton's proposals did not result in any immediate action on the part of the Federal authorities. Nonetheless, this and other initiatives did create a small niche in governmental thinking about Aboriginal broadcasting which refused to disappear. Indeed, it was to become the subject of an endless round of investigations by various government departments, agencies and authorities that continued until 1979.

Aboriginal content

In officially concerning himself with the problems of Aboriginal content, Duckmanton was also making it a government concern; a concern that has continued to preoccupy — and divide — not only the formulators of government policy, but media regulatory authorities, funding bodies, academics and Aboriginal broadcasting organisations up to the present time. In his essay 'Aboriginal content: Who's got it — who needs it?', Eric Michaels (1994) went to the heart of this troublesome issue when he tried to imagine what the Australian Broadcasting Tribunal (ABT) would accept as 'Aboriginal content'. Michaels (1994:20–1) asked:

Would the Tribunal accept programs made by Europeans about Aborigines: A Country Practice episode with an Aboriginal character?

Or only programs made by Aborigines themselves? And if the Central Australian Aboriginal Media Association (CAAMA) makes a videoclip of *Midnight Oil*, what is that?

For Michaels, there is little point in trying to answer these questions since they are 'not even answerable'. Rather, he is concerned to know how an institution such as the ABT might establish a set of authoritative criteria to determine what constitutes Aboriginal content in radio, film and television programming. Ultimately, Michaels argued that any attempt to define such content by agencies of the government is not only racist, but destructive of what he termed 'traditional Aboriginal society'. Michaels (1994:41) argued:

The means by which 'Aboriginal Content', as an identified and authorised category of television and film, risks the destruction of traditional Aboriginal society ultimately can be identified as racist. This is because it requires an act of false identification, or ascription, of Aborigines (consistent with the more general Australian conception of race) as an equivalent class whose culture is written in their blood. The point, precisely, is that culture is not written in blood, only genetics is. Culture is extrasomatic, and it is inscribed in the communication process itself.

In attacking the ways in which 'Aboriginal Content' had become 'an identified and authorised category' of government, Michaels did not restrict his criticism to governmental agencies. Indeed, he tried to establish a link between the state governance of Aboriginal content and the ways in which Aborigines themselves might be recruited into this project. Michaels (1994:39) commented:

Oddly, contemporary Aboriginal politics encourages certain Aborigines, identified by the government, to position themselves much more conspicuously than the system traditionally encouraged, identifying their newly, bureaucratically constituted selves as signifiers, to engage in a massive opportunity for self-inscription that these new media provide.

Although Michaels contradicted himself where he relied on an essentialist notion of traditional Aboriginal society (while at the same time arguing for a non-essentialist 'extrasomatic' notion of culture), he nonetheless brought into focus not only the complex problem of defining Aboriginal content, but how the state comes to bear on the definition, verification and authorisation of such content. More importantly for the purposes of this chapter, he draws attention to the way in which governmental processes make available certain subject

positions, or roles, that may or may not be taken up by those for whom such positions are created.

Working party on Aboriginal Broadcasting

Apart from raising the vexed issue of Aboriginal content, Duckmanton's letter to Dexter had the practical effect of initiating the establishment of a Working Party on Aboriginal Broadcasting, convened by the ABC and DAA which met from 1974 to 1976. At a meeting held in October 1975, the Working Party proposed that a pilot project involving the construction of a community-based Aboriginal radio station be undertaken. It noted that (DAA n.d.):

...the establishment of an Aboriginal community station — like other ethnic...stations...was desirable and...if the pilot project proved successful, further study might then be undertaken on the feasibility...of establishing further Aboriginal community broadcast-stations in other locations.

Two areas were nominated for the trial: Milingimbi and Bathurst Island. However, the project never eventuated. Indeed, the Working Party ceased to exist in 1976. It seems that the dismissal of the Federal Labor Government in November 1975 had some effect in halting the development of Aboriginal broadcasting, at least for the time being. In broader terms, the lack of co-ordination between various departments and the absence of any policy made the process almost impossible to implement.

The Working Party also tried to develop a national radio program for Aborigines through the ABC. In fact, a set of programs were pre-recorded on tape. However, like the Aboriginal Community Broadcasting scheme, they too failed to go to air. The then Controller of Radio Programs in the ABC, John Newsome (who was not a member of the Working Party), refused to broadcast the pre-produced programs. In an interview conducted in 1997, Newsome said:

...I rejected those tapes...They were not satisfactory...not that there was anything wrong with them in a technical sense...the problem with them was that they had been done by white people reporting on Aboriginal issues and I didn't think, at the time, that it was quite what we needed...We were beyond that even in 1975...

Newsome considered that the ABC had no business in producing Aboriginal programs at all. As far as he was concerned, such material should have been produced by Aborigines themselves through

Aboriginal controlled organisations. Of course, at that point in time, no such organisations existed.

Indeed, the absence of any effective Aboriginal broadcasting organisation was one of the primary impediments in the government's broader plans to develop Aboriginal broadcasting services. Nonetheless, the development of various governmental administrative structures designed to facilitate the formation of such organisations had commenced a few years before Newsome rejected the ABC's Aboriginal radio programs. Although these structures were initially concerned with the formation of Aboriginal organisations in areas such as health and housing, they also precipitated, at a later stage, the formation of Aboriginal media organisations that did indeed eventually supply the ABC with appropriate Aboriginal programming content.

To understand the emergence of Aboriginal broadcasting, we therefore need to understand the development of the 'Aboriginal community-controlled organisation'. As I hope to show in the following brief section, these bodies provided an institutional arena in which certain forms of Aboriginal agency began to emerge that could accomplish the plans of government, including the development of Aboriginal broadcasting.

Seeking an alignment of Aboriginal–state aspirations

In implementing its policies of Aboriginal self-determination, I will argue that the Labor government sought to establish what Nicholas Rose has termed an 'alignment' between its own ambitions and those of Aboriginal people (see Rose 1996:126). This would not be accomplished via a program of compulsion but through the incorporation of Aboriginal agency into the mechanisms of government itself. In other words, the state would not seek to act directly on Aborigines as it had in the past. On the contrary, they would be encouraged to act on themselves in order to manage programs and projects proffered by the state. This was made clear when Prime Minister Gough Whitlam proposed in 1972 that his government would 'seek to devolve upon...organisations of Aboriginals themselves, responsibility for carrying out the policies decided upon by my government'(Whitlam 1973:697).

However, if Aboriginal organisations were to take over responsibilities once vested in the state, then a level of bureaucratic rigour would be required to ensure their managerial and financial competency. Labor

therefore began to draw up legislation that would allow for the incorporation and regulation of such bodies. Yet, it was not until the election of the Fraser government (1975–1983) that the *Aboriginal Councils and Associations Act 1976* was eventually passed, under which most Aboriginal organisations were later incorporated. Furthermore, it was determined that only organisations incorporated under this legislation (or similar Acts), could qualify for government funding. Since its inception, more than 3000 bodies have been established under this legislation. Indeed, on a collective basis, they now play a significant role in the governance of the Aboriginal population.

Under these arrangements, I will argue that the collective Aboriginal ‘self’ became an object of intense governmental scrutiny since it is now expected to carry out the work of the State. The *Aboriginal Councils and Associations Act 1976* not only allowed Aboriginal individuals to form themselves into organisations, but provided the State with a range of controls concerning the administrative operations of such bodies, particularly in relation to their fiscal probity. For example, under Sub-section (3), Section 61 of the Act, the Registrar of Aboriginal Incorporations has the power to dissolve an Aboriginal organisation if it fails to provide a set of audited accounts in a timely manner. Thus, in restoring to the Aboriginal peoples ‘their lost power of self-determination’, the state provided Aborigines with a regulated freedom to be determined, as Rose (1996:23) puts it, by ‘the rationalities of accountability’. At the same time, the state created an institutional framework through which it could constitute a competent and verifiable Aboriginal agency that could carry out the policies ‘decided upon’ by government.

Although the development of the Aboriginal corporate body provided an administrative blueprint for the future establishment of Aboriginal broadcasting organisations, there was another perhaps more significant factor that facilitated the formation of these organisations. This related to the emerging importance of ‘Aboriginal cultural tradition’ in government thinking. Specifically, the government began to adopt the view that broadcasting could play a vital role in the maintenance of Aboriginal languages. To illustrate this important point, I will now return to the government’s attempts to establish Aboriginal broadcasting during the 1970s.

Aboriginal broadcasting and the 'restoration' of Aboriginal culture

In August 1978, the then-Prime Minister, Malcolm Fraser, was approached by a group of Aborigines while on tour in the Northern Territory who asked that existing radio and television services be extended into their local regions (DAA 1979). These representations prompted the then Minister for Aboriginal Affairs, Ian Viner, to reconvene the Working Party on Aboriginal Broadcasting. He also addressed the House of Representatives on the issue. He stated (Hansard HR 1978:3449):

Aboriginals are...now very conscious of their cultural identity and of the extent to which it is everywhere threatened...The government has been helping Aboriginals...to restore and rebuild their cultural identity...we have been working on proposals for the development of local community-based broadcasting services for Aboriginals in their own languages...the government's Working Party on Aboriginal Broadcasting will give first consideration to remote communities. Accordingly, the major Aboriginal languages that could be serviced have already been identified...

Viner's speech was significant as it shows a marked departure in the government's original thinking about Aboriginal broadcasting. As we have seen, in 1970 Coombs suggested that broadcasting could play a useful role in informing Aboriginals about government plans for their 'future advancement'. Eight years later, however, Viner presents an entirely different position: that radio could restore and rebuild Aboriginal cultural identity.

Of course, this radical shift in policy was not restricted to Aboriginal broadcasting; it was a fundamental component of the broader project of Aboriginal self-determination. Henceforth, government policy would not only attempt to revitalise Aboriginal 'cultural tradition' but would seek an alignment with it in order to prosecute its programs for Aboriginals. In short, Aboriginal culture would be enlisted as a vital element in the implementation of state policy. Indeed, the recruitment of Aboriginal culture had been one of the central aims of government policy since the early 1970s.

In a somewhat confused but revealing statement made in 1974, the then Minister for Aboriginal Affairs, Cavanagh (1974:9-11), said:

The whiteman has done much to kill the culture of the Aboriginal, but it is worth preserving. It is something that means much to

Australia...Therefore we have something to gain from Aboriginals. We must get into the position of trying to utilise Aboriginal culture, a culture that could assist us to have Aboriginals living in a more acceptable form of the standards that the white man has developed...That this gain from culture will be developed and brought out, is the determination of the government. It's my determination; it is the determination of most officers in the Department and we must be ruthless and ride roughshod over those who would seek to stop us from achieving this ambition in Aboriginal Affairs.

Thus, throughout the 1970s, we begin to see the emergence of a whole range of state-supported projects that incorporate certain reconstituted versions of Aboriginal culture into the administrative practices of government. For instance, the establishment of outstations on traditional homelands is seen as a significant way to improve Aboriginal health; the insertion of traditional forms of education into school curricula is proposed as a way of combating poor educational achievement, and Aboriginal ceremonial life becomes the 'key' to arresting community break-down since its perpetuation is seen as a way of re-establishing traditional forms of social organisation and authority.

Nonetheless, I argue that these cultural traditions were deployed to accomplish particular governmental ends and as such should be understood more as 'artefacts' of rule than as separate or essential cultural attributes (see Hindess 1996). In other words, such 'traditions' were shaped and given a meaning largely in relation to their constitution and usage within the mechanisms of government. As O'Malley (1996:317) has proposed:

...the process of self-determination involves its constitution via the selective valorisation of those aspects of indigenous [culture] that produced administratively desired effects...

Viner's parliamentary statement ensured that the project to develop Aboriginal broadcasting became securely attached to the state's wider project to incorporate Aboriginal cultural tradition into its policies and programs. Indeed, it was no accident that the first Aboriginal media organisation to be funded by the Federal government (in 1980) was located in Central Australia (CAAMA). Certainly, for Viner, the kind of 'Aboriginal traditions' evident in this region made it an ideal arena for the development of Aboriginal broadcasting. Just as importantly, an extensive administrative network had been established in Central Australia under the policies of Aboriginal self-determination that supported the formation, incorporation and funding of Aboriginal

organisations. Here, an alignment between the interests of the state and those of Aboriginal peoples with regard to Aboriginal broadcasting was finally established.

Conclusion

It took ten years (1970 to 1980) for the Australian government to establish broadcasting services for Aboriginals. As I have tried to show here, the long delay in accomplishing this task was largely due to the ‘problem’ of Aboriginal agency. In the end, a broadcasting service operated *by the state for Aboriginal peoples* was not what the state wanted. Ultimately, what was required was a broadcasting service run *by Aborigines themselves*. Only then could such a service claim to represent the ‘voice of Indigenous Australia’. Indeed, to what extent could the state be involved in a project that demanded, by its very nature, freedom from state interference? On the other hand, the Federal government and its representatives, particularly Viner, knew that without state support the development of a viable broadcasting system for Aboriginal peoples would not be possible. The state was therefore confronted with a peculiar dilemma: on the one hand, it had to establish procedures that might facilitate the constitution of an effective Aboriginal agency capable of controlling and operating the envisaged service; on the other hand, such an agency would need to be ‘authentic’ and, most importantly, work independently of the state.

Of course, this agency did not pre-exist in some ready-made form. It was not an essential object located in some transcendental realm, waiting to be ‘appropriated’ by the state. On the contrary, the state would need to find ways of creating the appropriate conditions that might foster its construction.

For this to occur, Aboriginal agency itself would have to be enlisted in the broader policies underpinning the state’s governance of the Aboriginal population, which, as I have argued, began to occur only after the election of the Labor government in 1972 when the policies of Aboriginal self-determination were implemented. These policies and the radical changes they brought to the governance of Indigenous Australians throughout the 1970s eventually constructed the necessary agency capable of facilitating the formation of Aboriginal broadcasting services. This leads to two importance points, one specific and the other general. First, although the policies of Aboriginal self-determination are grounded in essentialist notions of the Aboriginal subject, they are in

fact directly implicated in the formation of such subjects. Second, as with the application of all forms of governmental policy, there are linkages between the practices of government and the formation of differing forms of subjectivity.

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13. Manifestations of the *mimih*¹

Luke Taylor

Aboriginal and Torres Strait Islander art is produced in a complex intercultural realm in which the artists are increasingly becoming self-conscious of their role as ‘artists’ for a world audience. In this circumstance new ideas are encouraged by local arts advisers and new types of artefacts can readily find favour with the market. In the Maningrida region of central Arnhem Land, a market for sculptures of spirits called *mimih* has virtually exploded in the last two decades. Stories and images of the *mimih* have a longstanding local history, although sculptures of them appear to be quite new. While one Kuninjku speaking artist started produced such work in the 1960s, hundreds of artists from many language groups now participate. The example of the expansion of the market for sculptures of *mimih* is a case study of innovative artistic practice and the social networks, including key non-Indigenous participants, that facilitate and constrain the acceptance of new ideas and practices.

Given this context for the promotion of sculptural work, this chapter addresses the question of the extent to which we may speak of a shared Kuninjku iconography for sculpture. It investigates Kuninjku social relations of sharing sculptural skills, ideas and innovations, as against the strong market support for individualism and promotion of unique artistic products.

Others have detailed the beliefs of the Kuninjku in respect to the *mimih* at length (Brandl 1973; Carroll 1977; Chaloupka 1993; Hoff and Taylor 1985; Taylor 1996). In essence, Kuninjku understand the *mimih* to be spirits that inhabit the rock country regions of their country. However, Kuninjku also use the term *mimih* as a gloss for talking about other sorts of spirits as well, mainly those which are also seen to be more like tricksters and ghosts and are distinguished from Ancestral

Creator Beings known as *djang* which have powers — *kun-ngudj* — which can be used for much more beneficent effects.

Mimih are believed to be long, thin beings that generally live inside the rocky escarpment country. They are so thin that they can pass through cracks in the rock to leave their realm to visit the world of humans. Kuningku say that only humans with a similar clever power or *marrkidjpu* can see these spirits and converse with them, yet knowledge about their characteristics and activities is shared broadly.

In sculptural form Kuningku capture this long thin form of the *mimih* by carving relatively thin trunks of trees, often softwoods such as kapok (*Bombax ceiba*). In this sense the elongation of the body form is universally understood by Kuningku as appropriate for the representation. The collective term that Kuningku use to refer to these wooden sculptures is *kundulk*, which means stick or log. There is a sense in which the attenuated body forms connote something of the humour that surrounds beliefs in these beings; the beings are so thin that a gentle wind can break their necks. There are also salacious stories of *mimih* leading human hunters astray and taking them to their rock country world where the hunters fall in love with *mimih* women and refuse to return. Rock paintings of thin figures engaged in hunting or sexual activity can be interpreted along these lines.

Beliefs relating to *mimih* comprise an important body of knowledge that links Kuningku to the escarpment country in the south of their traditional lands. These relatively profane stories are readily shared with other groups and in a regional context the association of Kuningku with the *mimih* is taken as a marker of their cultural uniqueness and of the environmental and spiritual distinctiveness of their country.

The production of wooden sculptures of *mimih* spirits among the Kuningku language group seems to be a relatively recent phenomenon. Berndt and Berndt (1982:96) recorded that the Kuningku made small sculptures called *waral* that were placed over burnt and buried personal effects of the deceased.² This placement of the *waral* sculpture warned people not to camp near these personal effects of a recently deceased person. The sculpture is a representation of the ghost of the person who is said to linger near the place until the full cycle of mortuary rituals have been performed. The conceptual links between *mimih* and *kunwaral* lie in their shared trickster qualities, their general exclusion from the active lives of humans, their inhabiting of infrequently visited places, and emaciated and attenuated body forms.

One man's vision

The theme of the activities of the *kunwaral* ghosts and *mimih* tricksters are particularly elaborated in the Kuninjku ceremony called Mamurrng. Mamurrng is understood as a public camp ceremony that Kuninjku undertake to perform for other language groups in the region (see Altman 1981, 1987; Taylor 1996). The ceremony addresses themes of death and the activities of ghosts, while at the same time operating as a celebration of life since it is generally organised to celebrate the birth of a young boy. Dancers paint themselves as skeletons and wear headdresses featuring carved wooden bones. While these features create a sense of the macabre, the dances are generally designed to promote considerable mirth.

In the 1960s the acknowledged leader of this ceremony was the famed Kuninjku singer Crusoe (also Caruso) Kuningbal (1922–84). He is said to have invented the songs and dances that were used in the ceremony at this time. The personal creativity associated with the development of this ceremony is explicitly distinguished from ceremonies that deal with Ancestral subject matter. Kuningbal was broadly recognised as a 'virtuoso' at singing and dancing *mimih*, and contemporary Kuninjku still smile with pleasure as they recall Kuningbal's hilarious performances and evocative singing. He incorporated life size carvings of *mimih* in his performances and these distinctive sculptures, songs and dances were popularised in a local setting through the medium of the Mamurrng performance. Such creativity on secular ceremonial performance has been recorded elsewhere in Australia (Akerman 1999:22–4; Davis 2002:303–4).

The earliest carving by Kuningbal (Fig. 1) that entered a public collection was collected by Louis Allen in 1964 (O'Ferrall 1991). The head is carved to a conical shape with chin and mouth painted as detail, while the body of the figure has been waisted so the arms hang beside the figure and flares again at the hips. The figure has been painted initially in red and dots of white and yellow have been applied against this ground. A very similar figure was collected by Helen Wurm in 1968 (now in the collection of the National Museum of Australia).

The sculptural form of Kuningbal's early *mimih* carvings relates strongly to that of the *morkuy* carvings of eastern Arnhem Land. It is known that Kuningbal spent some time at Milingimbi Mission prior to World War II and it is likely that he became familiar with the carving styles of more eastern language groups while he was there.³



Fig. 1. Mimih figures by Crusoe Kuningbal from the early 1970s. Private Collection, Sydney. Licensed by Viscopy, Sydney. Photo courtesy Art Gallery of New South Wales.

However, the form of dotted patterning, often also using black dots, that was used by Kuningbal on all his sculptures and bark paintings over the next twenty years gave his works a unique character. The dotted style was particularly characteristic when compared to the cross-hatching styles of patterning that were common in the sculptures and paintings of other artists working in the central Arnhem Land region.

In September 1981, I observed Kuningbal's *mimih* sculptures used in another performance of the Mamurrng ceremony. This ceremony was unique in that it was held in honour of Peter Cooke, an arts adviser who had lived at Maningrida during the years 1972–81 and who was about to leave the town. Being an older man Kuningbal did not lead this performance although he did contribute his sculptures. The carvings of *mimih* were incorporated into the performance along with the construction of a burial platform with a paperbark bundle of wooden bones emulating traditional mortuary practices. At the conclusion of the performance these sculptural works were gifted to Peter Cooke and his family and in return Cooke presented blankets, lengths of cloths and other utilitarian items (Altman 1981; Hoff and Taylor 1985).

The performance of the Mamurrng ceremony for Peter Cooke is significant in the changing orientation of Kuninjku to broaden their cultural influence. In his role as arts adviser Cooke was responsible for marketing the works of artists from many different language groups in the Maningrida region. However, he had developed particularly strong personal relationships with Kuninjku artists and had been bestowed with a classificatory relation to a Kuninjku clan.

For many years Cooke had promoted the sculptural work of Crusoe Kuningbal and it was appropriate that some of these sculptures formed presents at the completion of the 1981 Mamurrng ceremony. At this time Kuningbal was the only Kuninjku artist recorded as making *mimih* sculptures for sale to the market. By the early 1980s Kuningbal was producing many more works although they were highly simplified with the arms merely represented as grooves in the body. The sculptures were not generally taller than 1 m. Kuningbal earned in the range of \$12–\$50 for his slender sculptures and his works were established as a unique item in the craft niche of the market. Cooke had considerable difficulty selling Kuningbal's bark paintings as it appeared that the market was uncomfortable with his unique dotted style where other artists chose to use regular cross-hatching techniques. However, in 1984 a group of Kuningbal's sculptures was purchased by the NGA through

the agency of Jennifer Hoff, a curator with research interests in Aboriginal sculpture. Kuningbal died in 1984.

After 1984 Kuningbal's sons, Owen Yalandja (b.1962) and Crusoe Kurddal (b.1964), were producing very large, log-sized *mimih* carvings with a carved form and dotted infill that was, other than the size, the same as that used by their father. The move to larger works seems to have been supported by the arts advisers at the time, Geoff Todd, an artist (1984–85), and then Georgio Burchett (also a practising artist who had strong links into the art world) in 1985, who both made an effort to move *mimih* from the craft category into that of fine art sculpture.

These arts advisers recognised the importance of larger scale as a feature implicated in the construction of art as opposed to craft in broader market circles. Major Australian state galleries and the new National Gallery of Australia (opened in 1982) followed a world trend in the incorporation of vast internal halls and outdoor garden spaces reserved for sculpture exhibitions. Sculptures are required to be imposing to sit comfortably in this exhibition context.

Kuningbal had found support for his relatively frequently produced and smaller works among the tourist market but the change to much larger works by his sons was a relatively dangerous marketing move at this time. Such works create difficulties down the line in terms of costs of freight and handling and were notoriously difficult to sell to non-institutional customers. There appears to have been some support for this change as a number of Crusoe Kurddal's large works were collected by major collecting bodies such as the National Museum of Australia and Art Gallery of New South Wales, which both purchased works in 1985.

Promotion of sculpture

A key art event in 1988 transformed the Australian public view of large sculptural artefacts from Arnhem Land. The Aboriginal Memorial featuring 200 hollow log coffins was produced by the artists of Ramingining in central Arnhem Land for the Sydney Biennale (Bula'bula Arts 2000; Mundine 1988, 2000). Part of the genius of the total work was the way that it presented mortuary sculpture as an art installation and broke down barriers between different artistic categories. Mundine (2000) noted the difficulty of marketing such artefacts and the need for a tour de force event to help audiences to

understand the power of the works. The work in toto was purchased by the National Gallery of Australia in 1989 and was installed in a prominent place adjacent to the gallery foyer. Art centres in Arnhem Land are now able to sell major commissions of Lorrkun and there is a steady resale market at auction. The Memorial opened the market's eyes to the possibilities of Aboriginal sculpture more broadly.

From the early 1990s Maningrida became involved in a series of events that rode the wave of interest in larger sized sculptural work. In particular, collaborations between the Maningrida arts adviser Diane Moon and the Melbourne-based dealer Gabrielle Pizzi (1997) helped to develop the market for Maningrida sculpture through the 1990s. As Ryan (2001) noted, a sculpture project in 1990–91 resulted in the production of 26 monumental works by eighteen artists for the exhibition *Sculptures from Maningrida*. The National Gallery of Victoria purchased the entire set of works for its permanent collection. There followed exhibitions that included sculpture in 1993, 1994, 1995 and 1996. Gabrielle Pizzi, now deceased, was able to exhibit the works in Italy and Switzerland in 1994 and develop a major exhibition entitled *Metamorphosis* for the Venice Biennale in 1997 (Pizzi 1997) that incorporated the diversity of sculpture from Maningrida.

A significant development over this period was the introduction of female sculptors. In the early 1980s women occasionally helped their husbands to complete the more arduous cross-hatching components of bark paintings, but more generally they specialised in fibre work for which they received very low remuneration. However, from the mid-1980s, the first female arts adviser at Maningrida, Diane Moon, encouraged developments in sculpture and weaving among women. Women who were helping their husbands to paint on bark and to carve were also encouraged to market work under their own name at this time.

It is now common for men to work with their wives and daughters on joint works, as well as with their sons. Men are deliberately encouraging female kin to become independent workers. Kuninjku men now say that it is good that women are able to work on their own and women say that they prefer to work on sculpture because it is much more lucrative than basketry. Family incomes derived from the combined work of women and men specialising in fine art bark painting and sculpture can be much more substantial than twenty years previously.

Apart from exhibition effort and encouragement of women, Maningrida has also worked on other means of promoting sculpture. There have been major meetings with artists to emphasise the importance of correct seasoning of wood to prevent splitting and to encourage slow and careful work. A freezer has been installed to prevent borer damage. While bark for painting is hard to obtain during the late dry season because the sap is not running in the trees, wood for sculpture is readily available. In this respect the production of sculpture has become strongly seasonal and accomplished bark painters also move to sculptural work as part of the seasonal round.

While Kuningbal was the only artist recorded to be producing *mimih* carvings in 1980, currently at Maningrida there are about 45 Kuninjku artists (27 men and fifteen women in 1999) producing sculptures of *mimih*. There are another 55 artists from other language groups who produce similar spirit figures at Maningrida. It is clear that carving is a relatively lucrative art form and teaching the skill has become an important means of exchange for Kuninjku. While Maningrida is not their homeland, Kuninjku have taught carving skills to their Gunabidji, Gun-artpa and Gurgoni neighbours with whom they co-reside when visiting Maningrida. Exchange of carving skills is thus a form of broader alliance making focused around a key form of Indigenous intellectual property. Sculpture comprised 19 per cent of the total purchases from artists in 1998–99 and 30 per cent in 1999–2000 (Maningrida Arts and Culture 1999, 2000). In 1999–2000 the new arts adviser Fiona Salmon established five commercial exhibitions in southern galleries that featured sculpture (Maningrida Arts and Culture 2000). Artists were also encouraged in the production of smaller sculptures particularly to cater for the tourist market in the lead up to the Olympic games (Maningrida Arts and Culture 2000).

Divergence in form

By 2000 Owen Yalandja was regularly producing larger sculptures directed specifically at the fine art market with all of his 39 works being purchased for more than \$200 and five works receiving more than \$1000 each. That Yalandja and Kurddal should pursue a carving tradition commenced by their father reifies a long-standing principle of cultural transmission among Kuninjku. These men see it as their responsibility to maintain their father's patrimony of artistic inspiration. They remain custodians and frequent residents of Barrihdjowkkeng

outstation, a camp established by their father near a waterhole created by the original Dreaming of their clan. In addition, the artist's widow the late Lena Kuriniya, who lived at Barrihdjowkkeng, was the most prominent female carver in the region. Lena Kuriniya was the top earning Kuninjku sculptor in 1999 and she was able to establish this position primarily through regular production of smaller works with the occasional major fine art production with nine works out of 85 being purchased by MAC for more than \$200.

Examination of their work over time also reveals how these artists have developed their own innovations. For example, Yalandja started using black as the base colour for his works which immediately signalled the unique identity of his works from those of other family members. In the early 1990s he also drew upon his knowledge of the creation stories of his own clan lands to create a new sculptural representation of the Yawkyawk or young girl Ancestor. By contrast, his brother Kurddal tends to stick with producing *mimih* figures coloured red.

Barrihdjowkkeng outstation is adjacent to a billabong which is a Yirridjdja moiety sacred site associated with the Yawkyawk or young girl spirits. Kuninjku believe that these spirits live in the water and that you can occasionally see their shadows as they flee the smell of humans who approach the water. They are imagined to have been girls who transformed into mermaid type figures with fish tails. Kuningbal used to sing the Yawkyawk song and is known to have painted them in bark paintings in his characteristic dotting style.

Yalandja carves innovative sculptures with bodies much like that of the standard *mimih* but with a tapering lower body that ends with a forked fish tail (Fig. 2). The patterning on the tail also changes into a scaly appearance. In the early 1990s Yalandja experimented with the patterns of dots taught to him by his father and created new arrangements; first in arcs to suggest scales, but later he developed small v-shaped marks to suggest individual scales. This graphic innovation captures the scaly sheen of the watery being. Yalandja's innovative works have become very popular with the fine art market and Yalandja is now able to specialise in producing larger fine art pieces. Recent innovations include the selection of more curvilinear tree trunks to give these figures a sinuous appearance. Very thin and waving trunks provide an even more attenuated form. These innovations in 3-D form are appropriate to the meaning of the figure, capturing as they do the sinuous movements of the Yawkyawk's fishy form.



Fig. 2. Yawkyawk figures by Owen Yalandja from 1999. Note the forked fish tail on the lower part of the body. Collection of Art Gallery of New South Wales, Sydney. Licensed by Viscopy, Sydney. Photo courtesy Art Gallery of New South Wales.

Another senior Kuninjku artist, Mawurndjul, now produces sculptures of his own sites. Mawurndjul was initiated to the Mardayin ceremony when he was young and Mardayin themes of land creation are increasingly incorporated in his bark painting and sculpture. The cross-hatched designs on the body of the figures refer to the use of body paintings and painted wooden sculptures in the Mardayin ceremony (Kupka 1972; Taylor 1996). In the context of the ceremony the designs mark the wearer with the designs for their country that were originally worn by the Ancestors during their own creative travels. However, Mawurndjul, along with a number of other artists in this region, is using cross-hatching in a new way. Rather than restricting themselves to the ordered patterns used in ceremony they are experimenting with new colour combinations and decorative effects. This experimentation contributes considerable visual dynamism to the sculptural work.

Mawurndjul is known to have produced sculptures of Mardayin subjects such as freshwater turtle during the 1980s. More recently he has worked on sculptures of a Duwa moiety female creator being called Buluwana from a site near Kudjarnngal in his own clan lands. Mawurndjul's bark paintings of geometric Mardayin designs are highly prized collector's items and his sculptural works of human figures comprise an extension of this popular theme.

Close kin of Mawurndjul create sculptures in a very similar way yet, to differentiate themselves as independent artists, each is actively developing an individual style. Mawurndjul's sister, Susan Marawarr, also carves the Buluwana figure and she produced many *mimih* sculptures with cross-hatched decoration. However, she regularly changes the style of cross-hatching in her sculptures. This way of varying the infill of her works emphasises the way that Kuninjku art is currently diverging from the art of eastern Arnhem Land. In eastern Arnhem Land cross-hatching elements are closely integrated with clan design elements that artists are constrained not to change. In the west, cross-hatching has become a decorative element and variations in patterns are one of a number of ways that artists lend vitality to their work. Like her brother Mawurndjul, Marawarr has travelled overseas with the arts adviser Fiona Salmon and visited a number of the world's most prestigious galleries and she has a strong sense of her personal identity as an artist. Recently she has investigated the potential of sculpture in bronze through collaboration on an installation at Sydney airport with Judy Watson and Urban Art Projects based in Brisbane.



Fig. 3. Wayarra spirit figure by Charlie Nangukwirrk from 2001. Private Collection, Canberra. Maningrida Arts Centre. Photo Luke Taylor.

Charlie Nangukwirrk belongs to the same clan as Mawurndjul and Marawarr, and assists them in performances of Mamurrng, although his sculptural work differs markedly from their cross-hatched styles. He has specialised in developing figures with a more ghost-like appearance using splatters of white paint derived from the iconography of body paintings used in the Mamurrng where dancers representing wayarra are painted white (Fig. 3). In addition, Kuningku say that the representation of little pin-like teeth are appropriate to representations of these dead body spirits. Nangukwirrk shows these little teeth in the mouths of his carvings of these spirits.

Innovation and cultural expansion

Kuningku identify themselves as people who carve *mimih*, as distinct from other language groups who carve other subjects, and all of the artists discussed above participate together in the performance of Mamurrng ceremonies that promote this identification in a regional context. Indeed the *mimih* dancers have taken the Mamurrng overseas to promote their unique ghostly dances. The influence of Kuningbal can be traced through the work of all these subsequent sculptors, particularly in respect to the relatively simplified body form of his figures as it was developed through the late 1970s and early 1980s. However, on closer inspection '*mimih*' is often used as a term that glosses a range of different spirits that have similar connotations in Kuningku belief, and more recently artists are carving representations of Ancestral Beings that highlight their identification with particular sites. While the skills of carving have been shared across a broad group often as a feature of networks of co-residence, when we look particularly at the painted features of these sculptures it becomes clear that individual artists are elaborating different ways of interpreting the subjects.

These artists are now experienced at travelling to exhibitions of their work both in Australia and increasingly overseas. They have a strong sense of their personal standing in a competitive art market. As Bourdieu (1984), and recently Myers (2002) in the Australian context, have shown, the fine art market is characterised by the activity of experts who are involved in processes that emphasise the distinctions between artistic creations, work to restrict the number of objects that circulate in this realm and work to restrict the number of 'star' artists. This activity of identifying distinctiveness is essential to the creation of value in the fine art realm. There is competition among collectors for

the best and unique works and competition among artists to achieve the recognition that will lead to the offer of exhibition representation and higher prices for their works. On the one hand there is potential advantage in convincing the local arts adviser of the distinct merit of an individual's work and indeed in drawing the adviser into close personal relationships or ceremonial networks of reciprocal obligation. On the other hand, some of these artists have experimented in using private dealers as opposed to Maningrida Arts and Culture as a means of achieving greater personal recognition.

Individual virtuosity is something that is admired in the local context and Kuninjku are receptive to the creation of new ceremonial components, particularly in the context of public performances such as Mamurrng. Where Kuningbal was able to achieve fame within the local regional context for his outstanding performances it is also apparent that during his lifetime the opportunities for broader cultural expansion were not yet in place. His sculptures were appreciated in a local context and purchased to a limited extent by collectors seeking examples of a representative western Arnhem Land style. However, during his lifetime the art market was constrained by concepts of primitivism, the identification of small sculptures as 'craft' and probably also by a general lack of information and tenuous market linkages.

Kuningbal's sons and indeed his widow have been advantaged by the developing market and by some very specific interventions to establish Aboriginal sculpture as an important form of contemporary Australian art. Crucial market interventions such as the Aboriginal Memorial project in 1988, local arts adviser support, the National Gallery of Victoria's purchase of the entire *Carvings from Maningrida* exhibition in 1991 and Gabrielle Pizzi's support of sculpture exhibitions from Maningrida helped to educate audiences and establish these sculptures as 'art'. This fits with a broader picture of major cultural institutions, particularly the National Gallery of Australia, taking the lead in developing the Aboriginal art and craft market in the 1980s.

Elsewhere (Taylor 1996) I have suggested that it is inappropriate to consider western Arnhem Land bark painting to be closely reflective of clan identification in the same way as the art of the Yolngu. Among bark painters it is apparent that bark paintings evoke the life courses of individuals, their journeys to learn about the creation stories of places they have visited and their associations with other people who have taught them how to paint particular subjects. Certainly Kuninjku recount the clan identification of sites and on ceremonial occasions clan

identification is often brought to the fore. However, in painting for the market artists draw upon other resources of personal affiliation and identification to develop a repertoire of subject matter. In particular, non-secret subject matter such as *mimih* provide themes for elaboration that avoid the restrictions that would normally apply to more important subject matter. Similarly with the carving of *mimih*, many new sculptors feel free to interpret this subject and there has been a relative boom in production over the last five years.

In producing sculpture artists draw inspiration from lively beliefs relating to spirit beings that inhabit Kuninjku lands, as well as from knowledge of the Ancestral associations of powerful creation sites. In essence these sculptures bring these beings into the mainstream of contemporary life, they have become a central focus. The Art Centre situated in the centre of Maningrida now bristles with a forest of spirit beings. The town and increasingly the art market is colonised by Kuninjku visions of their distinctive spirit world. In many respects the sculptures are an index of Kuninjku cultural expansion, through the art centre into the town and through the art market to the world.

While the art world may enhance opportunities for self-aggrandisement, innovation is constrained in some senses too. There is a tendency for close kin to share innovations; for husbands and wives to share patterns; and for children to continue with the forms used by their parents. Maintenance of similar forms are a way of cherishing, respecting and expressing particularly close personal relationships. Such distinctiveness is respected by others and in some sense divergence of form becomes a means for new artists to avoid copying the work of families whose intellectual property is well established. Because of the emergence of women as important collaborators and sculptors in their own right, the nuclear family appears to be emerging as a strong unit for the circulation of artistic ideas. There are strong economic advantages for families that work together in producing art. While kin based exchanges restrict the ability of families to acquire wealth, more broadly there appears to be an increasing sense of nuclear family independence which is supported by a strongly expressed desire for single families to establish small outstations that break away from the larger camps established in the 1970–80s. The establishment of these outstations close to important sites goes hand in hand with a focus on the elaboration of representations of the Ancestral stories of these places.

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Notes

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2. Kuninjku say that in earlier days they made *kunwaral* out of paperbark bound with bush string. Figures collected by the Berndts in the National Museum of Australia are approximately 1 m high and show features such as arms, legs and penis. Facial features are indicated through the addition of paint.
3. Kuninbal [sic] is recorded as Member 48 of Donald Thompson's detachment formed in 1942 to organise guerilla fighting and for reconnaissance and scouting. He was issued with an axe (Thomson 1983:123). It is likely that the carving of wooden figures as opposed to woven paperbark forms was facilitated by the access to metal tools that the mission experience provided.

14. Knowing tradition, dealing with history? On concepts, strategies and practices¹

Britta Duelke

In her famous essay on Walter Benjamin, Hannah Arendt (1983:193) summarised his theoretical reflections on history, tradition and authority in the following formula:

Insofar as the past has been transmitted as tradition, it possesses authority; insofar as authority presents itself historically, it becomes tradition.

We will never know whether Benjamin himself would have endorsed these lines which clearly show the hand of Arendt. Yet, the formula does have the appearance of something that comes close to Benjamin's very own style of thinking and writing, to such an extent that one could easily take it for a quotation of the 'real' Benjamin (cf. Benjamin 1991a:609; see also 1991b:207–38 and 1991c:138). Arendt's programmatic reading of Benjamin made reference to his own life experiences, to the breaks in tradition and the loss of authority which occurred in his actual lifetime, and also to his discovery that the transmissibility of the past relates to its capacity to be cited in the present: that is, its citability (Arendt 1983:193; cf. Benjamin 1977:136–69, 251–63, 380). Benjamin was well aware that the original context of a quotation from tradition or history was far less important than the new context it helped to create. An isolated quotation does not necessarily make sense. The citability and meaning of a quotation — even if it is only a fragment of the original text — are determined by the frame in which it is used and from which it gains its meaning and potential authority (Scharfe 1991:41; Wiedenhofer 1993:309).

I use Arendt's 'Benjaminian formula' as a starting point here for two reasons. It addresses some interesting questions with regard to quotations,

not only in written traditions — of the sort Benjamin might be thought to be addressing — but also in relation to oral traditions of the sort that are central to my case study. Moreover, it blurs in a very peculiar way the conceptual distinction between tradition and history by emphasising their difference.²

In the context of Australian land rights and Native Title legislation, questions regarding the representations of the past in relation to present conditions have acquired a wide-ranging social, political and economic significance. This is also the case for the Northern Territory Aboriginal community I am focusing on in this chapter. Until now people there have had little experience of the *Native Title Act 1993*, but they have been substantially affected by the *Northern Territory Land Rights Act 1976* (NTLRA).

The anthropological, legal and political underpinnings of the NTLRA were based on notions of unchanging traditions which not only reflected the apparently dominant Aboriginal ideology of non-change and immutability, but also mirrored the pervasive traditional anthropological paradigm of traditional Aboriginal society as an unchanging and therefore traditionally ahistorical society.³ Practical proceedings under the NTLRA indicated that long-held ideas about tradition and history in Aboriginal society required reconsideration (e.g. Merlan 1991, 1994, 1995), since these experiences demonstrated that traditions were in fact not so much continuity-bearing, atemporal or detemporalised social reproductions but the vehicle, medium and substratum of particular lived social realities.

On the local level historical experiences, modifications in social, territorial and cultural relations as well as some of the new realities brought about by land grants have to find new explanatory frameworks (see Smith 1984:94). Negotiations about present ‘realities’ — involving an interplay between the actual state of affairs and the historical account(s) offered of them — thus frequently resulted not only in conflicts but also in the creation of new accounts. These accounts, which nevertheless continue to be based essentially on a recourse to the past, are tied to various frames of meaning. The problem of the mediation of different frames of meaning is also a problem of authenticity, not so much a problem of age or truth, but rather of how claims to authenticity become socially and legally acceptable (Hendricks 1988:235; cf. Haley and Wilcoxon 1997).

Contexts

My case study examines the negotiations of the past in relation to land at a former Catholic Mission Station in the Top End of the Northern Territory. The apparently paradoxical situation there provides an opportunity to analyse the contested but active approach to the past, not as a monochronic reference point but as a negotiable polychronic framework which allows for a dominant ideology of non-change and immutability to be maintained in order to legitimate and to explain a present built upon the persistence of tradition, while, at the same time, serving to accommodate within itself the inevitability of change and dynamism in both ideology and practice.

The Mission people are migrants from areas already deemed Aboriginal Land under the NTLRA. However, they chose not to live on their own land but preferred to live on land which still belongs to the Roman Catholic Church (which holds a freehold title) and has therefore been excluded from another group's land claim. On Mission land, that is, not on their own but on other people's country, Mission people wanted to live according to their own lifestyle, without — and this is important — giving up the relations to their own original homelands.

The migration is still part of the living memory of the Mission people. During the first three decades of the twentieth century people from different language groups left their traditional countries located to the south-west of the Mission. Despite the many fights and disputes with the Original Owners of this area, the migrants stayed, working on cattle stations and other agricultural enterprises, and occasionally returning to their home countries. The migrants finally moved to the current Mission when it was opened in the mid-1950s, and they still represent the vast majority of the approximately 350 Aboriginal people living there.

Twenty years later, after the passing of the NTLRA in 1976, Mission people began rather slowly to move back closer to their old homelands, in this particular case, to a recently established outstation which I will now call the Home Community, located about 100 km south-west of the Mission. Here, people were meant to live free from non-Indigenous dominance and in strict accordance with traditional rules. For various reasons people did not stay in the Home Community for long. A great number returned — this time in the opposite direction — from the Home Community back to the Mission (Duelke 1998).

Mission people had, and still have, strong but ambivalent feelings towards both the Mission and the Home Community. The latter area represents their traditional homelands — which nobody wants to give up — although they don't want to live there. Traditional relationships towards the homelands stand for authenticity, legality and legitimation, and they carry, for Europeans and Aborigines more or less alike, notions of stability and credibility. In contrast, the migrants saw the area around the Mission as an historical home, a home where they could but really shouldn't live, since this seemed to contradict traditions. To a certain degree, their choice to remain on the Mission bore the taint of inauthentic wrongfulness since merely historical relationships imply time and change, that is, categories which are alien to prevailing, or as it were orthodox, conceptualisations of tradition.

Yet, for the Mission people, it is not the Home Community but the land in and around the Mission which represents lived social reality or what Koselleck (1992:349–75) has called the 'lived experiential space'.⁴ Their historical relationship with the Mission land has also gained importance from what we might term a traditional perspective. Local sites have become the sites of historical events,⁵ most notably, the so-called conception, birth, and death places of relatives, that is, sites often given prominence within a traditional perspective. Equally, the common traditional practice of using the name of an initiation site as a personal name for the person initiated there indicates the willingness to acknowledge historical events and to incorporate them within a given and established framework. This practice not only serves as an aid to remembering the event but also provides the means for establishing identities by combining notions of body, event, time and place. For the Mission people this has meant that over the years, because of their long residence on and identification with the Mission land they could claim certain rights to land which, although derived 'historically', could well be legitimated 'traditionally' (cf. Peterson 1983:137).

Nevertheless, Mission people found themselves in a serious conflict when it came to clarifying their relationships with their actual life-space on the one hand and with their traditional homelands on the other. This conflict increased when, in 1990, the land claim of the original owners of the land around the Mission came to judgment and parts of this land were returned to the traditional owners. Complicating matters further, the Mission Land, still owned by the Catholic Church, had been excised from the land claim, but now the Church offered to hand over the Mission's freehold title to a land trust set up by Mission

people, that is, not to the Traditional Owners but to a land trust consisting of Mission people.

Most of the Mission people were supportive of the idea of a land trust, immediately engaging in debates about who should be nominated as a trustee and on what basis (Duelke 2005). However, there remained a serious need for legitimation, and, due to the circumstances, people had to reconsider their historical and traditional involvement with the Mission land (and its people), as well as their own land. This initiated extensive and detailed communicative reconstructions of and frequent quotations from the past in order to construct a model for explaining, determining and legitimating the present in polychronic terms, that is, within both traditional as well as historical frameworks.

There was no need for the Mission people to justify their relationship with their own traditional homelands. This relationship was part of the living memory, anchored in a stable temporal depth; it was safeguarded and covered by myths and traditional land ownership. Similarly, the relationship to the Mission land was equally based on lived experience, it also showed considerable temporal depth, and it was a central part of the living memory. Yet, this relationship seemed to lack a certain authority (or authorisation); it appeared to be not past or not 'bygone' enough to be accepted as traditional, and it was not directly justified by myth. Accordingly, one relationship to land was in need of explanation, the other was not (Blumenberg 1996:165–93). Mission people had to deal with the difference between history and tradition, and there were no ready-made chronological criteria for such a task.

People had to come to terms with a past consisting of antagonistic dimensions. The situation created a 'critical tension' which required what Munn (1970:144) in a different context called a 'double-movement' or 'bi-directional structure'. Here the double movement meant employing and mediating the symbols drawn from historical, traditional, temporal, local, discursive, explanatory and rhetorical frameworks.

Mission people strongly emphasised their close ties⁶ to their traditional lands, and by referring to (or quoting from) their continuing relationship with their own homelands people placed themselves in a complex and undisputed context of traditionality which served as a guarantee of (self-)authenticity. It was this grounding in a quasi-'holistic' traditional context which enabled them to legitimate their 'new' relationships to the Mission land. It was tradition itself which in the first

place made claims on areas of historical importance (that is, on 'conception', birth and death places) possible. In other words, 'exceptions', 'special cases' and 'modifications' which are founded and legitimated by a complex of tradition can, by means of a 'recourse to persisting traditions', create a new traditional 'completeness' (cf. Gadamer 1986:296–9; also Duelke 1998:239 and 2005).

Mission people have, over the years, never given up on relations to their own land and assertions of continuing connectedness, and through this traditional context claims on the Mission area for them became to a certain degree traditionally acceptable. Despite misgivings some entitlements have by and large also been acknowledged by those who continue to see themselves as the Original Owners of the Mission area although they — naturally — remained highly critical.⁷

For the Mission people this was not just a fake or ad hoc construction of land-related traditionality, since their notions of traditionality were based on other vital manifestations of the past within the present. The most important of these was the tacit and yet strict observance of social rules such as kinship and marriage prescriptions as well as social etiquette which continue to provide people not only with a stable and authoritative social universe, but also with a sense of continuity and 'traditional orientation' (Duelke 1998, 2000; cf. Sutton 1999). It is important to note that for the Mission people their daily life conducted, as it is, within the stable, consistent and long-standing order that kinship represents reflects true continuity and, therefore, serves as the true and primary reference point of claims to tradition and traditionality. On the local level an 'intact' kinship order implies and refers to 'intact' traditions.

In their reconstructions of the past, people did not eliminate the historical memory of migration but emphasised those components of the traditional or cultural contexts which allowed for the process of history in tradition (cf. Halbwachs 1985:368; Sansom 1985; Toohey 1981:22). Mission people refer to the past, not just 'temporal history' or 'atemporal tradition'. They use a model of a polychronic past which represents a specific communicable and transmittable experience of 'life-world' (Schütz and Luckmann 1979:25.). By referring to rights deriving from the past, they are not denying the development of the present, they are connecting tradition, history and the present, and they project it into the future (cf. Friedman 1992: 837). They are explaining and legitimating the present in terms of the past, that is, the persistence of tradition and the historical relationships which included change

(cf. Toren 1988). Here, reference to a polychronic past provides a necessary frame of orientation and legitimation through its appeal to notions of stability and agreed 'eventfulness'; at the same time it provides the conceptual means to incorporate change. It serves then as a basic argument in favour of existing and lived social realities.

Contextual variations

In the example of the Mission some substantial historical changes in the relationships to the land become apparent. This, however, does not imply that these changes are necessarily 'un-traditional' (also Maddock 2001:41). Following Berger and Luckmann (1985:208), tradition can be seen as a component of social reality, as a constantly self-renewing product of the interaction between institutional processes and legitimating symbolic worlds of meaning (Sansom 1985:91). Traditions — precisely because they are permanently open or available to be used, as instruments, as it were — have the capacity to integrate different, even antagonistic temporal horizons of the past into different horizons of meaning within the present. It is pointless to question the age or authenticity of traditions in this context, for what possible truth criteria and what criteria of evaluation could be invoked or applied — except for those equally claiming an opaque trans-historical validity. To apply them is to engage in an endless round of argument.

Everyday life on the Mission tacitly follows rules and courses of action which elucidate the interplay of 'tradition' and 'modernity', not as an exotic form but as 'ordinariness' or 'familiarity'. Dealing with traditions and history, with stability and change, forms and processes on an everyday level is best represented using the example of kinship, to which Mission people attribute a central role. The normative and meaning-generating 'functions' of the kinship system guarantee a stability which prescribes and organises the framework of orientation of daily life at both a conceptual level and as a guide for action.⁸ Kinship is a dominant component of social living and thus of the construction of the social universe, including of life in the Mission itself, a *Dominantsetzung*, as we might say in German, a thing which has a prevailing force in the 'fixing' or 'setting' of social reality (Assmann 1994:18). It is seen as having a permanent validity, as carrying a specific authority, a temporal authorisation, as something eternally present, 'from the start', 'from always', as people might say. Correspondingly there is continual investment in maintaining and living it as a constant,

'intact' reality. Since, on the Mission, kinship is valued as the prime example of the continuity of tradition, any change in any other sphere of life can be seen as secondary or of less relevance (cf. Assmann 1994:16, 1999:150). This does not necessarily give rise to contradictions; integrating phenomena of change means absorbing them into the framework of a prescribed (or primary) order which is already present without dissolving this order. Or put another way: as long as change is comprehended in terms of metaphors and symbols which are given priority and which stand for eternity, immutability and authority, orders can be maintained as eternal, immutable and authoritative despite changes which may have objectively occurred (Denning 1980:63).

Like all traditions, at once stable and dynamic, 'social traditions' (such as kinship) and 'spatial traditions' (concerning both the homelands and the Mission land) are anchored and reflected in people's 'culture of remembering', that is, a culture always striving for 'the whole' by being selective.⁹ Not unlike quotations, traditions are tied to particular time frames and to particular frames of relevance; accordingly they are subject to particular criteria of changeability which are determined by the frames in which they are used and from which they gain their meaning and potential authority. Nevertheless, during the process of legitimating the relationships with the Mission land, various traditions of the Mission people became intertwined and the need to legitimate a 'new order' via the modalities and actual content of already 'established orders' produced the 'meandering' which attempted to integrate the meanings attached to apparently disparate frames (cf. Berger and Luckmann 1985:110).

The Mission people's explanations are based neither on the oft quoted 'society-culture-split' nor on 'invented traditions' (Merlan 1991:351), but on the accentuating and emphasising of rules and orders that are very much part of the 'traditional canon' but now subject to different inflexions and different valorisations (Thomas 1992:214). For them, their claim of ownership to the Mission land is guaranteed by a polychronic traditional event history, which refers to the present, points into the future, and is tied to the land. These events and thus historically related derivations are safeguarded and covered by traditions; they are components of traditions. They can be this because traditions facilitate an interpretation of the world which is always new, always intending stability, and thus always intending to take 'reality' outside the field of contestation.

In the legal as well as the local contexts this fundamental peculiarity of tradition to be both changeable and stable is certainly anything but unproblematic (e.g. Tonkinson 1997, 2000). The notion of tradition is necessary for the construction of legitimating symbolic worlds of meaning within time. Traditions are the means to constantly deal with the simultaneity of the non-simultaneous (Koselleck 1992:125) and they therefore differ fundamentally from the ideological petrification and to a certain extent monochronic positioning of absolutes found in traditionalism (Duelke 1998:232–5, 243–9; see also Babadzan 2000:142).

Let me return to my starting point, Arendt's use of the 'Benjaminian formula' and the multi-layered questions it raises concerning the historicity, authority, authenticity and citability of both traditions and quotations. One possible approach to come to terms with these questions might be a more systemic conceptualisation of tradition such as the one employed by the poet T.S. Eliot (1965), a contemporary of Benjamin and Arendt, who perceived tradition as a sort of mega-memory and who was also well aware of its selective qualities. According to Assmann (1999:154), Eliot saw both tradition and memory as based on a concept of 'wholeness'; however, this wholeness does not beseech an apocatastasis (literally a restitution or restoration), no anything and everything, no total recall. Memory as well as tradition are completely quotable but with the important reservation that every present quotes them in a new and different way, or in Eliot's own words (1965:23), 'the whole existing order must be, if ever so slightly, altered...' ¹⁰

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Notes

1. Limited space in this chapter demanded strong abridgements, for a fuller account see Duélke (2005).
2. In her seminal work on time and tradition, Assmann (1999:63) remarked that the common usage of the word *tradition* — being part not only of our everyday life but mainly of what in German is referred to as *Sonntagsprache*, or 'Sunday language' — acts as a guarantee: nobody using the term runs the risk of having to define it. This statement certainly carries some truth despite the growing academic and public attention paid to the categorical, conceptual, political and/or legal dimensions of traditions—whether they are perceived as 'invented' or not (e.g. Babadzan 2000:134, 151; Hobsbawm 1984:3). Like most people using the word *tradition*, Arendt's above-mentioned formula does not provide a definition; instead, she states and describes. In other words, she relies on what Assmann (1999:63) calls a 'classifying concept of tradition' by constructing a line or connection in order to describe 'facts' as they appear to the retrospective gaze of the observer. This notion of tradition develops solely in the eye of the observer and does not approach questions of intentionality and relation between the single elements of the line. For example, whoever proves the existence of a certain traditional line of thought or motif, let us say a line connecting Augustin, Pascal, Husserl and Derrida, is in no need of affirming that the authors themselves sought an intentional relationship with each other. To talk about traditions in this classifying sense simply means to make a post hoc statement, a statement made once a continuity of motifs, ideas and topoi has been (or has believed to have been) detected (Assmann 1999:63). In contrast to what Assmann (1999:63) calls an 'emphatic concept of tradition' (to which I shall return in my case study), the impact of a classifying concept of tradition is per se of limited range and of a non-obligatory or non-compulsory nature, it stands for an retrospective observation and leaves the normative, the binding and the future-related aspects out of sight. This non-obligatory and non-compulsory nature of a classification or 'ordering' — no matter how arbitrary or unnecessary it

may appear to be — can, however, become just the opposite when fixed as ‘traditionalism’ (Duelke 1998:232–5, 243–9; Babadzan 2000).

3. This traditional paradigm for Aboriginal Australia still retains a certain currency (Kolig 1995:50–9, 2000; Swain 1993), even if the perspectives and approaches have shifted. In other contexts, Burke (1990), Ricœur (1995, 1988) and others have pointed to the general epistemological and methodological weak points of this thesis. Gellner concisely summarises his critique as follows: ‘But how on earth can one say, almost in the same breath, that one does not know anything about the past of an illiterate tribal society (there being no records), *and* that one knows it to have been the same in the past as it is in the present?’ (1987:115).
4. Referring to Koselleck’s (1992) conceptual framework which is based on the fundamental polarity between ‘experiential space’ (*Erfahrungsraum*) and ‘expectation horizon’ (*Erwartungshorizont*), Ricœur (1995:3, my emphasis added) points out, “‘Experiential space’ implies *the totality* of what is inherited from the past, its sedimentary traces constituting as it were the soil in which desires, fears, predictions and projects take root — in short, every kind of anticipation which projects us into the future. But there is no experiential space except one, diametrically opposed to an expectation horizon, and the expectation horizon is irreducible to the experiential space: the dialectic between these two poles ensures the dynamic nature of historical consciousness.’
5. On the more general aspects of the relation between events and notions of space, see de Certeau (1988; cf. Benjamin 1991a:133–78).
6. People gave expression to these connections, for example, by negotiating the rights to recount (or paint) certain land-related myths, by recalling dream-travels and the memories of the ‘olden times’ when the ‘old people were still on their own land’, by presenting themselves as acknowledged traditional land owners under the NTLRA, and by the oft-stated desire to return and to set up an outstation on their own land.
7. From the perspective of the Original Owners these entitlements were certainly limited to rights of residence, not ownership. In October 1996 the legal title of the Mission land was handed over to a land trust of 27 trustees, two of whom belonged to the Original Owners. Mission people had had intensive discussions amongst themselves and with the Original Owners which lasted up until the very day the title was due to be transferred. They decided to pursue title for a twelve-year lease — and not the freehold title as originally planned. By postponing the final decision regarding the freehold title, Mission people and Original Owners hoped to gain more time in order to seek adequate alternatives.
8. Elsewhere, in a comparison of the Mission with the Home Community, I have shown that the normative and meaning-generating ‘functions’ of the kinship system equally open the door to the possibility that it is as

disordered as it is ordered; in other words and depending on the context, it opens up a multiplicity of orders not all that neatly or 'stably' articulated (Duelke 1998:130–40, 248).

9. It goes without saying that a 'culture of remembering' is inevitably linked to an equally selective 'culture of forgetting', the latter being a universal phenomenon which, in a different context, Barnes (1947:49, 52) once referred to as 'structural [!] amnesia'. However, Barnes also made clear that it is the ascription of social importance and contextual relevance which is decisive when selections are made, i.e., when it comes to determine which parts of the cultural 'repertoire' are given priority to either remain in, to enter or to vanish from 'collective memory' (see Sansom 1985 for further North Australian examples; for more detailed theoretical considerations see Assmann 1992; Duelke 1998:232–6; Halbwachs 1985; and Scharfe 1991).
10. It seems worthwhile to cite the relevant passages in more detail: 'Tradition...cannot be inherited, and if you want it you must obtain it by great labour. It involves, in the first place, the historical sense...and the historical sense involves a perception, not only of the pastness of the past, but of its presence...This historical sense...is a sense of the timeless as well as of the temporal and of the timeless and of the temporal together...The existing monuments form an ideal order among themselves, which is modified by the introduction of the new (the really new)...The existing order is complete before the new work arrives; for order to persist after the supervention of novelty, the *whole* existing order must be, if ever so slightly, altered; and so the relations, proportions, values of each work...toward the whole are readjusted; and this is the conformity between the old and the new' (Eliot 1965:22).

15. Gurindji mode of historical practice

Minoru Hokari

What is Aboriginal history? We academic historians who work in the Western-modern and potentially colonial institution cannot avoid facing this question. Indeed, the very concept of ‘Aboriginal history’ seems to be of Western origin. Bain Attwood (1989) argued that ‘Aborigine’ is an historical product of the Western consciousness. The term ‘history’ itself is normally based on the Western linear notion of time (Young 1990). Therefore, the following questions have arisen: Can non-Aboriginal settlers understand and write Aboriginal peoples’ histories? Who owns Aboriginal history? How can academic historians collaborate with Aboriginal historians?

Drawing upon field research between 1997 and 1999 with the Gurindji of Daguragu in the Northern Territory, I explore the Gurindji way of historical practice. This practice is one centred in storytelling involving both place and self and is contextualised in terms of Gurindji ontology and cosmology. After learning what ‘history’ is like from the Gurindji, I realised a need to demonstrate the difference or ‘gap’ between academic and Gurindji historical practices. However, my purpose is not to dichotomise ‘our history’ and ‘their history’. Instead, my goal is to set up a dialogue and negotiation between two historical practices in order to share ways of constructing the past.

Body: Paying attention to the history

Let us start with how to use one’s body to practise Gurindji history. Gurindji, especially the Elders, often sit on the ground and do nothing for a long time. I *thought* that they were doing nothing. If there is no ceremony or urgent meeting, they will often spend all day apparently doing nothing. It took me a while to realise that they were actually ‘seeing’, ‘listening’, and ‘feeling’. If you want to know what is happening

in this world, you should stay still and pay attention to the world. Be aware of what is happening around you. Do not make your own ‘noise’ which often fogs your senses.

The idea I learned was: do not use your body and senses to look for something. Instead, something comes to you if you are quiet enough to take notice. I usually try to understand the world by asking and searching. However, Gurindji demonstrated to me how to know the world by simply being still and paying attention. The art of knowing is not always the way of searching, but often the way of paying attention (Rose 1999). In fact, paying attention to the world happens even more strongly while moving around the country. Gurindji listen and see very carefully and tell each other what is happening around them while they are moving. They see and listen, then report and share their findings with each other. Your body is the essential medium to know the world. It does not matter if you are sitting, standing, or moving.

Paying attention is also essential when the Gurindji practise their history. Paying attention to the world means not only knowing what is happening, but also remembering what happened here and there. They do not search for history as academic historians do. Instead, they *pay attention* to their history. When I say take notice of the history around you, I am not mystifying or romanticising the Gurindji way of historical practice. For the Gurindji, history is not a subject that you ‘choose’ to learn. Instead, history is happening everywhere in their everyday life. For instance, you drive a car to visit your family in another community and see that hill, and you remember (or you hear the Elder’s teachings or discussion) that Aborigines were killed there by whitefellas in the early days. You are fishing in this waterhole and you remember (or are told) that this old man’s father dived underwater here and asked the rainbow snake to make a big rain. That’s how old Wave Hill Station was washed away. History should be listened to, seen, and felt around yourself in your everyday life. History is something your body can sense, remember, and practise.

For the Gurindji, all bodies, objects and landscapes contain memories. Therefore, historical practice should not be only words, but also visual expression. The body is essential for practising Gurindji history. You see the history. You listen to the history. Your body senses and feels the history. You use your body by listening, seeing, visiting, performing, sharing, sitting, moving, and interacting. The Gurindji historians demonstrated to me that historical practice is, at least partly, a bodily work. It is a lived experience.

The world: History of maintenance

According to the Gurindji, the world is full of life. There are many living beings, especially in the bush. Apart from plants and animals, there are, for example, *kaya* (ghosts) living in the cave that come out at night and kill you and steal the meat from your campsite. *Mungamunga* in the bush and *karrkan* in the water are both beautiful women who seduce men and sleep with them. As I will discuss soon, Dreaming or Ancestral Beings are all alive in the world too. They include stones, hills, rivers, waterholes, and rainbows, as well as animals, insects, and plants (Rose 1996:23–33).

When one of the elderly men in Daguragu (who passed away in 2001 and who I would not name here) said that everything comes from the earth, I understood that everything was created and has been maintained by the earth. The earth or, in a sense, ‘place’ is neither a conceptual nor non-organic space in which every being exists and lives. Instead, place is the origin, cause, and reason of every life and its existence. To describe this, this old man often used the following five different words: Earth, Dreaming, Law, ‘Right Way’, and History.

At first glance, these words seem to explain the sequence of the world’s creation: ‘Earth’ was there first. Then, ‘Dreaming’ came out to shape the place and other beings. Dreaming also made the ‘Law’ for this created world so that we can maintain it by following and practising the Law. Instead of Law, this man sometimes uses the word ‘Right Way’ referring to the Dreaming track as well as ethical behaviour. Eventually, this became the ‘History’ of the world. However, his teaching was not really as simple as this, because Earth, Dreaming, Law, ‘Right Way’, and History are also interchangeable to one another. For instance, when Dreaming shaped that hill and made Law, the hill became the Law itself. In general, the landscape is not just the product of Dreaming, but is itself Dreaming. In the same way, Dreaming did not just create the Law — Dreaming is the Law. Logically, since Dreaming itself is Law, a place becomes the Law as well.

At this point, I would like to remind you of another of his terms; ‘Right Way’. Using this word, he taught us it was an issue of morality. ‘Right Way’ is a geographical Dreaming track *as well* as an ethical behaviour. In Gurindji philosophy, I understand that the ‘Right Way’ or morality does not include the physical/metaphysical separation. ‘Right Way’ is a geographical landscape as well as human behaviour. Morality is spatial as well as behavioural. The Earth, Dreaming, and Law are

identical because all of these have the same essential quality, namely, the 'Right Way' or the morality of the world (Hokari 2002).

Dreaming story tells you not only about the origin of the world, but also how the world has been maintained. The world has been moral because Dreaming came out of the Earth not only for creating but also for maintaining the world. This is because Dreaming teaches us how to look after this created world. Moral behaviour is an attitude which contributes to sustaining the world. Ritual practice is a typical example. Visiting your country and communicating with your country or ancestral beings is also an important practice for maintaining the world. This is the 'History' of the moral world. This is history because this is how the world has been maintained. Landscape is history because it contains visible memories and evidence that the world has been maintained. The Gurindji are also part of moral history because they hold their memories of world's creation, thus, they are the evidence that the world has been maintained. Earth, Dreaming, 'Right Way', and Law are the origin of the world and the History of maintaining the world.

Movement: Its function and ethics

When I was at Daguragu, I was amazed by how frequently members of the community moved. Some were away for a couple of weeks visiting their relatives, some had gone to Darwin and nobody knew if they would ever come back. Even staying in the community, people love to go bush, hunting, fishing, swimming, or even just moving around their country. It is of no doubt that Gurindji were, and in many aspects still are, 'nomadic'. But do we know why? Anthropologists used to explain Aboriginal mobility by economic necessity. A hunting and gathering economy is possible only by constantly moving your camping sites (Rose 1987; Yengoyan 1968). However, such an explanation is meaningless to the contemporary Aboriginal mobility because today you can access enough food within the community.

In fact, the real question here is not the purpose of their movement, but the process. Our question 'why are they nomadic?' cannot be answered only by asking 'why do they move?' Instead, the real question should be 'how do they move?' For a while, I thought Gurindji liked travelling as many of us do too. However, I realised that their movement is normally not travel at all. Their mobility is not for getting out of their home, but interestingly enough, for living in their 'home'. For Gurindji, 'home' is not a small box called 'house'. Gurindji use their house almost

like a storeroom. They keep their rifle, boomerang and few other valuable things in the house, but they spend most of their time outside. Continuing with this analogy, the outside of a house within the community is a kind of 'living room' in which you can eat, play, talk, and sleep.

If a house is a 'store room' and the community is a 'living room', what is 'home' for the Gurindji people? By 'home', I mean a place one lives with one's family offering security and happiness. At this stage, I understand that their home is their country itself. There are so many other 'rooms' you should visit and stay such as 'fishing rooms', 'bush plum rooms', or 'ceremonial rooms', and so on. Therefore, they naturally move around their country because they do not want to stay only in the storeroom and living room all the time. Here, for the time being, the answer is given: the Gurindji are 'nomadic' not because they are travellers by nature, but because their 'home' is a lot bigger than settlers' small boxes or houses. However, we also should not forget that the world is alive and full of life in the Gurindji country. That being said, the relationship between you and your 'home' cannot be like that between owners and their private property. You are not the owner of your 'home', but a part of it.

This is the key to understanding the meaning of the Gurindji people's movement. I have already mentioned that morality in the Gurindji cosmology is related to the way the world is maintained. Ritual practice as well as visiting one's country and communicating with Ancestral Beings are fundamental activities enacted to sustain the world. Therefore, this is moral behaviour. I would like to emphasise here that such moral behaviour is not possible without movement. In short, mobility is simply essential for the people as well as for the Dreaming to maintain the world.

As the Dreaming has maintained people through its movement, people maintain their Dreaming through their movement as well. You should maintain the world through your 'ethical movement' as Dreaming does to you as well. Such 'ethics of spatial movement' are not only in ritual practice, but are applied in everyday activities as well. It is your movement that connects you and the world, and its moral history. Movement is the origin of the world, the history of the world, and the morality of the world. After all, it does not always matter what the purpose of one's movement is. Rather, the process (i.e. movement itself) is the reason why they are 'nomadic'.

Knowledge: The Gurindji epistemology

The idea that mobility is the essence of maintaining the world also means that you do not have a 'central place' in the world. One of the reasons you have to move around your country is that Dreaming sites are scattered all over the country. There is no 'central sacred site' through which you can maintain the whole country. There is no 'central ceremonial place' where you can 're-charge' the entire world. Therefore, ceremonies should be shared and exchanged between different places.

As anthropological works show, sacred sites are the points that connect Dreaming beings' movements. Dreaming tracks are the lines which connect the countries and peoples rather than divide them (Rose 1996:35–47; Strehlow 1970:129). Therefore, movement becomes a fundamental function since the Gurindji cosmology is based on the networking among many sites, countries, and people without a concept of 'the centre'. The world has been maintained through the web of connection between Dreaming Beings, peoples, and their countries and ceremonies.

This view of the Gurindji cosmology leads us to the unique positioning of your 'self' in the world. In short, 'self' becomes remarkably relationalised. This happens at least on two different levels. First of all, your 'self' as a living human cannot be the centre of the world. As already discussed, the Dreaming or ancestral being is as alive as living human beings. Your existence relies on the Dreaming activities, and vice versa. Therefore, your 'self' is not a control agency of the world. Instead, human activities are relationalised by the Dreaming activities. A living person cannot claim him/herself as a central figure of the world. Secondly, your country cannot be the centre among other peoples and countries. Because Dreaming sites and tracks are always connected with other peoples and countries, the existence of your 'self' and country is guaranteed only by the interaction with other peoples and their countries. Therefore, you cannot maintain your country by yourself, but only through the connection with other peoples and their countries. To sum up, there is no being which can be the centre of the living world. And, there is no country which can be the centre of all countries. In other words, your 'self' finds its position in the web of connection: the connection with other beings, and other countries.

As your 'self' is relationalised through the web of connection, knowledge is also relationalised. There is no place where and no person

who generates the authentic knowledge spreading it out like radiation from one place to all places. Instead, in the Gurindji information system, knowledge happens anywhere and mobility brings it to everywhere in all directions.

This information system creates a particular manner of maintaining Gurindji knowledge. Because there is no authentic centre that guarantees the validity of the information, the knowledge naturally creates many variations through the process of networking. It is quite normal that the different stories which contradict each other do not conflict, but simply coexist. Information of different variations is preferred, pooled and maintained as a bundle of possibilities without judgment. It is an open system because wherever stories come from, whomever stories are brought by, they are regarded equally and pooled without urgent judgment. The Gurindji knowledge system is not only open but also flexible. It is a flexible system because one chooses a story from the pooled possibilities according to the context of one's story-tellings. One chooses one of the stories that suit the context. Knowledge or pooled stories are always chosen and used according to the story-telling context.

What is Gurindji historical practice?

History is happening all over the country so that mobility is essential to access history physically. Furthermore, mobility creates the unique relationship between your 'self' and the world. You find your 'self' in relation to the web of connection: connection with other beings, other countries, and other community members. Naturally, your historical practice becomes relationalised into the web of connection as well. You are not the central figure of a practising history. Nor can you practise the history by yourself. Instead, your historical practice must 'connect' to the places, Dreaming, countries, and people. Historical practice can be possible only through the interaction between the living world and yourself.

Gurindji maintain their historical knowledge based on its multiplicity. It is natural and preferable to maintain many different versions of a certain event. As a storyteller you choose the story from the pooled knowledge according to the context of where, what, and who you are relating to and what you are trying to express. However, at another level, you can also say that every historical narrative is a new version of the event because your positioning in the networking world is never

the same. You are a part of the web of connection, and your mobility always brings you to a new position in this web. Therefore, places and your body connect each other and create histories every time differently in particular contexts. This process means that history is always situated.

Gurindji history does not have an authentic textbook that anyone can access equally in any time or in any place. Instead, Gurindji history happens to particular people, in particular places, at specific times. At the same time, this situated history has been happening repeatedly to anyone, anywhere, at any time. In other words, historical knowledge has been created, and is maintained through the web of connection among the people, Dreaming beings, and their countries.

‘Doubled consciousness’ and cross-cultural communication

It is important to acknowledge the ‘gap’ between the academic mode of history and what I have explored here as the Gurindji/Aboriginal mode of history. We should not ignore this gap and pretend that we all can share ‘history’ without much trouble. However, acknowledging the gap should not be the end of the story but a starting point to communicate across the gap. Here, what Dipesh Chakrabarty (2000:240, 254–5) calls ‘doubled consciousness’ is highly suggestive. Even though Gurindji body/place-oriented historical practice is quite a contrast to academic historical disciplines, academic historians also live their everyday lives away from their academic consciousness. It is not too difficult to realise that we all do experience history in our bodies and places without the academic discipline in our everyday lives. In other words, what Gurindji historians are doing in their country is not necessarily unfamiliar for the rest of the people. The gap is unavoidably there, but we can still understand and communicate with each other once we academic historians become humble enough to accept we cannot dominate ‘history’ happening all over the world.

Acknowledgements

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16. Culture, change and the ambiguous resonance of tradition in Central Cape York Peninsula

Benjamin Richard Smith

An emphasis on formal continuity and the separability of Indigenous and non-Indigenous existence have remained key features in Aboriginal Australian studies throughout the past century. From early anthropological endeavours to study groups ‘untouched by the lethal influences of civilisation’ (Sharp 1939:254), a distinct notion of Aboriginality — marked by the continuity of ‘tradition’ — has remained at the heart of the anthropological project in Australia.¹ Nonetheless, as Sahlins (1999:xi) noted, ‘[p]aradoxically, almost all the “traditional” cultures studied by anthropologists, and so described, were in fact neotraditional, already changed by Western expansion’.

This emphasis on Aboriginal tradition has been compounded by the requirements of claims under the *Native Title Act 1993*. Although the Native Title era has seen an intense period of research with Aboriginal groups, it has maintained a focus on distinct Indigenous ‘traditions’, limiting anthropological engagement with contemporary Aboriginal life and the forms of change apparent in past accounts. However, some anthropologists have sought to acknowledge such shifts in cultural production and to challenge untenable definitions of Aboriginal tradition. A recent example is provided by Merlan’s (1998) work on the Katherine region, based partly on work for land claims, which critiques the separation of Indigenous cultural production from the profoundly intercultural contexts of contemporary Aboriginal existence, and the reification of Aboriginal knowledge and practice in anthropological accounts.

Merlan’s (1998:151) critique shifted ethnographic emphasis towards the articulation of Indigenous cultural production with originally exogenous forms, including the ‘increasingly imitative rather than

overtly coercive relationship between Aborigines and the nation-state'. Such adjustment highlights increasingly interwoven Indigenous and non-Indigenous life-worlds, in turn raising questions about notions of 'interculturalism' which posit the production of a shared ground between separable cultures.

Elsewhere, however, both applied and academic anthropology remain marked by notions of fundamental difference. Even where the articulation of Aboriginal and 'mainstream' socio-cultural fields is noted, it is typically described in terms of an 'interface', suggesting a small overlap of otherwise separable realms. It is also clear that many who see themselves as working at this interface expect Aboriginal peoples to remain traditional beyond it, and demonstrate this traditionality in their engagement with outsiders, for example during land claim hearings. All researchers of Aboriginal peoples, including anthropologists, have a responsibility, both as academics and in our practical obligations to Aboriginal peoples and wider Australian society, to move beyond our own traditional biases and analyse the more complex forms of articulation apparent across the continent.

One aspect of such articulation might be to analyse both its 'intercultural' and 'interethnic' dimensions, where the former identifies the articulation between different systems of value and meaning which provide the basis for social action, and the latter identifies those processes in which interaction is based on the explicit designation of 'Aboriginal' and 'non-Aboriginal' identities, archetypically in the interaction between Aboriginal peoples and the state (cf. Smith 2003b).

The emergence of the interethnic domain

Aboriginal existence has seen a developing relationship between Aboriginal and non-Indigenous life-worlds, both locally and in wider registers, and the emergence of new socio-cultural forms through their complex articulation. Across northern Australia, anthropologists have noted the maintenance of separate 'domains' as key aspect of this relationship. Von Sturmer's (1984:219) definition of the Aboriginal domain notes its occurrence in areas

in which the dominant social life or culture is Aboriginal, where the system of knowledge is Aboriginal, where the major language is Aboriginal; in short where the resident Aboriginal population constitutes the public.

Von Sturmer's distinction of Aboriginal and European domains based in 'attitudes and policies' inherent in colonial Australia is similar, although not identical, to that provided by Trigger (e.g. 1986) for Doomadgee, where the 'operation of the Blackfella domain' is a method of restricting 'the administrative intrusiveness and perpetual attitudinal ethnocentrism of Australian society', enabling Aborigines at Doomadgee 'to retain some autonomy'. Trigger's (1986:99) conceptualisation of domain emphasised exclusionary social closure as a form of Aboriginal resistance, designating the Blackfella domain as 'an arena of social life with a number of dimensions: physical space, sphere of thought, and style of behaviour'.

Similar black and white domains were apparent in Coen, the main township of central Cape York Peninsula from the late nineteenth century onwards. To some degree they continue within the township (and its hinterland) into the present. However, a set of factors have emerged indicating the development of a co-existent 'interethnic domain' that has emerged between previous forms of (ethnically-based) social closure. To follow von Sturmer, the interethnic domain is apparent where the dominant social life or culture has resulted from the intercultural articulation of Aboriginal and non-Indigenous society and culture, where a particular system of knowledge has emerged from this interaction (in particular, one centred on the negotiation of administrative schema), where the major language of this domain is similarly the result of a shared history (albeit a history of distinction), and where the resident Aboriginal and non-Aboriginal population together constitute some form of public.

This domain is more than an interface. Where Indigenous and non-Indigenous domains have experienced a complex but intense interaction for over a century, the resulting interethnic forms affect and even constitute many of the contexts within which the peoples of the region now interact. The interethnic domain is not singular or homogenous in its constitution. Rather, it appears in a wide range of social settings, and bears a complex relationship to the differently structured intensification of the intercultural. The emergence of interethnicity does not, of course, necessarily indicate that inequities between Aboriginal and non-Aboriginal peoples have been addressed. In fact the interethnic domain commonly continues to demonstrate the hegemonic domination of Indigenous cultural forms by the 'mainstream'.² Nonetheless, it also marks a shift to a post-colonial articulation in which Aborigines are able to assert some measure of control

and self-identity over their own lives, however transformed, within the social order in which they have been encapsulated.

The combined social exclusion and social control of most Aborigines [and the creation of an exempt 'coloured' class; Rigsby (1989)] through the operation in Queensland of the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* and its amendments created a tripartite social division in the region during the colonial era. Despite conjoint involvement in the region's pastoral industry, this division continued until the re-amalgamation of 'coloured' and Aboriginal populations in the early 1970s, following the repeal of the 1897 Act, which Coen people still refer to as 'the freedom'. The eventual introduction of land rights, self-determination policies and the development of the Coen Regional Aboriginal Corporation provided Coen Murriss with a greater degree of political and economic power. Both of these phases underlie the emergence of the contemporary interethnic domain, as does the involvement of extra-local organisations ranging from the Cape York Land Council to government departments, in particular through the availability of resources and funding.

Although the emergent post-colonial era has led to a renaissance in Aboriginal practice, the apparently traditional foundation of this renaissance in central Cape York Peninsula is more complex than might be initially presumed. The shift towards the establishment of outstations on 'traditional country' and Aboriginal involvement in claims over 'traditional land', for example, mask the profoundly interethnic and intercultural underpinnings of these phenomena. Turning to three aspects of Aboriginal life across the region — pastoralism, language-named groups and the outstation movement — the complexities of 'tradition' and 'change', and the profound interweaving of originally Indigenous and exogamous forms in contemporary Indigenous existence become more apparent.

Pastoralism

Pastoralism is more than a historical aspect of Aboriginal existence or something that tradition has had to find ways to work through and around. Rather, pastoralism has become a key aspect of Aboriginal tradition (Smith 2002). There has been, in Dave Martin's words, a 'syncretic interpenetration' of the originally Aboriginal and the non-Indigenous within and through pastoralism (Chase et al. 1998:56–63). The ongoing nature of this syncretic process is apparent in the

continuing burning of country, the importance of the notion of 'boundaries' in relation to station areas and fence lines, and the importance of cattle in local systems of resource ownership embedded within traditional ownership of country (Smith 2000a, 2002). Pastoralism, rather than hunting and gathering, has become the key economic mode and the foundation for the lived experience of the regional landscape among the senior generations of Aboriginal families across the region (Smith 2002).

The older people of the region bemoan the loss of pastoral knowledge and skills among younger people in much the same way as, in other contexts, forms of culture loss and culture change around ritual knowledge have been lamented. In both cases, older people's perceptions of the best way in which to rejuvenate the local socio-cultural system and stem local social malaise focus on the regeneration of such systems of traditional knowledge and practice.

Of course, despite the importance of pastoralism, the socio-cultural heritage of a hunter-gatherer society remains apparent in the lives of Aboriginal peoples across the region. This heritage similarly provided the basis for Aboriginal incorporation of pastoralism into Aboriginal life (Smith 2000a, 2002; Sutton 2001).

Beyond these intercultural dimensions of the importance of pastoralism for Aborigines, the creation and control of an Aboriginal labour force, through legislation and local administration, lies at the heart of the particular historical trajectory apparent in Indigenous (and non-Indigenous) identities across the region and their contemporary opposition in interethnic processes. Thus, despite the syncretic intensification of the intercultural in Aboriginal experience, the pastoral history of the region has simultaneously intensified the definition of distinct ethnic identities and provoked their oppositional articulation (Smith 2003b).

Language-named groups

The emergence of language-named groups or 'tribes' has been discussed at some length for the central Cape York region (Chase et al. 1998; Rigsby 1995; Smith 2000b). It has become clear to contemporary anthropologists that tribe, in the sense of a homogenous social unit based in a shared language, is a notion alien to classical Aboriginal social organisation in this region and probably across the whole of Australia. Nonetheless, at a time when such views were gaining greater currency,

the notion of tribe has been taken up and asserted as a key social and territorial concept by Aboriginal peoples. Aboriginal people in central Cape York Peninsula commonly refer to themselves as 'tribal people' and members of a tribe named after a regional language variety. Language-named groups are commonly those by which Native Title rights are asserted and thus appear as a key aspect of Aboriginal tradition in relationships with the nation-state.

Closer examination makes it apparent that these language-named groups are more complex entities than the term tribe suggests. They commonly do not include all people affiliated to a particular language, and may often include people affiliating to other languages. Whilst the notion of tribe has some resonance with classical ideas of territoriality, including the association of language with country, the ongoing definition of tribes among Aboriginal peoples in central Cape York Peninsula is clearly embedded in social process. They are 'time bound aggregations' (Merlan 1998:129–30) acting as 'one mob for land' (Hafner 1995). The places where such mobs manifest are, again, typically within the interethnic domain,³ for instance in land claims, or in the selection of directors for the Coen Regional Aboriginal Corporation. In the central Cape York region, the originally European notion of tribe as a land-holding unit has been taken up as a form of shorthand for coalescence and self-identification by a group of people holding conjoint interests in sub-regional areas based on a background of close kin and sub-regional ties, particularly where articulation between Aboriginal peoples and the state demands the definition of groups of Aboriginal stakeholders.

Outstations

Outstations are commonly seen as the result of a move back to traditional country and a return to more traditional forms of social and territorial organisation. The truth is more complex and again demonstrates the ambiguous ways in which 'tradition' resonates in the central Cape York region, and particularly its importance as a locus for interethnic articulation (Smith 2000a). Outstations in the region are often founded on the site of former European camps or homesteads, or are cattle stations purchased for Aboriginal groups (Smith 2002). But it is not only the sites of outstations and their economic associations that have a profoundly intercultural and interethnic background. Key to the

establishment of outstations across the Coen region are a series of focal men and women, whose prominence as 'bosses' is underlined by the use of their names to refer to the outstation for which they provide the focus. The same men and women are often directors for their tribe at the local Aboriginal Corporation, which acts as an umbrella organisation for outstation development.

Some of these focal men and women are senior members of those families who were *de jure* or *de facto* exempt from the 1897 Act — that is those families who for many years were identified as 'coloured' rather than Aboriginal and lived at a remove from the town's Aboriginal domain. Often it has been these families which have produced individuals with the greatest ability to articulate their interests and aspirations within the interethnic domain, notably through the local and regional Aboriginal organisations and government agencies. With the repeal of the Act and its amendments and the re-amalgamation of the 'coloured' and Aboriginal families, these men and women have risen to prominence as leaders, in part through their European education and brokerage skills.

This is clearly at odds with the situation described by Howard (1978), who has written of 'leaders' as being fundamentally differentiated from 'brokers', the latter being socially peripheral within the Aboriginal domain. In central Cape York it has been these men and women who have risen to key positions within the recent era of decentralisation, a clear illustration of the importance of the interethnic domain for the region's Aboriginal population. This is not simply to say that there has been a simple shift away from 'classical'⁴ or 'traditional' modes of Aboriginal cultural production in the region, and towards more 'inter-cultural' modes. Focal men and women (the majority are men), through their capture and control of key sites, vehicles and other resources, bear clear comparisons with the prominent focal men or bosses described for the classical system of western Cape York Peninsula described by von Sturmer (1978). The interethnic domain is interwoven with continuities in Aboriginal cultural production, as well as the complexities of intercultural articulation. Instead of 'tradition' and 'change', a model of historicised cultural production that demonstrates the inseparable nature of 'traditional life' and 'culture change' and the interweaving of Indigenous and non-Indigenous life-worlds better serves contemporary socio-cultural analysis.

The ambiguous resonance of tradition

What Merlan (1998:151) identified as an ‘increasingly imitative’ relationship between Aborigines and the nation-state includes expectations of autonomous Aboriginal cultural production, separate from the forms of agency, culture and society that ‘previously sought to encompass or displace it’. Such expectations are evident in the process of determining Native Title rights and interests. Interestingly, Aboriginal peoples in central Cape York have become increasingly uncomfortable with the Native Title process, a dissatisfaction which, I consider, relates to the issues I have raised in this chapter and to a point stressed by Pearson (1997) — that Native Title is in no sense identical to Aboriginal law. The ‘recognition space’ of Native Title (Mantziaris and Martin 2000; Pearson 1997; Strelein 2001) admits only what elements of Aboriginal law, cultural production and resulting property rights it is prepared to recognise within a legal domain dominated by non-Aboriginal interests.⁵

The recognition space is an interethnic space and indicates that the mimetic process (Merlan 1998) that marks contemporary cultural production involving Aborigines is in some sense ‘two-way’, but is nonetheless a process that remains riddled with mistranslation and which continues to manifest a hegemonic relationship between ‘mainstream’ law and extant Indigenous legal systems. Notions of tradition are key to how the Native Title recognition space is constituted through a developing body of determinations and appeals (Strelein 2001:99). The growing realisation among Aboriginal people that this recognition is at odds with their continuing law and the rights many hold to be founded within it is at the root of much dissatisfaction, a discrepancy founded in the difference between ongoing, historicised Aboriginal cultural production and a notion of tradition that continues to generate a benchmark of ‘classical’ stasis and degrees of acceptable deviation resulting from the ‘tide of history’.⁶ It is clear that a historicised approach to cultural production demands the rethinking of popular, anthropological and legal understandings of ‘tradition’, including those presented in Native Title claims, but despite considerable engagement with culture change, many anthropologists continue to reify difference and provide transcendent accounts of meaning and action based in ‘classical’ Aboriginal cultural forms.

It might be useful to frame exegesis on traditions — including the notion of tradition itself — as ideational artefacts, each of which acts as a locus within social relationships. Both Aboriginal and non-Aboriginal

peoples produce tradition as an artefact, although the meanings which they attach to it are often different, but the space of assertions of tradition is typically the articulation of ideas about Aboriginality within the interethnic domain. Such artefacts are 'representations or views of culture', rather than 'concepts of culture', which 'are often highly stereotyped' and which 'relate to current knowledge and practice [only] in indirect and complex ways' (Rigsby 2001:6). As Rigsby suggested such representations are an important focus for anthropological analysis, but perhaps not so useful as an analytic tool.

This relates to the question of anthropological accounts of tradition in Native Title claims.⁷ As Maddock (1989) noted, the work of anthropologists in land claims often seeks to meet the requirements of the relevant legislation rather than develop a nuanced ethnographic portrayal of contemporary Aboriginal culture. However, it seems to me that in order to meet the requirements of anthropological objectivity or analytic rigour, and in creating artefacts such as connection reports which may serve as a key representation of Aboriginal connections to land for years to come, anthropologists must seek to deal as best they can with the issues of change and cultural production within the milieu of land claims. To do otherwise would be to fail in our duty to our clients, our profession and to increase the likelihood of future failure of recognition of continuing Aboriginal cultural production sufficient to meet legislative demands.

The concept of tradition is already embedded in Native Title through legislation and precedent (Strelein 2001), and we must meet the analytic challenge of demonstrating continuities of connection under traditional Aboriginal law and custom in connection materials and evidence. However, this must be based in a more general anthropological engagement with the concept of tradition and its relation to continuing Aboriginal cultural production. As elsewhere, the ambiguous resonance of tradition in Native Title processes is generated through ongoing differences between European-Australian understandings of tradition based in fixity and stability and Aboriginal practice in which knowledge and law provide templates for the dynamic forms of Aboriginal existence (Smith 2003a). In the Native Title era it is vital that anthropology moves beyond reifying accounts of Aboriginal tradition and grasps and articulates more nuanced and complex understandings of Aboriginal cultural production — not least in relation to wider aspects of Australian society — both in academic and applied accounts. It is only by taking up this challenge that anthropology can be considered to be truly doing its job.

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This chapter has undergone considerable revision since the original conference, and is intended as a short summary of arguments I intend to develop elsewhere. I am grateful to Phillip Port, David Trigger, John von Sturmer, David Claudie and MS (a recently deceased Kaanju woman from the Wenlock River), for their comments on the original presentation and the issues raised, although (of course) the responsibility for the contents rests with me. As ever, I am indebted to the people of the Coen region for their continuing support of my research.

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Notes

1. Exceptions are found in the work of anthropologists and other academics, many supervised by A.P. Elkin, among 'part-Aborigines' in more settled areas of Australia, including Marie Reay, Ruth Fink, Malcolm Calley, Fay Gale and Diane Barwick. Gray (2000) has presented a useful discussion of such work. Jeremy Beckett, Ian Keen and Gaynor MacDonald have similarly directed considerable intellectual labour towards developing anthropological engagement with Aboriginal lives in 'settled' Australia, and others, including Jeff Collmann, Basil Samson and David Trigger, have expanded anthropological engagement with 'non-traditional' areas of anthropological interest in Australia, including missions and fringe camps.
2. As Kurtz (1996:104–5) noted, anthropological uses of the term 'hegemony' widely vary, and have strayed far from its conceptualisation by Gramsci. Here I follow the use of the concept by Carstens (1991:29fn as cited in Kurtz 1996:125–6), who uses the term to label 'the general direction given to any complex societal situation by the dominant or potentially dominant group. In hegemonic situations the values and will of one group permeate the whole society and lead the way for eventual domination'. For Carstens, hegemony is 'related to identifiable but different levels of directive and organising centers composed of cultural agents' (Kurtz 1996:126), a description that highlights the hegemonic and counter-hegemonic effects within the contemporary interethnic domain. I intend to discuss the relationship of hegemony and counter-hegemony with 'interethnicity' elsewhere.
3. They do, however, have strong interrelationships with other forms of social groupings evident in other aspects of Aboriginal life, past and present [e.g. 'classical' patrilineal clans, contemporary 'families' (cf. Sutton 1998) and households]. I discuss this interrelationship in greater detail elsewhere (see Smith 2000a).
4. Here I follow Sutton's (1998:60) use of 'classical' to designate 'cultural practices and social institutions...prevailing at the time of colonisation'.

5. As Strelein (2001:109–10) noted, Pearson, following McNeil, has more recently argued that Native Title must be recognised as a possessory title based in the presence of Aboriginal Australians at the time of annexation, and the relevance of Aboriginal law and custom is only for establishing relevant personnel and territory for any particular claim.
6. The reference, of course, is to Justice Olney's judgment on the Yorta Yorta people's native title claim, which itself draws on the language of Justice Brennan's judgment in the *Mabo* Number 2 judgment.
7. Rigsby (2001) has provided a nuanced account of the role of anthropologists, differentiated from the accounts of Aboriginal claimants, in assessing 'representations of culture'.

Publications from Conference presentations

AIATSIS negotiated with speakers at the AIATSIS Conference to select the presentations about the concept of tradition that would be rewritten as chapters for this book. However a number of organisers of sessions and presenters indicated a desire to publish their presentations elsewhere. For those readers who wish to trace the more extended discussions prompted by the Conference we provide this list of further published readings. AIATSIS has also undertaken to publish many other Conference 2001 presentations in digital format. These will be found on the AIATSIS website. At <http://www.aiatsis.gov.au/rsrch/conf2001/PAPERS/FullPublication.pdf>.

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