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WRITTEN PROOF: THE APPROPRIATION OF GENEALOGICAL RECORDS IN CONTEMPORARY ARRERENTE SOCIETY

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Abstract

For decades, anthropologists working in the Northern Territory have prepared written materials, including genealogies. These materials form evidence in land claim and native title proceedings, as well as the basis for standard research and consultation work of land council anthropologists. Increasingly, traditional owners and native title holders, aware of the significance attached to anthropological documents, are utilising genealogical material within negotiations over land ownership. This paper discusses the growing trend among the Arrernte in Central Australia to assert and attempt to validate connection to land through the use of genealogies. Over the past few years, there has been a notable increase in disputes over competing claims that purport to be 'proven' by reference to genealogical records. In incidents involving disputes over land ownership, genealogies are being used as a new form of objectified authority. The use of these materials raises many questions about the production, interpretation, ownership and application of genealogical information. This paper attempts to address some of the implications ensuing from the distribution of genealogical information in a modern context, drawing on field experience to highlight some of the complex dynamics and challenges that result. The views expressed in this paper are those of the authors and do not necessarily reflect the views of the Central Land Council.

INTRODUCTION

There has been considerable academic debate surrounding the complexities of Aboriginal land claims and connection to country in the Northern Territory and how these might be represented in legal processes.¹ There seems to be little discussion, however, on how these representations have been reappropriated by individuals and groups as a means to challenge land ownership. While a major part of Central Land Council's (CLC) role has been to represent traditional owners or native title holders in claims to land, it has increasingly transformed into one of assisting in the management and administration of the acquired land. This is a task that is constantly changed and shaped by the contemporary cultural environment. As land council anthropologists, part of this ongoing process requires the constant revision and updating of genealogies and records of traditional owners, to reflect contemporary group dynamics.

This paper aims to discuss the ways in which these processes are affected by the use of genealogies to establish, reinvent and reconfigure Arrernte relationships to country. As a broad overview, this will be achieved by firstly outlining the use of genealogies in anthropological practice followed by a brief discussion of Arrernte land tenure systems and the use of genealogies in the Arrernte context. The paper will then examine some of the issues relating to the use and distribution of genealogies and how this influences certain ways of asserting rights to land. A discussion of broader anthropological implications in regards to the use of genealogies to 'prove connection' to country will reveal the changes some of these documents have effected on Arrernte forms of authority. Finally, the long and short term implications this process has for anthropological practice will be considered.

This paper is designed to draw attention to some of the practical implications of distributing genealogical material. Given that genealogies are externally created artefacts being used as a new form of objectified authority, should their distribution be controlled or managed in order to lessen their impact on processes of negotiation amongst Arrernte people? Or are these documents merely a tool of negotiation relevant in modern Arrernte society? Ultimately, this paper seeks to address how effective interpretation of Arrernte decision-making can be achieved in an era where the use of modern documentation as a new form of authority is displacing long-established hierarchies based on traditional principles of seniority. The use of genealogies as a means of gaining access to resources raises ethical dilemmas for land council anthropologists. In many ways, it is hoped that this paper will generate further discussion about these complex issues.

THE USE OF GENEALOGIES IN ANTHROPOLOGICAL PRACTICE

The work of anthropologists employed by the CLC is constituted within the legal framework of the *Aboriginal Land Rights Act 1976* (NT) (ALRA) and the *Native Title Act 1993* (Cth) (NTA). The CLC is a statutory body established under the ALRA and is a Native Title Representative Body (NTRB) pursuant to the NTA. A major part of CLC's role is to represent traditional owners or native title holders' interests in land. It should be noted here that as land council anthropologists, we find ourselves in a relatively unique position, given the nature of our work. The CLC is distinctive in many respects when compared to independent researchers and other storage or research-oriented organisations, as consultations with traditional owners and native title holders about proposals relating to the use of their land occur on a routine basis.

Under the ALRA, traditional owners are described as 'a local *descent* group of Aboriginals' (emphasis added) and under the NTA 'Aboriginals who are *descended from* the original Arrernte inhabitants' (emphasis added). The very process of determining traditional ownership under Australian law assumes descent as the defining basis to claiming land and/or membership of a landowner group. Discussion of the broad and complex issues pertaining to ALRA and NTA definitions, however, is well beyond the scope of this paper. The point is raised

¹ See various authors in D Smith and J Finlayson, *Fighting over Country: Anthropological Perspectives*, Research Monograph, no. 12, Centre for Aboriginal Economic Policy Research, Australian National University, Canberra, 1997.

here merely to highlight the prominence that the legislation, and more specifically, the process of land claims and native title claims has given to genealogies as a respected form of evidence.

Genealogies are constructed representations of family relations, used in the context of CLC work to assist in the understanding of descent-based connections to country. Land council anthropologists dedicate a large amount of time to researching historical documents, accessing archives and consulting traditional owners in order to assemble as much information as possible to provide informed advice about the traditional ownership of any given area. This is required under the statutory functions of the CLC, and aims to ensure that people with legitimate rights are consulted to make decisions about their land. Genealogies are one of a number of sources used by anthropologists to understand relationships and affiliations to the relevant area they may be researching.

The genealogies presented in land claims and native title claims are a form of archival documentation that can be referred to during current research. These documents are representations of Aboriginal relationships, brought into existence for the purposes of the Australian legal system. This is not to say that family history and descent is not a crucial and intriguing aspect of life for Indigenous people; quite the contrary. Nor is it to say that family histories have not been recorded in some form prior to European contact.² It is, however, necessary to point out that genealogies exist in the form that they do (i.e. print literature)³ as a result of European engagement with Indigenous Australia. This raises several interesting questions about ownership of that information and issues of intellectual and cultural property. Although relevant to this discussion, a comprehensive synopsis of intellectual and cultural property rights is not possible here.

CLC Guidelines on the Distribution of Anthropological Information

CLC anthropologists continue to prepare genealogies for a variety of purposes.⁴ One such purpose is the increasing number of applications for copies of genealogies from CLC archives. In response to requests from CLC constituents, the extent and process of providing information has had to be addressed by the organisation, and a policy has been developed for the release of such material. CLC's policy recognises the particular difficulties faced by the organisation in dealing with the distribution of confidential materials.

An excerpt from CLC's Client Access to Anthropological Information Policy reads in part:

In accordance with Aboriginal law, rights in relation to certain information are held collectively and our obligations extend beyond the person providing the information. The CLC also recognises that ownership of information may be contested.

To this end, it is the policy of the CLC:

- *to the maximum extent practical, to ensure that collection and storage of information practices are consistent with traditional Aboriginal law and custom;*
- *where practicable, to obtain and follow the instructions of Aboriginal owners in relation to all information;*
- *to recognise that anthropological information in relation to a dynamic culture is necessarily fluid; and*
- *to respect the rights of Aboriginal information providers in relation to that information.*

The CLC recognises that Aboriginal people are increasingly using written records in

² For a comprehensive discussion about various forms of writing in Indigenous settings, see J Biddle, 'When not writing is writing', *Australian Aboriginal Studies Journal*, vol. 1, 1996, pp. 21-33.

³ A term used to describe literacy in English writing as opposed to other forms of literacy relevant to Indigenous Australians in J Biddle, 'When not writing is writing', *Australian Aboriginal Studies Journal*, vol. 1, 1996, pp. 21-33.

⁴ Other purposes include mining meetings, Indigenous Land Use Agreement (ILUA) negotiations and land management meetings, all of which require instructions from senior traditional owners/native title holders.

*order to store, recall, obtain, and transmit information, as well as to give authority to the information recorded.*⁵

This policy simultaneously acknowledges the fluidity of culture, respects the privacy of the information providers and upholds the rights of access, particularly relevant for contemporary constituents and members of the Stolen Generation seeking to re-connect with their families. Yet these positions are contradictory in many ways. The policy essentially confesses that there is no easy or definitive manner in which access to sensitive anthropological material can be granted that would be universally appealing or accepted.

It should be noted here that the CLC is an organisation bound by statutory obligations and working within prescribed definitions of traditional owners. In the course of conducting its work, the CLC records Aboriginal systems of land tenure. In the process of doing so, textual representations of an Aboriginal system at a particular moment in time are produced, which, in the future can transform that which it purports to represent. Providing access to these textual representations creates a paradox that is central to the thesis of this paper and to the role of CLC anthropologists.

This leads us to the dilemma of managing anthropological information collected from and on behalf of CLC constituents. As the AIATSIS' Draft Guidelines for Ethical Research in Indigenous Studies state, 'Indigenous peoples make significant contributions to research by providing knowledge, resources and access to data. These contributions should be acknowledged by providing access for Indigenous people to research results, and negotiating rights in the research at an early stage.'⁶ Within the policy guidelines of AIATSIS, it would appear unethical to withhold anthropological information collected from and on behalf of Indigenous constituents. Yet the context in which anthropological information is collected by the CLC is for the protection of rights and interests of traditional owners from external agencies such as mining companies, pastoralists and researchers. How this information is subsequently used and whether or not it is released can have serious implications for the exercise of native title rights and the management of Aboriginal land. Examples of these consequences will be given throughout this paper.

Moreover, it is impossible to release this information back into Indigenous communities without it being used in contexts for which it was not originally intended. The various 'contexts' referred to here for which genealogies are produced encompass important external factors, including the situation in which genealogical material is recorded, the reason the information was required and the people involved in providing that information.⁷ In a contemporary setting, this may involve different projects that require consultation and often result in the updating of genealogies. These updates may or may not be inclusive. For example, dealing with large sections of land in relation to mining meetings would result in the recording of a very different set of relations compared to a genealogy collected at the time of consulting on the protection of a sacred men's site. Similarly, discussing family connections across an entire land trust in reference to an Indigenous Ecological Knowledge (IEK) project may arrive at a different result than that which would be recorded during consultations concerning compensation for the use of an outstation water bore. The involvement or otherwise of particular individuals or branches of a family is dependent on a variety of factors, such as economic motivation, gender specifics or political challenges. The point is genealogical data varies depending on the circumstances or 'context' in which it is recorded.

⁵ Central Land Council, Central Land Council Policy and Guidelines for the Provision of and Access to Anthropological Information for CLC Clients, Central Land Council, 2008, Alice Springs.

⁶ Australian Institute of Aboriginal and Torres Strait Islander Studies, *Draft Guidelines for Ethical Research in Indigenous Studies*, Australian Institute for Aboriginal and Torres Strait Islander Studies, Canberra, 2010.

⁷ See K Palmer, 'Understanding another ethnography: The use of early texts in native title inquiries' in T Bauman, *Dilemma in Applied Anthropology in Australia*, research monograph, no. 1, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 2010.

THE PRODUCTION OF GENEALOGIES IN THE ARRERENTE CONTEXT

Documentation of Arrernte populations dates back to the nineteenth century. Carl Strehlow published genealogies in 1907,⁸ 1908⁹ and 1913.¹⁰ His son, T G H Strehlow collected extensive Arrernte genealogical information in the 1950s and 60s. Similarly, the Finke River Mission compiled genealogies during the 1970s in the lead up to the granting of Schedule 1 Aboriginal Land Trusts including Ntaria; Uruna; Roulpmaulpma; Rodna and Ltalaltuma.¹¹

The Strehlow Research Centre (SRC), since 1991, has been providing copies of genealogies to descendants identified on archival genealogies compiled by T G H Strehlow and Finke River Mission. Brett Galt-Smith, then Director of the SRC, described their particular experience of granting access to genealogical material as like ‘walking on eggshells’.¹² He recognises the degree to which SRC staff rely on Aboriginal custodians themselves to determine the rights of access and likens the potential risks in releasing materials that might be used in situations of conflict to ‘throwing a hand grenade into the Aboriginal community’.¹³ While CLC has similar responsibilities regarding the storage of archival anthropological information, CLC anthropologists continue to work with those named on the genealogies referenced by the SRC Director, and their descendants. The release of genealogical information therefore affects both organisations in considerably different ways. This will be discussed further in the section ‘Issues with the use and distribution of genealogies’.

Arrernte land tenure & decision-making

Arrernte land tenure is primarily based on systems of ‘estate’ groups. Social organisation has naturally transformed since European contact and as a result, land tenure has adapted to new circumstances. Influential features of this process include, but are by no means restricted to: population decline, the increased tendency to reside in fixed locations, growing numbers of children with one non-Aboriginal parent, and the decline in the status and power of men. Of importance, there has been a notable shift away from patri-descent as the basis for many land-holding groups, with a rise in the prevalence of cognatic descent as the dominant membership determinant.¹⁴

In current settings, each member of any Arrernte landholding group learns, holds and transmits a wide range of knowledge on Arrernte laws and customs, places, stories and ancestors connected to the group and its country. Such knowledge is learned throughout a person’s life when they are deemed ready by other, more senior members. Land-ownership and seniority is usually articulated through *tywerrenge* — knowledge of the dreaming stories, songs, ceremonies, possession of sacred objects and sacred designs that describe the country and places created by the ancestors of a landholding group.¹⁵ Within an estate group, recognition by the rest of the group is key to determining membership and seniority.

⁸ C Strehlow, *The Aranda and Loritja Tribes of Central Australia*, (translated by H Obersheidt, 1907), vol. 1, part 1, first published 1907, 1991 ed [trans of: Die Aranda- and Loritja-Stamme in Zentral Australien].

⁹ C Strehlow, *The Aranda and Loritja Tribes of Central Australia*, (translated by H Obersheidt, 1908), vol. 1, part 1, first published 1908, 1991 ed [trans of: Die Aranda- and Loritja-Stamme in Zentral Australien].

¹⁰ C Strehlow, *The Aranda and Loritja Tribes of Central Australia*, (translated by H Obersheidt, 1913), vol. 1, part 1, first published 1913, 1991 ed [trans of: Die Aranda- and Loritja-Stamme in Zentral Australien].

¹¹ CLC has copies of some of these genealogies in archive and where appropriate this information can be included in CLC-produced genealogies.

¹² B Galt-Smith, 'That's just the right way and there is nothing mysterious about that: De-mystifying the Strehlow Research Centre' paper presented at the 'Traditions in the midst of change' Strehlow Research Centre Conference, Alice Springs, 18-20 September 2002, p. 208.

¹³ Galt-Smith, above n 12, p. 208.

¹⁴ P Sutton, *Native title in Australia: An ethnographic perspective*, Cambridge University Press, Port Melbourne, 2003.

¹⁵ This is a simplistic and general overview of Arrernte land tenure for the purposes of this paper and is drawn from internal CLC reports.

By and large, decision-making is not the prerogative of one individual but of the wider group. At a typical meeting where CLC is seeking instructions from a land-owning group in the Arrernte region, the senior men sit together with their sons and other men. Senior women are seated off to one side, with other women and young children. Usually, this is an inclusive group drawing in not only direct descendants, but also people with other affiliations¹⁶ and knowledge of country. Often there are one or two articulate and assertive individuals who tend to dominate the meeting's discussion. Sometimes this occurs with the approval of senior men and women, where those individuals may have been asked to act as a spokesperson. Regardless of whether or not a descent connection exists, the group members considered appropriate to voice instructions on behalf of all present are those with the cultural knowledge that fortifies their status within the group as senior members.

However, progressively more individuals are attending meetings without observing customary cultural protocols, causing significant disruption to meetings and, at times, conflict. On several notable occasions this has included the wielding of genealogies as proof of what is perceived to be a right to be present and to speak up. The response from senior figures of one particular estate group experiencing this confrontational display was to instruct CLC to limit meeting attendance, and include only the direct descendents of *their* grandparents. While this had the intentional result of excluding those responsible for disrupting meetings, it also led to the exclusion of individuals with other connections, such as dreamings, that would have previously attended. Even when knowledge is not in question and seniority is clear, the use of genealogies in this sense, and the reaction to their use illustrated by the group referred to above highlights a new way in which group membership is altered.

When conflict arises

There is also a distinct pattern emerging of senior traditional owners using genealogical documents over their own knowledge of songs, dreamings and stories to assert connections to country. In some circumstances, the loss of *tywerrenge* (sacred objects, songs, ceremony, etc.) may mean that genealogies are used in much the same way as *tywerrenge* did in the past.¹⁷ Although pertinent, this is an avenue of discussion that cannot be further explored here.

In relation to genealogical material, conflict between senior traditional owners has erupted on numerous occasions owing to differing perceptions of genealogies. One particular Aboriginal Land Trust is so fraught with conflict relating to various perceptions of how people connect to country, it became impossible to bring the relevant families together to discuss potential projects on that Land Trust. In an attempt to alleviate the situation, and with the agreement of all parties, the appropriate CLC regional anthropologist organised a meeting of family heads in 2007, specifically to examine and discuss the connections shown on T G H Strehlow's genealogies for *each* of these families. Copies of the anthropologist's own interpretations drawn from T G H Strehlow genealogies were provided, demonstrating how these families might have been connected four generations previously. Although interest from family members in viewing these genealogies was strong and further meetings were requested, easing of the conflict was unsuccessful.

John Morton's experiences with Arrernte people in Central Australia have left him with 'the lasting impression that disputes are simply part of the territory of Arrernte relationship to land'.¹⁸ His article suggests that anthropologists struggle to comprehend Aboriginal disputes over land as a result of their own cultural 'baggage' and lived engagement with the 'other' about whom they write.¹⁹ Viewed in this way, attempts by anthropologists to resolve disputes are in fact due to the anthropologists' own inability to recognise that traditional owners are consciously using genealogies to maintain a requisite part of their culture.

¹⁶ Other affiliations include dreaming connections, conception sites, gravesites, marital links etc.

¹⁷ For a discussion of Tjurunga ownership, see T G H Strehlow, *Aranda Traditions*, Melbourne University Press, Melbourne, 1947, chapter 3.

¹⁸ J Morton, 'Why can't they be nice to one another? Anthropology and the generation and resolution of land claim disputes' in D Smith and J Finlayson, *Fighting over Country: Anthropological Perspectives*, Research Monograph, no. 12 Centre for Aboriginal Economic Policy Research, Australian National University, Canberra, 1997, p. 83.

¹⁹ Morton, above n 18.

It could be argued that since contemporary Arrernte have conflicting recollections of the ancestors depicted in T G H Strehlow's genealogies, for example, they rely increasingly on documentary sources to establish and even extend their traditional knowledge. Merlan argues that the very process of recognising land rights celebrates that which has been determined 'traditional'.²⁰ She contends:

*It is important (to Aborigines as well as others) that land rights be seen as the recognition of an existing world, rather than as an attempt at reconstitution of a world imperfectly known, earlier devalued and discarded as deficient when encountered under different, colonial conditions and now substantially changed from any such ideal, imaginary model.*²¹

Within this 'existing world', Arrernte appear to be using genealogies in a way that mirrors the context in which they have experienced them; a court setting where genealogies are used as evidence or proof of connection to country. This is the process through which formal recognition of land ownership is achieved. Recognition of ownership itself is the most vital and enduring facet of Arrernte culture and one that is, and arguably always has been, hotly contested among Arrernte people.

A snapshot in time

Historical documentation holds, at times, significant authority due to its antiquity.²² Often the information displayed was provided by the parents or grandparents of the current senior generations. Nevertheless, it is also on occasion dismissed due to its age. As Morton suggests, how this material is used is dependent on the motivations of its possessor.²³ There are many contemporary records currently being generated that will be viewed in the future as historical documents, something not always taken into account at the time of production.

Genealogies are a form of documentation constructed at a specific time, in a specific context, for a specific purpose. They are one version of the truth. They can be an extremely useful tool for a regional anthropologist when researching the traditional ownership of an area, however, they are only one of a number of tools. This poses unique challenges to the authors of such documents. Drawing upon often tenuous genealogical connections is increasingly perceived as a vehicle to gain access to resources. Just as T G H Strehlow's genealogies have become artefacts of anthropological significance, so too will the genealogies currently being constructed. T G H Strehlow's genealogies are increasingly used to challenge claims to country, and it is important to acknowledge that the information recorded today will likely be used in a similar way during future disputes and assertions to land.

ISSUES WITH THE USE AND DISTRIBUTION OF GENEALOGIES

The incomplete nature of genealogies

The CLC Client Access to Anthropological Information Policy outlined earlier provides a general statement of awareness rather than any functional solutions to dealing with the issues that arise in practice. There is no corresponding procedural document, arguably nor should there be, given the diversity of challenges that may arise in each unique set of circumstances. There is a standard approach to producing extracts for release to someone who has requested a family tree. When an individual applies to CLC for their family tree, they are only given the details of those in their direct line of descent. The offspring of an individual's grandparents' siblings

²⁰ F Merlan, *Caging the Rainbow: Places, Politics and Aborigines in a North Australian Town*, University of Hawaii Press, Honolulu, 1998.

²¹ Merlan, above n 20, pp. 235-6.

²² The reliability of early texts is an ongoing debate and addressed in K Palmer, 'Understanding another ethnography: The use of early texts in native title inquiries' in T Bauman, *Dilemmas in Applied Anthropology in Australia*, Research monograph, no. 1, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 2010.

²³ Morton, above n 18.

are not shown, for example — people who may be considered ‘sisters’ or ‘aunties’ for the individual. This practice is based on the privacy laws of 1988;²⁴ it does not reflect traditional models of family relations. Despite a covering statement drawn up by the CLC on each genealogy explaining the limitations of information provided, there is an assumption within the community that the information portrayed is whole and inclusive.

As an example of the problems this can generate, during a recent CLC meeting a young lady pulled the regional anthropologist aside to express her agitation that a senior woman at the meeting was telling a dreaming story that this young lady declared to be her own. This is despite the senior woman relaying the story being the ‘aunt’ of the concerned party (the daughter of her grandmother’s sister). The individual had in possession a copy of a genealogy created by CLC and her concern arose as a result of the aunt’s name not appearing on the genealogy. The CLC policy to provide genealogical information only on direct descent meant that this young lady’s aunt was not included.

Interpreting genealogical information

There are certain characteristics of T G H Strehlow’s work that appear straightforward, but actually represent something far less obvious. One of the most striking examples of this is where T G H Strehlow places an individual to be ‘from’. This is recorded according to the place where the individual was believed to have been conceived and/or born, and is not necessarily where the descent group’s patrilineal ‘country’ is located. Understandably, there is a widely held perception amongst Arrernte that the place identified with each individual on T G H Strehlow’s genealogies refers to their patrilineal country, even in cases where it differs to the place identified with the individual's siblings or father on the same genealogy.

It is not uncommon to hear a phrase such as ‘she should go back to Mount Topsy’, used in reference to the conception dreaming of an individual identified as ‘from Mount Topsy’ on a T G H Strehlow genealogy. This difference is not necessarily evident to a community member keen to locate family origins and lacking experience with T G H Strehlow’s Arrernte writings. This is further influenced by the motivations of the interpreter, as their intentions may be driven by desires to authenticate or reject a claim to land for short-term self-interest or political gain. In any case, this illustrates how traditional owners, at times, are using genealogies as a key source of information to identify themselves and others according to how they have interpreted genealogical information. Unless genealogies are interpreted with some knowledge of the author’s intentions and the context in which they were constructed, only a part of the story is considered.

The use of genealogical information to assert connection

Many anthropologists have commented on the shallowness of genealogical recall among Aboriginal people.²⁵ In relation to Arrernte people, Morton’s *Palm Valley Land Claim* book states:

*For the most part, people do not speak of ancestors beyond their grandparents. In the current claim, one of the major spokesmen for Palm Valley can name his paternal grandfather’s paternal grandfather, but this, I think, is fairly unusual. However, knowledge of such genealogical depth will now be expanding due to the records of missionaries and anthropologists.*²⁶

This increasing new trend in deeper generational recall — with an increased knowledge of upper generations usually obtained from highly prized copies of genealogies — results in the tendency of Arrernte people to draw on a wider range of connections to country. These connections are then used to either assert a relationship to land, or alternatively, to reject others. Used in such ways, genealogies are clearly powerful tools of negotiation.

²⁴ *Privacy Act 1988* (Cth).

²⁵ For example, Elkin, Bates, Hiatt, Morphy, Rose & Sutton, as cited in B Sansom, ‘The brief reach of history and the limitation of recall in traditional Aboriginal societies and cultures’, *Oceania*, vol. 76, 2006.

²⁶ J Morton, *The Palm Valley Land Claim Anthropologists Report* (unpublished), Central Land Council, Alice Springs, 1992, p. 70.

The high regard in which genealogies are positioned by Arrernte people has serious ramifications for how Arrernte assert connections to country, and importantly, how they reject others. It is not uncommon within field consultations to encounter even senior, knowledgeable traditional owners revealing their copy of a genealogy as if to 'prove' who they are; the written document legitimising their words. On occasion, genealogical information is recited as knowledge exclusive to that person, only later to be discovered during further research in identical form on a genealogy footnote produced by T G H Strehlow, Finke River Mission or CLC.

As an example of this, over a period of several months the same sentence was continuously being uttered by various senior members of a particular group of families: 'all our mothers were sisters from Bambi Springs' (location a pseudonym). This was given as an explanation of how these families were related to each other. Some time later, the relevant regional anthropologist was asked to take one of the senior members to SRC to replace a lost copy of his genealogy. Interestingly, a footnote on that particular genealogy bore the exact and oft quoted sentence, which had originally been spoken by an ancestor. Analysis of the genealogy, however, revealed that not only were there significant discrepancies between the comments and the connections depicted, but also that the traditional owners reciting this evidence had misunderstood exactly what was written. In fact the connections indicated that the senior man requesting the genealogy was related to this ancestor in quite a different way to that claimed verbally, and that difference had significant implications for claims to land.

BROADER ANTHROPOLOGICAL IMPLICATIONS OF THE USE OF GENEALOGIES TO 'PROVE CONNECTION'

The rise of genealogical documentation as a new form of authority

A feature of the emerging processes discussed in this paper is the use of genealogical materials by Arrernte who are print-literate and adept in processes of negotiation within the wider society to successfully demand recognition as traditional owners or native title holders from recognised senior, knowledgeable Arrernte people. In these scenarios, it is often the case that such a heavy reliance on genealogical documentation is the result of limited knowledge about kinship rules, how country is inherited or knowledge of the country purported to be owned and even, in some cases, where that country is located. It is not uncommon to receive requests from senior traditional owners to hold workshops about some of these issues in order to pass on cultural information. There is clearly recognition that knowledge and traditional hierarchies are diminishing, which is related to socio-cultural change between generations, in a context of reinvented post-traditional forms of knowledge.

Further to this, there is the relative decline of patrilineality as a means to associate with country. The Palm Valley Land Claim relied on a cognatic model of descent, largely the result of the material made available from existing written records.²⁷ Another interesting example of this was also highlighted during another native title claim in the Arrernte region. Upon returning to the area, a middle aged woman who was absent during the preparation and hearing discovered that her maternal great grandmother (that is, her mother's mother's mother) was no longer recognised as an ancestor for one of the claimant estate groups. This was despite descendents of the brothers of this ancestor being active members of the Prescribed Body Corporate (PBC) established following the successful court outcome of the claim. On producing her 'proof' of connection to the estate group concerned at a PBC meeting in the form of both a T G H Strehlow genealogy and a CLC genealogy, members present struggled to remember if this ancestress had been mentioned by 'elders' during the hearing.

In the post-meeting aftermath, concerned phone calls from meeting participants questioned where this woman had drawn her information from. Furthermore, the individual in question had informed another member of that meeting that they had no right to be there because their name was not on the same genealogy she possessed. Causing considerable upset and self-doubt amongst these members, the eventual outcome was her inclusion in the native title member group. Her written genealogical 'proof' seemed to outweigh not only the principle of

²⁷ Morton, above n 26.

patrilineal descent; but also the knowledge of other members — including senior members — of the native title group. The escalating use of genealogies in this sense may also be reinforced by the notion of cognatic descent becoming a more broadly accepted principle of affiliation when determining group membership.

The reluctance of traditional owners to discount the woman's claim highlights the status given to genealogies at the expense of currently recognised and remembered genealogical connections which, as a result, are treated with suspicion. One reason for this is the way land claims reinforce the importance of descent in relation to ownership, and subsequently, the use of genealogical material as evidence within the legal system. Traditional processes of asserting authority are seriously undermined as people accept genealogies as incontestable proof and subsequently apply them to their own internal negotiations.

IMPLICATIONS FOR ANTHROPOLOGICAL PRACTICE

The distribution of knowledge

Interest in researching one's own ancestry is a common pursuit across cultures and societies around the world. However, when dealing with indigenous genealogical information in an Australian context, the information produced can confer rights to land and resources, thus presenting a unique set of circumstances in which the motivations of the individual seeking their family history comes under scrutiny. It has been argued that by releasing all genealogical information, the perceived authority attached to that information will be invalidated.²⁸

Contemplating the public release of all CLC generated genealogical material raises several concerns. The publication of personal information of persons still living would not be countenanced in today's age of privacy. It would breach the confidence in which the information was originally imparted as well the use for which it was originally intended. Such public release could adversely impact any future research and the willingness of traditional owners to provide information to anthropologists, or any other individuals for that matter. There are certainly cases of traditional owners that have refused to pass on traditional knowledge, even to their own descendants, for fear of it being distorted or misused.²⁹

Cultural knowledge is passed on at different stages through customary law. CLC guidelines addressing the distribution of genealogies were composed with this in mind. However, attempting to reproduce customary law within modern bureaucratic structures is fraught with complications. These include the use of print literature, which undermines the malleability of genealogical connections, as well as the recognition of contemporary methods of asserting connections to country.

Returning to the extent of information on genealogies; CLC genealogies produced upon client request provide the names of ancestors in the direct line of descent. T G H Strehlow genealogies, on the other hand, are far more detailed. As previously mentioned, they often provide details about conception places and totems, as well as regularly including extremely personal anecdotes about individuals in extensive footnotes. Both of these approaches have their problems. Providing less information means even less is revealed about the actual state of relationships between the recorded family members and the context in which the information was constructed. Providing more information, however, can lead to the publication of material that was never intended for public viewing.

The contextual nature of genealogies

The extent to which anthropologists are responsible for the contexts in which knowledge is given and received is a complicated issue. As Messick observes, 'Despite the staggering retentional capacities of human memories, the spoken word needed the services of writing to endure. Writing rescued words from perishing, but only at the cost

²⁸ In response to previous presentations of this paper.

²⁹ This has been happening ever since European contact, if not earlier, and is noted in T G H Strehlow, *Aranda Traditions*, Melbourne University Press, Melbourne, 1947.

of another death, that of the original meaning conveyed in speech.’³⁰ Messick’s comment recognises how communication shifts meaning and that the very act of recording a genealogy alters its significance. The graphic nature of family trees severely limits the extent of explanation and information that can be conveyed on a genealogy. As anthropologists and researchers, we rely on a variety of other sources to more broadly understand the nature of the relationships under analysis. A number of sources are used to place genealogies in context in order to better understand the situation in which they were constructed. However, this kind of information (in the form of confidential reports and written historical documents, for instance) is not always publicly available or readily accessible. Copies of genealogies are generally viewed by applicants as a collation of all this material and therefore an accurate representation of family relations. Written materials such as CLC and T G H Strehlow’s genealogies are prepared documents that attempt to reveal an objective historical record of the past. However, genealogies are interpretations themselves, and moreover, they are subject to interpretation.

The fact that Arrernte increasingly use genealogies as a singular form of evidence to claim group membership leads us to question the role of genealogies within contemporary Arrernte negotiations over land. Returning to Merlan’s argument, there must be recognition of an existing world.³¹ This however, has considerable ramifications for land council anthropologists operating under the legislative framework of the ALRA and the NTA. ALRA definitions place significant emphasis on descent as the primary means to lay claim to land, which as a result has given greater weight to genealogies as a means to access resources and establish claims to land, albeit at the expense of traditional forms of authority.

CONCLUSION

This paper has demonstrated the changing approaches to ways in which traditional ownership is negotiated and the ways that the use of genealogical documentation affects this process amongst Arrernte. What is clear are the significant changes in how many Arrernte define their connection to country. Some people ‘show’ a copy of their genealogy as if to prove who they are and who they are related to. Others quote comments from genealogies as if it were their own knowledge. Some draw on upper generational connections that may not have been remembered without historical genealogies, which often results in the exploitation of more obscure connections to country that may not previously have been viewed as legitimate. What seems most significant is the apparent readiness to accept that possession of a genealogy ‘proves’ a valid connection to, and right to assert authority over particular country.

Access to written genealogical materials is increasingly being sought by Arrernte. What is arguably a contemporary expression of Arrernte culture to assert rights to land seems to be transforming more traditional structures and forms of authority. If this trend to utilise genealogies within internal negotiations continues, should instructions be taken from those exerting authority in this way over those considered to be more senior, knowledgeable and recognised traditional owners? It may seem obvious that recognised traditional owners would assert greater influence in most areas, however, as shown, this does not always apply. A major reason for this is the perception that genealogies are a compelling form of evidence or proof; something entrenched throughout land claim and native title claim proceedings. In essence, this paper aims to draw attention to the paradox anthropologists face in facilitating these changes while supporting previously recognised processes of decision making and authority based on seniority.

Arrernte application of genealogical material is encroaching more frequently on land negotiations. The use of genealogical material is increasingly becoming essential to manoeuvres regarding the construction of identities, group membership and recognition of land interests. Genealogies are being used as benchmark tests for authenticity of competing claims or supporting grounds for the inclusion or exclusion of people. This has serious implications for professional practice and it is hoped that this paper will generate further discussion about all the issues raised here.

³⁰ A Shryock, *Nationalism and the Genealogical Imagination: Oral History and Textual Authority in Tribal Jordan*, University of California Press, California, 1997, p. 252.

³¹ Merlan, above n 20.

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