An Appreciation of Difference

WEH Stanner and Aboriginal Australia

Edited by Melinda Hinkson and Jeremy Beckett
Foreword

Bill Stanner's extraordinary career took him from the bureaucracy to the academy. He had a distinguished career in the British colonial service, and briefly in the Australian department of external affairs. He reached the rank of lieutenant colonel in the Australian Army and commanded the North Australian Observer Unit during World War II. He was a foundation member of the Department of Anthropology at the Australian National University. Bill Stanner was also a central figure in the establishment of what would become the Australian Institute of Aboriginal and Torres Strait Islander Studies, an organisation I am proud to currently chair, and was, in fact, the Institute's first executive member.

Stanner had been a tireless critic of the treatment of Aboriginal people since the 1930s, and of the policy of assimilation that dominated the state's relationship with Indigenous Australia from the 1940s. A result of the 1967 referendum was the establishment of the Council for Aboriginal Affairs, a key body advising on new government policies in relation to Aboriginal people. The council rejected the policy of assimilation in favour of proper recognition of a unique Aboriginal identity, cultural expression, and land rights. Together with Nugget Coombs and Barrie Dexter as co-members, Stanner played a unique role in overseeing reform in Aboriginal Affairs.

However, after three decades of bipartisan support for a broad policy platform of choice that the council promoted, the last 10 years has seen processes of attrition, combativeness and outright hostility in Indigenous affairs. During its last term in office, the Howard government was emboldened to implement its true intentions in Indigenous affairs, having secured an unexpected majority in both the House of Representatives and
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November 2005 marked the centenary of Bill Stanner’s birth. To celebrate this occasion we organised a symposium *WEH Stanner: Anthropologist and Public Intellectual*, held over two days at the Australian National University, Canberra. We were drawn to do so on the basis of our different acquaintances with Stanner’s work: Stanner had been Jeremy’s PhD thesis supervisor at the ANU in the 1960s and sometime friend; Melinda never knew Stanner but came to know some of his unpublished materials while working as a research project officer at the Australian Institute of Aboriginal and Torres Strait Islander Studies in 2001, and subsequently as a postdoctoral fellow at the Centre for Cross-Cultural Research between 2001 and 2003.

The symposium was attended by more than 100 scholars, Stanner’s colleagues, family and friends, as well as descendants of Aboriginal men Stanner had worked with for more than four decades at Port Keats/Wadeye. Most of the chapters in this volume received their first public airing at that forum.

The symposium was sponsored by the Australian Institute of Aboriginal and Torres Strait Islander Studies and the Australian National University through the National Centre for Indigenous Studies, the Centre for Cross-Cultural Research, the School of Archaeology and Anthropology, and University House.

Presentations were also made at the symposium by Graeme Ward, Mark Crocombe, Basil Dodd, the late Lawrence Kolumboor, Marcia Langton, Max Charlesworth and David Nash. For various reasons these presentations have not been included here. In developing the volume we invited Tim Rowse to contribute an essay on the Boyer Lectures, and Melinda Hinkson’s chapter on Stanner’s 1958 expedition to the Fitzmaurice region was written to fill what we felt were two important gaps in the coverage of Stanner’s career.
For their roles in the book's production we thank the following: the contributors; Rhonda Black and the team at Aboriginal Studies Press; Mark MacLean and Frances Morphy; and two anonymous readers whose comments were helpful in the revision of the manuscript as a whole. We also thank ANU for its contribution of a publishing subsidy. For permission to produce images we thank ANU Archives, AIATSIS and the Australian War Memorial. For her enthusiastic support for the project overall we are particularly grateful to Mrs Patricia Stanner.

The contributors to the volume are mainly academics, including anthropologists, prehistorians and historians who either worked with or knew Stanner in various capacities. The reader will note that they broadly represent a particular demographic. Consequently only three are women, and — apart from Mick Dodson who wrote the book's foreword — none are Aboriginal, a fact that is regrettable but reflective of circumstances and the time that has passed since Stanner's death in 1981.

For younger generations of scholars Stanner is probably a remote and intriguing figure. We hope these essays that trace some of the key moments in his long and distinguished career and his contributions to Australian intellectual and public life will prove illuminating and occasionally provocative. The book's title is taken from Stanner's 1968 Boyer lectures, After the Dreaming. It is being published at a time when his notion of 'a great Australian silence' has perhaps been overcome by a great cacophony, one that Stanner would regard as often poorly culturally informed.

Melinda Hinkson and Jeremy Beckett
August 2008

Contributors

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Jeremy Beckett is an anthropologist with a particular interest in the place of Indigenous peoples in settler colonial society. He works among Aborigines in far-west New South Wales, and with Torres Strait Islanders in the Strait and in mainland Australia. Foremost among his many publications are Torres Strait Islanders: custom and colonialism (Cambridge University Press, 1987), and the edited collection Past and present: the construction of Aboriginality (Aboriginal Studies Press, 1994). As a graduate student, he had Bill Stanner as one of his supervisors. He is currently Emeritus Associate Professor, Department of Anthropology, Sydney University.

Ann Curthoys is Manning Clark Professor of History at the Australian National University and an Australian Research Council Professorial Fellow. She has written about many aspects of Australian history, including Aboriginal-European relations; racially restrictive immigration policies; the Chinese in colonial Australia; journalism; television; and 'second wave' feminism. She also writes about historical theory and historical writing. Her books include Freedom Ride: a Freedom Rider remembers (Allen & Unwin, 2002), winner of the Stanner Prize, and, with John Docker, Is history fiction? (University of New South Wales Press, 2005). Her latest book, Rights and redemption: history, law, and Indigenous people, written with Ann Genovese and Alexander Reilly, will be published by UNSW Press in 2008.
Barrie Dexter, CBE, served from 1967 to 1976 with WEH Stanner and HC ‘Nugget’ Coombs as the Council for Aboriginal Affairs. During this time he established and served as director/secretary of the Department of Aboriginal Affairs. Over the course of this career he has held many senior diplomatic posts, including positions in Lebanon, Cairo, Karachi, Washington DC. He served as high commissioner/ambassador in Ghana and Laos, Yugoslavia/Romania/Bulgaria and Canada. On his retirement Barrie contributed to the re-establishment of CARE Australia, becoming vice president and Australian representative on the board of CARE International until 1995.

Alberto Furlan graduated in Philosophy at Ca’ Foscari University in Venice, Italy and completed postgraduate studies in anthropology at the University of Sydney. He lived and worked in Wadeye (2002-03) undertaking research on traditional and popular Aboriginal music. Other areas of research include Indigenous cosmology, performance, and continuity and change in Aboriginal society. He is currently employed as regional anthropologist by the Central Land Council in Tennant Creek, Northern Territory.

Geoffrey Gray is a Research Fellow at the Australian Institute of Aboriginal and Torres Straight Islander Studies, Canberra. His most recent book is A cautious silence: the politics of Australian anthropology (Aboriginal Studies Press, 2007).

Melinda Hinkson is a lecturer in social anthropology and visual culture in the School of Archaeology and Anthropology and the Research School of Humanities, the Australian National University. She has undertaken research with Aboriginal people in central Australia, north Australia and metropolitan Sydney. Her recent publications include Coercive reconciliation: stabilise, normalise, exit Aboriginal Australia (co-edited with Jon Altman, Arena Publications, 2007).

Ian Keen studied anthropology at University College London and at the Australian National University. He has carried out research on kinship, social organisation and religion in north-east Arnhem Land, and on Aboriginal relations to land in several locations including the Alligator River region and McLaren Creek in the Northern Territory, and Gippsland in Victoria. His publications include Knowledge and secrecy in an Aboriginal religion (Clarendon Press, 1994), and Aboriginal economy and society (Oxford University Press, 2004). He lectured in anthropology at the University of Queensland and the Australian National University, where he is currently a visiting fellow.

Howard Morphy is Professor of Anthropology and Director of the Research School of Humanities at the Australian National University. He has published widely in the anthropology of art, aesthetics, performance, museum anthropology, Aboriginal social organisation, the history of anthropology, visual anthropology and religion. His current focus is on the use of digital media in anthropological research and publication. His books include Ancestral connections: art and an Aboriginal system of knowledge (University of Chicago Press, 1991), Rethinking visual anthropology (Yale University Press, edited with Marcus Banks, 1997), Aboriginal art (Phaidon, 1998) and Becoming art: exploring cross-cultural categories (Berg 2007).

John Mulvaney was the first university-trained pre-historian to make Australia his subject. From 1971 until his retirement in 1985 he was professor in pre-history in the Faculty of Arts at the ANU, and his Prehistory of Australia has been published in three editions. He served 18 years on the executive of the (then) Australian Institute of Aboriginal Studies, including a term as chairman, and also on the Committee of Inquiry on Museums in 1974–75 which preceded the establishment of the National Museum of Australia.

Nicolas Peterson is Professor of Anthropology in the School of Archaeology and Anthropology at the Australian National University. His doctoral fieldwork focused on territorial organisation and ecology in Arnhem Land with self-supporting groups. Subsequently he has worked in central Australia on Warlpiri territorial organisation, ceremonial life and song cycles. As a result of his interest in territorial organisation he was appointed research officer to the Royal Commission into Aboriginal Land Rights in 1973–74, and as a consequence has had a long involvement in preparing land and native title claims, including the test case for native title in the sea with Jeannie Devitt.


Peter Sutton is an Australian Research Council Professorial Fellow at the University of Adelaide and the South Australian Museum. An anthropologist...

John Taylor is a Senior Fellow and Deputy Director at the Centre for Aboriginal Economic Research, Australian National University, and a member of the Australian Population Association. For the past 20 years his major research interests have focused on the measurement and policy implications of demographic and socioeconomic change among Australia’s Indigenous peoples. He has worked on these issues with people at Wadeye since 2003.

Nancy Williams is currently Honorary Reader in Anthropology, School of Social Science, University of Queensland. Her research with Yolngu clans in north-eastern Arnhem Land since 1969 has focused on land and sea tenure and resource management. Her book, *The Yolngu and their land: a system of land tenure and the fight for its recognition* (Australian Institute of Aboriginal Studies, 1986), is based on the Yolngu preparation for and participation in the Milirrpum case. Nancy is also author of *Two laws: managing dispute in a contemporary Aboriginal community* (Australian Institute of Aboriginal Studies, 1987).

*Going more than half way to meet them*:  
**On the life and legacy of WEH Stanner**

JEREMY BECKETT AND MELINDA HINKSON

WEH Stanner is one of Australia’s best known and most highly regarded anthropologists. He died in 1981, but more than a quarter of a century after his death his writings and ideas on Aboriginal culture and affairs continue to be cited by observers from a range of perspectives, both within and outside the academy. It seems there is still much in his work that commands attention and stimulates thought. This abiding interest in Stanner’s work suggests that he had grasped something unresolved at the core of the encounter between Aborigines and those who came after, which even now remains at the heart of the debate over what it means to be Australian. This collection of essays reviews his intellectual legacy and a career that was variously significant: in the public domain there is his 1968 Boyer Lectures which alerted a wide audience to the situation of Australia’s Aborigines, and there is his work with HC ‘Nugget’ Coombs and Barrie Dexter on the Council for Aboriginal Affairs; among anthropologists, there is his writings on Aboriginal religion, social organisation, and his expert witness in the first legal case on Aboriginal land rights. But Stanner’s career is itself interesting because it reminds us of what it was like to have to make one’s way in an Australia that was very much smaller and academically less developed than it is now, and moreover to have one’s career plans interrupted by a world war. It is also interesting because Stanner was a particular kind of man, one whose qualities both contributed to — and perhaps also at times inhibited — his achievements.

Recalling his early career, Bill Stanner explained to Jeremy Beckett that when he went to the University of Sydney in 1928 it was something that few Australians did, and he felt it incumbent upon him to make a significant contribution to the life of a country that still numbered less than seven million people. How he was to do so was not immediately clear to him; had he simply been driven by material ambition he might have gone for one of

von Sturmer, JR 1989, Merapah reports, 40-page word-processed document produced for the Commonwealth Department of Aboriginal Affairs, Brisbane.

Waddy, JA 1988, Classification of plants and animals from a Groote Eylandt Aboriginal point of view, (2 vols), North Australia Research Unit, Darwin & Australian National University, Canberra.


Notes

1. A number of anthropologists, working with botanists, zoologists and an ecologist, tried to pursue this research design in the Cape York Peninsula region in the 1970s and 1980s, even working on a 'transect' through a sequence of ecotones from east to west across the Peninsula (the CAYET [Cape York Ecology Transect] Project, funded principally by AIATSIS, cf. Stanner 1965, p. 23 on his proposed continental 'transect'). Vast amounts of data and botanical specimens were gathered but resulting publications have been few and the project was never completed. The principal researchers were Athol Chase, Bruce Rigby, Dermot Smyth, Peter Sutton, John von Sturmer, John Taylor, Geoff Tracey and Len Webb.


3. Of course there is also the continuity of use of waterways, now largely by powered boats.

4. I thank Robert Layton (pers. comm., 22 November 2005) for this last point.

5. I assisted, in varying capacities, with 50 Aboriginal land claims between 1979 and 2005, under three legislative regimes (the Aboriginal Land Rights (Northern Territory) Act 1976 (Cwlth), the Aboriginal Land Act 1991 (Qld), and the Native Title Act 1993 (Cwlth)).

12.

'Too sociological'? Revisiting 'Aboriginal territorial organisation'

NICOLAS PETERSON

According to the Institute for Scientific Information (ISI) citation index, Stanner’s ‘Aboriginal territorial organization: estate, range, domain and regime’, published in Oceania in 1965, is the most cited of his papers. It received more citations than any of the components of On Aboriginal religion (1963), or even his famous paper ‘The Dreaming’ (1953). While this underlines the rather specialised nature of the citation index, and does not reflect the actual level of citations of Stanner’s work in the literature at large, it does emphasise the significance of this paper and its ongoing impact not only within Australianist anthropology but more widely across the discipline. While most anthropologists citing the paper are Australian, a small number of North Americans and Europeans have also drawn upon it. What attracted them to the paper is what has made it so significant in Australian anthropology: the provision of a fresh and clear terminology for the conceptualisation of the basic spatial aspects of Aboriginal territorial organisation.

Following the advent of Northern Territory land claims from the late 1970s, Stanner’s spatial terminology took on a new lease of life. Although its terminology was not used in the Aboriginal Land Rights (Northern Territory) Act 1976 (Cwlth), which created the possibility of land claims, the four terms he used became the basis for most anthropological reports for claims lodged under that Act. The two most widely used terms relate to ownership: ‘clan’, the group that owned an area of land; and ‘estate’, the area owned by a clan. Less used have been the two terms relating to land use: ‘band’, for residence groups using the land; and ‘range’, the area used by the members of a band supporting themselves day to day. The separation of ownership from use, and the area owned from the area used, was certainly a giant leap forward. The problem with the previous work was, in Stanner’s view,
that it was too sociological, and his solution was to introduce an ecological perspective. Today there is a renewal of Stanner’s critique of Aboriginal territorial organisation as too sociological, though the cause this time is not structural-functionalist theory but legal discourse. Now the solution is not ecology but phenomenology. With the reappearance of this criticism of the sociological emphasis, and a new solution, it is timely to consider its apparent significance. First, however, I begin by examining Stanner’s key terms and arguments.

ESTATE, RANGE, DOMAIN AND REGIME

Of the four concepts proposed in the subtitle of the paper it is only the first two that have had any enduring significance. The concept of domain, defined as ‘an ecological life-space’ made up of the combination of estate and range (1965, p. 2), has never really caught on, although the issue of the relationship of estate to range is a significant one. In the land rights and native title era attention has focused on the issue of boundaries and of overlap of estates and/or ranges, often discussed in terms of the nature and existence of company areas but with little or no use of the domain concept since it collapses the distinction.

The concept of regime, which is used to refer to the ecology of any area, is of a different order from the first three terms and only relevant in that it emphasises that in considering estate, range and domain, the ecology is a critical variable.

Each territorial group was, Stanner argued, associated with an estate: ‘the traditionally recognized locus (“country”, “home”, “ground”, “dreaming place”) of some kind of patrilineal descent-group’ which was, usually, a more or less continuous stretch of country (ibid., p. 2). It was also associated with a range defined as ‘the tract or orbit over which the group, including its nucleus and adherents, ordinarily hunted and foraged to maintain life’. In his view the range normally included the estate ‘but in some circumstances, the two could be practically dissociated’ (ibid.). Although Stanner does not reduce his new conceptualisation explicitly to the formula of a (patrilineal) clan owning an estate and a band using a range (indeed, the word ‘band’ does not appear until page 16, it being referred to as the ‘livelihood-group’ (ibid., p. 5), ‘life-and-survival group’ (ibid., p. 10), and ‘local or “residence” group’ (ibid., p. 15) among other terms, before that) it is that formula which is the core of the conceptual contribution that has been responsible for the frequent citation of the paper. As Nancy Williams (1986, p. 216) points out, there has been relatively little ambiguity about clan and estate as these are defined by rules, and it is to the issues of band and range that most attention has been directed.

In addition to the four terms listed in the subtitle, Stanner in fact proposed a fifth term, ‘heartland’, but did not explore it in detail (1965, p. 12). He used the term when discussing the issue of exclusive possession and overlap to say, ‘In actuality, under traditional conditions, there could be no doubt over what might be called the “heartland” of any group’s existence’. This gave it ‘a habitation and a name, or co-ordinates of existence which were those of no other group’ (ibid.). I found this term useful in writing the Wirlpiri and Kartangaruru-Kuringi land claims report (Peterson et al. 1978). Interestingly, Stanner, in his evidence as the judge’s anthropologist in this claim, repudiated the term, commenting:

I am afraid that I invented the term. I have subsequently ceased to use it... On second thoughts I thought it was a bad idea because it tends to draw in other emphases [sic] which I didn’t want and I didn’t think relevant to the Aboriginal matters. I see no point in using the term. What it simply means is that there are some areas where there is more water and food about than in other areas. You identify it with space, but you must not do so with the idea that beyond that there is nothing significant to the tribe — to the clan. It is all significant. I think it is a false term in my opinion (Stanner 1978, p. 218).

As can be seen, his reason for rejecting the concept bears little relationship to the original definition. Indeed, one could be forgiven for thinking that Stanner’s comment here is influenced by the context of the land claim hearing. This is because an issue in this claim was the question of the extent of which the whole landscape was notionally divided up between estates, as opposed to just being made up of sites owned by patricians, with the area in between either communally owned or some sort of no-man’s land, in the way Olive Pink had reported for the northern Arrernte (1936).

The classic debates in Aboriginal territorial organisation have focused on the relationship of clan to band, and somewhat less attention has been given to the relationship of estate to range, or to the nature and existence of communities (see Sutton 2003; Peterson & Long 1986). The use of these four terms in the debates and in the preparation and presentation of evidence for land and native title claims convincingly demonstrates the conceptual advance they introduced under the guise of an ecological perspective.

‘TOO SOCIOLOGICAL AND INSUFFICIENTLY ECOLOGICAL’

Stanner’s core complaint — that the analysis of Aboriginal local organisation had been up to that time ‘wholly in terms of social relations’ (1965, p. 1) — was made at much the same time as he was making the same kind of allegation about the study of Aboriginal religion (see Keen 2005, p. 62).
Anthropologists, he argued, treated Aboriginal religion as a mirror of social relations and in doing so were disrespectful of it, failing to treat it as a religion and worldview. In examining this complaint Keen has argued that in denying a necessary connection between religion and social structure, and in seeing the use of religious forms for political action as aberrant, he greatly weakened his analysis and ignored what was undeniably true (Keen 2005, pp. 75–6). In respect of relations to land Stanner did not go nearly as far in rejecting the sociological, but nevertheless the failure to see relations to land in the context of political relations between Aboriginal people is a weakness of his account.

The title of Stanner's paper refers to 'territorial' organisation not 'local' organisation. While these two terms are often used interchangeably the distinction between them is important for Stanner. Local organisation, has, Stanner emphasises, a dual reference (1965, p. 1). On the one hand it refers to territorial organisation and on the other to social organisation. By territorial organisation he meant that relations between members of a group and its land are, among other things, ecological relations, and it is these that had been neglected and which he places centre stage. When he uses local organisation he is referring to the sociological aspects of relations to land, specifically clan and estate. The ecological concept he introduced is the concept of range which is the key contribution of the paper, even though it was no more than the adoption of a term commonly used in primate studies (c.f. Stanner 1965, p. 3).

The principal reason Stanner was attracted to an ecological approach was that despite much ethnography about relations to land, the findings seemed to be ungeneralisable. Yet in his view, 'no set of connected facts can be ungeneralizable' (ibid., p. 19). He perceived the difficulty to be that the question of the variation was being approached from an unhelpful point of view and what was required was a comparative natural history of territorial groups (ibid., p. 3). Indeed, it seems that he felt that ecology was fundamental, in some way, which was, of course, a key attraction of the cultural ecological approach that was emerging at this period and offering the exciting possibility of a material causality in social affairs, which structural-functionalism had for so long ruled out. Ecological causality was an advance on environmental determinism, even if it would quickly come to be labelled vulgar materialism. An ecological approach was also attractive to Stanner because it easily encompassed what he saw as a universal pattern of concentration and dispersal that correlated, broadly, with good and bad times that were very variable across the continent (ibid., p. 5). He also recognised that there were long-term ecological changes on the continent (ibid., p. 12) and that these in turn were likely to have produced social changes, thus introducing further recognition of process. It was these long-term changes that he thought accounted for isolated sites belonging to one clan being found surrounded by the estate of another clan. I think the consensus today would be that such an explanation for these sites is too much ecology and not enough sociology.

It is in the discussion of the possibility that ecology could shed light on Radcliffe-Brown's suggestion that patriline was an ecological adaptation (ibid., p. 3) that we see the limits to Stanner's ecological understanding. Because, he argues, Aboriginal society and culture are the end-products of millennia of non-linear development, they are made up of forms and values far removed and transformed from an adaptive plane, so it is unlikely that ecology could resolve speculation about patriline being the product of the need for local familiarity with the landscape to ensure male hunting success (ibid., pp. 4, 3). Here he seems to be on the verge of formulating the adaptive conundrum that claiming patrilineal clans to be the land-owning group across the continent poses: how could there be a common form of land ownership (and use) if there is very marked ecological variability and what people do is adapted to the environment? Indeed Hiatt posed that very question to Stanner in 1970 (Hiatt 1970, p. 135), but it was never answered directly.

Radcliffe-Brown's somewhat mysterious explanation was that there was 'principle of similitude' at work across the continent, such that the territorial group observed limits of size in keeping with the structure of life enforced by a nomadic life. Stanner felt that if there were more or less invariant properties to the territorial group in structure and size (there is a muddle here between band and clan) then a topological model might be instructive (1965, p. 24). This suggestion manifests too much sociology and not enough ecology. As we now know from the work of Fred Myers (1986), much desert territorial organisation is marked by the absence of descent groups even though there is often a patrilineal or patrilocal ideology. Stanner could not be blamed for not knowing this as people like Tindale (1974) and Berndt (1959) were still trying to squeeze their ethnography into the Radcliffe-Brown model, despite the evidence before them.

It is ironic, in the light of his complaint about the over-emphasis on social relations, that Stanner's only other writing explicitly on Aboriginal relations to land was entirely sociological. This is his unpublished paper 'The Yirrkala case: some general principles of Aboriginal land-holding'. He prepared this paper at the time of the Cove land rights case, in which he appeared as an expert witness, but it was never put before the court. This paper was, as Rigby notes (1998, pp. 31, 32–4), an attempt to reduce the traditional land tenure system to principles constructed with terms deriving from Roman and common law traditions. The paper marks the beginning of the influence of the use of overly legalistic terminology and thinking in writing about
Indigenous relations to land, which all anthropologists working on land claims have been drawn into, and even more so those engaged in the field of native title where lawyers and legal thinking dominates. Stanner was cross-examined at length in the Gove case about local and territorial organisation but the resulting transcript is not very illuminating, given the adversarial nature of the proceedings and the quagmire of the mala-mada analysis with which Ronald Berndt had landed him (see Nancy Williams, this volume).

Stanner’s last published writing on these conceptual issues was a very short piece that appeared as a ‘Comment’ in Current Anthropology, strongly endorsing Birdwhistle’s Radcliffe-Brown-like views. Birdwhistle’s account, Stanner observed, ‘seems to me to be argued fairly and to be about as conclusive as the present state of knowledge allows’ (1970a, p. 136). It is now 38 years since Aboriginal territorial organisation appeared and, given all the work that has been done on relations to land since the advent of land claims, it seems an appropriate time to reconsider Stanner’s contribution in the context of the state of knowledge now.

PERCEIVING THE ENVIRONMENT

From the research that has been done since the advent of land claims, it is clear that both Stanner’s sociology and ecology needed to be more sophisticated. Sociologically we have seen the development of models of succession (Peterson et al. 1977; Peterson 1983), of core and contingent rights (Sutton 2003), and of cognitively informed models (Sutton 2003). Ecologically there has been a much better understanding of the nature of direct appropriation, and of adaptive resilience through models of optimal foraging and evolutionary biology. While these developments are broadly compatible with Stanner’s model, the sociological developments emphasising flexibility and process, and the ecological developments giving more precision to the ways in which ecological factors impinge on social arrangements, there is a more recent trend that is less compatible. This is the strongly phenomenological approach that has been most clearly stated in relation to Aboriginal land tenure by Tim Ingold. In his 1996 paper ‘Hunting and gathering as ways of perceiving the environment’ he mounts an attack on the view that nature is a cultural construction, a claim that he believes to be incoherent, not least because it reproduces the dichotomy between nature and culture (1996, p. 117). He uses the work of Fred Myers on Pintupi relations to land to criticise past work and to develop his case for an ‘ontology of dwelling’ (ibid., p. 121). Hunter-gatherers, he argues, ‘do not, as a rule, approach the environment as an external world of nature that has to be “grasped” conceptually and appropriated symbolically with the terms of an imposed cultural design, as a precondition for effective action’ (ibid., p. 120), which he sees as a Western way of apprehending the environment.

Rather, he believes that hunter-gatherers apprehend the environment through practical and perceptual engagement with it; that is, being immersed in it. Environments, in his view, are constituted through living in them not just in thought, making ecological relations a subset of social relations (ibid., pp. 150–1). In contrast to this view he sees Myers’ representation of the Pintupi relations to land, and by extension most past writers on Aboriginal territorial organisation, as creating a separation between them as meaning-makers and the physical environment, which he argues is, in Myers analysis, simply the raw material for the ‘culturalization of space’ (ibid., p. 140).

Myers replied to this sociologically naive analysis by pointing out that people do not simply experience the world, but rather are taught, indeed disciplined, to understand their experiences in particular ways (1998, p. 77). One obvious way that this is so is through learning the language relating to land and the environment with its explicit and implicit classifications and categorisations. Further, Myers argues, Ingold’s emphasis on the primacy of perception completely ignores the fact that people’s practices and experiences of place-making have to be understood as socially and politically organised. However, Myers does not reject the significance of the experience of ‘dwelling’ in a landscape, which, as he says, is the basis of it becoming home
ultimately saw that country, to which they were linked by patrilineal descent, as the country in which they held the strongest rights. In all her accounts of the relationships to land she underpins this sociological fact because it does not sit easily with her argument.

Although Sylvie Poirier (2005) has not published a detailed account of relations to land in the Balgo area where she worked, her expressed preference for thinking about these in terms of itineraries (following de Certeau) rather than as maps, and for describing the landscape as sentient, is conceptually framed by the same concerns as Rose and Povinelli. Even more recently Marcia Langton (2005) and Daniel Vachon (2006) have both developed this line of analysis in respect of relations to land in eastern Cape York and the Gibson Desert respectively. None of these authors use the language of band and range for analytical purposes, which is not particularly surprising since all of them are presenting contemporary ethnographies well after people have given up an independent self-supporting existence.

CONCLUSION

Band and range belong now to the domain of reconstructionist ethnography and the world of land claims and land rights. They cannot, therefore, be expected to feature prominently in contemporary ethnographic work, as they were developed to help understand relations to land in self-sustaining bush-dwelling societies. Clan and estate, however, remain at the heart of how rights in land are dealt with at present in many contexts both inside and outside the legal system.

We can look back on Stanner’s claims that both the study of Aboriginal local organisation and of Aboriginal religion were too sociological as, in part, an early and self-conscious Australian take on the critique of structural-functionalism and understandable as part of an attempt to try to open up the Australianist anthropological imagination. It marked the beginning of the ecological turn in archaeological and anthropological studies in Australia, by challenging the over-emphasis on closed social organisational and ideational systems (see Anderson 1988, pp. 133–55). Attention was turned to what people actually did to survive, how their lives were influenced by the seasons and the way their economy actually worked. This of course had been an interest of Donald Thomson’s (e.g. 1949) and Norman Tindale’s (1974), but they were unable to relate their interest in living by hunting and gathering to the principles of social organisation. What both Thomson and Tindale lacked was any understanding of social reproduction, of the process of the domestic cycle, or of the interplay of demography and competition. They could not integrate the sociological with the ecological and the processual.

For a brief period from the early 1960s until the beginning of land claims in 1978, ecological and ethnographic-oriented research provided a huge stimulus to Australianist work, giving rise to a range of field-based
studies (e.g. see Peterson 1972; Chase 1978; Sutton 1978; von Sturmer 1978; Meehan 1982; Altman 1987) and the development of mapping methodologies, called for by Stanner, that came to underlie land claim work (e.g. see Taylor 1976). All of these strongly ecological studies integrated their analyses with the sociological. Although the ecological approach quite quickly came under attack from neo-Marxists as simplistic (e.g. Friedman 1974), it has been the demands of land claim and native title research, defined and distorted by legal discourse, that led to a very real over-emphasis on the sociological from around 1980 onwards.

Whereas Stanner called on ecology to combat the narrow structural-functionalist focus on the sociological aspects of land, some present day anthropologists are calling on phenomenology (i.e. a focus on lived experience) to combat the narrow legal discourse which is undoubtedly overly sociological. Interestingly, however, current attention is not on the material aspects of Aboriginal people’s lives, since all Aboriginal people are now quite distant from self-sufficiency by hunting and gathering, but on the emotional, psychological, cognitive and cultural perception of attachment to land.

With hindsight, another narrative can be discerned which would have Stanner's protest against the sociological as an early expression of something less positive, but which nevertheless has become a widespread trend in the anthropology; that is, the retreat from the social. It is a topic addressed by a group of authors brought together by Bruce Kapferer in a recent issue of *Social Analysis* (2004). Beginning with the critique of structural-functionalism and fuelled by the rise of reductionism — especially in the forms of sociobiology, neo-Darwinism and evolutionary psychology on the one hand, and economic rationalism on the other — there has been a shift to a focus on the individual, to strategising, to agency and diversity, all of which has been seen as adding complexity to social analysis.

In a parallel way this new anti-sociological approach in the conceptualising of land tenure has manifested itself in the headlong embrace of a phenomenological approach. As a result social relations, social institutions, social organisation and social context have all come to be relatively neglected by many field workers. It is largely an understandable reaction to the greatly increased influence that the courts, legal discourse and legal thinking are having on anthropological practice, and the extent to which anthropologists are being forced to compromise their understandings of concepts like society, tradition and, indeed, land tenure. If this is alienating to us, it is an even greater alienation from how many Aboriginal people have lived their relations to land, and life more generally. However, in questioning Stanner’s complaint about the study of relations to land being too sociological, the point to be made is a small but important one. He was not making the case for abandoning the sociological, and nor should those adopting a phenomenological approach do so either. In the end, if they do, their work will be in danger of being swamped by a romantic nostalgia that overlooks the significance of structures and norms in all societies, as well as beliefs and feelings, for both the people themselves as well as for the institutions of the Australian nation-state.

**References**


Notes

1. He was well aware that the situation was more complicated than this, especially in the desert regions (Stanner 1965, p. 5).

2. For example see Williams (1986, p. 79) on ringil in Arnhem Land. This matter was discussed in the Gove land rights case where Stanner repeated the same view (see Blackburn 1970, p. 47).

3. The issue here was the relations between mala (group — and a polysemic term) and mada (language), which Ronald Berndt had discussed in a complex, indeed confusing, way.

4. Stanner was cross-examined in the Wilpiti Kartanganuru-Kurinji case in 1978, which resulted in a substantial transcription of his evidence, but as in the Gove case the nature of the proceedings greatly influenced the orientation of what he had to say, and was not particularly illuminating.