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Totemism, Regions, and Co-management in Aboriginal Australia

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INTRODUCTION

I aim to explore possibilities for dialogue that will enable Indigenous people's understandings of ecology to find ground in current world debate around environmental issues and in co-management relationships. Dialogue must take place on ethical ground if it is to produce ethical outcomes. I work with the two main principles articulated by Fackenheim (1994: 129): that dialogue begins where one is, and thus is always situated, and that dialogue is open, and thus that the outcome is not known in advance.[2] The effect of openness is reflexivity, so that openness toward outcome destabilises one's own ground. In open dialogue one holds one's self available to be surprised, to be challenged, and to be changed.

My broad purpose here is to lay out some of the ground on which ethical dialogue toward co-management may take place. At this time co-management is something to be worked toward rather than something that has been achieved, as Nonie Sharp contends. The ground of 'working toward' must be founded in ethical dialogue if co-management is to be mutual. Such a ground requires reflexivity and critique. Thus, an examination of western preoccupations explores some limits to western thought, limits which only become apparent by moving outside of them.

Analysis of management of common property resources in Aboriginal Australia has been hindered by a number of western preoccupations: that hunter-gatherer peoples do not manage resources, but only make use of them; that totems stand for or symbolise something other than themselves; that the boundaries of local land-based groups are congruent with boundaries of responsibility; that a discourse of rights, and particularly of property rights, is capable of encapsulating an indigenous jurisprudence. Each of these preoccupations limits inquiry and fails to do justice to Aboriginal people's thought and practice. I propose to examine each of them, because each derives from a fundamental aspect of western world views, and therefore wields power in polities dominated by western conquest.

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[1] An earlier version of this paper was published in proceedings from a conference: 1997 'Common Property Regimes in Aboriginal Australia: Totemism Revisited' in P. Larmour, ed, *The Governance of Common Property in the Pacific Region*, pp. 127-43, NCDS, Canberra.

[2] This structure of dialogue is proposed by E. Fackenheim, 1994 [1982] *To Mend the World*, *Foundations of Post-Holocaust Jewish Thought*, Indiana University Press, Bloomington, 1994 [1982], p. 129.

Debates in Australia about Indigenous institutions of common property ownership and management are, in the closing years of the twentieth century, inseparable from the highly political issues of land rights. The official view that Indigenous people did not own the land at the time of European conquest has been overturned by the High Court's 'Mabo' decision (1992) which gave formal legal recognition to the fact that at the time of conquest Indigenous people did own the land. In theory, Indigenous people continue to exercise rights of ownership — now labelled 'Native Title' — except in areas where conquest and appropriation have formally extinguished those rights. The *Native Title Act* (Cth 1993) provides a legislative framework within which the continuity of Native Title can be asserted, and the High Court's recent 'Wik' decision (1996) provides further articulation of how Native Title can be understood legally to survive. Where Native Title continues to exist, land cannot be alienated from Indigenous use and management without negotiation with the Indigenous title holders. Co-operative management agreements are increasing as the Native Title Act begins to have an impact.

Issues of Indigenous land tenure have thus acquired a special urgency in Australia. The analysis of Aboriginal common property regimes brings to these issues a vital perspective: that usufructuary rights are embedded within regimes of responsibility, and that regimes of rights and regimes of management are inseparable. Without rights, resources will not be managed; without management, resources will not be sustained, and rights will become meaningless.

HUNTER-GATHERERS

Hunter-gatherer peoples, perhaps more than any others, have been until very recently disregarded as land and resource owners and managers. Only within the last fifteen years have questions of land management emerged as a key component of research with Indigenous people in Australia (Williams & Hunn 1982). The long historical silence on these issues is connected with the settler view that Aboriginal people were parasites on nature. Elkin (1954: 15) gave the mark of scientific authority to this view in a book first published in 1938: 'The food-gathering life is parasitical; the Aborigines are absolutely dependent on what nature produces without any practical assistance on their part.' This view of parasitism was intricately connected to the view of *terra nullius*. The idea that the land was untransformed led directly to the idea that land was unowned. Locke's famous statement on property and ownership could have been written precisely to justify the dispossession of Indigenous peoples in the European settlement of Australia: 'Whatsoever then he moves out of the state that Nature hath provided and left it in he hath mixed his labour with and thereby makes it his property' (quoted in Shiva 1993: 25). In this view, Aborigines moved nothing out of a state of nature, and thus had no property.

The reversal of the parasite view dates to Rhys Jones's (1969) work on the use of fire as a tool of land management. He called this system fire-stick farming, and his use of the term 'farming' was deliberate (Jones 1995); it was provocative precisely because it hit the cultural/political nerve. In spite of the error of attributing a culture of cultivation to hunter-gatherers, Jones's term indicates that, like farmers, Aboriginal people intervened in their ecosystems to transform them in predictable and to them desirable ways. They consciously managed their ecosystems for long term objectives that included the long-term productivity of the land and the long-term fertility of resources. There has been a degree of debate about Jones's analysis, and there are still some adherents to the parasite view, but the evidence is quite clear that Aboriginal people managed resources in definable and observable ways in order to produce long-term productivity in their environments (for example, Bowman 1995; Latz 1995b).

Since Jones's original work there have been numerous studies that show Aboriginal people's pro-active care of Australian fauna, flora and ecosystems (for example, see Latz 1995a). Increasingly it is becoming evident that both the distribution and the diversity of Australian biota across the continent are artefacts of Aboriginal people's intentional actions. This is not to say that Aboriginal people have always and only managed ecosystems well; knowledge and practice are not always in synchrony for Aboriginal people, any more than for others (Lewis 1993: 10).

The implications of this new knowledge are enormous. Research is in a very early stage; it is interdisciplinary and has yet to be fully accepted within any mainstream discipline. It has been assimilated unevenly, and often crudely. A little more than a decade ago there was debate about whether Aboriginal people actually did engage in firestick farming (Horton 1982); today it is almost universally accepted that they consciously managed large portions of the continent through the use of fire, and contemporary Anglo-Australian land managers now seek to use fire to manage landscapes in North Australia. In addition, there are studies that deal with the aesthetics of burnt country (Head 1994) and the spiritual and emotional meanings of fire (Bradley 1995).

Looking at the continent as a whole, it is now evident that Indigenous people’s actions are clearly responsible for maintaining the open grasslands that covered much of the continent (Jones 1969), for the preservation of specific stands of fire sensitive vegetation such as acacia (Kimber 1983), cypress (Bowman 1995, Bowman & Panton 1993) and remnant rainforests (Russell-Smith & Bowman 1992), for the protection of refugia including breeding sanctuaries (Newsome 1980), and the preservation of sources of permanent water in arid environments (Latz 1995b; a brief summary of many of these issues is found in Rose 1996). In addition, their actions are directly responsible for the distribution of many plants (Hynes & Chase 1982; Kimber 1976; Kimber & Smith 1987: 233), and probably for the distribution of some fauna such as fresh water crayfish (Horwitz & Knott 1995). If research continues to produce new knowledge at this current rate, it is probable that I am discussing only the tip of the iceberg. As conquerors we are only able to understand Aboriginal organisation of country retrospectively, and undoubtedly much of the evidence we would want to examine has been obliterated. Yet, while there are many open questions, there is no doubt that indigenous people’s care of country has shaped and sustained the biota of this continent.[3] Indigenous people's ecological knowledge in Australia shows strong parallels to the structure and ethics of Indigenous people's knowledge elsewhere in the world (for example, see Scott 1996).

This new knowledge has yet to make a significant impact upon anthropological thought. I believe that when it does it will require major rethinking about how we understand the history of our species, how we understand differences between modes of subsistence, how we understand philosophical issues of being and becoming in the world. I believe that there are major implications for how we westerners understand our own dichotomised thinking, and for how we impose our knowledge systems on others (see Dwyer 1996).

Concurrently with the explosion of new ecological understandings, the official view that Indigenous people did not own the land at the time of European conquest has been overturned by the High Court's 'Mabo' decision (1992) which gave formal legal recognition to the fact that at the time of conquest Indigenous people did own the land. In theory, Indigenous people

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[3]At its most basic, this fact has been known for a long time. The Australian explorer Major Mitchell described the interrelationship between Aboriginal people, their fires, kangaroos and grass: Fire, grass, kangaroos, and human inhabitants, seem all dependent on each other for existence in Australia, for any one of these being wanting, the others could no longer continue... But for this simple process, the Australian woods had probably contained as thick a jungle as those of New Zealand or America, instead of the open forests in which the white men now find grass for their cattle... (quoted in Rolls 1981: 249)

continue to exercise rights of ownership — now labelled 'Native Title' — except in areas where conquest and appropriation have formally extinguished those rights. The more recent *Native Title Act* (Cth 1993) provides a legislative framework within which the continuity of Native Title can be asserted, and the High Court's recent 'Wik' decision (1996) provides further articulation of how Native Title can be understood legally to survive. Where Native Title continues to exist, land cannot be alienated from Indigenous use and management without negotiation with the Indigenous title holders. It is likely that co-operative management agreements will increase as the Native Title Act begins to have a greater impact.

TOTEMISM

'Totemism' was one of the cornerstones of emergent social science and related disciplines around the turn of the century. Sir James Frazer's *Totemism and Exogamy* (four volumes, 1910) and Freud's *Totem and Taboo* (1918) testify to the grasp of 'totemism' on the minds of these key thinkers. Debated regularly from decade to decade, totemism has become a palimpsest of western social theories. I will not linger in the history of thought concerning totemism, but rather will summarise extensively in order to elucidate some of the assumptions that have hindered an understanding of totemism in the material world, and thus have hindered an understanding of Indigenous common property regimes.

Definitions of totemism vary enormously, as I will discuss, but at the core the phenomenon labelled totemism posits a non-random relationship between particular humans and particular non-humans. It is this human/non-human link that exercised the thinking of early theorists such as Frazer (1910) and Freud (1918) (discussed in Levi-Strauss 1964: 2-3). I believe that we must consider that this project, of distinguishing civilization from savagery, culture from nature, was given special urgency by the pressure placed on key concepts of western thought under the intellectual revolution taking place in conjunction with secularisation and Darwinian theory. A key feature of western thought since the Enlightenment, the disjunction between nature and culture, was powerfully threatened by evolutionary theory, for if humans are descended from animals, where is the boundary between them? If humans are all one family biologically speaking, what is the difference between savagery and civilisation?

Haydon White (1978) has shown that these boundary questions become urgent when concepts of humanity are threatened. Totemism filled a wonderfully useful role in providing an answer to the question that was not explicitly being asked. The question was that of boundary maintenance: what is the difference between savage and civilised humans? The answer was to be found in the relationship to nature. If civilization was marked by a separation of culture from nature, it followed that a religious outlook which posited a relationship between culture and nature must be understood as an absence of civilisation, and must therefore constitute an evolutionary stage at which humans were not fully separated from nature. Analysis of totemism could thus confirm the superiority of western civilisation and the inferiority of the savage, defining and ordering their difference, while simultaneously linking them together as moments in a global history of progress. As Stanley Diamond asserts of anthropology:

> We study men, that is, we reflect on ourselves studying others, because we must, because man in civilization is the problem.... The questions we bring to history come out of our own need. The task of anthropology is to clarify these questions. (Diamond 1974: 100)

In 1912 Durkheim wrote that 'the totem is before all a symbol, a material expression of something else. But of what?' He would go on to assert that the totem is a symbol of god and of society, brought together, in his view, in the clan (quoted in Lessa & Voigt 1979: 34).

Subsequent social scientists did not devote works specifically to totemism, probably as a result of a number of critiques which cast doubt on the view that totemism constituted an analytically discrete phenomenon (discussed in Levi-Strauss 1963). Nevertheless, the question 'a symbol of what?' provided an opportunity for people to inscribe their particular theories of society and culture on the *tabula* of totemism.

Malinowski, for example, accepted the first part of Durkheim's assertion — that a totem is a symbol of something else. In good economic fashion, he found a consumption value: 'the road from the wilderness to the savage's belly and consequently his mind is very short', he wrote in 1948, 'and for him the world is an indiscriminate background against which there stand out the useful, primarily the edible, species of plant and animal' (Malinowski 1948: 44). He would go on to characterise Australian Aboriginal totemism as the most 'elementary' form, and would note that totemic cults had as their purpose the provisioning of abundance (ibid: 46). He was thus able to draw Aboriginal Australians into his general theory of science, magic and religion. Magic, he contended, is a set of techniques used by people to effect control of nature to their own ends when their practical knowledge and technology are inadequate (ibid: 19, 29). Radcliffe-Brown developed this view in more elegant manner, suggesting it was a common characteristic of hunting peoples to elaborate a major food item. While Radcliffe-Brown would initiate analysis into the logical properties of totems, both he and Malinowski are expressive of the theory, stated so succinctly by Levi-Strauss, that totems are 'good to eat' (1963: 62).

Levi-Strauss himself found another meaning in totemism. In his view, totemism answers a universal question of the mind: 'how to make opposition, instead of being an obstacle to integration, serve rather to produce it.' Natural species, he claims, are chosen because they are good to think, not because they are good to eat' (1963: 89). Rather than positing a one-to-one correspondence, Levi-Strauss looks to contrasting relationships between totems, and rather than considering that totems index the world, he held that they articulate the mind.

Levi-Strauss's work only makes sense if one accepts as universal a number of dichotomies that have been characteristic of western thought since the Enlightenment, and that have been subjected to a range of excellent critiques (for example, Plumwood: 1993):

• *mind vs body:* This dichotomy promotes the view that totems can be good to eat or good to think but not good both to eat and to think. Reading this dichotomy back into Malinowski's work, we see that he inscribes savagery in that short distance between the savage belly and the savage mind. The lack of mind/body split is held to be characteristic of savages, and by implication, to differentiate them from civilised man.

• *culture vs nature:* This dichotomy promotes the view that culture is more evolved to the extent that it distinguishes itself from nature. Reading this dichotomy back into Malinowski, the short distance between the wilderness and the savage is an index of savagery itself, differentiating that state from civilisation.

• *difference is oppositional:* Levi-Strauss talks about 'opposition' when he quite clearly means difference, and he takes it as given that difference is oppositional and is in need of transformation. He further presupposes that integration is a desirable social goal in and of itself. Such a view generates its own paradox. On the one hand it seeks to close the distance between savagery and civilisation by claiming universalities of mind. On the other hand, it oppresses those who find that they are socially positioned as different from those who are socially positioned as not-different, for it indicates that they/we are problems to be overcome. As Diamond so succinctly adverts, 'man in civilization is the problem' (1974: 100).

Dreaming Ecology

Thus far I have looked at unifying and universalising theories of totemism. I now turn to the Australian context. Data from Aboriginal Australia, especially that compiled by Spencer and Gillian (1899) were drawn on by all the early theorists of totemism and 'primitive' religion. Subsequently, most of the critiques of attempts to generate unified theories of totemism were supported with evidence from Australia. Thus, virtually every major proposition concerning totemism was supported in part by reference to Australian data. At the same time, virtually every critique of attempts to universalise was also supported with reference to Australian data. As Levi-Strauss indicates throughout his study, although not with this intention, every general theory can be both supported by and contradicted with evidence from Aboriginal Australia.

Anthropology in Australia has not sought unified global theories, but rather sought to analyse specific instances of totemic organisation, action, and thought. Lloyd Warner's pioneering ethnography of 1939 *A Black Civilization*, based on research he conducted in the 1920s, signals in its title the author's distance from the oppressive savagery-civilization dichotomy. Warner stated that the totemic system of north east Arnhem Land was 'highly elaborated and permeates all the activities of the group and all of its concepts of life in the world about it' (Warner 1969: 378). He found it to be a system of ritual relations between clan members and certain species of plants and animals. Totemism in north east Arnhem Land, Warner contended, 'is intelligible only in terms of the social organisation, the relation of the technological system to society generally, and the ideas which surround the society's adjustment to the natural environment' (ibid: 234).

In light of Warner's emphasis on both the religious quality of totemism and its pervasive, indeed foundation, relation to religion, society and the environment, it seems odd that decades were to pass before these ideas were put to work in other parts of the continent.

In 1962 Stanner took a phenomenological approach to totemism and religion, emphasising the mystical quality of totemism (1979 [1962]). He also linked totems with clans and with country, asserting that the group has a corporate title that covers not only the country or site, and a mystical relation to the totemic creators, but also non-material property associated with the country (1965: 13).

Stanner's study was closely followed by T.G.H. Strehlow's study of Aboriginal religion in Central Australia. He documents a totemic landscape in its social, spiritual and geographical complexity. He uses the term 'totems' to refer to the creative beings ('totemic ancestors') who made the world:[4]

> Because the whole landscape of Central Australia was studded with a multitude of sacred sites where supernatural beings had lived and moved and gone to rest, and because these sacred sites were in turn linked by an interesting network of mythological trails left behind by these supernatural beings, every tribal subgroup area ... was filled with a large number of sacred sites associated with a diversity of totems. (Strehlow 1978: 26)

Briefly but tantalisingly he proceeded to discuss some of the ritual which ensured the continuance of each totemic species or other existent. Primarily, however, Strehlow was seeking to draw out the religious/spiritual significance of totemic religion and to bring it into dialogue with contemporary spiritual concerns. In a later study, which I discuss shortly, he turned his analysis more closely to resources and land tenure.

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[4]Often referred to as Dreamings or Dreamtime ancestors.

In this same period, Worsley's (1967) study of totemism, derived from his Groote Eylandt research, follows the tradition of Malinowski is seeking to distinguish totemism from logic and science. Like Malinowski, he shows that non-Western people do possess systems of logic, classification, and explanation which can be loosely equated with western science ('proto-scientific' in Worsley's terminology [ibid: 154]). Totemism is distinguished from science, he concludes, by its lack of system; it is 'agglomerative, arbitrary and fortuitous' (ibid: 151). Peterson (1972) follows on from Durkheim, Stanner and Strehlow in examining totemism as a link between person, group and country. He found totemism to be a mechanism for ordering sentiment toward home place, and thus to be a key mechanism in territorial spacing (see also Strehlow 1970)

Ted Strehlow's 1970 article 'Geography and the Totemic Landscape in Central Australia' marks a major turning point. His foundational assumption was that while totems can and do represent many things, they also, perhaps centrally, are themselves. Strehlow thus brings the material world into the analysis in a way that previous scholars, with the exception of Warner, had not done. Like others, Strehlow agreed that the totem and the clan are connected to each other and to an area of land (this was Stanner's point too), and he went on to look to the organisation of ritual life oriented toward sustaining the life of the species, and other totems. Each clan, according to Strehlow's analysis of Aranda societies, is associated with a number of totemic beings, with one of which the clan is most intimately associated and for which it bears a central responsibility. Ancestral tracks, or the Dreaming tracks of these beings, link groups along the way:

> ... each Aranda local group was believed to perform an indispensable economic service not only for itself but for the population around its borders as well. Thus, the Eastern Aranda Purula-Kamara local group of Ujitja was believed to have the responsibility of creating rain for the whole of the surrounding countryside by the performance of the Ujitja rain ceremonies. Other Aranda rain totemic clans .... were credited with performing identical services for the populations in their local areas. In the same way, the members of kangaroo, euro, emu, carpet snake, grass seed, and other totemic clans were regarded as having the power of bringing about the increase of their totemic plants or animals not only within their local group areas, but throughout the adjoining regions as well. (Strehlow 1970: 102)

The remainder of this pivotal article is devoted to issues of authority (see Rowse 1992). Strehlow laid out the relevant data for ecological analysis, but chose to proceed in another direction.[5] The structure he described is entirely characteristic of many regions of Australia. This is a structure in which a regional ritual community is also a community of social and ecological reproduction. It is a community made up of politically autonomous group, each of which is responsible for the well-being of several species and of the other groups. The system is one of interdependence — the rain people, for example, make rain for everybody, humans and non-humans, and they depend on others to fulfil their responsibilities. The kangaroo people depend on the rain people for rain, and take responsibilities for kangaroos. Their actions benefit everybody, including kangaroos. The people with whom I studied in the north-west corner of the Northern Territory took this a step further in contending that other animals like kangaroos have their own rituals and law, and that they too take care of relationships of well-being (discussed further in the last section).

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[5]It was possible for a 1979 textbook on cultural anthropology that took a deliberately ecological approach to assert that 'since, as far as I know, no one has investigated the ecological functions of totemism ... it is impossible to assess the ecological relevance of Australian totemism' (Kottak 1979: 201).

Strehlow emphasised ritual responsibilities, and the general western fetishisation of indigenous ritual (Povinelli, per. com) has promoted the study of ritual over and above the study of associated practices. Responsibilities, it is now clear, include much more than ritual. Newsome's 1980 study of the Dreaming track of the red kangaroo in Central Australia initiated the work of analysing the ecological relevance of Australian totemism. This sacred track traverses some of the toughest desert country in the world, and the sacred sites coincide with the most favoured areas for kangaroos. In particular, there is a strong correlation between Red Kangaroo Dreaming sites, and the permanent waters which are the sources of fresh herbage during drought. The red kangaroo relies on fresh green herbage; after rains the animals forage widely, but in drought they must rely on restricted areas. As the sites are protected, so too are the kangaroos at these sites. These are places to which living things retreat during periods of stress, and from which they expand outward again during periods of plenty. Clearly, opportunistic predation at these sites, especially during periods of stress (when humans, too, are stressed), would have long-term negative effects on red kangaroos and other species.

Aboriginal people in this part of the world approach a sacred site with a respect that includes forbearing to hunt. Spears are left at a distance, and the caretaking of the site is accomplished without interference with the red kangaroos whose site and refuge it is. Peter Latz, a botanist who has carried out extensive work in Central Australia, notes that the most sacred/protected places are likely to be places where a number of Dreamings meet up or cross over. He describes them this way:

> ... there's a lot of dreaming trails which cross over, these are really important places. They are so sacred you can't kill animals or even pick plants. And of course you don't burn them. You might burn around them in order to look after them. (Latz 1995a: 70)

Not only in Central Australia, but across the whole continent, there are similar structures of restraint, management for long-term productivity, control of sanctuaries, protection of permanent waters, refugia, breeding sites, and selective burning for the preservation of certain plant communities and other refuge areas (Rose 1996).

In sum, decades of study of totemism have brought scholars to the outlines of an understanding of where the appropriate questions are located. They concern human interactions and connectedness with, and responsibilities toward, the non-human world. Totemism posits connectedness, mutual interdependence, and the non-negotiable significance of the lives of non-human species. It organises responsibilities for species along tracks that intersect, and thus builds a structure of regional systems of relationship and responsibility. I will return to these issues, for the discussion thus far hardly exhausts the subject.

LOCAL GROUPS

The social organisation of land-owning groups has been debated with vigour for decades by anthropologists, stimulated in large part by the introduction of land rights legislation for the Northern Territory. In recent years the Aboriginal Land Commissioner's inquiries into traditional ownership under the *Land Rights Act (NT) 1976* have enabled Aboriginal people formally to place their views into the debate. This debate has been restricted by the need to focus on the issues prescribed by the legislation. The *Land Rights Act (NT) 1976* defines Aboriginal traditional owners (section 3[1]) as 'a local descent group of Aboriginals who have common spiritual affiliations to a site on the land, being affiliations that place the group under a primary spiritual responsibility for that site and for the land, and who are entitled by Aboriginal tradition to forage over that land'. It thus designates the local group ('clan' in the vernacular) as the land owning group, focuses on spiritual responsibilities toward sites, and

treats foraging (use-rights) almost as an afterthought. In twenty years of land claims it has been shown conclusively that rights to forage are not restricted to local groups such as clans. On all the evidence, use-rights in respect of resources are neither restricted to, nor best articulated through, small groups such as clans (see Ingold 1986 for a pointed discussion of this issue).

The older established position with respect of land tenure was that of the small patrilineal group (usually described as a five generation lineage of ego and two ascending and two descending generations). Debate has focussed on the composition of the clan (patrilineal, cognatic, or some other form of recruitment), and about which level of organisation — clan or larger community — is best considered to be a land-owning group (Gumbert 1984 provides a useful summary for the non-specialist).

In land claims held under the Act, claimants have been asked about their responsibilities to country. In ecological zones from desert to semi-arid savannas to coasts and islands, many people have asserted that they can only fulfil their responsibilities to their country with the help of various categories of kin. For example, in parts of Arnhem Land, men cannot visit the sacred/dangerous sites in their father's country without the men for whom it is their mother's country. They have to make gifts to the matrifiliates, and only matrifiliates can take food and water from the area (Peterson 1972: 19). In parts of the Victoria River country (NT), to give another example, patrifiliates are responsible for burning the country; matrifiliates are responsible for organising the burning, and if the patrifiliates burn badly or wrongly they are accountable to matrifiliates who will punish them (see also Bradley 1995). Thus, in many areas it is simply not possible for the patrifiliates of a country to fulfil their obligations without the complementary cooperation of their kin, and in many land claims the claimants have asserted that the patrifiliates and the matrifiliates are all owners of the country as Aboriginal law defines 'ownership'. They further assert that the responsibilities exercised by matrifiliates are not secondary in distinction to the 'primary' responsibilities required by the Act. Whether or not matrifiliates are held to be members of a local 'land-owning' group, complementarity is integral to, and essential for, the long term reproduction of group, species, responsibilities, and country.[6]

Thus, a structure of complementarity is part of a system for organising difference in the service of producing interdependence. Each country has 'owners' who are related to it in different ways and have different responsibilities to and for it. Each person has a range of responsibilities, and exercises them toward the various countries to which he or she is related. Difference is organised to be complementary rather than oppositional, and thus is constitutive of cultural, social and ecological life rather than, as Levi-Strauss suggests, constituting an obstacle to be overcome. The result is that individuals and groups hold sets of complementary responsibilities at numerous local levels.

In sum, for two decade now the Aboriginal Land Rights (NT) Act 1976 has focussed anthropological attention on local group, its composition, and the nature of the members' rights and responsibilities to sites. As a 'land rights' body of legislation authorising the Aboriginal Land Commissioner to determine the traditional owners (if any) for the land being claimed, it has of course focussed on land and on the 'primary' responsibilities that the Act holds to be indicia of land ownership. In focussing attention on small groups and on local countries, it has tended to define localised relationships between people and country as paramount, and to look for the closures of groups, countries, and rights. The record of Aboriginal people's evidence before the Land Commissioner has thus kept to the periphery, or

[6]Variation in the organisation of group membership is very real. Some groups exclude matrifiliates from their category of 'owner', others require that they be included.

excluded altogether, considerations of regional systems and interpenetrating responsibilities and dependencies, responsibilities along Dreaming tracks, and responsibilities for totem that are not land-based.[7] The marginalisation of these crucial issue has retarded an analysis of connections between rights and responsibilities. Thus the best body of direct Aboriginal evidence is limited in its ability to address the system of ecological responsibilities within which all 'rights' are embedded. This is the system that Strehlow describes so succinctly — a regional ecological and totemic system of local responsibilities embedded in mutual interdependencies, reproducing regimes of management at local and regional levels.

RIGHTS AND RESPONSIBILITIES

Contemporary western conventions of thought and practice seek to separate the spiritual, the social, and the ecological, and to separate rights and responsibilities. Aboriginal people hold these domains as integral parts of the long-term management of life on earth. I can pull these disparate threads together through a brief study based on my studies with Aboriginal people in the Victoria River District of the Northern Territory (see rose 1992 for more detail).

In this region, Aboriginal people's cultural construction of region and relationship is founded in a system of multi-sited, multi-centred cross-cutting and overlapping subjectivities. Country is the matrix for the relationships I will be discussing; the term gained its current connotations in Aboriginal English. Small enough to accommodate face-to-face groups of people, large enough to sustain their lives, autonomous in respect of other, structurally equivalent countries, and at the same time interdependent with other countries, each country is itself the focus and source of Indigenous law and life practice. To use the philosopher's term, one's country is a nourishing terrain (Levinas in Hand 1989: 210), a place that gives and receives life.[8] The term 'country' (*ngurra* in Ngumbin and other languages) is itself polysemous; it refers to camp, local area, site, and larger region (Rose 1992; see also Myers 1986).

Country is multi-dimensional — it consists of people, animals, plants, Dreamings; underground, earth, soils, minerals and waters, surface water, and air. There is sea country and land country; in some areas people talk about sky country. Country has origins and a future; it exists both in and through time. Humans were created for each country, and human groups hold the view that they are an extremely important part of the life of their country. It is not possible, however, to contend that a country, or indeed a regional system of countries, is human-centred. To the extent that a country or region can be said to have a central focus, that focus is the interdependent responsibilities by which the continuity of life in the country and the region is ensured. A fundamental proposition in Indigenous law and society is that the living things of a country take care of their own. All living things are held to have an interest in the life of the country because their own life is dependent upon the life of their country. This interdependence leads to another fundamental proposition of Indigenous law: those who destroy their country destroy themselves.

This is the created world. The origins of country, its living things, its internal organisation, and the structure of its relations to other equivalent countries, lie in Dreaming. In these created terrains, consciousness and responsibility are manifested by all the participants in living systems. Subjectivity, in the form of consciousness, agency, morality, and law are part of all forms and sites of life: of non-human species of plants and animals, of powerful beings such as

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[7]In another paper (Rose 1996a) I discus the marginalisation of women's evidence in many land claims.

[8] Discussed further in Rose 1996b. See Myers (1986) for an excellent discussion of social relationships of nurturance.

Rainbow Snakes, and of creation sites, including trees, hills and waterholes. These terrains are sentient.

Boundaries of care are, on the one hand, geographical: people are 'born for country', and thus are born to responsibilities for that country. To know what one is responsible for is also to know where one's responsibilities stop, and thus where the next group or country takes over. On the other hand, there are also responsibilities that are not linked to country, or that are specifically linked to a multiplicity of countries (matrilineal social totems, subsection totems, Dreaming track responsibilities, for example). Thus, the very multiplicity of contexts through which the richness of life is structured ensures that no country/group is isolated, no boundary impermeable, no self-sufficiency total.

Difference is fundamental to the created world. Totemic relationships constitute a major system for linking living bodies into structured relationships. In the Victoria River District, there is a multiplicity of types of totems. Matrilineal totems, for example, link people to non-human species, and cut across boundaries of country. These people have or are the same flesh or 'meat' (*ngurlu*), and they share that sameness with each other and with the animal or plant with which they are associated — flying fox people share flesh with flying foxes, emu people with emus, and so on. Human and non-human kin are of the same flesh, and what happens to one has a bearing on what happens to the other. When an emu person dies nobody eats emus until the emu people tell them they can, and similarly when a flying fox person dies nobody eats flying foxes until the right people give permission. There are more variations than there is dogma, but there is a clear recognition that the lives of these beings are enmeshed in perduring relationships which bind people and certain animal or plant species together and thus differentiate them from others.

Country-based totems, inherited from one's father's father, mother's father, and mother's mother's brother, link people with land, Dreaming tracks and sites, and the species of those Dreamings. The owlet nightjar, for example, is the country-based totem (Dreaming, *kuning*) for a small group of people who take this identity from their father's father.[9] They have responsibilities toward the sites of the owlet nightjar, and toward owlet nightjars generally, as well as owning the stories, songs, designs and sites. They are responsible for the flourishing of owlet nightjars in the world, and this means that they are responsible for their own flourishing as well. Nor are they alone in this responsibility. Owlet nightjars (the birds) also have responsibilities toward them (the people) but it is fair to say that as a human being one knows the most about human responsibilities.

A country-based totem is a singularity, and it is cross-cut. Countries are exogamous, meaning that countrymen must find their spouses in other countries.[10] The owlet nightjar people have other relationships and responsibilities from their mother's father who was possum. These people are countrymen with owlet nightjar, and countrymen with possums. Countrymen take care of each other; to say that countrymen have responsibilities toward each others' interests, is to include non-humans within the realm of law. The rule that countries are exogamous cross-cuts the singularity of country and country-based totems, generating kin relationships between countries and people.

In addition, differing types of totems cross-cut and overlap each other. Some nightjar people are emu people; others are not. The members of a set of owlet nightjar people are thus both

[9]In the literature this type is usually referred to as a patrilineal totem, but as people in this region hold key responsibilities toward their mother's father's totems, country, songs, designs, and so on, and may also hold key responsibilities toward their mother's mother's totem, etc, the term patrilineal is not quite accurate.

[10]The term countrymen, in Aboriginal English, includes women and men.

the same and different: the same by reason of being owlet nightjar, different by reason of their other, differing totemic relationships — their mother's father's country-based totems and their own flesh-based totem. As different categories cross-cut each other, the people and other species who are related in one context are unrelated, or differentiated, in another context.[11]

People who are countrymen share their being with their country, and when the country suffers, so do people. Likewise, when people die, their country suffers. People identify marks such as dead trees, scarred trees, or scarred hills, for example, as having come into being because of the death of a person who was associated with that country. Similarly with Dreamings: When Dreaming sites are damaged, people die; when people die their Dreamings are at risk.

This is also the case with respect to the ground itself. One instance occurred at a billabong which the white station owner had told his Aboriginal workers to enlarge. My friend and teacher Daly Pulkara told me that they had not wanted to cut into the earth at this place because they knew that it was particularly powerful. The earth bled when they started digging, Daly said, and he named some of the people who died from this action.

These examples go to show that it would be a mistake to regard the boundaries of the person as coterminous with the body, and it would equally be a mistake to believe that if other people share a person's body, that person is thereby violated. On the contrary, the person achieves their maturity and integrity through relationships with people, animals, country, and Dreamings. Implicit in this construction of the person is the idea that places, trees, waterholes, Dreaming sites, and other animals are also subjects. Their being and becoming in the world exists in relation to other subjects, some of whom are human beings.

It seems that self-interest is not confined by the boundaries of the skin, but rather is sited both inside, on the surface of, and beyond the body. Subjects, then, are constructed both within and without; subjectivity is located within the site of the body, within the bodies of other people and other species, and within the world in trees, rockholes, on rock walls, and so on. And of course location is by no means random; country is the matrix for the structured reproduction of subjectivities.

A lot could be said about the tension, conflict and politicking involved in Aboriginal societies as people seek to determine in any given context the specific parameters of difference and sameness, exclusion and inclusion, autonomy and responsibility. I have sidestepped issues of political life in order to focus on ecological systems, but it ought not to be thought that the system I am describing creates what is loosely called 'harmony'. Rather, this multiplicity of social contexts provides innumerable opportunities to argue about social context, social responsibility and social action.[12] Equally, however, this same multiplicity of contexts works to contain tension and conflict. The cross-cutting of categories and the multiple sites of subjectivity ensure that power is located throughout the system. Politics lies in the art of locating one’s self in as many contexts as possible, rather than in accumulating contexts and collapsing them into a singularity.

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[11]I have not sought to include an exhaustive list of totemic relationships. Another category is that of 'skin' (subsection). This system differentiates children from their parents, so while skin identity depends on the identity of the mother (father, in some areas), one’s identity is not the same as one’s mother. Subsections are also linked to species (as well as to country, in some areas), generating sameness and responsibility. People who share their skin with a species take responsibility for that species, and they have the right to declare it taboo for hunting, meaning that no one in the region is allowed to hunt a particular species if the people who are linked to that species so decree.

[12]See for example, P. Sutton & B. Rigby 1982 'People with 'Politicks': Management of Land and Personnel on Australia's Cape York Peninsula', in N. Williams and E. Hunn *Resource Managers: North American and Australian Hunter-Gatherers,* AAAS, Washington, DC.

Relationships of difference and sameness are crucial to this politics. Sameness makes inclusive relationships possible: the emus/ people, the owlet nightjars/ people, the kangaroos/ people, and so on. Difference makes exclusion possible: emus are not kangaroos, as we know, and the people and species, earth and water, of one country are different from that of another country. Multiple sites of subjectivity cross-cut these boundaries, and while they do not and cannot extend indefinitely, they overlap with other sites of subjectivity which are cross-cut by others, which overlap with others.

The person who exists in others, and in whom others exist, is vulnerable to what happens outside their own skin, but that same person finds their power in the relationships which are situated beyond the skin. Thus, duties of care are understood quite profoundly as duties toward one's self: relationships of sameness distribute subjectivity across species and countries such that one's individual interests are folded within, and realised most fully in the nurturance of, the interests of those with whom one shares one's being. And while no individual is connected to all others, the overlap of connections sustains a web of interdependencies. In this system, living beings truly stand or fall together. The process of living powerfully in the world is thus based on nurturing the relationships in which one's subjectivity is enfolded. Nurturance is neither infinitely obligatory, nor is it diffuse and undifferentiated.

In my view, the western discourse of rights is incommensurate with the system I have analysed here. The discourse of rights depends on clear separations between individuals, clear distinctions in ontological categories, clear boundaries of polity and duty. When the concept of rights is linked to the concept of private property, the discourse moves in the direction of separation of the owner and the thing owned, severing the possibilities for a clear exposition of mutuality such as I have described here. And while the whole of the post-war movement toward 'land rights' in Australia has been predicated by white people as being about rights, many Aboriginal people have asserted that these 'rights' are really responsibilities, and what they seek to achieve is the ability to exercise their responsibilities.

The late David Burrumarra, an Arnhem Land elder, believed that human and ecological rights are most properly embedded each within the other. That is, one cannot speak in a holistic way about human rights without speaking also of ecological rights, and vice versa. He outlined the three main principles which he taught to young people, and he defined them as the '**real human rights**':

— Do the ceremony properly for your homeland and for yourself.

— Understand the land and everything on it so you can manage it properly.

— When you are a *bungawa* [leader] you will stand up and do the business properly for your homeland and Australia.[13]

CONCLUSIONS

Within the past decade a few anthropologists have started taking a fresh look at Aboriginal totemism as an ecological system (Bradley 1997, Rose 1992, 1996, Scott 1997). It is clear that with this approach we must set aside the oppressive dichotomies that Levi-Strauss's work highlighted. We must, for a start, propose that subsistence activity and intellectual activity are

[13]David Burrumarra in I. MacIntosh, op cit, p. 78

not necessarily dichotomous or opposing activities. We must ask whether difference might not be a desired characteristic rather than a problem to be resolved, and we must learn to consider interdependence. We must start to look at difference played out not only in the local but also in regional frames. Finally, we must not allow the study of ritual to eclipse the analysis of other forms of ecological practice.

The questions I have opened in this paper offer points of departure for dialogue toward co-management.

• The Aboriginal structure for sharing responsibilities requires differentiation and complementarity. As a system it is subtle, locally sensitive, regionally coherent, and distributes care relatively equitably through interdependence without centralisation. When responsibilities are held and exercised both locally and regionally it follows that no group is self-sufficient, and none is dominant. The people of each group depend on others for the proper management of the relationships which sustain them all.

• Restraint is equally part of this system. Restraint is socially enforceable in the sense that it is clear who has the responsibility to protect what. Such responsibilities are powerful rights. In the long run, however, a system of restraint works because of interdependence and connectedness. The members of these interdependent groups have an awareness of the mutual entwining of their long-term interests, and they 'play' by the same rules.

To return briefly to my four points, the obvious lessons are these:

• Contrary to conservative views of hunter-gatherer peoples, Australian Aborigines and other hunter-gatherers have a great deal of ecological knowledge at the levels of information, management, and organisation of responsibilities.

• Totemic relationships connect people to their ecosystems in non-random relations of mutual care.

• Local groups and local countries are an important context for the transmission of knowledge and responsibility, but the system of responsibilities is articulated through a region and reproduced through regional interactions.

• Relationships of connection situate the well-being of sentient individuals (human and non-human) both within, on the surface of, and beyond each sentient individual. Long-term interests are thus served through responsible care for 'others' as well as responsible care for 'self'. Rights in this system are best understood as responsibilities, for every being is enmeshed with particular others, and there are no detached individuals in whom rights might inhere. Rather, individual are always, already in relationships of nurturance, and human 'rights' cluster around the rights of sustaining those relationships.

There are profound lessons here for dialogue toward cross-cultural co-management. This analysis of Aboriginal systems suggests that responsible land management is best accomplished through systems of interpenetrating rights and responsibilities. In this type of Aboriginal system, self-interest is constructed as both within and outside the person, group, or species. Self-interest, if it can still be called that, stands in linked and complementary fashion to the interests of other people, groups, species, and ecological systems. The promotion of one's own interests is thus accomplished through promoting the interests of others as well.

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