

Land Wrongs

The Iconoclasm of Marc Gumbert

The central argument of this book is that classical anthropological conceptions of Aboriginal local organisation, and consequently, traditional land tenure are based on inadequate models. These render narrow and indeed distorted views of social reality. I offer here an alternative approach.

— Marc Gumbert

YOU'RE LIKELY to run into them anywhere in the bush today: *French* men and women.

Maybe one has just opened a Cordon Bleu restaurant in Todd Street, or a lingerie boutique (smile in your grave, John McDougall Stuart) in the Mall at Tennants Creek, more than one will be in Australia twice traversing on 'Aussie Passes', while another may be way out back of Central Mount Wedge on an ANU/Sorbonne exchange deep into resurrecting the old ritual carry-on of the Kaititja, and here's another — hyped on benzedrine and expounding to the world at large on a TV series '*Sur le Cœur Mort Magnifique d'Australie*'. And meet this one — she's married now and settled down here for good, has a fine repertoire of swear words but only a smattering of Strine. And, what have we here? (just pull up there, under that bottle tree will you,) this is interesting! — another Françoise (you can pick them for that certain *Je ne sais quoi*) and this one is studious, wrapt, lost in thought, quite inspired, transported in fact and arm-pit deep into a Land Claim in some kangaroo court under the shade of a coolibah tree at Mudbura, Lake Amadeus, Uluru, Otopia — or where have you.

And wherever you do happen to strike any French men or women and whoever they are and however varied their occupations or preoccupations there is always the one underlining thread, that connects them all:

"How," they ask themselves, "did we, as a nation, come to miss out on all *this* — all this fun, all this sun, all this room, when, so easily, it could have been ours for the taking, could have become our very own, wide open, glorious *lieu désert lumineux* in the South Pacific, still containing what's more, what's *more*, the original model of Jean Jacques Rousseau's *Sauvage Noble*?"

"Why," they muse on, "did we end up with just a scatteration of sea-escaped pinnacles as our only foot-hold in this hemisphere?"

Bougainville skirted it and left his name behind in a blaze of scarlet blossom and La Perouse — ah! La Perouse, he is still out there somewhere . . . and Western Australia's loveliest and most romantic coastal names are all French, as, too, is the name of its loveliest wild flower — *Leschenaultia* — called for the botanist who sailed our way with Baudin in 1801 — *Espérance* and *le Recherche* archipelago, Gulf Joseph Bonaparte, Cape Leveque, Naturaliste Reef and Point D'Entrecasteaux . . . Just to

see the names on the map is to savour the heady wine of that season and the after-taste of disappointment and regret. But it is with such dashed hopes that the path of history is strewn.

For there it was: after Waterloo the King tide of France's expansive energies receded and dried back revealing only dry sand and an occasional rusting spade left behind from the hasty burial of treasure trove. Moreover, by then, France had Canada on her hands and a new goal ensuite after the Heights of Abraham — "the battle of the bassinette". By then, too, the West coast of Africa was stretching out before her in miles of steaming mud — ideal for her own penal extensions and much closer than Botany Bay . . .

So Australia, that great Kohinor of the Pacific was claimed finally, holus-bolus, lock, stock and barrel by Great Britain. And no amount of 'multi-cultural' dissectioning, nor republican flagging-downing can ever or will ever refute that. It's ours! Eat your heart out France! Conjecture, contemplate, ruminate as you will, new migrants! Many of the latter, have, however, now settled for the next best thing: they hop right in here with us and *enjoin*.

There's nothing to stop them. Indeed there's welcome for new-migrant involvement and a deep respect for it at the level where we feel that we cop the credit end of the brain-drain. (Old Aussies, like myself, and like the Aboriginals before us feel, always, that new-comers, automatically, know more about the things we are thoroughly conversant and familiar with than we do ourselves. So we set them up Chairing panels, publish their books, ask their opinions and advice. We call this our "cultural cringe". You won't change us.)

Enjoinment is exactly what lawyer-anthropologist Dr. Marc Gumbert has done with his book *Neither Justice nor Reason* recently launched in Sydney. It will put him right in the foreground of our press and our TV screens for the sub-title of the book is that current hot potato: "Aboriginal Land Rights — a legal and anthropological analysis".

This is a book of major significance and anyone even vaguely interested in the subject will have to read it. Personally I've been waiting for it ever since hearing the author speaking about his ideas and findings concerning Aboriginal society on an ABC radio programme some months ago.

At the time I experienced something of that fellow feeling of the wondrous kind variety particularly as the speaker appeared to be one better able and better qualified than myself to express doubts concerning the narrow straitjacket that our traditional anthropologists had imposed upon that vaguest of all social entities: the primordial functioning structure of Aboriginal society, what held it together and what, really, was the attitude and relationship of these very first Australians to *the land*.

"Look!" we said to each other — i.e. my bush friends and I yarning away together, "there was so *much* land in the pre-European epoch when about 250,000 people were dispersed over some 777,000,000 hectares that land must have been like air — taken for granted — gratuitous and eternal".

In good seasons foraging areas might be quite small but during periods of drought a much wider range of movement was necessary for survival by surface skimming the hard earth. Making this possible was, of course, the extended family. In the old days this elaborate system of kith and kin consisted not only of direct relationships but minute degrees thereof (the "little-bit" and the "little-little-bit" uncles, aunts, cousins et al) which links gave access to terrain extending far and wide.

We knew this. We took this knowledge for granted. We observed and heard tell of examples of it. Enormous journeys were made right from the inland to the coast and back cutting clean across 'tribal boundaries' and language differences. The intricacies of these remarkable excursions and how they were negotiated was a primary topic of conversation in the shade of the tank-stand and around the camp while old folk would delve deeper and ever deeper into genealogies of the far past with all the total recall of the illiterate memory — the one long ago destroyed in ourselves.

Now it appears that Marc Gumbert, out of the blue as it were, has alighted upon a similar assessment of the amorphous, contractable/expandable nature of Aboriginal society:

Simplistic mini-states of permanent cell-like, autonomous 'hordes' conceived by Radcliffe-Brown were ethnocentric creations, they had no place in this land-abundant, classless and fluid society of hunter-gatherers.

(Part II, page 92)

This then is the theme of the book: disproving and debunking the old classical anthropological theories as first propounded by Radcliffe-Brown, followed faithfully by all his academic descendants, hallowed by time and enshrined as dogma. But make no mistake. This book, with its iconoclastic central contention, is not *anti-Land Rights*.

Far from it. What Marc proposes is a much more liberal and inclusive Land Rights policy generally — one that would include all those sections of the Aboriginal population that, he argues, have been disadvantaged to date because the *lex prima* of Land Rights has been 'traditional ownership'. All the land made over to the Aboriginals in the Northern Territory and South Australia has been on this premise. Marc keeps hammering away at what he describes as an anthropological "*blind spot*": the false assumption that to an Aboriginal his home

was his castle, that place above all others dear to him and defend-worthy just as it was to Harold the Last of the Saxon Kings or as it is to Tommy Aitkins in his east-end Council duplex.

Marc sees the liberalisation and expansion of Land Rights as both necessary and desirable yet, at the same time, he teases away at its very essence. Can he not see (and is not this *his* blind spot?) that unless Land Rights is ethnocentricised the whole concept of it becomes null and void — *Terra Nullis*, in fact, of Square One *Anno Domini* 1788?

What is so interesting to me about this book is that a great deal of what Marc has to say parallels what my bush mates and I have been saying for a very long time but, of course his language comes up much sharper and more scholarly than when we were nattering together in Strine on the verandah trying to catch that breath of air when the temperature was about 40 degrees in the waterbag. Had he been with us — we equipped only with our undisciplined empiricism but he with a vast epistemology — I feel sure we would have found some common ground and have had a darn good yarn.



"Cry from the Rim drowned by cockatoos"

We wanted to know. We wanted to understand. We loved anthropologists. (Naturally we had our private jokes about them — so, too, did the Blacks.) Our old Dad took Elkin by the hand and led him through the Kimberleys in 1924. Phyllis Kaberry and my brother were vaguely in love during the time she stayed with us in the 1930s. (They would clear out together up the Soda Springs road of an evening. Once when my sister and I suggested we make a party of it and bring a jolly thermos of coffee we realised that we were *de trop* . . .)

I am reminded of these long ago happy days when Marc attempts to retrospect for this is where he loses his way altogether. Here we would certainly have been able to help him. This Part 1 of his book seems almost to have been written by another person or someone with an ulterior motive.

Herein all the old Aunt Sallies come in for their now familiar battering: the pioneers, the establishment of a pastoral industry, the opening up of the map, the blazing of trails — anything, in fact, that has made Australia what Australia is including a land comfortable enough for a French man of perception and scholarship to ease him-

self into and onto a swivel chair in an air-conditioned office in central Sydney. Part II is the gist of the book. Here Marc hits form. Drawing from his own study, research and intuition he castigates the whole of classical anthropology and all the proponents thereof. Demolishing sacred cows and bulls with reckless abandon, he sweeps on towards the presentation of his own rectification.

Part III, which takes up more than half the book, examines actual Land Claim Cases in the Northern Territory and gives a valuable and concise account of 6 famous Cases over the past decade. Much of all this is richly spiced with Gilbertian situations as lawyers, anthropologists and Aboriginal men of High Degree all *disagree* while we observe the author himself diving in, clothes and all, in one rapturous plunge straight from the Seine to the Alligator River.

But just as Marc has no rear vision neither does he seem capable of looking forward to where his bonanza of a de-bunk is headed. He stands in one spot spanner poised. Well, then, that is probably his particular role in the general scheme of things: he is a spanner thrower. He has thrown a spanner into the legality of 'traditional ownership', and he has thrown a spanner into the works of every anthropological factory in Australia.

His *coup* sure puts the cat among the pigeons of the old academic anthropologists stiff with their own posturing — to say nothing of their set lectures and those eager-beaver students of theirs who can hardly wait to set up their plates in Alice Springs, Kununurra or Darwin as Land Claim Consultants. None of this mob is going to like Dr Marc Gumbert at all. But what with the anti-discriminatory laws they'll not dare to say what they might have a few years ago: Who the hell is Marc Gumbert? Never heard of him. Never went through *us*. He's not even a Pom — he's a bloody Frog!

O.K. So what are the alternatives? If the Marc Gumbert model be accepted there are only two:

- Land Rights, (i.e. free-hold title to land on the basis of restoring it to the 'traditional owners') is kicked through the bush gate for good and all.
- Australia, bit by bit, is relinquished to a minority group via a minority group that numbers about the same as the crowd in a Grand Final League Footy grandstand.

Patent absurdity.

Is, then, this book itself an absurdity?

Nearly, perhaps, but I don't really think so.

The title, however, is a hell of a one and what *does* it mean? Is it a quote from someone or somewhere?

Does it mean that Australia itself was established without Justice or Reason?

Perhaps, yet the author is at pains to explain, in Part 1, the niceties of "*Terra Nullis*" and the 18th and 19th

century attitudes regarding settlement in "wilderness areas" of the world as differing from demarked and clearly delineated arable lands with *their* distinctive social structures and provisions of entry.

Does it mean that Land Rights themselves are neither just nor reasonable? or, simply, that the handling of Land Rights to date lacks justice and reason but that from now on, post the Marc Gumbert Enlightenment, all can be rectified? Or what?

Why didn't he call it — "Towards fairer more inclusive Rights pour le Sauvage Noble", or, simply, "The Wrongs of Land Rights".

Had he asked me I would have suggested: "A Judicial Jungle and a Social Bungle".

There are some aspects of this book however, concerning which one can be neither facetious nor tolerant.



"Call from Ringers Soak" '81.

So before the whole of our Australian civilisation as we have grown to know and love it, as it has grown to know and love us, (and not all of it, as regards the Aboriginals, was culture *clash*, there was culture *contact* too: mutual respect, reliance, admiration and love. God! Where's all that gone?) along with its origins, its motivations and, (dare we say it?) its brilliant social and technical achievements, is drowned in a deluge of Newspeak, blows off into the heat haze, crackles and goes up in smoke, is flushed down a blood drain or dispensed with by any other type of cultural purge some upstart may care to nominate — I'm buggered if a few words of defence are not warranted concerning just three or four of Dr Marc Gumbert's arrogant and ignorant indictments. (The anthropologists can defend themselves.)

RESERVES

"Reserves came to be seen as the key 'management' solution to the 'Aboriginal problem'," says Gumbert and

goes on to develop the theme of Reserves as "open goals" describing them as "the actual physical incarceration of thousands of human beings . . .". Reserves were "a vast Australian archipelago of camps for the internment of the country's original inhabitants", loose "labour pools" (page 34.) This surely, is crude distortion of fact.

Certainly the Reserves were not located on prime river frontages but, be it realised, river frontages did not mean as much before the introduction of quadruped stock. Emus and kangaroos often "beefed" better in the more arid and stony regions than in tall grass country which they would by-pass in favour of the easily cropped herbage that sprang up after desert rain. The huge Reserves were set aside so that the Aboriginals could there roam free, (by the way, the Table on p.39 doesn't list the Arnhem Land Reserve of 8,080,800 hectares at all — or is my eye-sight failing?) and be left alone to do all their own things undisturbed and unmolested. Whites were not allowed entry to these sequestations. They never made forays upon them for labour. As if they could have found any Aboriginals had the latter chosen not to be seen — they are total masters of the art of camouflage and can disappear into the landscape more effectively than aameleon. Moreover the Aboriginal has been uniquely successful at avoiding coercion to work. Those employed in the pastoral industry were there voluntarily. Occasionally on the reserves they may have followed a Health Patrol that visited them occasionally and have led it into the camp of someone with "the pig stick" — leprosy, or some such malady beyond the scope of primitive medicine.

That the Reserves didn't and couldn't work out quite as idealistically as was hoped is another story. Suffice it to say here that Aboriginal Reserves in Australia were benignly intended. (Just how "benign" for Australia at large the severance of these areas from our map and the establishment of them as sovereign Aboriginal Homelands and where such might lead is not for discussion here.)

MISSIONS

This repetitive present-day denigration of the Missions and the "massive control" exercised by them over the Aboriginals, this definition of Missions as "prison farms", as an arm of wholesale oppression is further crude distortion of fact but ever so popular in Newspeak.

The primary motivation of the Missions was simply Christ's directive: "Go, teach all" (As well, in Australia, Missions didn't prosper economically as they did in the small Pacific Islands where "the Missions came to do good and did well".)

Now Gumbert would have us accept the idea of Missions being equivalent to Solzhenitsyn's *Gulag Archipelago* — instruments of oppression for an oppressive and monolithic State. How double-plus wide of reality can one get? Missions entered the Aboriginal societies of Australia as the waves of settlement broke in upon them — first among the thin coastal encampments, then as the "hordes" lost their old linkages, and scattered lost and bewildered — to tell them it was not the end, to show them another way and to give them hope

That *this* idealism has borne fruit can be witnessed on all sides today as Mission educated Aboriginals and half-castes take their places in the foreground of today's resurgence.

There is a dearth of recognition of the enormous contribution made by Missionaries to the sum of anthropological knowledge and linguistics over the years. Names like Strehlow, Worms, Love and Piele spring readily to mind yet in a recent publication, piously and rather misleadingly called *Aboriginal Religion*, the work of only two of the above even cracked a mention. The others were ignored.

Few of the old Missions are now nominated as such, the original location having become an autonomous Community with its own indigenous Council who are employers now themselves of an ever growing staff of Whites. Ever so many places seem to carry on in much the same way as 100 years ago and when this occurs it is because the Aboriginals want it that way. It is never fully appreciated just how many truly devout Christian Aboriginals there are. They are really, at present, a besieged minority as Christian Aboriginals are unfashionable — they are an affront to "multi-culturalism".

For any of the younger ones who feel that the old 'paternalism' is too restrictive at least they can clear out with sufficient education to enable them to obtain a job in another environment — the Department of Aboriginal Affairs, for instance, or the National Aboriginal Council, or the Aboriginal Development Commission, or Aboriginal Liaison, or Aboriginal Sacred Site Authority, or the Aboriginal Arts and Craft, or Aboriginal Community Workers, Aboriginal Cultural Foundation, Aboriginal Development Foundation, Aboriginal Essential Services, Aboriginal and Islander Medical Services, the Aboriginal Land Commission, Aboriginal Legal Aid, Aboriginal Special Works, Aboriginal Education, Aboriginal Housing and Hostels etc. — all these organisations are bursting at the seams with white staff and are ready and eager for any possible Aboriginals to share the weight of their burdens.

QUEENSLAND

The extent to which Marc Gumbert reveals himself as one of the New Men, cool as spreading fern (I quote from the immortal Ern Malley) is the stridently arrogant manner in which he berates this State's Aboriginal policies. Of all the States in Australia, *at least* they have been *consistent* and that, alone, is a singular virtue today and one that must be sincerely appreciated by the Aboriginals themselves. Queensland's policies may yet prove to be the soundest and the most far-sighted of any in Australia.

Has Marc Gumbert ever been to Queensland? Ever visited Aurukun or the Wellesley Islands, ever heard the split voting in any of these places between those in favour of the *status quo* and the pressure-group stack?

The Queensland Blacks and part-Blacks, and Islanders and Kanakas and part this, that and the other, know full well that they are streets ahead of many of their counterparts in other States. This has historical reasons as well as political. Even the most land-locked of the

original varied people in this part of the continent have always been — because of the nature of the terrain, and because of their external contacts with Papua New Guinea and Melanesia, more *with it*, more genetically diverse, lively and adaptable.

HALF-CASTE CHILDREN

They are repeatedly reckoned today as having been snatched from their mother's arms by the cruel and evil Protectionist policies of yester-year — a misguided film was made on the subject.

Sad as it was for both mother and child, most, if not all Aboriginal women, were resigned to the idea of their half-caste children being taken from them and brought into the white man's world. Many came forward with them as babies or youngsters and tearfully presented them to the Mission or to the recruiting parties that went through the stations and out-back towns collecting pale-skinned infants and placing them either with white foster parents or in Church orphanages. Aboriginal women were well aware of all this. That was why they *had* half-caste children. That was what they used, as opportunity arose, their bodies *for*. (Be under no illusion, knowledge of contraception was general — it was part of their survival kit.) But they had their half-caste children in order to give them a chance in life — the chance to *assimilate*. They called it — 'grow'm up White fella way'.

This is nothing new — it is as old as history: women of a subjected, displaced, or conquered people have always, either by coercion or choice, mated with the males of the new regime . . .

What do fond and dear old crones talk to me about as we sit in the shade — beside the Elvira River, on a clay pan near Gregory's Great Salt Sea, out the back of the Lake Darlot, in the Robinson Ranges, on the edge of the Gibson at Kintore, in the Eastern Goldfields camps, Granite Peak, Cosmo Newbry, in out-camps behind Yuendumu, Hartz Bluff, Ringer's Soak, Fork Creek . . . or on more familiar ground at Bandicoot Bar near Lake Argyle . . . We're quite on our own. The men have all gone off somewhere in their new Toyotas to the endless meetings with the endless anthropologists and lawyers who are matching up the endless unmatchable 'traditional owners' with untraditional claimants . . .

Like women together anywhere conversation reverts to children. But do they talk of their black children? Seldom. But finger by finger they count off for me the one, two, three, sometimes four half-caste children that they succeeded in bringing into the world way back in their youth ' . . . my little yella-fella kid where I bin sit down longa Brock Creek . . . '

'You know my little Georgie, Missus, you bin see'm that time . . . that time mob sit down longa Tanami — minein' nmob — well that time . . . nother time I have'm my little girl — man call'm, Yellarose — Yellarosatexas — you know'm . . . ?'

'Yeh, you know'm alright. You see'm when'm baby that time you comin' there with Heddy . . . long time now . . . 'm only little fella . . . ' (their memories are*

scalpel sharp). And at the mention of each half-caste child they wait for my nod of recognition and approval.

What they are trying to tell me, (and how bloody old hat and mat-ernalistic it sounds, yet again it was only last year) what they are trying to convey to me as they rummage through my hand-bag, not for money, what's the good of that? but out of curiosity concerning what I carry in my tilla-bag and have I a spare comb or mirror?, as they try to rub off the polish on my nails and as they examine, thoughtfully, the soles of my shoes, what they are trying to tell me is — we took things as far along as we could while we could . . . 'My little Rosatexas goberman grow'm up — she porget now her old mummy — close up binish now . . . '

But *retourner à nous moutons*:

It remains to be emphasised that, daring as Marc Gumbert has been with his *coup d'iconoclast*, the fact of the matter is, *he does not go far enough*. Even more important than the realisation of the Aboriginal's non-Eurocentricity in their attitude towards land is their non-homo-centricity as well.

It is only our conditioning, our cultural background that made Man the measure of all things, a separate special creature that a God-made-man died for to save and all that. In contrast to our homo-centricity the Aboriginal inter-twined and inter-related with the entire animal and plant world in that totem brotherhood of a wholly shared and mutually enbonded habitat.

So animals and plants, too, will need to be taken into account and must be included in any widened picture frame of their human brothers' rights to land. What about the long-eared bandicoot, the nail-tailed wallaby, the shaky-paw lizard, the bamboo-grass women, the fresh-water croc., the stink lily, the hairy-nosed wombat, the emu-tucker horange, that boab-nut-man, that shit-weed wattle, that noisy scrub-bird, you blood-wood pungle-man, you fig-heatin' flyin' fox, your wedge-tailed high flyer, your quandon sisters, your spider look-out owl, your spectacled-hare-wallaby, your missmme mopoke, etc. etc. etc. These were real. Real brothers — not simply pretty similes and myths upon which Eurocentric artists might extend their imaginations and their Windsor and Newtons, but dinkum mates with whom was shared a pre-eternally close and mutual dependence — a kinship closer even than that of blood brother. Protection of a totem brother was a sacred trust — along with this personal commitment, and as part of it, went habitat . . .

So are not all these creatures together with those men and women which Marc maintains have so unfairly missed out in Land Claim cases even though they held both Indaringinya and Ingwalilanima rights and sometimes Kurtingarla and Kirda claimancy as well — are not all these hairy, scaly, furry, feathery, leafy and flowery creatures being equally overlooked and most unfairly disadvantaged?

Animal Liberationists arise!

Arise spirit of Illapurinja!

You have nothing to lose for you have all been undone. No one has anything to lose but we do have a whole continent to hold and to share as our mutual home. The loser is the credibility of Land Rights.

* Eddie Connellan