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Genealogies

Genealogy as an anthropological tool

At the heart of every good native title claim lies a robust genealogy. I iterate this truism because it is not always evident. Genealogies tend to get left behind in the research process – being regarded as a task that does not merit immediate attention and that might well be left to some more junior person to complete. This is a grievous error and one that will compound difficulties not only during the native title claim itself but, upon its resolution, thereafter as those charged with administering the native title rights recognised by the court seek answers to questions about membership and rights that are likely to lie, in part at least, within the genealogical account. Long after the legal disputes about extinguishment and continuity of laws and customs have been forgotten, the genealogy will remain an important point of reference. As such, it is our duty to make sure that we provide genealogical data that are the best possible given the circumstances, our resources and the problems we will encounter when dealing with genealogical knowledge. Genealogies, whether in analogue or digital form, become 'things' in the sense that they exist in the context of their own creation divorced from the diverse research environment wherein their component parts were created. It is essential, then, that their integrity is able to withstand a lack of attendant exegesis, explanation or excuse. We cannot now ask Tindale what he meant by writing on a genealogy that a person was 'of' such and such a place, which would be handy given such annotations are commonly referred to in native title

inquiries. The deficiency now limits the usefulness of the original text and, had Tindale paid greater attention to his meaning, our research task would be all the easier today.

The idea of a genealogy or family tree has a long history dating back well beyond the development of anthropology as a discipline. They feature in the Old Testament and are found in many non-literate societies as formal recitations of lineal descendants passed on from generation to generation as oral tradition. Commentators on the history of genealogical recording have noted that 'genealogical reckoning came to serve as a model of distinction in early European society', and that 'aspects of its visual representation appear in fascinating diffraction in many places' (Bamford and Leach 2009, 4). These authors provide an illustration of a family tree hung in the Royal Palace of Jogjakarta in Central Java (ibid., 5, 20). They continue:

> By the end of the twelfth century, genealogy had become the surest means of preserving the memory of one's ancestors and of enhancing the prestige of an elite family. Demonstrated birth and membership in an aristocratic family became the legitimizing criteria for anyone who wanted to take advantage of the automatic inheritance system for fiefs. By 1500, a 'well born' man thought of his ancestors and descendants as a group of people through whose veins flowed the same noble blood. (ibid., 4)

Barnes (1967, 101) suggests that family membership and family position (presumably meaning social status) are used 'as criteria for membership and position in larger social units'. He shows how genealogical accounts have been a part of many cultures for many centuries in both Europe and elsewhere (ibid., 102–103). Barnes's epigraphic citation to Oswald Barron, contributor to the 1911 *Encyclopaedia Britannica*, confirms the antiquity of genealogical study, but raises an associated difficulty of veracity:

> The medieval baron, knight or squire, although proud of the nobility of his race, was content to let it rest upon legend handed down the generations. The exact line of his descent was sought only when it was demanded for a plea in the king's courts to support his title to his lands. From the first the work of the genealogist in England had that taint of inaccuracy tempered with forgery from which it has not yet been cleansed. (Barron 1911, 575–576)

Genealogies prepared in relation to claims of right or title are not neutral documents existing in some space separate from bias or even, in extreme cases, fabrication. While genealogies purport to set out either as text or as a diagram the lineage of a person, they must also be understood potentially as social constructs.

Barnes distinguished 'pedigrees' from 'genealogies' while accepting that the two terms were often used interchangeably (Barnes 1967, 102–103). The former is a charter of lineal descent that serves to support an asserted social position or status. The latter is a statement 'made by an ethnographer as part of his field record or analysis' (ibid., 103). For the most part in native title research we are likely to be collecting 'pedigrees' (as Daisy Bates also called them). However, the term 'pedigree' has connotations that relate to the animal kingdom and is probably best avoided as this may give offence.

In Australia, Sir George Grey was perhaps the first European observer to make use of genealogies with respect to social inquiry – proving a list 'to show the manner in which a native family becomes divided' (Grey 1841, II, Appendix A, 391–394).[1] He collected these names and relationships from the Perth area, Western Australia,[2] being interested in how obligations developed from family relationships, and used his genealogical data to provide an indication of age (Grey 1841, II, 231, 247). W.H.R. Rivers is generally credited with introducing what he called the 'genealogical method' into anthropological practice (Rivers 1900; Barnes 1967, 104). Rivers had visited the Torres Strait as a part of the Haddon expedition in 1898. Wishing better to understand the relationship between those upon whom he and his expedition colleagues were conducting psychological tests, he commenced collecting genealogies. He found, 'the knowledge possessed by the natives of their families was so extensive, and apparently so accurate' that it spurred him to collect genealogies from a substantial majority of those resident on both Murray and Mabuig islands (ibid., 74). Rivers defined his own fieldwork methodology (ibid., 75–76), noting that issues of confidentiality were a concern on Murray Island and claimed the 'essential accuracy' of his data (ibid., 76). He also raised two additional points to which I return later in this chapter. One related to the difficulty he encountered when trying to ascertain what he termed the 'real' father in a system that classified a number of individuals (typically ego's father's

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1   Available from gutenberg.net.au/ebooks/e00055.html
2   Grey 1841, II, 324.

brother) as a 'father' (ibid., 75, 77). The other related to the issues of adoption, common in Torres Strait societies (ibid., 76–77) and a frequent feature of native title genealogical accounts.

Rivers saw genealogies as a means to study kinship (ibid., 77–78), marriage choices and customs (ibid., 78–80), totemism, fertility and history (ibid., 81–82). Rivers recognised the potential for genealogical information to provide the means for the analysis of abstract concepts through the provision of 'concrete facts' by those he interviewed – the provision of which he regarded as the product of their 'extraordinary memory for detail' (ibid., 82). Interestingly, Rivers notes that two lawsuits had been tried before the court on Murray Island, both dealing with disputes over title to land that 'turned on the question of adoption and on the real parentage of two men' (ibid., 77). Rivers tells us that his genealogies matched the accounts provided in the trial but he did not appreciate at that time what a seminal role genealogies would later play in native title and intra-Indigenous disputes over land (ibid.).

Pioneering Australian anthropologists including Radcliffe-Brown, Elkin, Kaberry and others (including Daisy Bates) all collected genealogies as a means to better understand the social relationships of those with whom they worked, how different family members were named, their rules for marriage, the descent of totemic affiliation and, at least to some extent, their rights to country through patrifiliation. For good reason the genealogical method became a stock-in-trade for anthropological inquiry and a frequently encountered component of a good ethnography.

Genealogies and native title

The collection of genealogical data and the construction of genealogical charts commonly feature in native title research in two forms. The researcher can use genealogical data to explore with claimants kinship terminology, marriage preferences, totemic affiliations and relatedness and this should provide a basis upon which at least some aspects of the laws and customs and associated normative referents are defined for the community of native title holders. This provides a valuable insight into the likely continuity (or otherwise) of these rules and ways of behaving since the date of effective sovereignty. Such information does not have to be elicited through genealogical research, but this is a task that will most likely have to be undertaken in any event, unless of course it has already

been done by a reliable and accurate researcher previously. The second form of genealogical research is the account of descent from an apical ancestor, and this research activity tends, in my experience, rather to overshadow the first-mentioned activity to the former's ultimate detriment.

Native title claims are typically made by those who are described in the application as being the descendants of one or more of those listed as ancestors of the claimants. These forebears are known commonly as 'apical ancestors', which simply means they are at the apex of the genealogical account. It is sometimes the case that research undertaken in relation to the early texts (including the genealogies of pioneering anthropologists) will reveal additional names beyond those listed as apical ancestors on the Form 1 application.[3] Locating the names and country identities of individuals even one generation above the apical listed on the Form 1 extends the compass of knowledge about the descent of rights and is likely to be helpful to the application. Claimants are unlikely to know the names of those more than two or, in some cases, three generations above ego, so it may be useful in any discussion to employ the name of a person who is remembered by the older claimants as a point of reference with the lineal relationship included. Thus, in a fictitious example, apical ancestor John Brown whose father's father is discoverable from an early genealogy as Jinggandari is rendered as 'Jinggandari, FF of John Brown'.

The wording on the Form 1 will vary on a case-by-case basis and it is not unusual for those adopted, perhaps 'according to the laws and customs of the claimants', to be included. In addition the requirement that there be 'community recognition' of claim group membership may also find a place in the Form 1 wording. As I have discussed in the previous chapter, these are important legal qualifications that may require consideration by the anthropologist.

Native title genealogical essentials

In terms of the anthropological inquiry the genealogical account of descent from a named ancestor is, in its essentials, straightforward. Assuming that the system under review is one based on a descent of rights through filiation (that is, through a perceived relationship between ego

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3   The 'Native Title (Federal Court) Regulations 1998' require that the 'Form 1' be used for an application mentioned in s. 61(1) of the *Native Title Act 1993* by a claimant for a determination of native title in relation to an area for which there is no approved determination of native title. See www.fedcourt.gov.au/forms-and-fees/forms/native-title-regulations, accessed 6 November 2017.

and a forebear), what is required is an account of the genealogy, showing descent through agnatic or cognatic links (as the case may be) with lineal antecedents stretching back to the apical ancestor. Ultimately, what is required is evidence that the ancestor was in command of the claimed land (or a portion of it) at the time of effective sovereignty or before. Data brought to bear on this issue derive either from the claimants themselves as part of their oral account of their ancestral connection or from the early literature and in some cases from more recent prior native title research. While the essentials are disarmingly simple, the reality is indeed much more complex.

W.H.R. Rivers, and the early Australian anthropologists who followed, collected their genealogical data from those with whom they worked. It was, then, strictly an oral account, although Rivers noted that the 'chief' on Mabuiag had himself drawn up genealogies of residents of the island that River found agreed, for the most part, with his own data and augmented them (1900, 76). Anthropologists working in Aboriginal Australia on native title claims are unlikely to have such a clear run. Genealogical accounts collected by previous researchers may serve to confirm, correct or contradict the oral account. This can lead to disputes between groups and a variance of opinion between the claimants and the anthropologist should the genealogical record not accord with that now espoused by the claimants. In my experience claimants sometimes turn up to native title meetings with their own independently researched genealogies, which they may or may not wish to hand over to the anthropologist who is researching the claim. The provision of a number of genealogical sources seldom results in unambiguous concurrence, or the material available may be uncertain, unclear or incomplete. All the difficulties I have already discussed in preceding chapters relating to the use of early texts apply. The potential for disagreement and conflict is, then, high, particularly as claimants usually see the genealogical materials as the pass to claim group membership, which indeed in part at least, it may be.

Given that this is an important and often contested field, it is important that genealogical research be undertaken with due respect for method, the time required and resources needed. It is a task that requires careful, methodical and professional application. In what follows I set out just some of the guiding principles that may assist, noting that others have written at length on the genealogical method, including Barnes (1967) and, with respect to native title, Sutton (see, in particular, 2003, 179–205).

Some methodological and procedural issues

Despite the shallowness of the genealogical record (Barnes 1967, 119; Sansom 2006), the claimants' own knowledge of their family and antecedents remains an important basis for preparing the research documentation required for a native title claim. The court generally regards genealogical accounts provided by claimants as 'evidence' but of course has to allocate them weight according to the credibility of the witness, consistency and other factors including whether it is likely that the data have been derived from books, papers or lawyers during the native title process. For the anthropologists, in terms of field research, collecting genealogical data means sitting down with senior claimants to gather genealogical information. A necessary precursor to this process (as with all field research) will be an explanation of the process to be followed and the reason why genealogical data are so important, what will happen to the data once collected and the uses to which they will be put. For each individual, names should be recorded, place and date of birth noted and country affiliation and language group identity sought. Other data that might be helpful include section or subsection terms and totemic affiliation, but the data to be collected will depend on both availability and relevance to the native title arguments. Each item of information should be explored as thoroughly as possible. A person may have several names and multiple language identities. If the knowledge is absent, make a note that this is the case. Different cultural conventions govern the use of names, particularly of the deceased, so it is probably best to discuss this first before attempting to collect a genealogy as it is next to impossible to do so accurately without using the names of deceased ancestors. As with all field data, the resulting chart and accompanying notes should be dated and the persons from whom the information was gathered set down. Genealogies should be checked with the claimants that supplied them as well as with members of other branches of the family that share the same ancestors. Generally, however, I have found it a sound rule not to discuss genealogical details belonging to one family with another as this is usually seen as a betrayal of confidential information and should be avoided.

The systematic methods required to collect these genealogical data in the field have been set out elsewhere (Barnes 1967, 105–112). The researcher should decide on the symbols to be used in the charts, typically ○ for a woman and △ for a man and perhaps a □ or ◇ if the sex is not known. A deceased person can be marked by a solid infill of the symbol or a / through it. The person from whom the genealogy is collected should

be identified as 'ego' and his or her ascending generations are shown by vertical lines, collaterals by horizontal lines. Marriage is shown by the use of =; alternatively and sometimes more convenient if there are multiple wives, by a horizontal line with short terminal vertical lines above linking marriage partners. Names should be included where they are known. There is some preference for distinguishing males from females by the use of capitals for the former and lowercase for the latter, particularly if the symbols noted above are not used (Rivers 1900, 74). Some researchers have reversed this arrangement including Daisy Bates who often has her women in capitals and her men in lower case, as did Norman Tindale. Whatever convention is adopted, it should be explained in the text or along with the genealogical charts so the reader can be clear as to the data the genealogical chart presents. The date, place of collection and identity of the ego of the chart should be noted on the chart or genealogical account.

Discussion of relationships is best done by reference to conventional abbreviations. Thus F = father, MF = mother's father, mm = mother's mother, z = sister, S = son and so on. Males are distinguished from females by the use of the upper case for the former and the lower case for the latter. A fuller account of these conventions is provided by Sutton (2003, 181–182), which date back to Murdock's writing on genealogical method in 1947 (cited in Barnes 1967, 122–123).

Genealogical accounts required for a native title claim, which provide explanatory text as to how claimants are descended from a named ancestor, are necessarily complex and sometimes tortured affairs. They should be kept as simple as possible while ensuring that there is no ambiguity resulting from the loose use of pronouns. Thus statements like 'Molly had a daughter Jessie and her mother's sister was called Jane' leave the reader uncertain as to whether Jane is Jessie's mz (aunt) or Jessie's mmz (great aunt). It is better to repeat a name than risk such misunderstandings. Thus, 'Molly had a daughter Jessie. Molly's sister was called Jane'. Or, 'Molly had a daughter Jessie. Molly's mother [name] had a sister who was called Jane'.

Genealogical accounts as text should be properly referenced to the source in the researcher's field notes. In this way material collected from the claimants about their knowledge of an ancestor can be sourced to a particular claimant and consequently the bases for any resultant expert view is evident to the reader or those who seek to adjudicate the matter.

Reliance will also have to be placed on archival and earlier anthropological work, particularly genealogies collected in the past. The limitations of these data, if apparent, should be considered, and such deficiencies as are considered to qualify opinions made clear. Conclusions must be founded on these data as a whole and, in the event that there is insufficient materials available from all sources, the anthropologist should simply state that there is insufficient data available to form a concluded view.

A critical task is to provide an opinion on whether each apical ancestor was in command of portions of the application area at or before the date of effective sovereignty. This requires the provision of a likely birth date for the ancestor in order to show whether the individual was born prior to the date of effective sovereignty. If these data are not a part of the archival record (which in the majority of cases it is not), then the researcher has to provide reasonable grounds for estimating one. When seeking to posit dates of birth of those in the higher generations beyond oral recall it is my practice to work backwards from the oldest person whose birth date is known with some certainty – perhaps from a Tindale reference, a birth, death or marriage certificate or other document. This may not take us back very far but from then on the application of calculated birth dates is one way to proceed, provided the method and its assumptions are clearly set down for the reader and the limitations of the system accepted. In computing possible birth dates, where these are not known from the archival or other records, I allow 20 years between generations for a woman and 25 years for a man. This is a rough estimate given that women may be younger and men often older than this when their first child is born and other researchers have adopted different inter-generational time periods (e.g. Sutton 2003, 162, 168). However, what I suggest provides a helpful guide as to possible birth dates of ancestors when no other information is available in this regard while the bases for ensuing conclusions in this regard are set out for the reader to evaluate.

The identity of the ancestor's country is also seldom readily available from the evidence so, again, the researcher must provide reasonable grounds for the provision of an opinion with respect to this and some reliance will have to be placed in this regard on the archival record, if such is available.

Tindale's genealogies

Tindale collected many hundreds of genealogies from all round Aboriginal Australia. As I discussed in Chapter 7, parcels of Tindale's gargantuan corpus frequently figure in native title claims and his genealogies are no exception. Consequently, given the widespread use of Tindale's genealogical data in native title claims, these materials merit commentary here. While other early researchers have also collected genealogical accounts, including charts which are used in native title claims, an evaluation of the use of Tindale's genealogical materials also provides lessons applicable to the materials collected by others.

Understanding Tindale's genealogies is first about developing an appreciation of their original purpose. Keen, in an article he titled 'Norman Tindale and me' (1999), pointed out that the genealogies prepared by Tindale now provide a 'wonderful resource for many Aboriginal people … in the preparation of native title claims'. However, they were also the work of a man who was 'a strong advocate of assimilation and the dispersal of Aboriginal communities in the southeast, at the time of the White Australia policy' (ibid., 99). Tindale was of the view that mixed race Aboriginal people should be absorbed as rapidly as possible into the mainstream population (white, Anglo-European). He was interested to discover which of the many racially mixed groups would best adapt to assimilation (ibid., 102; Tindale 1941, 68). He identified mixed race individuals in his genealogies by the use of the annotations F1 (typically a European father and Aboriginal mother) and F2 (the child of two F1 individuals). He also used the then popular terms like 'quadroon' and 'octroon' or by the fraction value of the 'mixed blood' he calculated from the genealogical information available to him (Keen 1999, 100). This 'racial reductionism' as Keen called it (ibid., 103) is both striking and disturbing to a modern reader but it explains Tindale's apparent preoccupation with collecting genealogies, which he often coupled with his anthropomorphic measurements, mental ability tests and photographs, undertaken at times with his long-term colleague Joseph Birdsell (Tindale 1940b).

A good example of Tindale's research interests in this regard is found in a page of his journal, written in 1939 while visiting the Aboriginal settlement of Koonibba on the west coast of South Australia (1938–1939,

1020[4]). Tindale made a copy of a 'Work Classification' evidently drawn up by Pastor Traeger who became the superintendent of Koonibba Mission in 1936. Traeger's list was, in turn, based on a 'similar list used by Pastor Mueller' (ibid.), the previous superintendent of the mission. Tindale's entry takes the form of a table and comprises a list of men employed at the mission and a ranking of their ability to undertake employment. The table has four columns with the headings, 'Men able to undertake contract work successfully', 'Men reliable when left to work alone', 'Men who give best results if white man works with them' and 'Unreliable'. Against each name is a measure of the individual's 'blood' – that is, F1, F2, ¾ and so on with a cross reference to the genealogical chart he had drawn up as part of his research program. All the names in column 1 are classified as F1; of the nine names in column 4, six are classified as 'fb', two as ¾ and one as F1. Elsewhere Tindale reported that F1 individuals showed 'apparently greater adjustment to white life' than did F2 individuals, but he was unable to explain why this was so (1940b, 282). Tindale commented in his journal, 'when fully analysed this list should be very instructive as an independent assessment of the high place taken by F1s as compared with F2s and others' (1938–1939, 1021).

The quality and legibility of Tindale's genealogies vary enormously. Some are quite sparse in terms of their details, while others appear to have been the product of a number of sessions, with copious information squeezed in to a corner, with lines showing family connections that could not otherwise be accommodated in the space available. Tindale generally wrote the European names of the people he recorded, using upper case for women and lower case for men. Tindale also annotated some of the names he recorded, but there is no consistency in this regard. He sometimes wrote 'tribal' names alongside the name of individuals where these were known or collected as well as a geographic location. The significance of these locations is unclear. Tindale sometimes wrote that a person was 'of' such and such a place, or 'at', the implication being that the former preposition indicated that the place was their traditional country, the latter that they were living at the place mentioned. However, this apparent differentiation is not explained by Tindale and can only be drawn by inference. It is important to remember that Tindale did not generally record details of the country wherein a person held customary rights but rather used

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4   The copy of the journal I have accessed has two sets of page numbers. The one cited here appears to have been Tindale's original. A portion of the original journal has been renumbered, commencing as page 2 for the 24 March 1939 entry.

a 'tribal' identity to situate them within a social setting. Tindale also sometimes gave approximate ages and other comments or annotations that can sometimes yield helpful ethnographic information he obviously collected at the time he took the genealogy.

Tindale did not identify his 'ego' (that is, the person from whom he collected the genealogy) although this, too, may sometimes be inferred by his cross reference to a record card (e.g. 'R726'). These cards were prepared by Tindale or by his co-researchers and contain additional data collected on such things as social history, 'tribal affiliation' or anthropometric data, depending on the expedition and his style of research at the time. The cards sometimes provide additional data and are worth consulting, if they are available. Tindale also took portrait photographs of his subjects

Figure 9.1: Tindale sheet 89 collected from Point Pearce, SA, in 1939

Source: Genealogy reproduced by kind permission of the Board for Anthropological Research Collection, South Australian Museum. Courtesy of Lewis Yerloburka O'Brien, South Australian Museum collection AA346/5/3/6_Point Pearce_89.

I have provided a copy of one of Tindale's 1939 genealogies as Figure 9.1. Tindale collected this genealogy from Point Pearce on 6 March in that year. He generally wrote the place of collection at the head of the chart, along with the date, while the numbering of the genealogies makes referencing unambiguous.

Genealogies such as the one shown above provide useful information in native title research, provided of course that they can be directly linked to the claimants. Difficulties arise when names are uncertain or when names very common at the time they were collected by Tindale may result in misidentification. So, for example, if a family know they had a forebear whose name was Daisy it is possible to erroneously assume that a woman in a Tindale genealogy with this name was that woman. Consequently, it is important to cross-check other details like date of birth, place of residence or 'caste' (which Tindale often included in his annotations) to provide greater certainty as to the applicability of the genealogy. Tindale sometimes collected the name of the same person on more than one genealogy and appears to have been quite thorough in providing cross-references to these names. It is important, then, to check these cross-referenced sheets to see what other information might be available there relating to the family. Tindale's annotations are sometimes hard to read and copies provided through Native Title Representative Bodies are always photocopies of the originals (which are held at the South Australian Museum in Adelaide), while some are clearly copies of copies with resultant deterioration. I have even come across copies that have been amended by an unknown hand, and in one case some names were actually crossed out and rendered illegible – presumably because someone disagreed with Tindale's record of the family. Perhaps the greatest and most frequent point of dispute relates to the 'tribal' identity, which may be the subject of subsequent debate particularly in areas where group names were variable or inconsistently applied.

Working with Tindale's genealogies requires practice and patience, extensive cross-checking where this is possible and sound contemporary fieldwork to ensure that the genealogy considered is indeed relevant to the family being researched. At their best Tindale's genealogies may provide evidence of an ancestor's links to the application area. By calculating birth dates backwards from those Tindale supplies, individuals represented in Tindale's oldest generation level may be shown to have been in possession of the claim area at the time of effective sovereignty. At their worst, Tindale's genealogies provide data that is inconsistent with other materials

and contrary to the evidence of the claimants. In any event, if there is a Tindale genealogy relevant to a forebear of a claimant, it must be properly and comprehensively assessed, taking into account the circumstances of its collection, Tindale's purpose in making it and any other data that may be relevant to the conclusions and opinions that may be drawn from it.

Genealogies and adoption

Adoptive relationships are common in native title genealogical accounts. Some are asserted to be of some antiquity (that is, said to have occurred three or more ascending generations above ego) but others may be comparatively recent. The former may be subject to some differences of opinion amongst claimants when relied upon to assert membership of the claimant group. Since both the adoptee and adopting parent or parents are now long dead, it is not possible to gain first-hand field data about the adoptive relationship, its qualities and characteristics. Consequently, forming a view about the nature of the adoptive relationship must rely on the memory of the claimants or, most likely, on an oral tradition of unknown pedigree. The reliability of such conclusions is readily open to negative scrutiny.

At the heart of the difficulty is the concept of filiation. Anthropologists distinguish between descent and filiation (Sutton 2003, 188–191; Meyer Fortes 1959, 203). Filiation can be understood as the relationship between a child and his or her parents and grandparents, as recognised by peers and relations. Filiation in this context is the social, emotional and practical aspects of a family relationship between parent and child.[5] The substance of these relationships is the flux that quickens the descent of rights through genealogical connection. 'One-step filiation', 'two-step filiation' and 'serial filiation' are terms used to accommodate relationships between ego and their parent, grandparent and through successive ascending generations, respectively (Sutton 2003, 188). Descent is somewhat different and has been defined as 'a genealogical connexion recognised between a person and any of his ancestors or ancestresses. It is established by tracing a pedigree' (Meyer Fortes 1959, 206).

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5   Oxford English Dictionary, *filiation*: 'the fact of being the child of a specified parent. Also a person's parentage; "Whose son one is"'.

It is commonly the case in native title claims that claimants cite serial filiative links with known forebears as the basis for their claims to country. Sutton observes, 'members of a descent group share a common, identifiable individual ancestor, or sometimes a set of ancestors such as two or three siblings, or a married couple, from whom they reckon their group membership' (2003, 189). Consequently, the normative system that is relied upon to determine rights to country is one based on descent from a named ancestor and the filiative links to ego's parents and grandparents. These filiative links generally rely on consanguineal ties. But in some cases they must rely on other forms of filiation, such as adoption. Transforming adoption into descent with recognition of filiation requires the transformation of a baby (or child) into a son or daughter. That such a transformation has taken place requires community acceptance in order to have validity within the country group membership. Social recognition and non-recognition are creatures of social relationships, local politics, personal preferences, antagonisms and even grudges. The question that generally excites debate is whether an adopted child, who is not a member of a country group lineage by birth, can acquire filiation through adoption. It is the anthropologist's job to show that the recognition of descent within an adoptive relationship is neither arbitrary nor contingent but rather based upon a system of customary principles.

A useful first step is to determine whether the *idea* of adoption is recognised in the Indigenous language of the claimants and is the subject of laws and customs. In some areas where I have worked, I have been able to collect a term from the claimants' language that translates as 'adopted'. In some cases the term is glossed as 'growing up' which may be understood to carry the meaning that the child is 'just like' a natural child in terms of gaining rights to country. However, the ethnography is the determining factor when deciding how to represent an adopted child on a genealogical chart and how they should be described in the explanatory text. Generally, in my experience, it is often accepted that if a man or woman 'grew up' a baby, then it would be accepted as his or her natural child. By amalgamating field data in relation to such principles that can be understood to endorse the view that an adoptive relationship has become equal to and indistinguishable from a relationship based on descent, implied filiation can be understood to provide a relationship that bears graphic representation as a child on a native title genealogy.

The difficulties that develop from complete reliance on an oral tradition with respect to adoptive relationships that are asserted to have occurred in times prior to the claimants' recollection finds no simple resolution. Sometimes it is possible to locate independent archival references that support the fact of an asserted adoption. For example, I once found a reference in a Native Welfare File that a man had paid all the education expenses of a child who was not his natural daughter, which lent weight to the assertion that he was the child's adopted father. In other cases I have canvassed a range of views from numerous claimants and found a clear consensus that an adoptive relationship was 'the same as' one based on biological descent. However, I have also come across many cases where an asserted adoption was subject to dispute amongst claimants. In these cases the best that can be done is to provide an account of the competing views and any relevant laws and customs and set out such independent archival accounts as might be available. In this way an expert view can be provided if there is sufficient data available – otherwise, the anthropologist must simply state that there is insufficient data available to form a concluded view as the claimant testimony is contested. In such cases it may be a matter to be determined by the court.

Genealogical truth

W.H.R. Rivers was sanguine about the accuracy of the genealogies he collected on Murray and Mabuiag islands. He described his 'extensive genealogies' as possessing 'a high degree of accuracy' (Rivers 1900, 76). On Murray he obtained genealogies 'from two or more independent sources, with the result that different accounts corroborated one another to an extent which forms the best guarantee of the truthfulness and accuracy of memory of the natives' (ibid., 76). On Mabuiag Island, Rivers:

> often compiled [his] genealogies sitting in the huts, or on the sand, with a crowd of women and children sitting round listening to the information which the men were giving me. In some cases, even the women were consulted. Often I was able to get several of the older men together, who consulted about points of detail, and it was obvious that some were looked up to by the rest as authorities on the subject. (ibid., 76)

Cross-checking and collaboration were the tools Rivers used to bring some certainty to the oral genealogical account. I stated above in the section 'Methodological and procedural issues' that, in the contested field

of native title genealogical research, discussing family history with anyone other than the members of the family in question can be controversial. However, checking genealogical details before a jural public can provide confirmation of a general acceptance of the account as rendered – or, alternatively, alert the researcher to potential disputed ground. The availability of genealogies collected by earlier researchers, particularly those produced in the pre–native title area, provides a useful corrective to and confirmation of the contemporary account, although there is no certainty that genealogies collected by Elkin, Kaberry, Radcliffe-Brown or Tindale (and others) were without error. Rivers sought to establish that his data 'possessed a high degree of accuracy' (ibid., 77). In native title inquiries the anthropologist can strive for the best genealogical account available. However, there should be a clear qualification to any genealogical account that it is founded on data that reflect a social construction of the past. Orally transmitted genealogies are best understood as one account of family relationships and a representation of the way people understand themselves to be related to others, both living and dead. This means that oral genealogical accounts derived from different claimants may exhibit differences in detail or even in how relationships are calculated. In an oral genealogical tradition, the nature of relationships in the third and higher ascending generation level is sometimes assumed, imprecise or not remembered. Additionally, some relationships in lower generation levels may not be accurately recalled, particularly in the case of an extended family with numerous affinal relationships and many children. The larger the genealogy, the greater is the likelihood of errors or variations being identified. Genealogies will need to be subject to correction and emendation as new information comes to light. It is best to set out these qualifications as to the accuracy of the oral account at the beginning of any discussion of the genealogical data.

In some cases the oral account can be corroborated by historical or other documentary sources, as I have discussed above. The accuracy of archival records should not be taken for granted. Government officials were susceptible to error and prone to misunderstandings, particularly in cross-cultural encounters. The use of historical sources provides an adjunct to an oral account, enabling the construction of genealogies, in some cases, beyond that which relies on the comparatively shallow oral account.

Managing genealogical data

Anyone who has attempted to assemble genealogical accounts will know all too well that data are multitudinous and their representation poses some formidable challenges. In times past it was usual for anthropologists to draw up their genealogies by hand on long sheets of paper, glued end on end such that the total length of the genealogy was measured in many yards. There was, I recall, a certain pride that characterised some PhD research, occasioned by citing the length of the accompanying genealogy. These mute memorials to the genealogical method were inaccessible, impractical and had little to recommend them. Fortunately, the digital age has rendered them redundant and provided a range of alternatives that are now important tools for native title research.

Genealogical programs are widely available on the internet for download or obtainable in some stores. Prices are generally well below $100 and most provide updates, web support and tutorials. The principal problem with this software is its evident ephemeral nature, its sustainability over different operating platforms over time and the compatibility of different programs. At the time of writing (early 2018), two formerly popular programs (Family Tree Maker and The Master Genealogist) used by many Land Councils and Native Title Representative Bodies were no longer available as stand-alone programs, although many of us continued to use our existing software successfully. Despite the apparent demise of these programs, a search on the internet revealed 10 other programs that were readily available for purchase that appeared to perform in a very similar manner to those with which I am familiar. The choice of the software program is a matter for the commissioning organisation, which needs to consider suitability, cost, reliability and ease of use as well as security. Consultants undertaking genealogical research should be asked to use the same software or ensure that they can readily generate the common genealogical transfer data file (known as a GEDCOM file).[6] Organisations

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6   'GEDCOM (an acronym standing for *Genealogical Data Communication*) is an open *de facto* specification for exchanging genealogical data between different genealogy software. GEDCOM was developed by The Church of Jesus Christ of Latter-day Saints (LDS Church) as an aid to genealogical research. A GEDCOM file is plain text (usually either ANSEL or ASCII) containing genealogical information about individuals, and meta data linking these records together. Most genealogy software supports importing from and exporting to GEDCOM format. However, some genealogy software programs incorporate the use of proprietary extensions to the format, which are not always recognized by other genealogy programs, such as the GEDCOM 5.5 EL (Extended Locations) specification. While GEDCOM X and several other files have been suggested as replacements, the current 1996 version remains the industry standard 20 years on.' www.en.wikipedia.org/wiki/GEDCOM accessed 28 November 2016.

will need to ensure that they maintain and update their genealogical files on a regular basis and that this is undertaken by a person who has had proper training and is equipped to manage the system and generate the data required. Genealogical databases are vulnerable to mis-entries, duplication and even erasure, so they need to be managed according to the same standards that apply to accounting software and digital archives. This is no simple or cheap task. However, genealogical databases will be required in the post-determination administration and will be of fundamental importance to the management of any benefits that develop from the recognition of native title. It is, then, essential to get this aspect of data management right from the outset.

Genealogical databases have significant advantages over hand-drawn charts. First, they can be easily updated should new or corrective material come to light. Second, they are easily accessible. Any named individual in the database can be readily found and details of his or her relationships, children, partners and personal particulars recovered. Third, they are easily used by the researcher in the field (on laptop or tablet), obviating the necessity to do battle with yards (metres) of paper. Fourth, they allow easy input of additional data including all important authorities for information, scanned copies of archival materials including genealogies, certificates and photographs. A single entry is, then, a gateway to a whole volume of supportive data, readily available to the researcher. Finally, they are easily transmissible *in toto* and relatively flexible and adaptive to other formats.

Some of these evident advantages also bring with them incipient dangers. Genealogical databases are vulnerable and like any digital content can be easily erased or corrupted. The research, then, needs to ensure that the database is properly managed and that it is subject to regular backups. The generation of digital charts (most programs have a choice of several different ones) is no substitute for publishing paper charts for safekeeping. Generally the charts produced by genealogical software do not provide for the symbols common to anthropological genealogical charts (as noted above) but rather produce names in boxes, with males distinguished from female by the nature of the box border – choice being afforded to the user in this regard. In some cases a hand drawn chart may be a better option for a native title report if some details or particulars are required to be shown. However, in terms of time and resources the production of digital charts by a genealogical program (whether printed out or not) is a far better option than attempting to draw extensive genealogies by hand – as was the case in times past.

The wealth of data that can be included in a genealogical database has significant implications for security and the protection of personal information. This is a matter that the researcher will need to discuss with the commissioning organisation, prior to the development of the database. Organisations holding genealogical databases will also need to consider the security of their genealogical materials in the same way as they seek to protect legal, accounting or written documents that are confidential to their organisation.

A genealogical database, like any digital compilation, is only as good as the data entered into it. I have inherited numerous genealogical databases, initiated by unknown researchers in times past with varying degrees of skill and accuracy. Sometimes it has taken me many hours to correct errors in the database, eliminate duplicate names and fix up wrong relationships. Genealogical databases are an essential tool of native title research. Like other aspects of this very practical enterprise, their use, maintenance and data input needs to be undertaken by those properly qualified and equipped for the complex task at hand. Genealogical research should never be seen as a secondary and lesser research task. It requires careful thought, adequate resources and experienced and trained researchers.