4. The Anthropology of the Broome Region

By the time of the Rubibi claim hearing in 2000, the Aboriginal people of the region had suffered approximately 150 years of colonisation in various forms. The intrusion on the traditional life of the people started brutally in the 1860s–1870s with the recruitment of Aboriginal people to work on pearling luggers, and, in the hinterland, the direct competition with pastoralists over the resources of the land, sheep and cattle spearing and reprisal-killing expeditions. The 1880s saw the establishment of the Port of Broome as the centre of the pearling industry and the continued rise of pastoralism amid a legal regime that kept many Aboriginal people on pastoral stations in semi-feudal tutelage as rationed workers. In the same era, Catholic missions were established to the north of Broome, at Beagle Bay and Lombadina, and to the south, at La Grange. The town of Broome was booming with the market for pearl shell, and, in the early 1900s, there were about 1700 Japanese and Malay men associated with the industry living in town.

There was public concern about the prostitution of Aboriginal women, miscegenation and the spread of disease. The whole period had seen a dramatic decline in the Aboriginal population. Paradoxically, the harsh legal regime tying Aboriginal people to pastoral stations allowed some regrouping of the original inhabitants of the Broome region at Thangoo Station, to the south. But Broome tended to act as a magnet for Aboriginal people in the entire region. Following the disruption of World War II, when many Aboriginal people were moved to Beagle Bay mission, there was a gradual migration of Aboriginal people on Thangoo and other surrounding pastoral stations into Broome and various Aboriginal camps just outside Broome, including one associated with the claim area. This movement probably commenced soon after the war and continued in the 1950s and 1960s (see Hosokawa 1991:2–4). The migration from the surrounding pastoral stations and missions, as well as the migration of Western Desert people out of the desert towards the coast, resulted in a complex assemblage of different Aboriginal groups in Broome.

In Western Australia, the advent of native title was a revolution in Indigenous land rights. A proposed State statutory land rights scheme had failed in the WA Parliament in 1984, leaving security of tenure to the discretion of the Government under an outmoded system of reserves and leases held by a State-wide Aboriginal Land Trust. Following the Mabo decision, the assertion of Indigenous land rights did not have to await the pleasure of the Government of the day; they could be asserted immediately in court. For the hard-pressed Yawuru people around Broome, it meant identifying for claim those remaining
areas where native title had not been extinguished by the grant of inconsistent interests as the town of Broome expanded. The Kimberley Land Council (KLC), representing the various claimants under the umbrella name of Rubibi, identified six such areas. For reasons that will be explained in the next chapter, the claim was split into two hearings, the first one dealing with a small Aboriginal reserve called Kunin (also known as Fishermen’s Bend), about 5 km east of Broome, which had been set aside for Aboriginal ceremonial purposes.
The claim was unusual in two respects: the area claimed was small (121 ha), and the rights claimed at the end of the hearing were limited to rights to perform rituals. In other respects, however, this claim might be more typical of the context of anthropological testimony in the native title era. There was no rich anthropological archive such as Haddon’s *Reports* providing an anthropological baseline soon after the assertion of European sovereignty; there was no major ethnography arising out of classic long-term fieldwork completed well before legal proceedings were contemplated; and there was no single anthropological voice at the hearing. Instead, there was an extensive ethnography of the contemporary scene compiled by the claimants’ anthropologist and, from the distant past, the uneven accounts of amateur anthropologists and the truncated accounts of professional anthropologists that were part of larger surveys. Thus we have a testing scenario for the historical imagination of the anthropologist: how to convincingly assert traditional continuity on the basis of a meagre anthropological archive.

In the hearing, there was also another typical feature of the native title era: the State Government retained an expert anthropologist whose job it was to offer a professional commentary on the report of the claimants’ anthropologist. Usually, as in this case, such an anthropologist does not have the opportunity for extended fieldwork with the claimants prior to the case and their evidence begins to approximate a forensic peer review. The resolution of differences of expert opinion generated in the *Rubibi* case between Patrick Sullivan and Erich Kolig allows for a further insight into judicial fact-finding in native title. Well before this case, Justice Olney in the *Yorta Yorta* native title claim had taken the rather drastic approach of ignoring expert opinions in dispute, as if they cancelled each other out.¹ In *Rubibi*, a very different approach was adopted, as will become clear in the next chapter.

But first, in order to understand the differences between Sullivan and Kolig, it is necessary to give some account of the anthropological archive on which they both relied to form their professional opinions.

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¹ *Members of the Yorta Yorta Community v Victoria*—VG6001/95—18 December 1998, para. 62.
Map 4.2 Anthropological fieldwork locations in the Broome region
Bischofs

One of the first references to traditional ownership around Broome in the anthropological archive was made obliquely in a 1908 article in *Anthropos* on the Niol Niol (Nyul-nyul) tribe. It was written by Father Joseph Bischofs, the second Pallottine Superintendent of the Beagle Bay Catholic Mission (Bischofs 1908).

The Niol Niol traditionally occupied an area on the Dampier peninsula, well north of Broome, and this reference is included only because it became important in Kolig’s critique of Sullivan’s report for the claim. The article was mainly concerned with the survival of the remaining Aboriginal population and proposed that the Government purchase pastoral stations on which Aboriginal people could work. The early brutal period of colonisation would have been in the living memory of Aboriginal people at the mission. That experience is reflected in Bischofs’ account, which refers to revenge expeditions, Aboriginal people being forced from their traditional lands to make way for cattle runs, labour exploitation, disease, and interracial sexual liaisons—especially with the Japanese and Malays—which were characterised as the trade in women.

The article also mentions traditional land tenure in passing, and inaugurates a thematic tension that would continue up to the claim hearing in 2000. Bischofs asserted clearly defined tribal areas but also identified several different tribes living peacefully together on the mission and having friendly interaction with other tribes in the region. In his table of tribes with whom the Niol Niol had friendly interaction, there appeared the names Yáwor, Káren, Ménger, Tjógon.

These seemed to be cognate words for contemporary places and identities. Significantly for the claim area, Kunin, the table asserted a Káren tribe, with a ‘Káren bor’ camping place (*Lagerplatz*), speaking the Tjógon language. In the light of the contested assertion in the native title claim of a Jugan identity separate from Yawuru, Bischofs’ table is tantalising evidence. It would, however, have to be treated with some circumspection since the table was compiled before the era of professionalised anthropology and before the debate about Aboriginal local organisation. Moreover, little is known about Bischofs’ qualifications or methodology.

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2 The Beagle Bay Mission was founded in 1891 by French Trappist monks and taken over by the Pious Society of Missions (PSM, the German Pallottine Fathers) in 1901. Father Bischofs arrived at the mission in 1905 and took over as superintendent in 1908—also the date of his article in *Anthropos* (see Zucker 1994:31, 53, 75).

3 Compare with Daisy Bates’ *The Passing of the Aborigines*, in which she gives an account of seemingly reluctant institutionalised prostitution in Broome under the guise of marriage to a ‘Manilaman’. On the other hand, Bates (1938:12–13) also reported the unrestrainable enthusiasm of the Aboriginal women of Beagle Bay mission to be involved in such temporary liaisons with the ‘Asiatic’ crews of passing pearling luggers.

4 Yáwor (= Yawuru language, tribe), Káren (= Kunin, the Aboriginal name of the reserve under claim), Ménger (= Minyjirr, place name and dialect name), Tjógon (= Jukun dialect, tribe).
Daisy Bates

Daisy Bates commenced fieldwork in the era of the ethnological surveyors and compilers. Like those on Haddon’s expedition, she could be seen as a proto-anthropologist in the history of the professionalisation of anthropology. Haddon’s team achieved their transformation from the sciences to emerging social anthropology within the academy. Because of her lack of university qualifications and her gender, Daisy Bates risked being regarded as the female journalist aspiring to acceptance among the scientists of the academy, the mastery of the academic game continually out of her grasp (see Hamilton 1982a:94–6; White 1993). The sensationalism of her autobiography, *The Passing of the Aborigines*, did not help in this regard—nor did her largely unfounded belief in widespread Aboriginal cannibalism of their babies.

As with Haddon’s *Reports*, there were also some continuities with the later era of Malinowskian-style fieldwork. To be sure, Bates’ magnum opus, *The Native Tribes of Western Australia*, belatedly published in 1985 due to the editorial labours of Isobel White, was organised under headings familiar from the turn-of-the-century ethnology of Spencer and Gillen, Howitt, and Matthews, as a broad survey work encompassing the separate topics of Origin, Marriage Laws, Social Organisation, Physical Characteristics, Arts and Crafts, Food, Initiation, Religious Beliefs, Magic, Legends and Folklore, and Totems (see White 1985:9–22). Some parts of that work resulted from a prolonged association with informants in the field, in the Aboriginal camps of Roebuck Plains Station in 1901–02, while she lived there with her husband, the manager of the station (see Salter 1971:90–9). These parts are presented in the detailed, insider’s way that also adopted the literary conventions of modernist ethnography, such as the ethnographic present. One of these passages—the description of the stages of male initiation among Aborigines congregating on Roebuck Plains Station near Broome—would become a critical link for Sullivan in establishing traditional continuity 100 years later in the native title claim.

Groups

Daisy Bates conceived of Aboriginal groups in a variety of ways. At the highest level of generality were regional groupings that she called ‘nations’, defined as ‘a collection of tribes with community of interests, with certain similar customs, ceremonies and beliefs’ (White 1985:39). Other kinds of broad categorisations that appear in her work are those who share the four-section system and those who include circumcision in their initiation ceremonies. The next level down in her taxonomic hierarchy is the ‘tribe’, which, from the description of their areas, implies contiguous territories and ownership (1985:49).

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5 For more on the life of Daisy Bates, see Blackburn (1994); De Vries (2008); Reece (2007); and Salter (1971).
Of interest to the Rubibi claim is Bates’ description of the Broome area as forming part of the ‘Kalarrabulu’ tribal territory (White 1985:59), although, according to Glowczewski (1998:209), in her fieldnotes, Bates also spoke of a ‘Joogan’ language and the ‘Yowera’ people of Broome. In her description of other ‘nations’, she does describe lower levels in her taxonomic hierarchy as dialect groups or local groups (see, for example, White 1985:48–9).

**Laws, customs relating to land, ceremonies**

Bates’ most poignant account of Aboriginal attachment to particular areas of land arose out of her horrendous encounter with diseased and dying Aborigines, who were forcibly transported from all over Western Australia (including some she knew from Broome) to the lock-up hospitals on Dorre and Bernier islands, commencing in 1910.6 She described this experience in *The Passing of the Aborigines* under the chapter title ‘Isles of the dead’ (Bates 1938:93–104): ‘silently for hours on a headland, straining their hollow, hopeless eyes across the narrow strait for the glimpse of beloved wife or husband or a far lost country’ (at p. 100).

Much of her description of land affiliation is also consistent with the desire for the familiarity of known kin and country, and fear of the sorcery of unfamiliar Aboriginal people. With the exception of her description of increase ceremonies, the traditions that we would today see as tying individuals to particular places—such as conception totems, Dreaming stories and the sites of major ceremonies—are typically described in ways that de-emphasise place. Moreover, much of Bates’ account supports the porous nature of tribal territories, especially her informants’ description of various ‘highways’ of kin relations into neighbouring areas, intermarriage between different language groups, the inclusion of people from different tribes in initiation ceremonies and the long journeys of the initiates through the wider region.

The ‘laws’ she described were laws of marriage and laws about the proper performance of initiation ceremonies.

**Change**

‘Culture contact’ was not one of the established topics of ethnographic treatises of the times. Implicit in Bates’ work, however, is an assumption of fatal impact or inevitable decline, presumably derived from her direct observation of the alarming effects of untreatable diseases on the Aboriginal population. These assumptions tended to be carried over to cultural matters as well. She variously

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interpreted the appearance of half-caste children as the end of traditional marriage rules, and the physical relocation of Aboriginal people on pastoral leases and settlements as the dramatic end of the savage life.

Radcliffe-Brown

Although he did interview at least one Aboriginal person from Broome, Radcliffe-Brown did not do fieldwork in the vicinity of Broome. Apart from Bernier Island and the notorious false start at Sandstone with Daisy Bates, Radcliffe-Brown’s WA fieldwork was confined to the Roebourne–Port Hedland–Fortescue River region, about 480 km south of Broome (Brown 1913). When he came to write his general survey *The Social Organisation of Australian Tribes* (Radcliffe-Brown 1931), he relied largely on the unpublished fieldnotes of Elkin and Piddington (see below) for discussion of the tribes around Broome (pp. 337–41). The exception is the Nyul-nyul tribe, where he also refers to his own unpublished fieldnotes of 1912.

Radcliffe-Brown famously asserted the horde—based on an exogamous, virilocal, patrilineal clan—as the basic unit of traditional landownership, occupation and exploitation for the whole of Australia (1931:35–6). This generalisation was part of his grand synthesis in the first part of *The Social Organisation of Australian Tribes*, which sought to construct both the commonalities of the existing localised ethnography and a general framework from which regional variation could be explored.

The additional significance of this theorising about Aboriginal local organisation was in the influence it had over future researchers, particularly Elkin and, as we shall see below, Erich Kolig in the *Rubibi* claim in 2000. The reasons for Radcliffe-Brown’s influence remain somewhat of a mystery, given his meagre publication record and how far his own fieldwork practices fell short of the

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7 Elkin (1933:footnote 5 on p. 441, and the sentence commencing p. 444) refers to Radcliffe-Brown’s fieldnotes of an interview with an Aboriginal man from the Broome district about certain Djukan words and concepts.
8 See Bates (1938:93–6); Kuper (1996:35–42); and White (1985:7–8).
9 For a recent overview of Radcliffe-Brown’s theorising on local organisation and his critics, see Sutton (2003:44–53).
ideal of long-term, localised fieldwork that he tried to inculcate in his students. Instead of fieldwork in the tradition of Malinowski, he dazzled with his ability to systematise and with his teaching.

The rhetorical strategies in his writing, perhaps because of their extremism, were destined to provoke a sense of intellectual excitement. His approach promised an end to speculative evolutionary theorising, the drawing of a line under previous amateurish, piecemeal accounts and the beginnings of solid scientific foundations based on careful observation. It was not only a promise. He delivered in *The Social Organisation of Australian Tribes* a compelling synthesis of diverse ethnographic detail into a few types and recovered from this mass of detail clear explanations of the relationship between types of kinship systems, marriage rules and classes (moieties, sections, subsections). This was an achievement of analytical perseverance, however, rather than fieldwork observation.

His millennial tone no doubt combined well with his confidence, his flamboyant personality and the academic capital with which he arrived in Sydney as Foundation Professor of Anthropology in 1926, to make the models proposed in *The Social Organisation of Australian Tribes* the reference point for all subsequent anthropological research. This agenda setting was not confined to the topic of social organisation, although this remained the privileged entry point into the Aboriginal world for a whole generation of researchers. It extended to local organisation, mythology and ritual, and their interrelationship with social organisation. He was obviously aware of a variety of rituals, including initiation ceremonies, but it was the widespread reporting of localised ritual sites, used for the increase of natural species or other natural phenomena, that provided a neat confirmation of interrelationship at the level of the horde (Figure 4.1).

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10 Daisy Bates was not an unbiased observer of his fieldwork on Bernier Island and succumbed to occasionally making invidious comparisons with her own closeness to the natives and lampooning the Professor’s distance:

To question the poor shuddering souls of these doomed exiles was slow work and saddening, but as I sat with them in the darkness of their *mias* at night, the torture of the hospital routine was forgotten, and harking back to thoughts of home, they were, for an hour or so, happy. Of all the tribes there so dismally represented, from Hall’s Creek to Broome and Nullagine, from the Fitzroy River to Winning Pool and Marble Bar and Lake Way, I learned much of infinite value in vocabularies and customs and pedigrees and legends. The scientists, I think, made intermittent headway...‘Your two sons [referring to A. R. Brown and Watson]—why are they afraid of us?’ I was asked more than once. The answer was obvious. Grant Watson was physically ill one day after taking a photograph. However, they helped him to collect shells and insects occasionally, and obligingly sang songs of *woggura* and *wallardoo*—crow and eaglehawk—into Professor Radcliffe-Brown’s phonograph. He in return regaled them with *Peer Gynt* and *Tannhauser* and *Egmont*, to which they listened politely. (1938:101)
Elkin

Radcliffe-Brown had mentioned the possibility of Elkin doing fieldwork in the north-west of Western Australia when they first met in London, while Elkin was completing his PhD. Back in Australia, in 1927, Elkin became one of the first beneficiaries of the research funding that Radcliffe-Brown had secured from the Rockefeller Foundation. Radcliffe-Brown, the new Professor, made arrangements for Elkin, the newly qualified Doctor of Philosophy and novice fieldworker, to commence his field research. He lent Elkin some notes from his own previous fieldwork in Western Australia and sent him to the Kimberley to collect further information about kinship and social organisation before it was too late. Elkin commenced his fieldwork in Broome (see Wise 1985:47–55). During his 12-month fieldtrip in 1927–28, Elkin visited almost every settled area of the Kimberley. Why he should undertake such fleeting survey work, given Radcliffe-Brown’s own previous surveys, admittedly further south, is a little mysterious. According to Wise, Elkin’s biographer:

Radcliffe-Brown had written to him urging that he stay in one place long enough to make an intensive study of one tribe, but Elkin was convinced his Kimberley-wide survey was a more important use of his time. He wanted to be able to pinpoint places where future anthropologists could

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**Figure 4.1 Diagram from Radcliffe-Brown’s The Social Organisation of Australian Tribes**

Source: Radcliffe-Brown (1931:61).

*Mythical beings*  
*(totemic ancestors)*  

*Natural species*  
*(totem)*  

*Patrilineal local group*  

*Sacred spot*  
*(totem centre)*
fruitfully come for extended periods. An urgency to cover the entire region gripped him. What was more, by now he wanted to see the whole picture of the frontier contact situation. (Wise 1985:70)\textsuperscript{11}

Elkin spent considerable time in Broome interviewing and taking genealogies of Aboriginal people from various tribes, including locals from the ‘Jukan’ tribe, the neighbouring ‘Yauou’ and some in the Broome jail from as far away as Halls Creek (about 645 km to the east). His most intensive fieldwork in the Broome region was done among the Nyul-nyul around Beagle Bay mission to the north and, towards the end of his fieldwork, 15 days with the ‘Karadjeri’ to the south at La Grange.

Groups

In his methodology, terminology and interests, Elkin closely followed Radcliffe-Brown in seeking the scientific bedrock of genealogy, kinship systems and formal social organisation. Radcliffe-Brown saw ‘tribal’ groupings as highly problematic, ultimately suggesting that unity at this level was primarily a matter of shared linguistic competence of a number of hordes (1931:36). Yet, he and Elkin were drawn into using the term ‘tribe’ in their general description of the distribution of Aboriginal groups, and they use ‘tribal’ names to identify particular types of social organisation. Accordingly, it is unclear to what extent Elkin’s use of ‘tribe’, in this early work, implied clearly bounded territorial units.\textsuperscript{12} He rather unquestioningly accepts Radcliffe-Brown’s assertion of the ‘horde’ as the basic, reliable indicator of traditional ownership and exploitation of land. In his \textit{Oceania} articles (particularly the sketch maps), field correspondence with his wife, Sally, and correspondence with Radcliffe-Brown, Elkin does, however, indicate a broad association between ‘tribes’ and tracts of land. The following sketch map appears in his 1933 article (Map 4.3).

\textsuperscript{11} Also see Gray (1997, 2007) for another account of Elkin’s 1927–28 fieldwork.
\textsuperscript{12} In his mature synthesis in \textit{The Australian Aborigines} (Elkin 1964), Elkin devoted a chapter to ‘The tribe’. He opened the chapter with a seemingly strong statement of the tribe as a corporate and territorial unit: ‘A tribe is a group related by actual or implied genealogy who occupy and own a definite area of territory and hunt and gather food over it according to rules which control the behaviour of the smaller groups and families within the tribe’ (1964:56). But, taken as a whole, the chapter is more equivocal because of his acknowledgment of the greater importance of the local group, the frequency of imprecise boundaries, the social closeness of neighbouring local groups notwithstanding their affiliation to different tribes, frequent lack of a tribal name, strong intertribal ceremonial gatherings organised by the leaders of local groups, and the spread of customs between tribes.
Map 4.3 Detail of Elkin’s sketch map of the Kimberley Division showing the approximate location of tribes

Source: Elkin (1933:436).

Of interest to the Rubibi claim is the delineation of the ‘Djukan’, ‘Yauor’ and ‘Ngormbal’ ‘tribes’ in the vicinity of Broome. In a later publication Elkin (1964:57) wondered whether Djukan, Ngormbol and Djabera-Djabera were local groups of a single tribe.

The most suggestive of the field correspondence is quoted in Gray (1997:34–5):

The Djukan tribe ‘a quite small tribe with a coast line of few miles [was] almost a thing of the past. The Yauor people ‘who swing around the harbour and join the Karadjeri, claim Broome’. There was one Djukan man left and Elkin was ‘trying to track him down. But I have no doubt that the Djukan was similar to the Normbal at Willie and Bard Creeks and the Jabera-jaber [sic] at Carnot Bay and probably also the Yauor’.
There is also material in Elkin’s articles that, on analysis, is supportive of the ‘Djukan’ and ‘Yauor’ being part of larger cultural blocs. All the identified tribes in the Broome region from the Karadjeri in the south, up to and including the Nyul-nyul in the north, shared the four-section system with the same names for the sections and had the same kinship system (1933:438, footnote 2). Elkin explicitly suggests that the shared section system facilitated intertribal sociality including arranging marriages (1932:325).

Laws, customs relating to land, ceremony grounds

Although his focus was on variation in social organisation, Elkin did venture some comments on local organisation. The 1932 article concludes with some generalisations about the whole Kimberley division. In effect, it recapitulated and enlarged upon Radcliffe-Brown’s linking of horde-totem-totemic ancestors-totemic centre (Radcliffe-Brown 1931:61) to include the father’s ‘finding’ the child’s totem spirit (rai) in the horde country; and consequent strong affective relations to birth country, reinforced by the ceremonial life of the tribes and ritual increase sites (Elkin 1932:329–30). Elkin did complicate Radcliffe-Brown’s model of patrilineal inheritance of horde country to the extent that, at least in the 1932 article, he saw totems as primarily attached to particular landscapes, implicitly suggesting that ‘finding’ or birth totems (rai) are not within the gift of a father, but might appear to be patrilineal only because children were in the past likely to be born in the horde country (1932:330).

Elkin’s 1933 article on totemism is his most explicit examination of local organisation and, in theory, of great significance to the Rubibi claim because it deals with the ‘Yauor’ and the culturally similar ‘Karadjeri’.

Elkin uses the rubric of totemism, yet argues that the simple group–natural species linkage is merely a starting point for further questioning. This terminology is another example of Fardon’s analysis of the development of anthropological regional specialisations mentioned in Chapter 1. In particular, it exemplifies the tension between the need to participate in the metropolitan theorising of the time, which used the topic of ‘totemism’, and, on the other hand, to try to overcome the outdated simplicity of the metropolitan discourse in describing the latest ethnographic discoveries in the specific region. For the contemporary anthropologist looking to deconstruct such a strong theoretical framing device, the writing that results from this tension often leaves frustrating gaps and gives rise to the artificial fragmentation of cultural forms as different kinds of totemism (local totemism, conception totemism, cult totemism, moiety totemism, and so on) (cf. Lévi-Strauss and Needham 1973).

Elkin specifies the name of the ‘horde-country’ of all local groups in the ‘Yauor’ tribe and their associated totems/Dreamings (Table 4.1).
Table 4.1 Elkin’s table of ‘Yauor’ local groups and Dreamings

<table>
<thead>
<tr>
<th>No.</th>
<th>YAUOR TRIBE</th>
<th>Bugari</th>
<th>(English)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Maramjuno</td>
<td>dzindzirmaning</td>
<td>Spring water</td>
</tr>
<tr>
<td>2</td>
<td>Langandjun</td>
<td>Mangoban wodarbin</td>
<td>A small marsupial</td>
</tr>
<tr>
<td></td>
<td>(Djambarangandjal)</td>
<td></td>
<td>Flying fox</td>
</tr>
<tr>
<td>3</td>
<td>Wondjeldjuno</td>
<td>Lan langur pargara</td>
<td>Stars</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Opossum</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Turkey</td>
</tr>
<tr>
<td>4</td>
<td>Daibineridjuno</td>
<td>Ingalua kulebil kungara</td>
<td>A greenish rock-fish with a big head</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Green turtle</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A black berry off a prickly bush</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Flying fox</td>
</tr>
</tbody>
</table>

Source: Elkin (1933:271).

Despite this detail, there must be doubts about whether he had independently confirmed the existence of the horde in these tribes or whether his data have been allocated to the pre-existing category on trust. The text itself refers to his linguistic and methodological difficulties. The ‘countries’ were not visited, but described from the memory of his informants during the 15 days of intensive interviewing at La Grange Aboriginal Feeding Depot. Thus, it is not clear whether the names referred to specific sites or regions, or both. A further acknowledged difficulty was the polysemy of the word for country (ngura), meaning either the country of one’s patrilineal inheritance or one’s birthplace or conception site, or simply a camping place. He also noticed the sharing of totems between different ‘countries’ and the relaxation of permission-seeking requirements for access to the ‘country’ of certain kin (Elkin 1933:280).

The major problem with Elkin’s account of the ‘Karadjeri’ horde-countries is that the much more extensive fieldwork of the Piddingtons (carried out shortly after Elkin’s visit) failed to confirm the existence of horde-country in Radcliffe-Brown’s sense of the term. The Piddingtons’ research and Elkin’s response to it are dealt with below.

The totemism article also includes details of both ‘Karadjeri’ and ‘Yauor’ increase rites and sites. Again, despite the limitations of his fieldwork, Elkin rather casually accepts and repeats Radcliffe-Brown’s view that the increase ritual must be performed by members of the local horde (1933:284). Where this restriction does not seem to be the case, as in his material from the Forest River district, he attributes its absence to a rule being broken and the break-up of the tribe (1933:285). This commitment to the idea of the self-sufficient horde appears side by side with other material indicative of interrelationship and larger cultural blocs. For example, there is the fact that increase sites for important food sources are spread over a wide area, including in the country of distant local groups.
4. The Anthropology of the Broome Region

and neighbouring tribes (1933:283). Typically, these apparent contradictions are never explicitly discussed. Of interest to the Rubibi claim is his specific equation of Karadjeri and ‘Yauor’ increase rituals (1933:294).

Change

Elkin was acutely aware of the colonial circumstances of his fieldwork and the disastrous consequences of colonisation for the Aboriginal population, for he commences his account of social organisation with estimates of the dramatic decline in the numbers of each tribal group. Of the ‘Djukan’, ‘Ngormbal’ and ‘Djabeera-Djaber’ tribes, he says there were very few remaining and they were almost extinct (1933:271, 438). As with Haddon and Radcliffe-Brown, this realisation engendered a sense of urgency in the task of recovering as much as possible the pre-contact situation. Unlike Radcliffe-Brown, who thought that all theorising about social evolution and diffusion was speculative history that needed to be replaced with scientific comparative sociology, Elkin—perhaps under the influence of his old professor from London University, Elliott Smith—did engage in some diffusionist theorising about the likely spread of differing kinship systems and marriage rules in the distant past (1932:304, 319).

One of his few attempts at historical analysis of the contemporary situation came in his explanation of the prevalence of the patrilineal inheritance of totems. He saw the more pervasive and important ‘local descent’—that is, conception site and its associated spiritual, sacred and mythological dimensions—as being displaced by patrilineal descent because Aboriginal children were being born outside their father’s country as a result of white settlement (1932:330–1). His other major attempt at historical explanation came amid his critique of Piddington’s findings that contradicted horde theory (see below).

Piddington

Ralph Piddington, a student of Radcliffe-Brown’s, was the first anthropologist to conduct long-term fieldwork within the Broome region focusing on one tribe. Altogether he spent nine months around La Grange Government Feeding Station and two months at Beagle Bay mission in two field trips, one in 1930 and the other in 1931 (Piddington and Piddington 1932).

The amount of time he spent with the Karadjeri at La Grange marks a break with the survey work of Radcliffe-Brown and Elkin, and brought Piddington closer to the ideal of long-term fieldwork. It placed him in a unique position to give a more comprehensive account of one tribe. This he did in articles on Karadjeri initiation (1932a), the totemic system and social organisation
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(1932b), and in his social anthropology textbook (1950). It was, however, a comprehensiveness enabled by, and limited to, the overriding interests and analytical categories of the day. Thus, he provides information on climatic and ecological background, and kinship organisation; a brief account of local organisation; detailed accounts of initiation ceremonies and related mythology, contrasting two different ‘traditions’ of circumcision ceremonies; and a very comprehensive account of various increase ceremonies under the rubric of totemism. As a convenient link to metropolitan theorising, ‘totemism’ seemed indispensable to the framing of Aboriginal ethnography. ‘Totemism’ persisted despite the fact that Piddington’s elaboration of all the different implications of ‘bugari’ (Dreaming) for the Karadjeri, as an interrelated cosmogony, ontology and religious law, demonstrated how awkward ‘totemism’ was as an overarching description (for example, 1932b:372–6).

One of the chief interests of Piddington’s ethnography for the Rubibi claim is the implicit challenge to Radcliffe-Brown’s horde theory. Given that Radcliffe-Brown was directing his research, it is perhaps understandable that Piddington diplomatically presented his own material on Karadjeri local organisation as an exception to the ‘normal Australian type as described by Professor Radcliffe-Brown’ (1932:351). But Piddington’s exposition is frustratingly concise. Within the Karadjeri ‘tribe’ there are two sub-tribes or dialect groups that have slightly different kinship usages (1932:343) and who are associated with broadly differentiated tracts of land: the inland Karadjeri and the coastal Karadjeri (Nadja), who were his informants (p. 350). Among the Nadja sub-tribe, exogamous local groups did not exercise proprietary rights over their own territory:

Certain small exogamous groups exist, but they lack the solidarity which characterises the normal Australian horde; small parties composed of less than a dozen individuals from any horde may go on hunting expeditions lasting several months, over the territory of any other horde, without asking the permission of the owners, who would not object. (1932:351)

And:

On the whole, one is inclined to think that the Karadjeri never possessed a rigid clan associated with their local groups, but that there was a general tendency for the majority of men of one locality to belong to one or other of the two moieties, a state of affairs which was probably preserved by the predominance of patrilocal marriages. (1932:351–2)

Despite the length of Piddington’s fieldwork, Elkin was not prepared to accept these conclusions. Instead, Elkin questioned Piddington by asserting a theory of historical transformation. Assuming that the horde theory accurately
represented the pre-contact situation, he suggested that Piddington’s informants, who had worked on various stations along the coast, had become accustomed to mixing freely on one another’s horde-countries. He argued, therefore, that Piddington’s informants, when questioned by Piddington, must have projected the contemporary ‘decadent’ situation back into the past (Elkin 1933:279). Elkin went on to suggest possible reasons why Piddington might have been in error, including the possibility of confusion between horde country and conception site country and the possibility of an individual with several totemic associations belonging to several totemic clans (1933:280-1). There is no record of Piddington making a direct response to Elkin. This is probably due to the fact that about this time the two became involved in a notorious dispute.

Apart from this undercurrent, it is tempting to see in Elkin’s disbelief of Piddington’s conclusions the effect of a straightforward academic hierarchy: Radcliffe-Brown, the international figure at the apex; then Elkin, the new professor in the colonial university; and, at the base, Piddington, the MA researcher. There is also Elkin’s own investment in Radcliffe-Brown’s theorising and the status it brought to the regional specialisation.

Piddington did make something of an indirect response, years later, in reply to similar criticism from Birdsell (see Piddington 1971). He repeated his assertion that the Karadjeri never had any horde boundaries and stated that the information he relied on for that conclusion was from older informants, who would have been in their late twenties in 1890. He also rejected Elkin’s attempt to harmonise his material on increase rituals with Radcliffe-Brown’s simple correspondence between increase site and horde (1971:243). Further, he warned against Australia-wide generalising and thinking in terms of European ideas of ownership. It is interesting that, even in this later article, Piddington does not directly criticise Radcliffe-Brown, although by then others had (Hiatt 1962, 1966; Peterson 1983; Stanner 1965). The disagreement between Elkin and Piddington in 1932–33 could be seen as the first skirmish in what was to become a more heated academic controversy, 20 years later, about the universality of Radcliffe-Brown’s ‘horde’.

13 Elkin presents the latter argument (multiple totemic associations of an individual) as some kind of caution against accepting Piddington’s conclusion that the Karadjeri never possessed a rigid clan association with their local groups. Yet the crosscutting totemic ties would surely support Piddington’s assertion, as I read it, of no simple correspondence between horde-country/clan/totemic sites/exclusive economic exploitation. 14 Briefly, after his fieldwork, Piddington made wide-ranging allegations in a newspaper article about the mistreatment of Aboriginal people in Western Australia. A. O. Neville, the Chief Protector of Aborigines, took it as an ill-informed and overgeneralised criticism of his administration and made counter allegations against Piddington of misconduct in the field. Elkin, as newly appointed Professor of Anthropology and Chairman of the Australian National Research Council’s Committee for Anthropological Research, had to deal with the eventual fallout and the threat to future research in Western Australia. He took a negative view of Piddington’s behaviour and, ultimately, Piddington did no further research in Australia (see Biskup 1973:94–5; Gray 1994, 2007; Wise 1985:115).
Of relevance to the *Rubibi* claim is Piddington's account of Karadjeri initiation (1932a). Together with Daisy Bates’ material, it could potentially provide something of an anthropological baseline for the region in the vicinity of Broome. A comparison of the two accounts reveals the many structural similarities. These similarities include changing the name applied to initiates at different stages of initiation; food restrictions; and sex segregation of certain aspects of the ritual. A significant difference is what Piddington called the ‘*midedi* feast’—the ritual induction of initiates into an exhibition of long sacred boards, followed by a feast. The sacred boards were kept in a constructed storehouse or a specifically designated hollow tree. This ceremony and the ceremony surrounding circumcision were the two initiation rituals that survived strongly during the period of Piddington’s fieldwork, while others had fallen away. They coincide with the terminology of ‘first stage’ and ‘second stage’ used in the claim in 2000 (see next chapter).

**Worms**

Father Ernest Worms, the German Pallottine missionary, spent an initial eight years in Broome (1930–38) as parish priest and part-time ethnographer. He is one of the intriguing figures of Australianist anthropology (Capell 1964:156). His academic oeuvre is very diverse, ranging from grand survey works on Aboriginal religion (Worms and Petri 1998), Aboriginal languages (Worms 1953), recounting of Aboriginal myths (Worms 1950, 1952), and comparison of initiation ceremonies (Worms 1938a), to more narrowly focused articles on Aboriginal onomatopoeia, sense of smell, placenames and particular petroglyph sites (Worms 1938b, 1942, 1944, 1954).

There are some indications that Worms saw himself as part of the *Kulturkreis* school (see Marchand 2003), which he portrayed as a scientific reaction to evolutionism (see Worms 1947a, 1947b, 1947c). This association was a potential problem for the acceptance of his work, since the regional specialisation of Aboriginal Australia was dominated at the time by British anthropology in the structural-functionalist mode, which had, in effect, rejected *Kulturkreis* and diffusionism as conjectural history (Harris 1972:382–92; Heine-Geldern 1964; Sylvain 1996:483). Worms did navigate these differences with some success, at least in having numerous articles published in *Oceania*. His technique seems to have been to focus on common ground—ethnographic description—and to leave theorising in the background, to be taken up by the master theorists in Vienna. The presentation of uncontroversial facts and broad surveys also dovetails with another concern: to dispel misconceptions and ignorance about Aboriginal people among a German readership, who did not have easy access to the specialist English-language anthropological literature.
Groups

Worms adopted the terminology of ‘tribe’, ‘tribal country’ and ‘clan’. It is not clear from his usage, however, how he saw the relationship between clan and tribe, and whether he accepted the clan as the basic unit of traditional ownership of land. The use of the terminology of ‘clan’, without further explanation, is exemplified in his article on Kimberley placenames. That article seems to have been an attempt to reassert the Aboriginal heritage of the European-dominated landscape by explaining the Aboriginal significance of settled places. In doing so, he provides his most detailed account of the extent of Yawuru country (Worms 1944). Of direct relevance is his description of the claim area (assuming Ganen = Kunin):

32. Ganen, or Malngologon (Y.)

A short stretch of land on the south bank of the inner Roebuck Bay, opposite Broome. It belongs to the Yaoro tribe, Walmandyano local clan with the turtle (golebel) totem. A big oval stone on the beach represents this local totem. High middens extending along the shore bear witness to a large population of earlier times.

(a) Ganen, lit. ‘the shore’, from ganen (Y.), ‘land, partially or entirely surrounded by water: shore, cape, island.’ (1944:295)

Also mentioned as Yaoro clans are the Langandyono (places east and south of Broome = Elkin’s ‘Langandjun’?), the Menyerdyano (places in Broome township = Minyjirr the place, Yawuru dialect?) and the Dyolbaidyano (places to the south-east extending to Thangoo Station). He had given some slightly different totemic associations for the clans in a previous article (Worms 1940). How to interpret the differences between the two articles became an issue in the native title claim in 2000.

Ceremony

Worms’ article for the Vatican ethnological journal *Annali Lateranensi*, comparing stages of initiation among various Kimberley tribes (Worms 1938a), is the most relevant from the point of view of establishing continuity of ritual in the native title claim, for it includes an account of Yawuru initiation. There are no details of his source of information, or the participants, or the circumstances
of the rituals he might have observed personally.\textsuperscript{15} Trying to recover his methodology and original data through the text is made more difficult because of the adoption of an ethnographic present for describing the pre-colonial past. Of significance is his clear association of the shore of Roebuck Bay and the land surrounding Broome with the Yaoro (Yawuru) and the continued distinctiveness of their initiation ceremonies despite their depleted numbers (1938a:164). It is also interesting to compare his six-stage account with Daisy Bates’ 10-stage account of initiation.

Worms did not have access to Bates’ material, yet there are remarkable similarities of structure, content and terminology. The sheer mass of detail in Bates’ version, despite her amateur status, lends verisimilitude to it and leads one to wonder, again, whether Worms’ account, probably truncated for the purposes of comparison, was based entirely on the recollection of informants. Another difference is the complete absence in Worms’ account of the significance of particular kinship relationships, moieties and sections in the organisation of ceremonies—all of which permeate Bates’ account.

Worms also mentioned the ‘\textit{midedi} feast’. He published an explicit account of a Two-Man myth told to him by an old Karadjeri man (Worms 1949). It contained the esoteric details of the Dreamtime inauguration of circumcision and the ‘\textit{midedi} feast’. Curiously, Worms did not make the links with Piddington’s earlier material.\textsuperscript{16}

\section*{Change}

The Yawuru are typically presented by Worms as ‘the most detribalised natives of the Western Kimberley’ and deserving of pity: ‘It is rather touching to observe the persistence of the remaining fifty Yaoro who try to keep up the old traditions. This tendency can be attributed in part to the effect of the frequent visits of the neighbouring tribes’ (1944:298–9).

\textsuperscript{15} Some details of the account and references in other articles seem to indicate direct observation. For example, in a footnote in his 1957 article on the poetry of the Yaoro and Bad, he states:

\begin{quote}
In August 1950 and in February 1953 the Yaoro invited Europeans and Malays regardless of age and sex to their initiation ceremonies. The initiant, in one case, was armed with a rubber sling (‘shanghai’) tinned meat and insect DTT powder. Such bathos was unheard of twenty years ago, at which time I described their rites for \textit{Annali Lateranensi}, 2, 164–168. (Worms 1957:214–15)
\end{quote}

On the other hand, it is a very condensed account (five pages) and it includes subincision, which, according to other reports (see Piddington 1932a:62), was less frequent at that time.

\textsuperscript{16} Piddington’s ‘southern tradition’ of Karadjari initiation is associated with a ‘two-brothers’ mythology called ‘Bagadjimbiri’. The two brothers perform a similar inauguration function as in Worms’ account. At the end of Piddington’s account, he refers to two other cultural heroes who seem to have cognate names with the ‘two great men’ of Worms’ account (1932a:51).
Worms had quite a long association with Broome and that put him in a position to observe historical transformations. For the most part, he tended to theorise change as loss—both loss of people and loss of traditional culture defined in objectivist terms of language competence, knowledge of myths, ritual performances and adherence to marriage rules. In his contribution to a 1970 collection of papers on Aborigines and change, he continued his objectivist focus on changing residential patterns (the mixing of tribes), clothing, housing, hygiene, material culture and so on. He also demonstrated an adeptness at formulating less obvious arguments for cultural continuity in drawing links between the immediate distribution of killed game in the past and the contemporary aversion to saving money (1970:371–2).

Dalton

Peter Dalton’s unpublished MA thesis on social stratification and racial–ethnic groups in Broome provides a vivid and intimate portrait of the town circa 1961–62 and what might today be called the intercultural space and sexual politics (Dalton 1964). It was for anthropology an innovative topic, closer to sociology in its subject matter and theoretical inspiration. It was also ambitious. The project sought to describe the internal dynamics of the Japanese (2 per cent), Malay (5 per cent), Chinese (5 per cent), Indonesian (2 per cent), Coloured (part-Aboriginal) (19 per cent), Aboriginal (31 per cent) and European (34 per cent) groupings, as well as the relative social position and interaction of the different groups. Based on a total of five months’ fieldwork in Broome, the thesis is peppered with picaresque characters, extremes of cruelty, exploitation and salacious gossip of grog parties, gambling and illicit, interracial sex.

Groups

With so much ground to cover in his thesis, it is doubtful whether Dalton spent much time with the Aboriginal group. This seems to be confirmed by his seemingly total reliance on Elkin, Piddington and other anthropologists to provide the explanatory background for his description of the contemporary situation of ‘The Aborigines—The Low Status Group’. On the other hand, Dalton thought that the experience of some of the older Aboriginal people with previous anthropologists had facilitated the understanding of his role (1964:vii). Whatever the depth of his fieldwork, he does provide some intriguing details of the internal stratification and location of different Aboriginal groups.
Dalton found that the location and composition of the Aboriginal camps in the town broadly represented an orientation towards the traditional country of Aboriginal groups who had migrated into Broome. The position of the camps also represented differing degrees of ‘Europeanisation’. Thus the Bard from the north lived in camps facing the north, and the Karadjeri, Yawuru and other groups from the south and south-east established camps on the southern side of the town. The more ‘traditionally orientated’ lived further out of town at the ‘One mile’ camp, the ‘Four mile’ camp and at ‘Eight mile’ camp, Fishermen’s Bend (in the vicinity of the Rubibi claim area) (1964:117–18).

Ceremony

The old men from Eight Mile camp had strong links with The Hill camp, within the township of Broome, and, together, the Aboriginal people of the two camps formed a relatively cohesive in-group of closely related Karadjeri and Yawuru people. In a place that was a crossroads for different ritual traditions, including the importation of new cults from the east (specifically the gurangara cult), they maintained a separate identity. They kept their own traditional ceremonies separate from the northern Bard and some of the inland tribes. In practice, this meant the continuation of their circumcision ceremonies, in association with the Two Men song cycles and a continuation of the revelatory rite described by Piddington as the midedi feast. Dalton gives an account of both ceremonies, demonstrating some remarkable continuities with Piddington’s description. Of particular importance for the Rubibi claim is the identification of the midedi ground, being some little distance from Fishermen’s Bend, and of it being used for other rites to do with the sacred ‘birmal’ boards (1964:146–7).

Dalton’s theories of change

Despite the constraints on his fieldwork, Dalton does present various theories of historical change and possible trajectories. These are in broad terms of the breakdown of traditional culture, intergenerational conflict about adherence to tradition and Europeanisation.

His assumption of the inevitability of the direction of change is based on some quite contradictory evidence, which could equally suggest continuity of traditions within an unassimilated Aboriginal underclass. For example, while Dalton reported some instances of the disrespect of the younger generation for
4. The Anthropology of the Broome Region

some of the older traditions, there appeared to be shared beliefs about the power of sacred objects and ceremonies, and the effectiveness of sorcery. It is never clear whether the derogatory opinions expressed to him privately would have been repeated in the presence of the ‘old traditionalists’. Moreover, he reported the continuation of initiation ceremonies. The fact that the timing of the ceremonies had been adjusted to suit the European economy was seen by Dalton as evidence of a weakening of commitment to them. But that evidence is really more ambiguous. It could equally be interpreted as a commitment to continuing the ceremonies in difficult circumstances. Dalton also provides myriad evidence of the lack of integration of the Aboriginal group into the class of stable wage labourers. It involved an increased contribution to Aboriginal income from prostitution, social security benefits, the ubiquity of gambling, the absence of saving and a general resentment of European prejudice and power over their lives. Contrary to Dalton’s assumption about continuing Europeanisation, all these factors could also indicate a trajectory towards continued Aboriginal identity in a distinct stratum of Broome society.

Tindale and the map makers

Norman Tindale’s position within Australianist anthropology will be examined in more detail in Chapter 6. For the purposes of the present review, it is necessary only to note that, for his tribal map of Western Australia, he collaborated closely with Worms. Tindale’s magnum opus, *Aboriginal Tribes of Australia* (1974), is dedicated to Worms, ‘whose active encouragement…led to the preparation of this work in its present form’. One of the curiosities, then, is that Tindale’s map (Map 4.4) shows a separate Djukan tribe for Broome, whereas Worms consistently wrote of the Yawuru alone. Tindale never explained this part of the map in any detail, so we must assume that he thought earlier accounts, such as Elkin’s, were closer to the pre-contact situation that he was trying to represent (1974:142–53, 241).

Tindale’s map of Djukan tribal territory has been reproduced in all subsequent maps of tribal areas.
Hosokawa

Strict adherence to the task of delineating the anthropological archive would mean excluding the linguist Hosokawa. But subsequent reliance on his work by a number of anthropologists means that we must draw him into this review. His lengthy fieldwork, taking up most of 1986, punctuated the long, post-Dalton
gap in anthropological studies of the Yawuru. Also, his work, while mainly a conventional linguistic analysis, did venture into sociolinguistics (see especially Hosokawa 1994). Critically, in his PhD thesis, he declared Djukan to be one of three dialects of the Yawuru language—a language that could be described as ‘sick’, with less than 20 speakers, all over fifty years of age (1991:11). Hosokawa also seems to have recovered 11 names of Yawuru local groups or territories (1991:45), and he identified a broad contemporary social grouping that he labelled ‘Southerners’ (Yawuru, Karadjeri and Nyangumarta), who spoke a similar kind of Aboriginal English dating from their co-residence at Thangoo Station in the 1930s and 1940s (Hosokawa 1994).

Glowczewski

About the same time as the linguist Stephen Muecke was enlisting Paddy Roe in his post-structuralist inspired analysis of narrative (see Benterrak et al. 1984), Barbara Glowczewski, a French anthropologist more inspired by the tradition of Lévi-Straussian structuralism, arrived in Broome and also found Paddy Roe a willing informant. She had done her main fieldwork among the Warlpiri of Lajamanu (Hooker Creek) between 1978 and 1984 (see Glowczewski 1991). In 1980, she recorded Paddy Roe’s recollection of the ritual that he had observed at La Grange years before. She recognised it as having strong similarities with a Warlpiri ceremony (Juluru), which she had witnessed in 1979 (Glowczewski 1983). Glowczewski eventually moved to Broome permanently and married local Aboriginal filmmaker Wayne Barker, whom she met in Paris. They lived in Broome for most of the late 1980s and 1990s.

She was never engaged directly by the Kimberley Land Council to research traditional land tenure around Broome. In theory, this meant that she was a free agent on the outside of the claim. In practice, she was drawn into the research process through her genealogical research for a women’s oral history project. Her genealogies were used as the starting point for KLC researchers in producing genealogies for the native title claim (T. 557). Glowczewski takes credit for the realisation that, for all the differing traditional names being used to distinguish different groups, the genealogies revealed 12 longstanding, closely related family groups (Glowczewski 2000:416). Moreover, her research on identity, which took place between 1992 and 1998, coincided with her informants being intimately involved in working through the implications of new native title law for Broome.

19 ‘T’ is a shorthand reference to the official transcript of the hearing of the first Rubibi claim, Felix Edgar, Frank Sebastian & Others on Behalf of the Rubibi Community v The State of Western Australia, No. WG 90 & 91 of 1998. It was produced by Transcript Australia.
Her major paper on contemporary Aboriginal life, ‘The meaning of “one” in Broome’ (Glowczewski 1998), inevitably overlapped with the issues that would have to be covered in the expert anthropological report for the claim. They include

- the contemporary fluidity and the diversity of Aboriginal connections to land around Broome
- the local intra-Indigenous complications precipitated by the need for a single incorporated claimant group
- the reanalysis of the anthropological archive in terms of continuity–discontinuity and fluidity–boundedness
- the critique of the land claim process and the formulation of the legal doctrine of native title.

One of the things that could have alarmed the land council lawyers was Glowczewski’s presentation of the contemporary Aboriginal scene in Broome as one of cultural revival (1998:208). The legal doctrine of native title, as formulated by Justice Brennan in *Mabo*, required substantial continuity and explicitly rejected the possibility of the revival of the legal right, once it had been extinguished through the abandonment of the acknowledgment of traditional laws and practice of traditional customs relating to land. Yet her entry point into the issue of contemporary Aboriginal identity was her collaboration with Yawuru women, who were undertaking a cultural history project to determine whether Broome was rightly conceived as Jugan or Yawuru country. That project seemed to acknowledge that they no longer had the immediate cultural resources to resolve the issue. Another motif is the resurgence of Yawuru identity against the ‘regency’ of Paddy Roe, who had in the 1970s and early 1980s asserted custodianship of an extensive coastal strip including Broome (under the overarching name of Gularabulu),\(^{20}\) which he said had been entrusted to him by the now extinct traditional owners. In Glowczewski’s narrative of recent history, this resurgence involved the holding of an initiation ceremony at Kunin in 1991, with the help of neighbouring tribes, after a gap of about 10 years, during which Yawuru boys were taken away to be initiated on the country of those neighbouring groups. The resurgence was further galvanised by a threat to the integrity of ceremonial grounds by a proposed crocodile farm in 1992, which was eventually thwarted through Commonwealth Aboriginal heritage protection legislation. In Glowczewski’s history of this period, the Aboriginal women of the Jarndu Yawuru played a critically supportive role in both actions.

The rather fraught dynamism of Aboriginal identity about this time, especially in relation to traditional connection to Broome, comes through graphically in

\(^{20}\) Also spelled ‘Goolarabooloo’.
Fred Chaney’s (1994) report for the minister about the traditional significance of the crocodile farm site. Chaney quotes at length the affidavit of Brian Saaban, who details the circumstances of his involvement as an initiand in the reconvened initiation ceremonies at ‘Kunan’ (Kunin) in 1990, referring to it as the continuation of Yawuru Law with the help of neighbouring tribes. In the report, reference is made to the Yawuru Aboriginal Corporation and its President, Francis Djiagween, the leader of The Hill camp in the 1960s, according to Dalton (1964:130), and grandfather of Patrick Dodson, who became a key witness in the native title claim. The Yawuru group had been angered by the apparent approval given by Paddy Roe and his Goolarabooloo Group Incorporated for the crocodile farm site. Before this incident, they seem to have been content for him to field the increasing amount of heritage consultation work coming from various government agencies. Eventually, Paddy Roe came to oppose the crocodile farm proposal. Other groups emerged to present their views to Chaney separately. Tajuko Garstone made a submission on behalf of the Jugan Aboriginal Corporation, asserting an interest through her grandmother, who had told her she was ‘a Jugan woman’ (Chaney 1994:22–3).

In Glowczewski’s account, the harnessing of the identity dynamism in Broome was pursued by the KLC, which tried with some success to convince the disparate groups of the need for a *modus vivendi* between them in order to make the most advantageous strategic response to the opportunities that were arising out of native title law. These opportunities were principally the possibility of native title claims and a site clearance/planning role in urban development around Broome (see Jackson 1996).

The new native title claim process—particularly the requirement to name an applicant and to eventually nominate an incorporated body that would manage the native title rights—provided a direct, legal justification for the land council’s coalition-forming approach. The resulting meetings agreed on a process that institutionalised the main groups—Yawuru, ‘Djugan’ and Goolarabooloo—in an overarching new body under the name Rubibi, the name of a soak in Broome.21 Glowczewski traced some of the early challenges of the new Rubibi Working Group

- the increasing apprehensiveness of some of the Aboriginal people of Broome, who could not establish their own traditional rights to the town, and who became more firmly wedded to government programs, such as leases from the Aboriginal Lands Trust and State housing projects, which did not require proof of traditional connection

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21 Patrick Sullivan explained that he had suggested the name ‘Rubibi’ specifically because it was not identified with any of the three groups in the coalition and thus would not favour the claims of one group against the other two (Transcript of interview with Patrick Sullivan, August 2005).
the heavy workload of the working group dealing with the multitude of development applications
• internal tensions about appropriate negotiating positions and delays in the distribution of negotiated monetary compensation
• attempts to rationalise the approval process and develop regional agreements
• the difficulty of finalising the constitution of the Rubibi Aboriginal Corporation, particularly disagreement about defining the Council of Elders\textsuperscript{22}
• the realignment of personal and family alliances following the deaths of some elders.

She concluded, rather ominously for the native title claim, that the ‘conflict is currently tearing apart the whole community, but as some locals wisely say: “you know us mob we hit first and then we talk”’ (1998:220).

Another strand of her paper is the analysis of the anthropological archive in an effort to help the Jarndu Yawuru women’s group resolve the Jugan–Yawuru question and, more generally, the issue of the traditional ownership of the Broome region. Following a very condensed survey of the contradictions in the anthropological archive, she adopts Hosokawa’s resolution (Jugan as a dialect of Yawuru). She supports this resolution with her own observations of her informants, referring to the Jugan as ‘Big Yawuru’ and the willingness of Jugun-identifying people to join the Yawuru Aboriginal Corporation.

Glowczewski noticed that contemporary Yawuru formulated their traditional claims to land in terms of large tracts of Yawuru country and entitlement through either a male or a female Yawuru ancestor. These formulations led her to ponder Elkin’s confirmation of Radcliffe-Brown’s patrilineal hordes. As I have done, she also wondered about the implications of flexible \textit{rai} (conception Dreaming) in Elkin’s work for his inflexible conclusions. Glowczewski observed the continuing cultural practice of \textit{rai}. It remained a central idiom of traditional connection to place. It involved discussion among older people about a baby’s true \textit{rai}, dreams about \textit{rai} and reported sightings of \textit{rai} spirit children. The relative flexibility of choice of \textit{rai} leads to a multiplicity of possible connections to country within the one patrilineal group and she wondered why it should not always have been this way.

The most interesting and intricate reassessment of the archive, however, ‘against all anthropological tradition’ (1998:214), is her challenge to the prominence given to matrimoieties and patrimoieties, as opposed to generational moieties, in the

\textsuperscript{22} Membership of the Council of Elders was defined in terms of authority to speak about Aboriginal Law, but this seemed to exclude many senior Aboriginal people. Sullivan, in his account of the same events, saw the definition of the Council of Elders as a particularly positive feature, in that it recognised traditional authority centred on male initiation ceremonies (Sullivan 1997b).
transmission of traditional rights to land. Again, these arguments are presented all too briefly (1998:214–15) and only slightly expanded on in a later paper published in the journal *L’Homme* (Glowczewski 2000:418–22). At least the later paper makes some sense of the phrase ‘against all anthropological tradition’ as directed to an Anglo audience. Her critique is directly inspired by the longstanding critique of descent theorising by, principally French, alliance theorists. One of these, Louis Dumont, seems to have alerted her to the potential significance of certain kinship terms and marriage rules that seemed to be invisible to descent theorists (see, for example, Dumont 1971).

Glowczewski’s critique of the claim process crystallised in her *L’Homme* paper—coincidentally published in the same year as the hearing (Glowczewski 2000). For her French audience, the rhetorical temperature is turned up to furious, as she decries the injustice of the Government requiring Indigenous people, who were devastated by colonialism, to now prove the continuity of their authentic traditions as the only means of regaining their traditional lands (2000:414). In framing the native title question as one of authenticity, she bypasses the ambiguities of the legal doctrines to go directly to her critique, omitting any reference to that part of the legal doctrine that allows an indeterminate degree of change of tradition.

Glowczewski implicates anthropology in this injustice. Because of the lack of historical records, the early ethnographic research of Radcliffe-Brown, Elkin, Tindale and others takes on an exaggerated importance. In particular, it overemphasises patrilineal descent and small landowning groups, at the expense of fluidity and networks that, by the way, would have been more apparent if they had known more about French theorising of kinship (2000:415; cf. Gumbert 1984). Glowczewski concludes:

> The Aboriginal genius consists in having always supported a great circulation by rites and alliances, while redefining local identities distinguished by their languages, their land attachments and their systems of kinship. Today, the phenomenon of family segmentations by connection to tribal (language) groups is a new way of creating local identities. Unfortunately, the expert anthropologists of the Australian land claims do not seem ready to translate these phenomena in a positive way, because that would require conceiving the tradition as dynamic and not reified, following the example of the artificially closed models that are required to be produced to legitimate the restitution of the country. (2000:426, my translation)

This judgment was far too pre-emptory—for, as we shall see in the next chapter, Patrick Sullivan was developing quite similar arguments for his expert report.
The state of the anthropological archive prior to the hearing

Groups

The various approaches to Broome landowning groups are summarised in Table 4.2.

The table does reveal that the closest alignment of anthropological theorising and the question asked by native title doctrine occurred in the local organisation debates of the 1930s (Radcliffe-Brown, Elkin, Piddington). For others (Bates, Worms, Petri, Dalton), vaguer concepts, such as the assumption of the tribal homelands, were sufficient as their interests lay elsewhere—in myths, rituals, the dynamics of the spread of new rituals, and ethnic stratification. For these purposes, territory-identified groups were not so obviously relevant; individuals could recount myths, and initiation ceremonies seemed to involve diverse territorial groups, even if internal protocols distinguished between those on their own homeland and those invited from elsewhere. Dalton’s broad social group analysis did not require a traditional land tenure perspective, even though some elements intruded, such as the spatial orientation of town camps towards home countries.
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<td><strong>Bischofs</strong></td>
<td>Tribe/camping place/language</td>
<td></td>
</tr>
<tr>
<td><strong>Bates</strong></td>
<td>Nation</td>
<td>Kalarabulu tribe</td>
</tr>
<tr>
<td><strong>Radcliffe-Brown</strong></td>
<td>Same social organisation, kinship systems</td>
<td>Shared language competence (his tribe)</td>
</tr>
<tr>
<td><strong>Elkin</strong></td>
<td>As above</td>
<td>Jukan, Yauou tribes</td>
</tr>
<tr>
<td><strong>Piddington</strong></td>
<td>Language-named tribe, Karadjeri</td>
<td>Dialect groups, coastal Karadjeri, inland Karadjeri</td>
</tr>
<tr>
<td><strong>(on Karadjeri)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dalton</strong></td>
<td>Regional Aboriginal commonality, networks</td>
<td>Racial–ethnic groups: Coloureds, Aboriginal</td>
</tr>
<tr>
<td><strong>(linguist)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Glowczewski</strong></td>
<td>Language-identified collection of cognatic descent groups, Yawuru, ‘all one’</td>
<td>Dialect groups (‘little’ and ‘big’ Yawuru)</td>
</tr>
</tbody>
</table>

Table 4.2 One hundred years of describing traditional landowning groups around Broome
At a superficial level, the table does seem to assert a continuity of a tribal group, with the exception of Radcliffe-Brown, who tended to be dismissive of the coherence of the tribal level. I have suggested that the use of the word ‘tribe’ is partly the pragmatics of having a convenient referent to a collectivity. In Tindale’s case, it was an under-theorised and dogged attempt at reconstruction. Yet, the ‘tribal’ level appears again in the 1990s in Glowczewski’s work, in a dialectic of identity between an all-inclusive language-identified group (Yawuru) and identities based on dialect, traditional toponym or family. By the time Glowczewski was writing, there had been much debate in anthropology about the utility of the concept of tribe and tribal boundaries (Berndt 1959; Peterson and Long 1986; Sutton 1995a), the appearance in land claims of so-called ‘language groups’ (Rumsey 1989) and, more generally, the relationship between language, social identity and land affiliation (Merlan 1981). Merlan’s and Rumsey’s work, in particular, is suggestive of possible further fine-grained research into the language referents in traditional myths, particularly those involving travel beyond Yawuru country, to see whether they contain assumptions about the identification of land with a particular language.

Laws, customs and ceremonial sites

Simple patrilineal inheritance of a clearly bounded horde territory comes closest to the unstated ideals of law-like stability and uniformity. In a similar vein, but on a larger scale, Glowczewski’s ‘all one family’ is suggestive of a large Yawuru tribal or language-group area, defined by consensus with neighbouring groups, traditional historical association and a rule of cognatic inheritance. Then there are other cultural practices such as rai that tend to cut across such simple notions. It is difficult to see how the constellation of beliefs and practices that makes up rai could be codified in a way that would accurately predict future links between individuals and land—a neat example of the incommensurability of different systems (see Mantziaris and Martin 2000:29–35).

The narrow question of the first Rubibi claim—traditional laws and customs requiring certain places for particular ritual performances—does not precipitate as many possible answers from the archive. The sites of increase ceremonies, the midedi feast and similar ceremonies involving the revelation of sacred boards, stored at a particular storehouse or hollow tree, are perhaps the quintessential models of a traditional rule linking places and ceremony. Even these rituals proved to be, to varying degrees, detachable from place. Sullivan (1998:101) reported that, in the 1990s, songs from increase ceremonies were still sung to ensure successful hunting or fishing expeditions, but they did not have to be performed at a particular location. Although it is somewhat unclear whether Hosokawa had the ceremony of the midedi feast in mind, he did describe the movement of Yawuru ceremony grounds within the Thangoo pastoral lease in
the 1950s and then from Thangoo to its current location at Fishermen’s Bend. Notwithstanding that this passage and most of his introductory chapter were incidental to his linguistic study, it became a point of contention between the anthropologists in the native title claim.

There is nothing in the archive to suggest that the exact location of an initiation ceremony was mandated in the Dreamtime. It is possible, however, to imagine how a convenient place such as Kunin could become, through habitual use, a consistently preferred site for ceremonies. First of all, the location of the storehouse would link it to various Dreaming stories associated with nearby geographical features; the storehouse itself would attract the *midedi* feast ritual, and the objects would relate to the content of initiation ceremonies.

As we have seen, the early accounts of Yawuru initiation ceremonies (Bates and Worms), but also later accounts of neighbouring groups (Piddington), used the grammatical device of the continuous present in order to evoke a sense of what invariably happens at all such ceremonies. Thus, observation of one performance is transformed into a model of all performances, and observations of many performances are synthesised into the one ideal performance. This generalising approach is reinforced by the emphasis in these accounts on structure, both in the sense of identifying distinct stages of initiation and in identifying the classes of kin performing various roles in the ritual.

Aboriginal agency, historical specificity and local politics are thereby submerged. These aspects of ritual were explored by Keen (1994) and Dussart (2000) in other Aboriginal groups. Their work is highly suggestive of how ritual performance can cover multiple individual identifications, classifications and subsequent interpretations, and is always an achievement of the key participants, who might have a fraught relationship. Ritual can provide an arena for advancement of the ceremonial status of leaders (a kind of career path). Also, the choice of performance

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23 The passage reads:

[T]he exodus from Thangoo may also have been related to the urbanisation of Broome as well as the war-time relocation. It is known that a successive shift of ceremonial sites (from south-west to north-east) took place in the Thangoo Yawuru country. In order to successfully perform the ceremonies such as *yurna, kuramirdi, dyamunungurru, bungana* (all related to circumcision and other stages of male initiation) and *dyulurru* ‘Fire Dance’, the host lawmen needed to invite people of the neighbouring and even far distant groups. As the Aboriginal population of the West Kimberley generally tended to gather in the area around Broome, the ceremonial sites shifted several times, gradually getting closer to the township of Broome. In the 1930s, the main initiation ground was a place called *yarlanbarnan*, south of Mararr Hill, approximately 8 miles west of the present Thangoo homestead. By 1950, it had shifted to *mirida-yirdi* (or Tea Tree Ground) just east of the homestead. The most recent ceremonial site was located in the Fishermen’s Bend area (traditionally called *walmahuru* or Walmah country), east of Broome, just on the other side of Dampier Creek (*karikarigun*). (Hosokawa 1991:4)
from a diverse repertoire can either emphasise the distinctiveness of the local group or be inclusive of a wider regional grouping. The flexibility and negotiation implicit in this approach rarely surface, however, in accounts of Yawuru initiation.24

Change

Early contributors to the anthropological archive on Broome rarely covered historical transformation as a distinct topic. Radcliffe-Brown was opposed to any attempt to reconstruct the past. Apart from some tentative diffusionist theorising, Elkin was drawn into theorising about historical transformation only in his critique of Piddington. All, however, used concepts such as ‘detribalisation’ and ‘loss’, particularly their own lost opportunity to observe genuine local organisation because of sedentary life on pastoral stations and missions.

Dalton’s theorising about Europeanisation harks back to the earlier loss paradigms. But he also uses the earlier contributors to the archive in a new way—like Beckett’s use of Haddon—as a baseline from which to measure loss.

It was the appearance of native title doctrine and the desire of her Aboriginal women collaborators to resolve the Djukan–Yawuru issue that drove Glowczewski towards a kind of historical anthropology, with the aim of demonstrating continuity of a contemporary landed identity with the past. As we have seen, this demonstration involved a deconstruction and critique of those elements of the anthropological archive that suggested sharp discontinuity. Perhaps being concerned that an exploration of discontinuity could be mobilised in a critique of contemporary Aboriginal authenticity, all aspects of historical transformation between the 1960s and the 1980s tended to be obscured. It would seem obvious that the internal dynamics of the Yawuru would change as a result of the increasing fragility of some traditional practices and the societal revaluation of Aboriginal tradition in general.

Because the anthropological archive is so sketchy for the period between the 1960s and the 1980s, possible themes can only be suggested from the snapshots taken at the beginning (Dalton) and at the end of this period (Hosokawa, Chaney, Glowczewski). I have suggested above that Dalton’s use of the racial–ethnic group as the unit of his analysis probably predisposed him to underestimate the links between the traditionally orientated Aborigines (principally living in the town camps) and the ‘Coloureds’ (principally living in the town). Nevertheless, we cannot dismiss his general observation that the two groups led quite different lives. In addition, he reported a generation gap among the

24 An exception would be Dalton’s report that Paddy Djaguin (= Djigween) liked the new ‘gadrania’ song cycle so much that he was trying to incorporate it into the stages of initiation as a prerequisite for the midedi feast (1965:89).
traditional Aboriginal group, in which the younger generation’s belief in some of the traditions faltered. We know that, in the period that followed, access to alcohol became easier with citizenship rights, and there was a period of 10 years during which no distinctively Yawuru initiation ceremonies were held — facts that seem to confirm Dalton’s imagined trajectory.

For those who were interested in pursuing initiation, however, it was available among the other tribes of the region, and this choice is perhaps symbolic of a strategic direction available to those Yawuru wanting to continue their traditional ceremonies. They could emphasise the aspect of regional cooperation, rather than the distinctiveness of the Yawuru. This route would be hard to bear for some of the key Yawuru lawmen, and it will be recalled that Worms thought the competition with other tribal groups was one of the sustaining factors for the continuation of Yawuru initiation ceremonies in the 1940s.

One can imagine the effect of this decline on the Yawuru ceremonial leaders such as Paddy Djagween, and the custodians of intimate knowledge of Yawuru country, such as Paddy Roe. It seems that one reaction was to attempt a preservation of the old traditions in a different form—a sort of heritage protection impulse that can be seen in Roe’s work with Muecke and his involvement with the Lurujarri Heritage Trail north of Cable Beach (see Glowczewski 1998:208). This might have been the impulse behind Paddy Djagween’s cooperation with oral historians and giving Dalton the details of the Two-Men songs (Dalton 1965).

The decline in traditional observances seems to have also put strains on the relationship between some of the key traditionalists, who had cooperated in ceremonies and in preserving the storehouse of sacred objects at Kunin (Fisherman’s Bend). Dalton (1964:130) reports the cutting criticism of Paddy Djagween by Paddy Roe and Butcher Joe Nangan. Kevin Keeffe, Patrick Dodson’s biographer, states: ‘The cultural identity and position of Patrick’s grandfather, Paddy Djagween, was hotly contested in a dispute that had divided both the small town and his extended family’ (2003:326).

Again, it is unclear just how open the feud was or whether a certain degree of cooperation was still possible. The awkward dynamics between the traditionalists were publicly exposed in the crocodile farm episode and were laid bare in Chaney’s report to the minister (Chaney 1994).

The period would also see a dramatic reordering of the relationship between Dalton’s ‘Coloureds’ and the traditionally orientated Aboriginal group. The juridical infrastructure maintaining this distinction was dismantled and replaced with a more inclusive definition of Aboriginal. Towards the end of the period, the traditionalists—whom Dalton painted as a marginalised and declining group

25 Wendy Lowenstein’s tape recordings referred to in Keeffe (2003).
compared with the dynamism of the ‘Coloureds’—moved back to the centre as key players in heritage protection, as the sources of culture in a newly valued multiculturalism and the pivotal players in the native title revolution in Broome.

The implication of this reordering for the native title claim research, as confirmed by Glowczewski, was the need to deal with a volatile claimant group, which included vastly different orientations towards, and knowledge of, Aboriginal traditions. As Glowczewski pointed out, there were also perceived conflicts of interest within the group about land. These conflicts were between the traditional owners and those Aboriginal people who had land interests under pre-native title legislative schemes (housing commission homes, leases and reserves). The latter felt threatened by a potentially radical change to ownership based on Aboriginal tradition. Added to this was the public exposure of the fragility of the continuation of Yawuru initiation ceremonies. In a way, the grand opportunity of native title came at the most difficult time for the Yawuru.