‘Born is nothing’: Roots, family trees and other attachments to land in the Victoria River District and the Kimberleys

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Work is nothing. Born is nothing. That grandfather is roots just like grass - split up and go all over the place. If they claim the wrong place, they can kill them. N. Waterloo, 1992.

In this quotation a respected lawman, living at Bulla, articulates a very common view among Aboriginal people in the Victoria River District, Northern Territory, about rights to land. Where you have worked or lived is irrelevant to these rights, he says. Where you were born is irrelevant. What is important is the inheritance of rights in land from the grandfather - a term which covers both father's father (kaku in Gurindji/Malngin/Ngarinyman) and mother's father (jaiviji in Gurindji/Malngin/Ngarinyman). He uses a plant metaphor for this relationship, which in various forms is also very common currently in discussions of relationships between people and land in the Victoria River District ('VRD'), which will be analysed in detail below. The final sentence of the quotation underlines the grave penalties which traditional law can mete out to people who claim rights in any other way than through such inheritance.

The context in which this statement was made was that of research being carried out for a land claim being made under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cwlth) ('Aboriginal Land Rights Act') for an area of land for which the speaker was himself a claimant. Later discussion also revealed that he had in mind also a contrast between this way of obtaining rights to land—which he thought was by and large

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1. An earlier version of this paper was presented at the Australian Anthropological Society Conference, Adelaide, 27-29 September 1995, in the session: 'Aboriginal Places in the Late Twentieth Century' convened by Jeremy Beckett and Francesca Merlan, while the author was at the Northern Territory University, Darwin. Thanks go to the participants in that session, the Northern Territory University, the Central Land Council, and above all to the Aboriginal people who talked to me about these matters, especially N. Waterloo, Jimmy Manngayarri and Spider Banjo.

2. Since the presentation of the paper in 1995, the man who said this has died. His name has been replaced by his initial, N. His place of residence, Bulla, is near Timber Creek in the Northern Territory; he was listed as a Malngin traditional owner in the Mistake Creek land claim Gray 1996, pp. 13-14; McConvell 1993.
congruent with the provisions of the Aboriginal Land Rights Act—and the claiming of rights in smaller areas of land which he had heard of as operating in neighbouring areas of the Kimberleys, Western Australia.

So we might wish to read this statement primarily in terms of current land-rights politics. The speaker is situating himself and co-claimants as behaving correctly within an Aboriginal tradition, implicitly contrasting himself to others who are not: far from receiving land as reward they should be facing traditional punishment. It is tempting perhaps to go further and propose that he and others are in the process of constructing this firm tradition of land-rights by descent in order to make it congruent with the operation of the Aboriginal Land Rights Act with its emphasis on descent, and by extension to interpret the Act as congruent with the constructed or reconstructed tradition, thus ensuring his own and his fellow Aboriginal claimants of the VRD's legitimacy as owners in Australian law, and casting doubt on others' claims.

Conversely, if it is true that people in Western Australia frequently put forward quite different grounds for claiming land, then, one might argue, perhaps this is motivated by the different kinds of contemporary procedures and laws available there under state law.

While it is certainly true that this discourse about traditional attachment to land is embedded partially in current land-rights politics, we should take care not to assume that it has no basis in a real tradition; nor, even worse, to assume that it is pointless to talk of traditional belief and practice since the filter of current ideas renders any view into past tradition opaque. Such stress on the 'construction' or 'invention' of tradition for political ends in recent work is only one side of the coin. Such emphasis has too often come at the expense of recognition of the other side: the stability and continuity of aspects of tradition in many situations. The stability and continuity of aspects of tradition also provides us with a window into past realities and diachronic developments that an exclusive emphasis on 'construction' of tradition for present-day ends denies us.

In this paper I take the view, long unfashionable in anthropology and under even stronger attack today, that it is possible to reconstruct past practice and belief with some degree of accuracy, or at least to have a fair idea of the probability of different schemes having existed at different periods. Once such a reconstruction is done, it is also possible to compare this with what people are saying and doing now, and to gauge the effects of current and recent changes on their representations of the tradition.

In this case, I shall argue that the current differing perceptions of what constitute traditional rights to land in the VRD and neighbouring areas of the Kimberley Region of Western Australia are largely a reflection of different traditions of long-standing in the VRD and the Kimberleys. They are based on real differences in practice and belief which were present in the past and continue with only some modifications into the present.

Birth and conception

Anthropologists writing of other regions, such as the Western Desert, have listed 'multiple criteria of attachment' to land\(^4\) including the birth and initiation sites of an individual or a close relation, particularly a father, or the death and burial sites of a relation, residence of an individual or parents, close ritual relationships and perhaps reincarnation beliefs in some areas. A combination of such criteria may be sufficient to lead to inclusion as a member of a local descent group with primary ownership rights in some areas. While they admit (sometimes rather grudgingly) that these factors can be the basis of significant ties to land, the possibility of basing a claim to primary traditional ownership on them is emphatically rejected by N., and by the majority of people in the VRD.

In this paper I shall not deal with the 'work' and residence aspect of the quotation from N., important though this can be for the formulation of claims to land outside the strict framework supported by him. I shall focus here on the 'born' part of the quotation. Here my experience supports the view N. has that people in the East Kimberleys, for whatever reason (and this will be discussed further below), put forward place of birth and conception as a very significant, even primary ground for claiming land. In contrast, I have never heard anyone in the VRD adduce place of birth or conception in claiming land; usually, it is not mentioned.

Connected with birth is another process relevant to attachment to land which has attracted much attention in the anthropological literature, partly because of its connection with the 'ignorance of paternity' debate, which I shall try to avoid here.\(^5\) It is usually called 'conception' in the literature, although it is actually more related to 'quickening'—the mother's first physical awareness of pregnancy. Individual people are said to have a 'conception dreaming'. A small creature, substance, or spirit, enters the womb of the mother-to-be causing pregnancy or animating the foetus. Often this animating force is associated with a place where an animal was killed or food collected. The animal or other food (sometimes other things) is the conception dreaming of the individual when born. This complex is also often associated with a belief that a birthmark signals the identity of the conception dreaming, and sometimes that a dream by the father or mother announces the identity of the conception dreaming. There is considerable complexity and regional variation here which is worth further study—see diagrams A and B on \textit{jarriny}.\(^6\)

\(^4\) Tonkinson 1991, p. 70. Myers 1986, p. 136. Some anthropologists have argued that Western Desert attachment to land is at the extreme of 'flexibility' in a continuum throughout the continent (e.g. Layton 1986 p.26; Sutton 1998, p. 31); this feature has been linked to the extreme ecological conditions of Western Desert peoples. A contrary viewpoint sees less of a major divide between Western Desert and other groups in this regard. Keen 1997.

\(^5\) Hiatt 1996, pp. 120-141. In the Miriuwung-Gajerrong Native Title claim in the East Kimberley Aboriginal evidence often links place of birth with place of 'conception' (or 'finding' of the child-spirit) although theoretically they could be different. See, e.g., Lee 1998, p. 97. Most of the words for spiritual conception and conception place in Arrernte also mean birth and birthplace in some dialects (Henderson and Dobson, compilers 1994, pp. 69,97) although examples in the same source show that the two concepts are distinct i.e. a child can be conceived in one place and born in another.
Kimberleys Conception Dreaming: *Jarriny*  

A: Kolig - Walmajarri etc. - Djarin

![Diagram of Kimberleys Conception Dreaming]

What is significant for our purposes here is that there is a widespread strong association in many regions between conception dreaming and attachment to an estate through recruitment to the local group which controls ritual related to the estate. Layton states that ‘throughout much of the Northern Territory people may opt, if conceived outside their father’s estate, to join the patriline associated with the estate on which they were conceived’. There is regional variation in the conceptualisation of this associ-

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6. Kaberry 1939, p. 393 notes variation between the Lunga and Djaru, among whom the father ‘finds’ a spirit-child and the Miriwung, where a woman dreams of it. Her 1936 article describes considerable differences between the North Kimberley and both the South-east Kimberley and Central Australia in the ‘theory of conception’, especially the lack of connection with local totemism (p. 392). Kaberry 1936 p. 396 also notes that the eastern tribes of the North Kimberley believe in reincarnation and assimilate this to conception beliefs. Strehlow records minor variations between the Western, Northern and Southern Aranda in conception dreaming beliefs. Strehlow 1947, pp. 86-91.

7. Layton 1986, p.27.
B: Kaberry - Lunga (Kija) etc. - Djering

- ORIGIN
  - spirit child
    - placed by Kaleru (rainbow serpent) in pools

- MEDIUM of TRANSFER
  - which enters woman & is born as a child
    - as a food + woman eats & vomits
    - through food

  - given by woman's husband
  - found by woman
  - given by another man
  - given by dead person's widow

- EVIDENCE
  - dreamed
    - of food
      - of associated animal

- PROCESS
  - interpretation of dream

- LINKS
  - + food obtained at place

...ation: among the Warlpiri the travelling dreamings deposit life-essences at sites which reemerge in the form of spirit-children to fecundate women who are near the sites,\(^8\)

\(^8\) Glowczweski 1991 pp. 38-42. Among the Warlpiri, the *kurrawalpa* 'spirit-child' is usually ingested as food and the resulting pregnancy announced to the mother-to-be as she dreams, but it may also be announced to the father by an animal which he kills or to another relation. Sometimes the nature of the conception dreaming becomes evident after the birth of the child, through interpretation of a birthmark.
among the Arrernte, the spirit of the ‘totemic ancestor’ enters the chosen woman when she passes close to a spirit centre.\(^9\)

Despite the apparent importance of this belief system in a wide range of areas, as far as I know it has only been brought forward twice as grounds for claim of traditional owner status in a land claim. These grounds were proposed for only a minority of the claimants and the cases were in Western Desert or heavily Western-Desert influenced areas. Given the orientation of the Aboriginal Land Rights Act to descent as the criterion, at least one of the Land Commissioners concerned had some difficulty in finding these claimants to be traditional owners under the Act.\(^10\) It has been argued, however, that spiritual conception is a form of ‘symbolic’ descent in the Western Desert, directly from the totemic species.\(^11\) One might expect further testing of this under the native title legislation, where descent is not stipulated as the primary criterion for establishing connection to land.

Statements by anthropologists about attachment to land and recruitment to local descent groups, in areas where conception dreaming is a factor, often embody a systematic ambiguity. On the one hand there is frequently a local idea that a person is connected to the area in which their mother received a ‘conception dreaming’ spirit into the womb. On the other hand it is also often stated that a person inherits land from his or her father. These two ideas are assimilated to each other by the fact that in most cases the place of the ‘finding’ or ‘conception’ experience is—happens to be, as it were—the father’s country. Anthropologists sometimes say that the father manipulates the ‘finding’ experience to achieve this result, since in many areas it is the father’s interpretation of an experience or his interpretation of his own dream which makes the link between a child and a place.

However the eventuality of estate obtained by conception and estate inherited by paternal descent not coinciding is not only a possibility but is recorded as occurring, in some areas, such as the Central Kimberley,\(^12\) frequently.

\(^10\) In the Yurrkuru claim Olney J. notes that Wafer and Morel, the authors of the claim book regard ‘those who were ‘born’ or spiritually conceived at sites on Yurrkuru country’ as having primary spiritual responsibility, but he does not list them as traditional owners because this connection does not derive from descent. Olney 1992, pp. 10–15. Note also here the equation of birth and spiritual conception and the quotation marks around ‘born’—which is elsewhere, ibid., p. 9, equated with ‘found’. Kearney J found that ancestors of some claimants in the Warlpiri, Kukatja and Ngarti claim were incorporated into the local descent group because of being ‘conceived on a Dreaming Track within the estate and thereby linked with the country, being animated by its spirit’. Kearney J 1985, p. 6. In this case the links of the living descendants of such people were in the nature of descent which raised less difficulty in making the finding that they are traditional owners under the Aboriginal Land Rights Act.

\(^11\) Hamilton 1982, p. 102 cited in Sutton 1998, p. 31. Some anthropologists refer to the founding ‘dreamings’ as ‘ancestors’ of, or ‘ancestral’ to a local descent group, following the tradition of Spencer and Gillen 1899, and Strehlow 1947. This ideology is not present in regions where I have worked, such as the VRD where the dreamings gave laws and rights to early groups of people but did not father or give birth to them.

\(^12\) Kolig 1981, p. 35.
The modern political role of conception dreaming

In the VRD, in my experience, Aboriginal people never talk about conception dreaming as a mode of attachment to land. The most explicit and strongest form of talk about attachment to land is in terms of patrilineal descent, or about patrilineality and complementary matrifiliation (inheritance of rights from mother's father). There are some fairly vague beliefs about birthmarks being related to the killing of an animal at the early stages of pregnancy, but no one seems to attribute much importance to these matters, and people deny that this has any connection with land ownership, when asked. Birthmarks are more usually thought to be a sign that a child is a *yimaruk* (*wipilirri*)—a reincarnation of someone who has recently died. The connection between the conception dreaming and reincarnation beliefs will be explored further below.

Once again, there is a marked contrast with what is found among people to the immediate west in the East Kimberleys. When these people have taken part as potential claimants in claims under the Aboriginal Land Rights Act some of them have put forward as primary grounds for claim to a piece of land the fact that their 'conception dreaming' animal 'came out' from a site in the area.13 This kind of talk is received with little enthusiasm by VRD claimants, and unless it is backed up by evidence about their membership of a group with estate and ritual inherited from a parent, little credence is given to it. One might attribute this to the relative naivete of the Western Australians in matters of Northern Territory-style land claims, compared to Northern Territory people who have more experience of this procedure, and who know that the law requires evidence in terms of descent.

I would hesitate to give too much weight to the pressure of the contemporary politico-jural system in explaining beliefs and practices. For one thing, the relative importance of birth and conception in this region has been recorded by anthropological observers beginning with Elkin and Kaberry in the 1930's at least, and continuing into the present, with evidence given to the Miriuwung-Gajerrong Native Title Claim.14 In contrast, ethnographic and other descriptions of the VRD to the east do not record such beliefs (although beliefs in some respects similar but unrelated to rights in land are noted, as discussed further below).15

Certainly traditional beliefs are adapted to secure modern advantages, but the ways of doing this vary depending on the underlying system. It is instructive for instance to compare how migration of desert people north into the Kimberleys impacts on these systems, with a similar situation in the VRD. Kolig writes of the Fitzroy Valley, Central Kimberleys.16

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13. E.g., McConvell 1993, pp. 30-31. In this example an elderly woman from Turkey Creek, since deceased, said that she obtained rights in an area as *kamerre* ('mother country') because her spirit 'came out' from there. This contrasts with Kaberry's observation that the conception site is usually in the father's 'horde country'. Kaberry 1939, pp. 42-44.
16. Kolig 1981, p. 40. Kolig says that while land-use rights now related to conception dreaming, ritual lodge membership is now becoming a matter of local community rather than being recruited either by patriline or conception dreaming.
The conception sites of the younger Aboriginal generations, both those of Desert extraction and those originally indigenous to the Fitzroy, nowadays lie completely outside the reach of the Desert's mythical tracks. Conceptions, therefore can no longer be reasonably linked in a traditional way to the mythical traditions of the Desert. The elders concede that their children 'belong to this river' the wunggur country as the Fitzroy River and its surroundings are called by the Desert Aborigines. The younger generations' djarin derive from the spiritual forces of this region...This fact puts the elders in a terrible double bind.

On the one hand, the political implications of djarin [conception dreaming] are important for it automatically gives a person the right to use land associated with his conception...on the other hand overemphasizing this concept would mean the demise of the traditional Desert lodges ...

In the VRD it is the Warlpiri who have moved north into Gurindji country, into the northern Tanami and Lajamanu areas as a result of the government establishing settlements for them, and on to Wave Hill station then Wave Hill settlement (Kalkaringi) mainly because they went looking for work on the cattle stations of the southern VRD.17

As mentioned above, the Warlpiri have a strong idea of conception dreaming whereas the Gurindji do not. For the Warlpiri, conception dreaming confers 'certain territorial rights over the [conception] site and ritual responsibilities in relation to the totem whether it is that of their clan or not'.18 At Lajamanu, Glowcewski reports that all the children born at the settlement are thought to have as their conception dreaming Wampana (Hare Wallaby), the main dreaming which passes though the area, and that, according to Warlpiri, 'this common totem confers on all the children a legitimacy of residence on the municipality lands, independently of their clan totems which give them rights over other estates'.19 Many Gurindji, however, are sceptical of claims that children born at Lajamanu or Kalkaringi are 'traditional owners' or have any significant rights in the area because their conception was in the area. In the absence of conception dreaming beliefs in the area, people have attempted to use the nature of a site near Kalkaringi—Karungkarni (children-dreaming)—to support a case for spiritual affiliation of locally born children to the area. While some people publicly subscribe to this idea in a spirit of unity it is not seriously entertained by many Gurindji. If anything, the idea that the Warlpiri have no land rights except in their grandparents' country far to the south, and should if possible return there, seemed, in the early 1990s, to be gaining ground among Gurindji.

To underline the dominance of descent ideology in the VRD as compared to the Kimberleys, I shall now explore some ways of talking about attachment to land in the VRD which are not found in the Kimberley to any extent.

The parable of the plants

First I return to the quotation from N. with which I started. He talks of grandfathers being like roots of grass. No matter how far the grass goes and how many suckers it

19. Ibid. p.39, my translation (PMcC).
20. Dalton et al. 1995 p.84
throws up, it can all be traced back to one original root. So with people: they move around, live and work in different places, have children here and there, but all the children come back to the one root-stock - the grandfather.

This is a variation on a much more conventionalised metaphor about human relations and land found throughout the Gurindji-Malngin-Ngarinyman area of the VRD at least.\(^{21}\) Father and child are referred to as *marnaru-jawuku*; by extension this two word phrase can refer to an agnatic group like the agnatic core of a local descent group which owns an estate. This compound term is also used formulaically in the context of oratory in sorcery divination ordeals to connote a group within which none should wish each other harm.\(^{22}\) *Marnaru* means the trunk of a tree or main stem of a plant; *jawuku* a side branch. These words are not normally used in this form when referring to plants. The more normal forms are the related words *marna* 'base, trunk' and *japiyapi* 'end of something long, branch'.\(^{23}\)

*Marnaru* and *jawuku* are also used to mean senior and junior lineages respectively within a larger agnatic group; to distinguish senior and junior generations where Omaha skewing neutralises the distinction;\(^{24}\) and to refer to the main river versus a lesser branch, respectively.

In relation to links between local group estates, *marna* or *marna-marna* ('trunk') refers to the 'main' country where important dreamings (*mangaya*) 'dived' underground (*mamangkurl*); and *japiyapi* (branches) to affiliated countries through which dreamings moved.

The underlying cognitive image is of a plant or tree: here both 'roots' (*wirnturri*—also means 'horns') and branches function similarly in the metaphor vis-à-vis *mama*, the trunk. The western concepts of 'family tree' and even 'roots' in some senses are somewhat similar.

*Marnaru-jawuku* is a key phrase constantly used not only in discussions about land claims, but also in general casual conversations about kinship and land. The importance of patrifiliation and patrilineality in this discourse is much in evidence. The strong emphasis in this conventionalised metaphor on rights and responsibilities stemming from one base—the father—leaves little room for the vagaries of chance inherent in conception and birth-based schemes of attachment to land.

There is another concept current in the VRD, particularly in the eastern part of it, however, which may relate to this metaphorical world of plants. This is *ngurlu*, matrilineal social totem.\(^{25}\) *Ngurlu* also means 'seed' such as grass seed. While the parts of plants

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21. Keen 1994, pp. 37, 169. Keen refers to another metaphor among the Yolngu of North-East Arnhem Land related to plants in which the 'branches' are open, revealed knowledge and the 'roots' secret knowledge. Farther afield, the 'botanical idiom' has been discussed by writers on Austronesian societies. McWilliam, for instance, analyses social and religious plant metaphors of the Atoni or Meto of West Timor. McWilliam 1997.
23. The latter would appear to derive from a very old Pama-Nyungan root *japi* 'end' which also turns up meaning 'foreskin, circumcision ceremony' both in the Pilbara and North-East Arnhem Land; *jawuku* also probably descends from the same root, with a suffix of uncertain origin and meaning added.
grow from the trunk and base, plants themselves also grow from seeds. Seeds are not attached to the ground from the start, but disperse over a wide area and germinate. In this metaphor children of women of the agnatic lineage are likened to seeds, leaving the plant, perhaps in contrast to the children of the male members who are the branches attached to the father and grandfather trunk. The kurdungurlu, the matrilateral guardian or ‘worker’ for sites and ritual, prototypically a child of a female patrilineal owner, is a kurdu-ngurlu, a 'seed-child' at least etymologically.26

It is risky to pursue this line of argument too far because the seed-matrilineal connection is much more of a dead metaphor than the trunk : branch : father : son ratio which motivates a degree of productive and creative variation even today, as we have seen. Also it is a common error of anthropological interpretation to try to fit a number of disparate conceptual elements together into a single elegant scheme, when in fact they may be a contradictory jumble of elements which arrived at different times from different directions and do not form a coherent whole. The plant-seed metaphorical complex may be an incoherent amalgam of patrilineal and matrilineal elements of different origin. It is possible on the other hand that the plant-seed metaphorical complex was once a coherent whole, which has become internally differentiated and lost its underlying unity for the Aboriginal people of the VRD.

To make a sound judgment about which of these possibilities is more likely, we need to investigate the history of the elements involved more thoroughly.

Jamarrarn

Another polysemous concept which is important in the VRD, but lacking in the Kimberleys as far as the literature informs us, is jamarrarn. This concept, too, like ‘trunk and branch’, is strongly associated with patrilineality. Similar concepts elsewhere have been named ‘patrilects’ but this rather suggests dialects inherited from the father in the manner of North-East Arnhem Land clan languages, whereas what we have here is not dialect in any normal sense. The senses of the terms current in the VRD are as follows:

(1) a word uttered by a dreaming when performing acts in, or entering the estate of a local descent group, e.g. pirritatu is the word uttered by the Jurntakal snake when crossing the Ord River eastwards into the estate of the Malngin Yunurr group 27

(2) the same word, used to address a member of the local descent group which owns the estate, e.g. the following could be said when addressing a member of the Malngin Yunurr group:

26 This is the Warlpiri form of the word, which is used only sporadically in the VRD.
27 McConvell 1993, pp. 74–75. Rose reports that the concept Jamarrarn is not commonly used today among the people at Yarralin, and implies that its prominence in my reports is due to the land claim context of my research. Rose 1991, p. 87. Her reasoning perhaps reflects a variety of the ‘constructionist’ view I am criticising here. In fact most of the information on Jamarrarn was gathered independently of land claim research. Ngaliwurru and Ngarninman elders from Yarralin were among those who gave me information, although some conceded that the concept and associated practices were in decline. Whether this decline is due to its alleged potential for introducing social division, as proposed by Rose, is not clear.
Ngu-rna-ngku kuni ma-ni, Pirrirtawu

I had a dream about you, Pirrirtawu

(3) the voice quality of members of the patriline of the local descent group, ultimately related to the voice quality of their major dreaming being, but inherited most directly from the father. Position of tongue, degree of opening of mouth, depth of voice, lisp etc are elements of this. As a ‘genetic ethnotheory’ this complements the ‘ethnotheory’ related to ngurlu which claims colour and texture of skin and hair are inherited from the mother. Once again though, care must be taken not to assume that these are really part of a single conceptual complex, or ever were.

(4) The point at which one group takes over from another in the singing of a songline, usually coinciding with the place at which the jamarrarn word was uttered by the dreaming.

(5) The whole stretch of a song, and the country covered by the songline, for which one group takes responsibility (i.e. from one jamarrarn in sense 4, to another).

There is some variation in the distribution of these senses: in the east of the VRD the senses (4) and (5) of the word, as boundary marker on a songline, are most prominent, while further west the senses (1)–(3) are emphasised. While Kaberry does not appear to have recorded the term among the Lunga (Kija) I did find the related term jamarrarnku in use, in sense (3) of voice quality. In Kija ritual perhaps less emphasis was put on the ‘handing over’ from group to group along a songline and thus there was less need for a ‘boundary marker’ to signal that. 28

Clearly the link to land and song is made not only though possession of rights to a word but also more directly as a physical property of the individual inherited via the patriline from an originating dreaming.

In terms of our discussion of the modern political relevance of the concepts however, it must be noted that knowledge and use of the idea of jamarrarn appears to be in severe decline. This may be because the local agnatic descent group is less salient both in ritual and in everyday life than it was in past generations.

Conception dreaming and reincarnation

The vocabulary and ideas to do with conception dreaming in the west are parallel to vocabulary and ideas about reincarnation in the VRD. As noted on the charts, one of the meanings of jarriny in the Kimberleys is the spirit of a dead person reincarnated in a new baby. This appears to be a rather minor meaning in that region, and its connection with the other sense of the word—a spirit child coming out of a site—is not completely clear. Kaberry does make clear that in the East Kimberley, we are talking of the ghost of a recently dead person and the reincarnation is mediated through food, but she does not draw out any other implications, e.g. whether a reincarnated person is entitled to claim any rights in the country they owned in their former life.

28 I was told by Gurindji and Malngin leaders that dividing their songlines and dreaming tracks ‘half-and-half’—strictly into sections at hand-over points is one of their distinctive cultural features, as compared to neighbouring groups. In all probability the contrast is not that stark, but some reality underlies this perception.
By contrast in the VRD it is the reincarnation sense of the concept which assumes dominance, almost totally submerging the sense of a spirit-child entering a woman directly from a site. The same term jarriny is not used in the VRD, but in Malngin wipi-lirri is used instead—Kaberry reports that this is the Malngin equivalent. In fact wipi-lirri refers today almost exclusively to reincarnation, but it retains traces of the other meaning in that it also refers to birth marks which are thought to reflect marks on an animal as it was killed. Interestingly she does not report the absence or lesser importance of ideas of pregnancy caused by spirit-children in food among the Malngin. This may be interpreted as evidence for a loss of these beliefs in the last 60 years, although this is not a firm basis to support any conclusion. If the ideas have been lost, this change is more likely to have occurred as a result of the separation of Malngin and Lunga (Kija) social networks which occurred at the time of the westward move of Texas Downs homestead, not due to any major change throughout the VRD.

Kaberry does mention one circumstance which does seem to support the idea that (at least some) Malngin once had a more standard Kimberley idea of conception dreaming, and also reflects on the cultural differences between the Lunga (Kija) and Malngin.

in [the deeper water holes] are the spirit-children placed there by the rainbow-serpent in the ngarunggani [Dreamtime]. These children become temporarily incarnated in fish, or in animals and birds near the pool, and after conception the species become the djering of the individual ... The man or woman does not associate every member of the species with the djering, but only the one killed at his or her 'finding' and as in this region there is no taboo upon eating it. Amongst the Malngin tribe a man avoids using his sister's name, and he will also refuse to give the name of her wibeliri [djering in Lunga] when asked for it, although he will name the species in any other context...the wibeliri is not merely associated with spirit-child but also with the personality. The djering or wibeliri is a totem for there exists between it and the individual a permanent socially recognised or institutionalised relationship.

There is an assumption here, though, that the reason the wipilirri totem animal cannot be mentioned is that it is identified with the sister and therefore, like her, cannot be named. Alternatively one might argue that this 'taboo' results from the prohibition on speaking about sexual-reproductive matters associated with a sister, and the wipilirri would certainly come into this category.

The interpretation of birthmarks in the VRD is mostly in terms of establishing if a child is a reincarnation. Marks reflect wounds that the person may have suffered at their death; hence most open-and-shut cases of reincarnation concern souls of people who met violent deaths.

30. McConvell 1993, p. 85. Texas Downs was a centre with a mixed Malngin-Kija bilingual population when it was located on the Ord River near the Northern Territory/Western Australian boundary. When the homestead was moved farther west into the Kija heartland in 1924, those who moved with it became more decisively orientated to Kija culture whereas those who relocated to Northern Territory stations strengthened networks with Malngin and Gurindji people in the east, gradually losing Kija-influenced cultural elements. The presence of syncretic systems on the boundaries and the possibility of local historical change does not invalidate the general point about long-term difference between regions being made here.
Farther east in the VRD, the term considered equivalent to wipiliiri is yimaruk. This is, in my experience, solely used to refer to either the spirit of a person who has died and is finding a new body in which to be reborn, or to the person who is the reincarnation.32 Since the reincarnation takes place in the (usually) short period in which the dead person's ghost lingers around its place of burial and nearby congregations of Aborigines, only people who die just before a baby is born are candidates to be selected as sources of yimaruk/wipiliiri. Birthmarks seem to be the main sign to be interpreted; I have not heard of dreams, nor food and adverse reactions to it as playing any role.

Among the Malngin, people who have recently died have their name tabooed and in former times were called by a special name which referred to their place of death, burial or tree-grave exposure, with the suffix -nyinin. Yimaruk/wipiliiri who are reincarnations of such people often took that death-place name as their common name; other nicknames of the reincarnation source may be used, and his or her subsection adopted as a second subsection. His or her Aboriginal ‘bush name’ which refers to an action of the dreaming, usually in the person’s estate, will not be adopted, however.

The last point indicates that the yimaruk/wipiliiri relationship stops well short of complete identification of the two individuals, especially where spiritual affiliation to land is concerned. One thing that everyone agrees on in the VRD, in my experience, is that being a yimaruk/wipiliiri of a person does not entitle one to claim rights in his or hers group’s dreaming country, nor sing his or her songs, nor use his or her dreaming designs. In the dreaming order you retain your status as child of your parents no matter what spirit entered your mother’s body.

This is in contrast to the rights which can be gained from conception dreaming (possibly including its reincarnation form) in the Kimberleys, and elsewhere. However even there, there appear to be limits set. Spencer and Gillen report that a man who has gained access to a ritual group through conception dreaming may take part in all the ceremonies but will never gain the status of ‘headman’ (alatunja) unless he also belongs to the father’s group by descent.33

It is possible that the reincarnation aspect of jarriny has also strengthened its position in the Kimberley in recent times too, due to contact with Christianity, but in a paradoxical way. While I was in Turkey Creek, a mainly Kija speaking community, in 1986-7 there was a considerable amount of talk among local Aboriginal people about the importance of local traditions of reincarnation. This had reached the ears of the local Catholic Church, and priests had begun preaching against the belief—presumably in line with the vehement opposition put up by the Vatican to religions emphasising reincarnation, such as Buddhism. Elements in the Church had been promoting varieties of syncretistic belief and worship for some years in the Kimberleys, but along different lines. In fact a process of syncretism was going on between these beliefs and Christian-

32 Rose gives a wider interpretation to the term yimaruk as used by Yarralin (Ngarinyman and Ngaliwurrru) people, saying it ‘may be glossed as life itself ... part of an ongoing life process which infuses the whole cosmos’ and implying that it does not only refer to reincarnation but also other ‘conception’ processes, without supplying details. Rose 1992, p. 59. I have not encountered these meanings of the term. Yimaruk is derived from the Wardaman wordk for ‘shadow’, yimerruk.

ity, secretly, but under the noses of the local white Catholics. For instance a local Kija layman could preach at mass about the death and return to life of Jesus as an instance of reincarnation, Aboriginal style, adapting the Bible story to reveal the ‘hidden’ story of Jesus’ rebirth as a baby, while priest and nuns sat by oblivious, because they could not understand the language.

It seems to me rather unlikely, however, that the conception dreaming complex including the reincarnation aspect was originally found throughout the VRD and Kimberleys and that the erstwhile main plank of the complex has been lost in the VRD in recent times, leaving only the reincarnation aspect and removing the connection to land ownership. It seems possible that the reincarnation beliefs were originally separate and found in the east and have become attached to the conception dreaming complex in the west through contact and diffusion. The rather loose connection between the two aspects of *jarriny* could be adduced as evidence for this hypothesis.

**Dreaming totem (kuning) and the conception complex**

Another concept which is strong in the VRD is that of *kuning* (east) or *kuningarri* (west). This is often the word used for a person’s patrilineal dreaming—the main being which carried out actions in the group’s estate which are celebrated in ritual. Kaberry mentions this word as having a similar sense in the east Kimberley, glossing it ‘Dream totem’, but other details about it are quite vague and seemingly contradictory; it is perhaps quite marginal in the area.

In some tribes [the Dream-totem *guning*] is inherited from the mother; in others from the father; elsewhere it may be some object dreamed of by either parent after finding the spirit child in a *djering*. It may be any natural species or material object, and acts as the representative of the individual in the dreams of other people. Its main function is to render some dreams significant, indicate the presence of a man or woman to others, and in some cases as a protector and warn of approaching danger.

One of the intriguing things about these words is their relationship to the word *kuni*, ‘dream’ in Gurindji/Malngin/Ngayinman from which they are obviously derived. In the case of *kuningarri*, the suffix -*ngarri* is commonly used in Kija and other Kimberleys non-Pama-Nyungan languages as a relative clause marker and to derive nouns/adjectives from nouns. It has been borrowed in a similar sense but with more restricted kinds of use, into Malngin. So *kuningarri* means literally ‘[something] connected to dream’.

VRD people recognise the connection between this word for dreaming and a dream, and explain it by reference to a slightly difference sense of the term *kuning*. This sense is that of an image which is seen in a dream which recalls a particular dreaming, and thus signifies members of the agnatic group affiliated to the dreaming. Seeing such an image in a dream has the primary import that someone of that group will soon

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34 Kaberry’s report that the reincarnation aspect is only present in the North Kimberley in groups to the east supports this interpretation Kaberry 1936, p. 396
36 The suffix -ng on *kuning* may be the Miriwung common nominal suffix, which is usually meaningless.
arrive; however it can mean that something significant, perhaps bad, will happen to a member of the group; it is also used to justify sorcery accusations against members of that dreaming group.  

The image may be a direct image of the primary dreaming being or its animal equivalent, e.g. an eagle taking off or flying, in the case of Eagle dreaming. A number of other less easily interpretable images are also available for each dreaming estate. Some of these images require fairly esoteric knowledge of sites or songs to interpret: An image of a man and woman copulating is a sign of the jurntakal (snake) yunurr (area), because two rocks are balanced on top of each other suggesting this at a site there. Water running through reeds is an image of the Munpu group because that image also occurs in the song for that estate. Other images are quite complex and specific, such as a stone being thrown at a person’s back, signifying the jurntakal wapa estate.

For the people of the VRD, then, the relationship between the English words ‘dream’ and ‘dreaming’ is quite congruent with their own languages and conceptual system. Ideas that this conceptual complex is a colonial linguistic imposition invented by anthropologists are quite inappropriate. However the nature of the relationship between the concepts is perhaps not the one attributed to it in some writings by non-Aboriginal commentators. Rather, to dream is to gain access to a system of signs which stand for what particular dreamings beings did in particular areas, which in turn points to the identity of a group of people related to the dreamings and country by patrilineal descent.

A relationship may also exist between this arrangement focussed on kuning in the VRD, and the conception-dreaming complex in the Kimberleys. Both rely on the idea that an image of an animal or natural phenomenon received in a dream signifies a particular dreaming, estate and the group of people related to the dreaming and estate by patrilineal descent.

However the implications of this signifying event are quite different in the two cases. In the VRD this simply points to the identity of an unknown human through their affiliation (a person arriving, a culprit of a crime). In the Kimberley, at least in the strong form of the practice as described, the interpretation of the dreaming image in the dream is constitutive of a person’s membership of the group related to estate, one of the most important aspects of someone’s social identity, not only in the past but also especially in today’s era of land rights.

The attribution of social group membership to a new baby on the basis of a dream about its ‘conception’ is not consistently and uniformly applied, in either of the areas studied by Kolig and Kaberry, and there are also significant differences between them. In the case of Kolig writing of the Fitzroy Valley the ‘dream’ element is an optional alternative; more common is the interpretation of an eating event in waking reality. In the East Kimberley according to Kaberry, the ‘dream’ element is apparently obligatory, but if the father fails to have the requisite dream, the woman herself will. Kaberry provides little information about what the implications are of this assignment of conception-dreaming place for group membership or ritual life. Kolig is non-committal.

about who does the dreaming. Due to the current distance between ‘desert people’s’ residence and their ancestral estates, and the political advantages he mentions of affiliation to local estates, nowadays there is much less chance, and less motivation, for the father to ‘manipulate’ his dream to ensure that his child has its conception site on his inherited estate.

Again, it seems quite likely that the identification of a totem in a dream may not have been an integral part of the conception dreaming complex originally in this region but could have been added to it over time. The origin of the dream identification element could be in a system somewhat like the one which exists today in the VRD for identifying groups, but not for assigning individuals to geographical origins, nor certainly for recruiting individuals to groups. Dreaming as a way to assign people to local groups seems to remain a rather marginal element throughout the region.

Conclusions: history and neo-diffusionism

In this paper I have looked at some striking differences between how people in the VRD of the Northern Territory and the neighbouring Kimberley region of Western Australia, respectively, relate themselves to tracts of land and the spiritual forces they believe to reside in the land. People in the VRD tend to promote descent models of affiliation to land, and reject claims based on birthplace, conception dreaming, residence and other factors. The latter types of grounds for claim seem relatively common on the other hand among Kimberley people either in seeking outstations, in taking part in Northern Territory land claims as they occasionally do, or more recently in native title claims.

Various socio-political and legal circumstances in recent times would certainly have impacted on how people perceive their traditional rights and obligations, and how they decide to represent these in European designed contexts. Most recently the process of claiming land under the Aboriginal Land Rights Act in the Northern Territory in the last quarter-century has certainly influenced the thinking of many Aboriginal people in many areas of the Northern Territory, to the extent that terms like ‘traditional owner’ and ‘responsible’ (in the sense of ‘spiritual responsibility’ in the Act) have entered the Aboriginal English of general conversation, even among older people. On the other hand the absence of any land rights law in Western Australia until the recent development of native title, but the possibility for some people of obtaining (usually small) areas of land on the basis of a much looser and less regulated set of criteria, would have had its own different effects. Other earlier events, such as the movement of peoples away from their traditional land to a greater extent in Western Australia than in the Northern Territory, would have also made their mark on the weight they would tend to give to traditional schemes of spiritual affiliation and land ownership.

I have argued here that these modern socio-political contexts are not enough, in themselves, to explain how people have reacted, and the models that they propose for

39. Kaberry does indicate that in the case where a jarriny food is given to the woman by a man other than her husband, then it is not to that man’s group that the child belongs but to her husband’s, i.e. the result is the same as patrilocalization. Kaberry 1939, p.42. There is little indication in her work about how, if at all, the place of encountering the jarriny can affects the child’s group membership.
claims to land. Rather traditional patterns which differ in different areas, dating back to
times before European contact, still play a significant role in conjunction with the modern contexts.

Major traditions of long standing which must be taken into account in explaining the differences in current models of attachment to land in the VRD and the Kimberley respectively include:

1. the presence of a strong ‘conception-dreaming’ complex in the Kimberleys, and its complete absence in the VRD;
2. a set of strong cultural and discursive patterns supporting descent models, particularly of patrilineal descent, in the VRD; while such models have been and are also present in the Kimberley, some of these supporting patterns are absent.

Arguing for this position has involved me in examining a number of the cultural phenomena of the entire region from the central Kimberley across to the VRD, and in putting forward proposals about what may have been the original forms of institutions at some past stage, and how they have changed. These proposals are certainly tentative, and require further research and questioning. What needs to be done is to formulate more specific hypotheses, hone our methods of cultural reconstruction, and develop more insightful theories of social and cultural change. Questioning of the entire project of cultural reconstruction is not what is needed now. Anthropology has had enough of such questioning; let us now try to move on.

Thomas notes that Radcliffe-Brown ‘effectively assimilated all history to that which could only be imperfectly known and excluded it from the field of analysis’. Austral­ian Aboriginal studies were taken by Radcliffe-Brown to be the prime example of where history could only be ‘conjectural’ and thus worthless. Because of his foundation tenure of the first chair of Anthropology in Australia, Radcliffe-Brown was able to impose this idea as virtual dogma in Australian Anthropology long after his departure, despite his successor Elkin’s interest in historical reconstruction and diffusion.

Kaberry’s ethnography clearly reflects Radcliffe-Brown’s strictures although there is interesting discussion of contemporary change, for instance of how children of white fathers are explained within the conception-dreaming model. She also hints at hypotheses about the temporal ordering of development of different institutions when she states that the conception totem ‘developed out of, and is determined by, native beliefs about Narungani [Dreamtime] and spirit children’.

By the time of Kolig’s fieldwork, social and cultural change among Australian Aborigines was clearly on the anthropological agenda, and is in fact the main focus of his monograph. For all that, though, hypotheses about what were the prior forms of organisation are not always clearly formulated, and methods of cultural reconstruction, including how evidence is assessed, are often glossed over.

42 Kolig 1981
One problem is uncertainty about time frames being described, compounded by confusing use of the 'ethnographic present' for an indeterminate past time (tagged by the ubiquitous adverb 'traditionally'), as well as for the real ethnographic present:

Traditionally, a man's affiliation to a specific sacred lodge is usually determined by his conception, the *djarin* (The present tense used here, strictly speaking, refers to a condition past, for conception is no longer relevant to lodge membership).  

A few pages on we are told

...The established link of a man's conception and the mythological content or being that gave rise to his life associate him quite unequivocally with a particular lodge which can only be interpreted as a statement about the 'traditional' past in the light of the previous statement, but the time-frame is not specified and the tense is present.

Kolig, like other anthropologists, seems also on occasion to fall into assumptions that 'traditional' arrangements and beliefs in one part of Australia must have been similar to arrangements and beliefs in another part. In this case, appeal is made to Spencer and Gillen's and Strehlow's work among the Arremte, perhaps because the effects of Western influence were thought to be less at the time in Central Australia:

a link is established between the *djarin* 's supposed locus and the creative Dream-time force that really gave rise to the new human life...Strehlow['s] ...description of the situation among the Aranda also holds true for the precontact situation of the Desert Aborigines now living in the Fitzroy area...

Again, we must presumably amend this to 'held true [traditionally]' and the source of evidence for this identification of conception dreaming systems of Northern Desert groups in the past and the Arremte is unclear. We know that Arrernte conception beliefs did and do differ substantially in detail from those in other parts of Australia, including the Kimberleys.

Kolig elsewhere refers to his reconstructions of pre-contact belief and practices as 'hypothetical'—the product of hypotheses, presumably:

When measured against hypothetical precontact variety, present religious diversity has shrunk to proportions that are only sad reflections of past splendor.

It would be instructive to learn what kinds of evidence contribute to these hypotheses—whether for instance analogy with the Arrernte played any role in their formulation, and what weight was given to different kinds of testimony.

What becomes clear from critical examination of such accounts is that anthropological discourse about connection to land among Australian Aborigines is inextricably embedded in a project of cultural reconstruction or 'culture history'. There is, however, a certain reluctance (perhaps based on the anti-historical bias of dominant schools of

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43. Ibid., p.31.
44. Ibid., p. 34.
45. Ibid., p. 34.
46. Kaberry herself stresses this pointing out in particular that the Lunga (Kija) do not regard spirit-children as ancestors as the Arrernte do. Kaberry 1939, pp. 41-2.
anthropology) to engage directly with this project, or to assess what theories and methods are needed to carry it out adequately.

This problem recurs constantly in applied anthropological work on land claims, and in an even more heightened form in native title research. For instance, in examining the 'language group' model put forward in some recent land claims Rumsey discusses the probability of clan-like groupings having existed at a previous period in the following terms:

On the evidence presented at the hearing it is not clear that anything like the clan ever existed in this area [Finniss River]

there was ... at least a vestigial system of clan-like groupings [Malak-malak]

a tradition also survives (among older people at least) of clan-like groupings, albeit with less clear territorial associations than among the Malak-malak-Madngele [Jawoyn] 48

It is speculated that drastic population loss in early invasion times might have led to the move from emphasis on clans to emphasis on language countries. Obviously this would not be the case where clan-like groupings cannot plausibly be reconstructed.

With this kind of hypothesis formation we are on the right track, I believe. 49 This would include both historical hypotheses about regions and development of theoretical models to cope with the interactions of such factors as population, social groups and land attachment ideology.

The ideological or conceptual side of such reconstructions, and its connections with reconstructed practices is often the most difficult. In the already very sparse early documentation of contact in the VRD and Kimberley this aspect gets little or no mention by practically minded explorers and cattlemen. Thomas bids us pay heed to the missionary accounts 50—if only we had some! Thomas also advocates anthropologists paying more attention to the evidence of archaeologists. This is indeed good advice but with the kind of evidence archaeologists find (and look for) in Australia, almost nothing of the non-material side of culture can be discerned. There is one other source of evidence not mentioned by Thomas which has the potential to eclipse these other sources and is especially amenable to tracing the history of ideas: linguistic reconstruction, especially the tracing of changes in the meaning of key terms. 51

In this paper I have only just made a start with the development of testable hypotheses about earlier forms of land attachment, organisation and belief in the VRD and the patterns of change this century, using local Aboriginal testimony, ethnographic writing, and linguistic methods mainly. I have found it valuable to break up complex and polysemous key terms into their component elements and compare their meanings in different regions. What I have found is an intricate pattern of variation, but one which, with some careful study, might reveal significant patterns of earlier forms and directions of change in meaning.

48 Rumsey 1993, pp. 197-8.
49 Models of historical change in Aboriginal land ownership patterns are also developed in Sutton 1998.
50 Thomas 1989 pp.14, 73.
One of the inspirations behind this approach has been the concept of cultural complex developed in early Boasian anthropology and handled particularly insightfully by Sapir.\(^5\) This involves a concept of coherence in culture which is neither 'shreds and patches' nor the kind of functionalism where everything fits equally well. It is possible to discern, in a complex, elements which are notably more divergent than others, and where often the local explanation smacks of an after-the-fact rationalisation. Isolating such a phenomenon, and bringing it together with other evidence on a wider scale, can lead to a historical hypothesis about why the complex came to vary in its coherence in that way. Quite often the explanation will involve diffusion of an element and its partial adaptation to the new complex.

Putting together evidence about key terms related to land attachment, I have begun to build up hypotheses along the following lines:

1. a basic system involving 'conception dreaming' and 'spirit children' is quite old in the Kimberleys, but there is no trace of such a system in the VRD in the period just before contact and probably going back considerably further.

2. the additional element of the 'conception dreaming' complex conferring primary rights to dreaming estate may be relatively recent, adopted first by desert peoples south of the Kimberleys.

3. it may be that peoples of the VRD once had a 'conception dreaming' system but lost it, perhaps around the time that the system of long 'travelling dreaming' songlines, which divide into sectors according to local patrilineal groups, became more solidly established;

4. the 'travelling dreaming' segmented track system was reinforced by the jamarrarn concept tying individuals to a section of a dreaming's travels by inheritance of an aspect of personal identity (voice) from the father.

5. access to hidden knowledge through dreams appears to be a fundamentally distinct idea from either conception dreaming or patrilineally inherited dreaming, but has become (more or less loosely) attached to the former in the Kimberley (jarring) and to the latter in the VRD (kuning).

6. Reincarnation of a recently dead person in a baby is also a fundamentally different idea from conception dreaming but has become loosely adapted to it in the Kimberleys. Reincarnation ideas may have appeared first in this region in the VRD perhaps in the north among non-Pama-Nyungan speakers and diffused west; however reincarnation beliefs have made no inroads on to fundamentally descent based schemes of land attachment found in the VRD.

Naturally any of these scenarios can be dismissed as 'conjecture' if one is so minded, but nothing is gained by this. My point is that they are initial hypotheses which can be modified, even disproved, by using a variety of evidence from history, anthropology, archaeology and linguistics. We cannot sidestep the questions of regional cultural variation, its origins and how long it has existed, either by pleading that there is no relevant evidence available, or by insisting on privileging contemporary political explanations over history. Any enquiry into native title, for instance, demands evidence of the time-depth and continuity of institutions and will require us to develop a robust methodology for dealing with them. This practical current need also underscores the more gen-

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\(^5\) Sapir 1949.
eral need for the development of a diachronic anthropology which includes explicit theory addressing the conditions under which cultural elements diffuse and the conditions under which diffusion is resisted and traditions retained.

A key question in developing such theory is the relationship between conceptualisation of links between land and people and patterns of movement and settlement. More flexible types of attachment to land may be more congruent with social systems characterised by migration or expansion than with other less mobile systems, for instance. As we have seen, in the Central Kimberleys in the twentieth century, the migration of people north from the Western Desert has favoured the increased use of conception dreaming to link people to new areas. Perhaps this might suggest a more general model explaining the distribution of conception dreaming systems linked to local group membership in Australia in terms of migration or expansion in relatively recent times. But such explanations, to be fruitful, must build in the possibility of countervailing forces in a dialectical fashion. Diffusion of conception dreaming ideas as a means of acquiring rights in land can be resisted, as we have seen in the case of the northward movement of Warlpiri into the VRD, where attachment to land by descent has been maintained, and supported by the absence of prior conception dreaming beliefs, and by metaphors and ethno-genetic beliefs emphasising patrifiliation.

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