

# **Legitimising Belief: Identity Politics, Utility, Strategies of Concealment, and Rationalisation in Australian Aboriginal Religion**

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The 'women's business' on Hindmarsh Island has had spectacular success although vital evidence had been kept secret 'in a sealed envelope'. This paper, drawing primarily on the author's own encounter with the native title claims procedure, discusses various formative processes involved in the contemporary construction of Aboriginal indigeneity in which religious belief is heavily valorised. Subjected to a process of rationalisation for a long time, religious traditions are now being used as a strategic resource in native title claims. In the endeavour to make best possible use of the jurisprudential opportunity offered, the maintenance of secrecy and cloaking of information emerges as an important strategy. Secrecy clearly is an integral part of traditional Aboriginal culture. However, cloaking in fact may not only privilege esoteric contents, but merge with attempts of deliberate deception. Yet, in itself this too might be considered an Aboriginal cultural tradition.

The 'women's business' on Hindmarsh Island, South Australia, has succeeded in exemplary fashion in focusing attention on the utility aspect of indigenous religious traditions<sup>1</sup> and, conspicuous among the tactics of so-called identity politics, the strategy of concealment. The controversy, which not infrequently surrounds such matters, is directing the limelight on the question of the legitimacy of the religious beliefs that are brought to bear in this juridical and highly politicised discourse and on whether they are recently invented or are of greater antiquity, whether they had to be resurrected by deliberate learning from the past or whether there is an unchallengeable and uninterrupted continuity between the present and the past.

As the evidence mounts of Aborigines throwing their traditional beliefs into the battle of winning recognition and material betterment, so does the volume of anthropological contemplations grow avalanche-like. One theme constantly recurs: where is the line to be drawn between truth and authenticity on the one hand, and fabrication, wilful invention and deception on the other? Like few other issues, Hindmarsh has managed, through a heated debate the end of which we have not seen yet, to polarise both Aborigines and the anthropological community.<sup>2</sup> Those directly involved as well as commentators fall sharply

into apologists and detractors of the claimed traditions—thus highlighting once more the partisan nature of much of the anthropological enquiry as well as the intractability of this question.

The Hindmarsh case has also wonderfully served to rally the anthropological mind to a host of other contemporary and highly controversial issues that attach to Aboriginal identity politics.<sup>3</sup> Here, only a very few can be examined. In claims procedures and through the need to legitimise religious beliefs, strategies of cloaking or withholding beliefs by claiming traditional secrecy seem to become very important, which, again, heightens the question of whether this constitutes deliberate deception and fabrication of traditions and must thus be judged fraudulent. Even in the process of essentialising belief, necessary for consensus formation demanded by the modern legal process, there is an element of keeping belief and its diversity hidden *vis-à-vis* outsiders, thus raising the same question.

These issues become an important factor in the formulation of effective traditions and their adroit application in the juridical-political discourse. Taking a larger view, the fact that the utility aspect is now coming to the fore and assumes such conspicuous proportions—so that it leads to accusations of fraud in some cases—is linked with another vector: a process of intensifying rationalisation to which all cultural traditions are being increasingly subjected.<sup>4</sup> I will briefly reflect on the question of authenticity and continuity of religious features, both important concepts in the native title process, which, when considered in the context of beliefs' utility function and rationalisation, lose their sharp boundedness towards discontinuity with the past and towards so-called fabrication. These issues will be considered both in general terms and by drawing on my own research.

### **Context—construction of indigeneity and the forces of 'rationalisation'**

The spectacular invigoration and revitalisation of indigenous cultural traditions (or what may be seen as such) in the modern world, because it seems to fly in the face of every reasonable prediction about the future cultural trajectory of humankind, is a remarkable phenomenon. Indigenous minorities embedded in and engulfed by dominant Western-type societies, and which have been exposed to a powerful hegemony and a nationalist discourse for something like two centuries, are rediscovering their pre-Western cultural heritage, their pre-modern beliefs and in a fascinating display of creativity shape this legacy into a conspicuous and often colourful conception of indigeneity.<sup>5</sup> This achievement not only allows them to distinguish themselves from the surrounding dominant society and display their cultural separateness, miraculously preserved over such a long time, but also serves as a useful and politically highly active ideological corpus (see Wassmann 1998; Kolig and Mueckler 2002). It is then, especially the juxtaposition of rediscovering the past and establishing a kind of continuity, often seemingly tenuous, with the assertion of authenticity despite the glaring hegemonic influences (cogently pointed out for instance by Keesing 1989), which makes this phenomenon so conspicuous and raises so much suspicion.

The Western hegemon has attempted in various ways to enforce compliance or, alternatively, to persuade (as Gramsci argued) by alluring enfranchisement, but had only partial success. As globalisation is progressively reducing the nationalist discourse (by paradoxically spreading as well as softening the hegemon), indigeneity—a sub-national identity—is allowed to be reconstructed, or, where it had not been lost entirely, to rise again, based on cultural issues rather than physical or genetical aspects. The process of

indigeneity construction not only means reconstruction, i.e. the reinterpretation of the cultural past through the lens of contemporary perceptions, motivations, and above all needs, but also innovation or invention as well, for exactly the same reasons.

In Australia, indigenous religion now forms a vital part of the construction of indigeneity. It becomes largely a defining ingredient of what constitutes traditional culture and of the identity based on it.<sup>6</sup> Indigenous religion, involved in the construction of indigeneity, now may feature strongly in its own right as a separate and specialised enterprise like Christianity does in Western society; or alternatively, it may be implied in cultural features in the sense that pre-contact culture was saturated with religious meaning and connotations. Aboriginal culture especially implies religion in the sense that all cultural features are imbued with creative (Dreaming) meaning and their maintenance carries a sense of religious obligation. Maintaining myth and ritual clearly has that function, but living in accordance with traditional rules of conduct, however minor, also has a religious connotation.

Despite this all-pervasive presence of 'religion' in every manifestation of traditional culture, its meaning for those claiming to adhere to it, undoubtedly has changed (sign-substitution in Hanson's 1989 sense). Above all, the overarching sense that appears to have once existed of a religious duty to maintain the world, or else nature, would decline and the world grind to a halt, clearly no longer exists. Even though the argument that destruction of sacred sites may bring about some horrible consequences—in the Hindmarsh affair, for instance, it was claimed that female Aboriginal fertility was at stake—the previously collectively shared, world-nurturing sense of causative importance of sacred matters has lessened despite the protestations of the religion's contemporary protagonists, who, in so doing, clearly defend an opportunistic and very partisan viewpoint. I can cite many an example from my own field work experience, in the 1970s and 1980s, among highly tradition-oriented, mostly elderly Aborigines—some of whom had not seen a white person in their youth—which demonstrate that already then doubts about the unshakeable causative agency of myth and ritual had begun to creep into their world view. It was as if they recognised that the world around them had changed in some profound ways and what had been fundamental truths before no longer applied (see Kolig 1989b).<sup>7</sup> In a practical sense, then, clearly, this factor cannot constitute a criterion establishing discontinuity, as it would impair the legal legitimacy of all Aboriginal religious traditions.

It is obvious that Aborigines in many places do carry on with maintaining myth and ritual, custodianship of sacred sites, and attempt to perpetuate fragments of what they believe is a traditional world perception. But often this is done for different reasons and purposes which show no direct continuity with the past. Retouching of rock paintings, for instance, now executed with acrylics and in order to teach youngsters to follow suit, has less to do with procuring rain or the fertility of bush yams, but more with the maintenance of a distinctly Aboriginal identity. Even with the most sincere intent to carry on with the cultural past, the effects of modernity and the impact of Western civilisation, whether instilled by formal education or by informal means, cannot be undone. What then is the legitimacy of such beliefs? Has the authenticity of such cultural traits, despite outward continuity of sorts, been compromised? As Turner (1997:352-353) points out, the literature on cultural invention fails to pay sufficient attention to cultural structures of long duration which inform tradition and make it, even as an invention, intelligible and in a sense give it continuity.

The classical work by Hobsbawm and Ranger, aptly titled *The Invention of Tradition* (1983), drew attention to the creation of 'traditions' inspired by a self-conscious kind of instrumentally rational motivation (in Weber's sense, though Hobsbawm inclines more to a Marxist view of the 'ideological function' of tradition). In their seminal and pioneering work they distinguish between 'custom' and 'tradition'. 'Custom' refers to the organic, lived, slowly changing cultural features, reproduced and acted out more or less unconsciously by the people living it. By contrast, 'tradition' is self-consciously and purposefully created or, in Hobsbawm's terms, invented, often in a spontaneous manner in response to a certain need or so as to serve a 'political' purpose or express a certain intent. Although neither Hobsbawm nor Ranger speak of the objectification of culture, this process can be seen to be a precondition for the selection of existing or past cultural patterns or the construction of new ones, to serve this purpose of establishing a special identity and by so doing to convey the flavour, blatant pretence though it may be, of having an impeccable historical lineage.

That traditions tend to be strategic resources, carefully nurtured to serve practical purposes, has been noted by several anthropologists (e.g. Sissons 1993). Otto and Pedersen (2000:9) state that traditions are a 'cultural resource which can be evoked for diverse individual purposes'. Hobsbawm and Ranger insist that traditions are self-consciously and purposefully created and are in fact 'ideological', by which they mean that the creations serve a deliberate purpose in the traditional Marxist sense of being part of the ideological superstructure evoked by material conditions. This invokes not only Marxist 'celestialisation' but even more strongly, shades of a conspiracy motif. Similarly, Feinberg (1995:92) emphasises the purpose-directed nature of so-called traditions, but denies that they are created by 'cynical conspirators' (p.94). Van Meijl and van der Grijp (1993:639) in a rhetorical sense ask 'why certain traditional concepts and customs are reconstructed and revived, and others, such as cannibalism and warfare are not, are questions that have not been addressed'.<sup>8</sup> But then they go on to conclude, somewhat blandly, that the purpose lies in an attempt 'to cope with rapid [social] change' (p.640). This seems to miss the mark. Surely, the process is more purposeful than a groping for direction in a situation of social transformation, although this may be involved too as a motivating factor. In this sense it is not surprising that they cannot detect a difference between the 'traditional' situation and the contemporary one. This can only be so if one ignores the process of objectification and the distinct purposefulness that characterise the cultural revival and deliberate construction of culturally based identities of modern days.

Loosely based on Wagner's insight (1981) that culture is in perpetual change as every generation re-interprets and recycles the semiotic instrumentarium through which objective reality is perceived and acted upon, this reasoning sounds quite plausible.<sup>9</sup> Yet, I would suggest that there is a difference of nuance between the routine replication of culture (custom in Hobsbawm's language) in a truly traditional condition and the identity politics of today. Despite the recognition that culture has to some extent always been deliberately modified by outstanding people to suit their purposes, there is a difference which lies in the scale between that and the modern construction of indigeneity. This is perhaps not a difference in principle, but certainly of noticeable degree. When Barth (1987) observed, among Highland Papuans, changes in cosmological replication, he provided a good example of unintended, incidental, and incremental changes over time and space, even if this transformation was perhaps aided and exacerbated by, and presents itself now with an admixture of, individually induced, opportunistic modifications. The construction of indigeneity and its drawing on religious beliefs seems to be of a somewhat

different nature—happening as this process does in a political force field (Hanson 1989; Turner 1997:352) through the deliberateness of planning and the clarity of vision regarding the utility of the creation.

It is exactly this small but vital difference on which the authenticity versus inauthenticity distinction hinges. The debate is often polarised between two factions. On the one hand, there are those who do not doubt—and do not wish to doubt—either the historical continuity (though this may sometimes stretch the interpretative imagination to breaking point) or the sincerity and the authenticity of the cultural product; and on the other hand, there are those sceptics who like to speak of invention or even more strongly fabrication, and perceive the claimed cultural tradition as the product of insincerity and cynical opportunism. They take certain risks in making such pronouncements. Keesing's (1989) candidness in trying to separate historical veracity from invention in this matter was severely chastised by an 'indigenous' anthropologist (Trask 1991), and Hanson's (1989) daring use of the label 'cultural invention' for contemporary Maoritanga was rewarded with an acerbically critical and condemnatory response (varii 1991)—not only from Maori themselves but also from Pakeha anthropologists with a 'protectionist' inclination and a post-modernist agenda of decentring the anthropological discourse.

Although the deliberate construction of traditions and modifications have always existed and are in principle nothing new, the difference of modern times lies in the degree, intensity and clearer sense of utility involved in the process. The degree of purposefulness in cultural constructions is really at the crux of the issue. I want to define purpose and utility here rather narrowly in terms of the anticipated responsiveness by the dominant society's legal and political process. In other words, the construction of indigeneity and the use of religious beliefs are shaped by legislative and other opportunities offered by the dominant society (see e.g. Weiner 1999; Taubman 2002). Such opportunities, which have relatively recently been created, are the result of assertions of indigeneity—together with moral changes and the weakening of the nationalist discourse—as much as having provided the stimulus for the construction of indigeneity. Indigeneity has been anticipating changes in mood and ethics in the dominant society as well as reacting to them once these became translated into genial forums. However, the products cannot so easily be classed as fabrications for several reasons to be explored later. The utility principle in matters of traditional religion—which has always involved the deliberate modification of beliefs and the judicious use of secrecy and even deception as authentic devices—results in the logical inability of the legal process to make a clear distinction between authenticity and fabrication.

Aboriginal heritage legislation as well as the Native Title Act create opportunities which can only be grasped by a creative response. As religious culture becomes a benchmark of a claim's assessed validity, its ability creatively to adjust determines the degree of success. As it does so, a cultural or religious trait becomes subject to modificatory temptations and opportunistic strategies which, given the high degree of basic incompatibility between modern juridical process and traditional religious thought, borders on necessity so as to enhance the success potential. In other words, the legal process encourages and indeed necessitates: firstly, objectification of culture so as to make purposeful selections of useful cultural and religious features and valorise them, above all by endowing religious secrecy with emblematic significance, and secondly, intensification of the need for re-appraisal and gradual modification of 'tradition' to fit modern, post-contact conditions. Especially the second aspect is older than the legislation referred to above (see Kolig 1989b). The outcome is that now, under modern legal conditions, to paraphrase Maddock (2002:29),

Aboriginal culture ceases to be a form of life and begins to be an aid to a politically active identity.<sup>10</sup>

Howitt (1991:133) observed a rekindled interest in myth and ritual in central Australia. Creamer (1988) emphatically drew attention to the cynical and self-actualising motives behind much of the cultural revival in New South Wales. And Morphy and Morphy (1984) showed how pragmatic motives are influencing models of Aboriginal social organisation. Such features are brought into play by the present opportunities and new socio-legal realities.

The need to mount a claim and to defend it against counter-claim or Crown challenge not only intensifies objectification as well as the rationalisation process, but also magnifies the utility aspect to paramount importance. What will work under the circumstance?<sup>11</sup> But that process in itself may not be an illicit innovation and may in fact possess some authenticity. Intelligent opportunism and being guided by practical interests may not have been totally alien to Aboriginal religion in the past. Parents tried to make sure that their sons may be born or conceived in certain locations to give them a legitimate claim to that 'country'. Esoteric matters were concealed or shared in accordance with expected benefits or their absence. Myths may have been adapted to underline entitlement and hoped-for privileges. This is what I mean by an authentic utility principle in religion.

I shall now turn to a discussion of some actual cases. In particular, I will look at traditions of secrecy and cloaking of religious matters, devices which are used to obscure and even mislead for utility reasons (cf. Anderson 1995). As far as one can discern, doing so is entirely 'traditional' in the sense that even in the intent to deceive there is continuity with the past.

## Cloaking belief

In 2001 I was involved in a land claim hearing in Western Australia. Under native title provisions, the claimants had to prove the current possession and maintenance of traditional culture and demonstrate cultural continuity reaching back to the assumption of British sovereignty, or practically as far back as possible (which means to the locally relevant, earliest known ethnographic records). The area under claim amounted to a sacred precinct as most of the acreage was associated with initiation rites, the storage of sacred objects, and the activities of religious tutors and novices. Not surprisingly, therefore, religious beliefs in particular were of paramount significance in the argument.

The proceedings in the main were not conducted in an indigenous setting,<sup>12</sup> but, as far as courts of law go, in a rather informal manner. The presiding judge, however, made one significant concession: in recognising traditional religious sensitivities he relocated one part of the hearing to take place at the claimed sacred location. This was intended to allow for the discussion of secret-sacred matters in an appropriate and, in a traditional sense, privileged location; and secondly, in order to take the male nature of the secrecy pertaining to the claimant's argument into account and to exclude all women (this affected primarily the two female lawyers appearing for the Crown). All sensitive references subsequently had to be censored from the recorded minutes. However, despite the exclusion of females, large parts of the claimants' supportive evidence—namely the sacred objects allegedly stored on site as visible proof of the claimant group's entitlement to this place—remained hidden. In a traditional sense the presence of sacred objects in a location constitutes a 'title deed'. In this case, the presence of stored sacred objects would have provided vital evidence for the claim that the place was currently used, and had been used for many

years, for initiation purposes, and that the place was an important initiation centre for Aboriginal groups far and wide. The presence of a sizeable cache of sacred objects would certainly have lent some traditional weight to the assertion. Moreover, the objects themselves could, to some extent, through their shapes and designs, be objectively assessed by the initiated person as to their links with the mythical tradition which attaches to the land in question.

However, none of this traditional kind of 'proof' was produced, not even in glimpses. The implicit explanation that was offered was that traditional Aboriginal secrecy and exclusivity in religious matters of high importance had to be upheld, even *vis-à-vis* the (all male) court. One might have been forgiven for interpreting the refusal to disclose this evidence as proof that the objects were of such potency and significance that no exception even for this important occasion could be made. A more cynical interpretation, on the other hand, might have been that this strict secrecy surrounding the objects served to conceal the fact that there were none. Or that perhaps an inspection of them might have revealed their lack of linkage with locale.

Because of the crucial nature of this evidence—crucial in terms of traditional Aboriginal culture and therefore highly relevant to the claimed religious continuity (which is also demanded by legislation)—it was surprising that the judge acquiesced. The law certainly demands disclosure of secrets and 'if [Aborigines] wish to avail themselves of legal remedies, must do so on the law's terms' (quoted in Hancock 1996:91). At best, one might say, concealment certainly did not assist the transparency of the claim. If anything, it underlined the clash and mutual lack of intelligibility of two cultural systems.<sup>15</sup> There was yet another dimension involved. In insisting that the objects remain hidden—if indeed there were some—the claim's main proponent, a former Catholic seminarist and a person well versed in Western ways who had rediscovered the value of Aboriginal cultural and religious heritage, both underlined and defied Aboriginal protocol. Such objects, in a traditional context, are indeed subject to the strictest secrecy which is primarily gender based. But withholding them when their production—among men—is able cogently to corroborate in a traditional sense an assertion, may be considered 'a-traditional'.

Saying this does not exclude the recognition that increased secrecy may be seen by Aborigines as a necessary precaution against further uncontrolled dissemination. Once the secret belief is in the public domain, however restricted by clauses of confidentiality in the legal or anthropological discourse, it is beyond the control of traditional owners, traditional restrictions, and rules of dissemination. Even though the legal system does seem to recognise this dilemma and does impose strict rules of confidentiality, the in-principle fact remains that controls have been removed from an Aboriginal discourse and infused into a culturally alien one (where lawyers, bureaucrats, and anthropologists have access to court data).

Leaving aside the possibility that withholding tangible evidence may have been a ruse to conceal the glaring absence of any objects, it could be rated a keenly calculated, utilitarian strategy, almost an invention in the sense of a vast exaggeration of a traditional religious feature; an invention made with the purpose, in the face of the importance of the context and the court's dignity, spectacularly to underline the Aboriginality of the claim and emphasise its spiritual autonomy *vis-à-vis* the powerful Western legal system. Thus, two potent semiotic acts both representing power in their respective cultural setting were impressively juxtaposed: indigenous concealment of religious matter taken to the extreme versus the hegemonic canon of verification and demand for transparency of evidence in matters of jurisprudence.

On a more cynical note, one is reminded of the closed envelope in the Hindmarsh affair. The thought does not appear too far-fetched that in fact the claimants may have learned from this case that concealment or withholding of what from a juridical viewpoint one should expect to be corroborating evidence, may actually and paradoxically benefit the claim.

### Spin-doctoring secrecy

In this claim there was some doubt as to the unbroken continuity between the past and the present situation in terms of the awareness that the claimants had of the site's sacred nature. Perpetuation of belief relating to a sacred site is part of the onus to establish continuity under the terms of native title legislation. The claimants sought to reinforce the validity of their assertion by way of claiming that they had re-found the site through a somewhat mysterious, but allegedly traditional method. The implication was that they had thus legitimately re-discovered and re-established the site's sacrality.

At least from a purely anthropological point of view, it should have become a vital piece of evidence that the method of re-finding was indeed a traditional method of validating a place's sacredness. The claim was made that it was by unmistakable signs in nature that the site was re-discovered by persons knowledgeable in traditional religious lore and by this device to have established both continuity of the special nature of the site itself, and of Aborigines' awareness of it. By implication, one might say, this also served to demonstrate the group's tradition-mindedness insofar as they had maintained a traditional belief of 'site-finding' which allows people *a-priori* ignorant of a place's sacredness to re-discover its eternal special nature bestowed on it by the Dreaming. This is a particularly useful device when so much traditional knowledge—especially that relating to land—has been lost in post-contact times.

It was apparent that in the claimants' understanding these signs in nature allowing the identification of the site were of an objective and empirical nature. Though only the knowledgeable would be able to interpret them, the signs were supposedly empirically manifest in the environment marking out the place's sacrality in an objective sense. It seemed equally clear that this method of re-finding applied generally and was based on signs in a generic sense, and not in the sense of the specifics of myth events and beings and objects having become enshrined in features of the land and thus may only be discovered by someone conversant with the details of the particular myth (cf. Myers 1986:64-66; and Morphy's 1995:184-5 description of 'reading the country; i.e. transferring myth to land features in *terra incognita*). Thus, the signs being conceived of as empirically manifest and as generally applicable indicators of the presence of sacrality, it follows that it would not require a dream experience, or other revelatory techniques, or similarly 'privileged' forms of 'fact-finding'. Re-discovering sites or sacred manifestations through dream-experience is a method familiar to me through earlier fieldwork among very tradition-oriented Aborigines in this claim's general region, long before the benefits from native title legislation resting on the demonstration of religious belief became instituted. But I had never been told of identifying Dreaming sites by generic, objective features in nature.

Weiner (1995:6) refers to site-finding as an ongoing process:

Peter Sutton, an Australian anthropologist with long experience with a number of Aboriginal communities, remarked to me that he has seen sacred sites 'discovered' by Aboriginal people in the bush where there was absolutely no



threat to the site or the land tenure. The site content, from its inception, and the method of 'finding' it, was, according to him, perfectly true to Aboriginal cultural conventions in these cases. To repeat what I suggested earlier, the manifestation of supernatural presence, in particular features of the landscape, is not just a catalogue of religious events: it is a conceptual presence and a perceptual mechanism with which Aboriginal people make hypotheses about affairs and events in their current life. 'Discovering' sacred sites, including those that have not previously been recorded by anthropologists or anyone else, is a common and inevitable product of such perceptual and conceptual strategy.<sup>14</sup>

This may be so, but in this claim case, finding the site seems to have been based on a rather unusual method: the site was found by allegedly detecting empirically objective criteria which exist in nature and are generically indicative of the presence of sacrality.

Sites of this kind may be found by spiritual revelation or by some other intuitive association of myth content with specific geophysical features. But even among Aborigines something like this would have to be evidenced by the empirical conditions of the sacred manifestation and underpinned by the reputation and standing of the finder. If on balance these criteria are found to be too slight, the intuition is likely to be labelled an error or misperception. Given that even Aborigines will seek some form of corroboration of an assertion of this kind, in a court of law, taking Aboriginal custom into account and at the same time upholding the legal canons of transparency and verification, would have required that the assertion be given some degree of plausibility, and the demand for some evidence should not have been dispensed with so easily.

Direct questions, however, about the nature and appearance of these indicative signs—even under promise of keeping confidentiality—were blocked by reference to the secrecy of this information, which could not be breached under any circumstances. This stance forced others to accept this claim without even the benefit of an explanation. What is more, maintaining this strict secrecy prevented even a comparative investigation to find out whether other Aboriginal groups had a similar convention nowadays or whether something similar had been recorded in the ethnographic literature. Shrouding the method of re-discovery in strict secrecy entailed retaining the veracity, or otherwise, of the claim wholly privileged to the finder and demanded a leap of faith from outsiders. Precisely that happened: neither in closed session of the court nor in anthropological confidence were details of the method revealed.

Regardless of how weighty, or otherwise, this particular piece of evidence may have been in the overall legal procedure, it constituted an interesting case of wielding religious belief (and associated demands of secrecy) to good advantage. Because of its unusual nature, the belief (both method and empirical signs) would have required explanation, if not inspection in situ, to give it credibility. As it were, cloaking it in tight secrecy had the effect of making a mockery of the legal process and its requirement of transparency and accountability. Again, one feels unpleasantly reminded of the closed envelope of the Hindmarsh affair. But while this is so in the context of the legal discourse, in Aboriginal terms the strategy may not lack in cultural continuity.

As Weiner (2002) cogently points out, whether beliefs are true or false cannot be at issue, nor even whether they are plausible or wholly nonsensical. In my observation though, (at least some) Aborigines had no difficulty in making a distinction between truth and falsehood as far as beliefs go, or between plausible and unsustainable beliefs.<sup>15</sup> The distinction may be based on notions of 'strangeness' or on an 'empirical' consideration: beliefs of this nature (involving sacred sites) have an empirical dimension which is quite

accessible to everybody. This empirical dimension may sometimes, or to some people, appear to be not supportive of the belief associated with it.<sup>16</sup>

One of the more interesting sites I was told about while doing field work in the Kimberleys in the 1970s was that of Noah's Ark (Kolig 1980). If you say this is Noah's Ark in front of you, there must be something there to make it distinctive: a rock, a hill, anything to give this belief three-dimensionality, substance and thus render the belief credible to some extent and allow the religious imagination to latch onto (although Noah's Ark was said to have the ability to make itself temporarily invisible to the unwelcome visitor, its objective material existence in some form was strongly believed in). Otherwise, it is no more than a case of the Emperor's New Clothes! Traditional Aboriginal belief has precisely the opposite tendency, namely to make itself manifest in land and nature and thus to 'materialise' spiritual belief.<sup>17</sup> Though the inner meaning of a sacred manifestation may not be apparent to the uninitiated, the visible proof—or what Aborigines are traditionally prepared to accept as such—is always potentially present waiting to be uncloaked and comprehended.

It may be said that if belief is capable of empirical evidence it can be expected to be provided. Even if this should or does say little about the plausibility or reasonableness of the belief, such evidence can adduce a degree of sincerity to the assertion which would otherwise be totally missing. Certainly, most Aborigines I knew showed some curiosity about physical and visible manifestations of belief, and whenever possible, made some attempt to inspect them. To give an (*a-priori* contested) belief double obscurity (by neither explaining what the signs indicating sacrality are nor demonstrating their presence *in situ*) must surely call into question—even in an Aboriginal context—not only the authenticity of the belief but also the sincerity of the assertion. When obvious vested interest is involved in the claim of sacrality, as was the case here, adducing empirically accessible detail seems to be of paramount significance in rendering credibility.

On the other hand, facile judgment may be entirely inappropriate. Keeping some detail more secret than another is certainly not uncommon in traditional Aboriginal religious affairs. Myths and associated sites are often multi-faceted, containing subplots and meaning within meaning. Making only parts accessible and revealing secrets incrementally, or some secrets not at all, is not unusual.<sup>18</sup>

Stones may be just that, or represent mundane mythic objects, or may be sacred objects—depending on the interpretation given at any time. Some hidden meaning may not be revealed to outsiders who may be fobbed off with only the vaguest outlines, or may be deceived about the nature of the manifestation or its attendant belief altogether. Restriction buttresses the social power of knowledge and lends it political and religious efficacy (Weiner 1999:200). But because legal process puts pressure on Aboriginal applicants to divulge details, it may engender the view that deception is necessary.

### **Diversity of belief, cultural contestation and essentialisation of tradition**

There is yet another area in which cloaking of belief occurs and in fact is necessary for reasons of utility: the establishment of an official version of belief. Such a version emerges because of its supreme utility value—at the expense of the belief anarchy which traditionally has existed and tended to produce a wide variety of views and versions of belief. In another sense, this rather dissonant reality expresses itself now in the vexing appearance of dissenting views (such as those of the Hindmarsh dissident women). It is

this awkward multi-vocality of tradition which results then in the legal process's perceived need to distinguish fact from fiction, truth from untruth. Often the 'truth' of a tradition as ideally accepted by the legal process is the fidelity of a newly 'essentialised' contemporary portrayal of the past with a reductionist (anthropologically produced) view of it.

The claim which I witnessed was ably represented by the afore-mentioned man with all the sophistication with which his Catholic education had equipped him. Yet, it was clear that he pursued very much a line of argument not totally shared by others, not only those who put forward counter-claims,<sup>19</sup> but also some of those within his own claim group. This became particularly evident through anthropological field records being made available through subpoena and which revealed the existence of a plethora of dissenting views. Imposing his own stamp through his interpretation of traditions, his role invites analysis as to how traditional or authentic, or alternatively utilitarian and opportunistic this circumstance of presenting a dominant 'official' view is. It also raises the question as to how cloaking of traditional diversity and dissonance is achieved.

The Hindmarsh affair and its sharp division into proponent and dissident women demonstrated that beliefs are not unanimously held among people entitled to hold them. Knowledge is always selectively, differentially and unevenly distributed within a society. Knowledge also does not conform with one societal standard of truth, reliability, completeness, and significance, not even in so-called 'traditional' societies. Beliefs are simply not unanimously shared even in those societies which maintain an orthodoxy-enforcing mechanism. Views may diverge sharply about details of meaning, the degree of sacrality and esoteric significance, about the degree of exclusiveness and the intensity of restriction. Furthermore, it is not, I believe, a simple division into sincerely held authentic beliefs versus fraudulent manipulation.

As is probably the case in all tribal societies, for Aborigines the formally spoken and memorised word in a religious context traditionally had sacrality. It was not considered of passing and little consequence. It was regarded as powerful, whether ritual formula or informal exegesis. Due to its status, oral religious knowledge was 'copyrighted' and in a traditional sense in fact still remains property, neither freely shared nor easily promulgated. And it was not uttered frivolously or casually, but always with a strong purpose in mind.

Dogmatisation of sacred knowledge meant privileging it in daily life, but did not result in either uniformity or orthodoxy. The absence of an ecclesiastical and centralised authority, empowered to police dogmatic purity and suppress heresy, permitted a relatively free contestation in the field of religious meaning, even though a few individuals who enjoyed an outstanding reputation engaged themselves more vigorously in the dynamic and were more influential than others on those occasions when some superficial consensus had to be achieved. But they possessed no authority to codify belief. A much wider and continuously shifting circle of persons was involved. Access to licit contestation in this dynamic was defined by fundamental rights conveyed by descent and inheritance or proper acquisition of religious knowledge through formal initiation; and in the second instance through vertical mobility along a more or less well defined (but regionally or 'tribally' variable) hierarchical order of admission to esoteric knowledge. Within these parameters 'orthodoxy' was continuously contested and re-defined.

A situation of oral anarchy as it prevailed in pre-and early contact Aboriginal society made it virtually impossible to distinguish with clarity between orthodoxy and heresy. To delineate one clearly *vis-à-vis* the other could not even be done in terms of a general or wide consensus, let alone an enforceable law-like definition. Under certain preconditions

(i.e. acquired or inherited participatory and proprietorial rights) individual persons were entitled to hold to their idiosyncratic exegeses. In situations demanding cooperation (for instance, ritual performances) difficulties of sorts could arise. In most cases, it would appear, they could be settled by some views and interpretations submitting temporarily to others which had gained the upper hand in one way or another, for instance, by virtue of personal seniority, superior proprietorial entitlement, personal leadership qualities and the like. But these were only temporary arrangements and did not lead in the long run to the formation of stable orthodoxies.<sup>20</sup>

Differences are embedded in what is no more than a thin veneer of vague agreement, made for momentary convenience, about a fleeting 'orthodoxy' and ritual 'orthopraxy'. Yet different understandings of myth and ritual, never expunged or suppressed, do not in most cases prevent cooperation, nor does this fact usually invite open censure or mutual recrimination (although that, in my experience, does happen, though very rarely). Little attempt is usually made to remove ambiguities as this would increase the likelihood of confrontation. Such a crisis is usually avoided among peers and played very cautiously by persons who consider themselves, or are considered, to possess superior knowledge.

Nowadays, as oral anarchy comes up against the odd (historical) codification, the situation is different. The legal process demands orthodoxy. The authoritative version—accepted in the public forum—tends to be the one which corresponds with the historical record or is compatible with generalised anthropological information about Aboriginal culture *per se* of the past. In the Hindmarsh dispute too it became important whether or not Aboriginal versions accorded with recorded material (by the Berndts in the 1940s; see R. and C. Berndt 1993), even though the ministerial decision then went against it. In the southern Kimberleys of the 1970s the emergence of official versions of beliefs on the basis of written records was impeded, partly because Aborigines would not have wanted to take recourse in matters of esoteric religious contents to written records, but partly also due to the absence of such records.<sup>21</sup> But in 2001, as I could witness, the benchmark used in the legal process to measure legitimacy of religious belief was a motley collection of historical ethnographic records of very uneven quality.

In practical matters in the recent past this traditional anarchy of belief has led to spectacular disagreements among Aborigines (see Maddock n.d. 15-17; Edmunds 1994, Smith and Finlayson 1997). It would be simplistic to describe such cases as a clash between Aboriginal theology and opportunism. It was theology shaped in various ways by the demands of utility—but utility perceived in different and partially contradictory terms.

In the Noonkanbah case, which I was able to observe closely (see Kolig 1989a), significant differences emerged as to whether the test drill site would endanger the sacrality of a place in relative proximity (within several kilometres). There were different views on the size of the radius of sacrality around the site, about the importance of subsidiary mythic plots associated with land around the actual sacred manifestation (a small hill), about the extent of the harmful effect of depth drilling into the innards of the soil. These were all reasonable interpretations and genuinely held views under the circumstances. All were completely tradition based in the wider sense that drilling had become an issue because of the perceived sacrality of the landscape—the very generalised belief that Dreaming power inheres in the land and in specific sites in particular, was shared by virtually everybody. Furthermore, all views, different as they may have been, represented reasonable extrapolations from traditional precedent as well as being modifications of pre-contact views (perhaps even inventions) in the sense that a new, hitherto unexperienced reality had to be incorporated into belief so as to respond

meaningfully to a perceived crisis. The view that prevailed in the end was the one with maximum utility as perceived by a majority of communally influential individuals. The apparent consensus, presented then to the outside world, was achieved by removing the advocate of a more concessionary view (which saw nothing wrong with the proposed test drilling as it was seen not to jeopardise the sacred site) from the position of supreme site expert and community spokesman and attributing main custodianship of the site to someone else with a more restrictionist view. In other words, what happened was that one particular interpretation was nominated as the communally binding one on the basis that it offered the maximum practical benefit—benefit being here defined by the circumstances and a wider consensus among Aborigines in the whole region.

The democratisation of knowledge, under modern conditions, removes even the smallest factor of suppression of 'dissident' views that may have been brought to bear previously (e.g. threat of ostracism, use of black magic, or spearing, to enforce some degree of conformity by eliminating exegeses which were perhaps too capricious). Today's condition of freedom of opinion tends in effect to accentuate diversity.<sup>22</sup> On the basis of a total negotiability and equality of views it would make a process of devising cultural ethnicity and producing an official version of tradition very difficult and time-consuming. The process involved would be open-ended and beyond anyone gaining final control over it so as to achieve a binding result and achieving it within a reasonable time frame. This trend is counteracted by an intensified process of rationalisation as Aborigines realise that an officially shared pool of knowledge, producing a uniform belief, has advantages. Advocate anthropology (in putting forward an official version) and court session then tend to function very much like the consensus-forming, 'orthopractical' medium of the joint ritual performances. However, while ritual orthopraxy of old was temporary and ephemeral, the legal process has more lasting gravity, as belief once recorded will remain in a legally binding version.

The Hindmarsh affair has produced yet another interesting puzzle. Given the traditional 'anarchy of knowledge' and the occasional failure nowadays of effectively cloaking dissonance, how are dissonant beliefs which are very individualistic and unshared to be regarded? When 'cloaking' fails and a strongly divergent view not only emerges but consequently gains prominence because of its impact and efficiency in the modern legal discourse, should it be dismissed as inauthentic? Substantive contents of belief, even if not self-evident, are cultural representations, collectively held, their meaning shared. Although they may, on account of their esoteric nature, be subject to concealment from wider consciousness, one may still expect them to be shared among a number of people. If not they are reduced to idiosyncrasy or mental representation (in Sperber's 1996 terms). Do they still qualify as culture and true religious belief? Indeed the most highly prized esoteric secret may be shared by few and sometimes only one may officially possess it (in the full sense of having absolute discretion over it). But as soon as it is shared and accepted, if implicitly only, by others as true and valid, it becomes culture and religion. Kartinyeri (as much as the Catholic seminarist of my acquaintance) may have assumed, by self-appointment or otherwise, the role of a traditional custodian of belief and may even have spontaneously formed her own idiosyncratic version—or may have given a vaguely extant belief her personal stamp. However, as soon as such a belief becomes accepted by others it becomes religion and a valid form of formation of religious content and cultural representation.<sup>23</sup>

This differs little from a traditional situation, it may be argued. Aboriginal society had mechanisms, even though unformulated and largely unconscious to its practitioners, of

dealing with religious flexibility. Some belief versions were licit and others by consensus undesirable and though normally tolerated, in a conflict situation may have been derided as 'heresy' or even violently suppressed. But conversely, even idiosyncratic views may have suddenly risen to prominence for reasons other than their theological attractiveness or cogency. Nowadays, it tends to be the version with the greatest utility value which has the ability to rise to the surface.

### **Interest-driven knowledge and the legitimacy of belief**

Both native title legislation and Aboriginal heritage legislation demand a high degree of authenticity of cultural features proffered in support of an application. In addition, a demonstrated continuity of practice should link the more or less distant past and the present situation. The temporal point of comparison, which establishes the criterion of authenticity and from which continuity of practice and belief should extend to the present situation, should lie as far back as any written evidence will allow. Inasmuch as religious beliefs are vital ingredients in such applications they carry a heavy burden of legitimacy.

As Maddock (2002:40) states, 'the exigencies of the claim process encourage an over-emphasis on continuity with the traditional past and a playing down of breaches with the past.' This entails some serious effects. It discourages genuine development of new and sincerely held beliefs and inevitable modifications of old ones, even if these show a high degree of sincerity. The utility motive may be suspected to intervene and lead to the formation of traditions which are expected to enhance chances of success, such as the revival of useful old ones, insincere modification of existing traditions or useful embellishments and the like. It also creates a tendency to manipulate the convergence of the recreated past and the created present, while in fact too close a similitude between past and present religious features, proffered to underpin a claim, should arouse suspicion. This is so for obvious reasons. Where historical written ethnographic documentation exists, the legal process tends to accord legitimacy to efforts of re-appropriating the documented form of 'traditional' culture within contemporary lived structures.

The problem, by and large, arises as the legal position is wrongly premised, if by implication only, on the notion of the immutability of 'primitive' or 'traditional' cultures. It operates with freeze-frame perceptions or snapshots of a culture, which, because it is supposed to change very little, if at all, over time, the snapshots have to have a great degree of similitude (practically though, some tolerance seems to be allowed for change to have occurred in post-contact times and the cultural present is not expected to be a totally high-fidelity replication of the past). When Kartinyeri claimed that the traditions she advocated had existed for 40,000 years she was no more than naively playing to that notion. Uttering just so much rhetoric, she catered to the populist but ill-conceived view that Aboriginal culture, after having established itself in Australia, has remained unchanged until the arrival of Europeans, rather than making a credible statement about the contemporary presence of ancient traditions.

Another effect of the juridical process is a tendency for concealment of the present situation—under the pretext of secrecy—where, for example, the genuine present diverges noticeably from the past. However, by so doing and utilising the traditionally important notion of secrecy, another kind of continuity is being established: the traditional protection and privileging of pieces of knowledge which were considered of great significance and potency. By the notion that some information deserves, owing to its status and importance, this kind of privileged treatment, it is entirely traditional, then, to treat some information

which may be crucial to a claim, in the same way. Paradoxically, then, exactly this traditional 'device' could be used to cloak the absence of any corroborative evidence and to conceal a void. To invoke traditional notions of secrecy of belief therefore, from a legal point of view, contains the hidden danger that it wields traditional secrecy too cleverly. When vital information crucial to the Hindmarsh claim was sealed inside an envelope which not even the minister opened in the course of making a reasonable determination in the case, the situation was both pointedly and exaggeratedly traditional as well as paradoxical and potentially deceptive.

It seems patently obvious that the utility function of belief leads not only to a certain imaginative use of tradition but may go substantially beyond it. It can hardly be denied that opportunity and utility may move belief into the area of deception and trickery, as Maddock (n.d., pp 7-8) has pointed out. Maddock cites cases of Aborigines lying about religious matters and ascribes a remark to Peter Sutton to the effect that Aborigines can be 'devious and ruthless in politicking' (p.9).

Perhaps in much of the religious enterprise there was trickery and deception built in systemically—an aspect that Hiatt (1985), inspired by Marxist ideas, explored at length. But one has to distinguish between institutionalised trickery and deliberate individual trickery—or in Marxist terms, celestialisation and conspiracy. Deception was an integral part of the religious exercise prompting Stanner to speak of a flawed estate and religion being hijacked by vested interests (Stanner 1965:217). Status and privilege (such as polygyny, androcracy, preferential access to food and luxuries) of the religious elite and their ability to maintain power, were based to some extent on deception. These were institutionalised practices of 'disguising the truth' for which not even Marx and Engels (1938:39-42) could make up their minds whether it was more apposite to speak of outright (conscious) conspiracy or celestialisation, an instituted fraudulent reflection of patterns of economic relations in the belief superstructure through which everybody was a victim of deception. Even the old men were fooled into thinking that they had power over supernatural forces and responsibility on behalf of society. Yet, there was also clearly deliberate deception, fraud, and attempts to mislead. The old men knew they were lying when they maintained that the sound of the bullroarer was the voice of supernatural beings or that initiands were to be swallowed by monsters. Could it therefore be argued that not only concealment is part of the standard traditional repertory of religious belief, but also the strategic use of it, not only to keep secrets, but deliberately to deceive and mislead? If so, what sometimes happens now in the courtroom is no more than the application of this traditional device which is encouraged by the legal process, thus unwittingly rewarding this strategy.

The legal process makes commendable concessions with regard to the evidence to be adduced by Aboriginal claimants and its transparency. One part of the reason certainly is that Western law is premised on the Christian-based ethical canon of truthfulness (which is ideally meant to prevail in the legal process) and the assumption that other religious traditions hold this canon in equally high regard. This is a misplaced assumption, as in so doing, it implicitly relies on the honesty of the motif in withholding evidence and on the presence of a substantive belief that, because of its importance, requires to be kept secret. It certainly has little regard for the possibility that religious secrecy may be a device of dishonesty.

I have argued that there is continuity in all aspects of religious belief: the purposeful manipulation of traditions and forms of knowledge in pursuit of the utility principle, even in religious matters. As the rationalisation process (of deliberate and calculated weighing

and rational appraisal of the effects of traditions) intensifies nowadays in response to the new political and legal opportunities, traditional secrecy, cloaking, and deception are also pressed into service. The legal process is highly selective in admitting views and beliefs as licit. Perhaps, if it were not practically impossible what it should ethically be obliged to do is to distinguish between sincerely held views and crass forms of insincerity. In this distinction the concept of historical continuity would play only a small role. The distinction between belief sincerely held and that which is driven too cleverly by *Realinteressen* (practical interestedness) *à la* Max Weber<sup>24</sup>—as all knowledge to some extent is—can hardly be made with either accuracy or conviction. Motives for holding beliefs are not measurable and can only be intuitively grasped, often by no more than taking into account the size of benefits and gains to be made by adhering to such beliefs.

Considered through the lens of utility and rationalisation, little difference is practically discernible between what in a certain hyperbole may be termed genuine belief and opportunistic belief. The native title process may have an intensifying influence on belief formation and manipulation, but in principle it is virtually impossible to make a clear and confident distinction between authenticity and innovation, even in areas of 'deceptive' practice. In making such a distinction, possessing the courage of judgment, as is required under native title terms, would have to be based on a determination of intent: the intent to defraud or the intent to remain faithful to a sincere conviction of the value of tradition and its meaning, however subjective this may be. Very rarely, I suggest, could a clear determination be made. It may also be under the twin pressure of necessity and opportunity that the pendulum swings now more strongly than ever before towards the more clearly and cleverly opportunistic.

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## Notes

1. In applying a utility motive to religious belief, I am not advocating what I would consider a rather narrow economist model of religion per se (see, for example, Bruce 1999 for a powerful critique). I am simply asserting that utility is a potent and identifiable factor in religious tradition formation, in particular in the context of political indigeneity where it ascends to paramount importance. My doing so is based on a general notion of the significance and relevance of Max Weber's concepts of *realinteressen* and 'elective affinity' in the formation of any knowledge. Real or material interests form active motivators in adopting certain forms of knowledge and rejecting others. The process is based on judgment of utility value of knowledge—although it is not necessarily conscious, deliberate, let alone conspiratorial. Elective affinity between real conditions and forms of knowledge is defined by the latter's utility value in relation to the former (see also note 23). Utility and rationalisation in indigenous constructionism do not imply the presence of totally free choice in devising traditions: only the intrusion of a more or less conscious cost-benefit element. Simplistic or monolithic models as usual do not do justice to reality. In the construction of traditions, for instance, historical longitudinal structures (see Turner 1997:352-353), and constraints of style also play a significant role.



2. From the plethora of published comments on the case I can list here only those of a more scholarly nature: Brunton 1995, 1996; Weiner 1995, 1997, 1999, 2002; Tonkinson 1997; Rowse 2000.
3. The Hindmarsh affair is by no means the only sacred sites case raising considerable and often introspective debate within anthropology. The Coronation Hill case also sparked off a lively debate. See Maddock 1987; Merlan 1991; Brunton 1992; Keen 1992, 1993.
4. This reflects the increasing predominance of instrumental rationality, in Max Weber's sense of achieving utility effects through a rational appraisal of culture and belief (see Weber 1947:115; Hamilton 1974:95). Weber's thought on rationalisation and the utility principle as motor of an overall development of motivations for social action provides a sensible explanation. However, his reference to 'traditionalism' (for the absence of economic rationality) creates a semantic conundrum and being in discord with the terminology used here, it will not be considered further.
5. As Friedman (1994) and Harrison (1999) have pointed out, cultural mobilisation to protect (indigenous) identity and create cultural boundedness is a reaction to globalisation. In the Aboriginal case the cultural 'renaissance' is certainly that as well as a reaction to newly established opportunities. It needs to be borne in mind that it is globalisation which creates the freedom and space—largely by undermining nation-states' overwhelming formative influences—for indigenous minorities to assert their identity.
6. Thomas (1992) variously called this the substantivisation and valorisation of certain aspects of 'way of life' which then become symbols, or icons, of identity.
7. For a discussion of the impact of early European presence on the Aboriginal world view see, for example, Sharp 1952, Kolig 1995:55 and 2000:21, 25.
8. Thomas (1992:219) argues that cannibalism was in fact valorised in parts of the Pacific in response to perceived European notions of 'barbarity' for the purpose of 'intimidating' and 'taunting'. Previously it had not had the cultural significance which was later deliberately attributed to it in response to European curiosity. Today for exactly the same reason of rationalising traditions, 'showcasing' cannibalism of course would be counterproductive by engendering revulsion and disgust and thus would bring no advantage.
9. Thomas (1992:213) expresses it thus: 'culture is inevitably tailored and embellished in the process of transmission'.
10. This distinction was suggested by Webster (1993:238) and rebutted by Jolly (1992), as Turner (1997:353) has highlighted.
11. This is not to ignore of course the interaction of lawyers and anthropologists with claimants in the organisation and presentation of claims in court. It is precisely this input which gives added momentum to the rationalisation of traditions.
12. In New Zealand Waitangi Tribunal hearings are conducted in a *marae* setting and often use the Maori language thus putting claimants more at ease (see Maddock 1991).
13. That Aboriginal customary law is not compatible with Western law is evidenced, for example, in the process of identifying 'traditional owners' of land. According to customary law several categories of people may have rights in land, but Western law may recognise only one category as native title holders (see, for instance, Morphy and Morphy 1984). This may sharpen competition between claimants (and destroy traditional co-operative ties), or lead to cumbersome counter-claims, or to extra-court agreements among Aborigines as to which category may step forward to make the claim because it is considered that this group has the best chances of success under current legal interpretations. Opposing arguments may be completely traditionally based but may make selective use of traditional belief as to which criteria confer rights in land. Bern and Larbalestier (1985) recorded such a clash of interests in the Limmen Bight land claim.
14. Creamer (1988:56,58) also mentions cases of the 're-finding' of sacred sites. The question here is, does this intuitive method described by him differ greatly from the 'traditional' situation in pre-contact times? Is there continuity in the belief of this method as a legitimate way of discovering evidence of Dreamtime effects?

15. Merlan (1998:33) refers to a case of a Dreaming stone claimed by some Aborigines, but dismissed by others as just an 'invention'. This I take to mean that they saw no authenticity in this claim and did not consider it genuine (in contrast to the genuine, spontaneous re-finding of sacral manifestations hitherto unrecognised).
16. Beliefs may have an empirical dimension beyond their verbalisation which in this form makes them tangible to anthropologists and others (Weiner 2002:58). Through this their degree of plausibility can be checked.
17. 'Pintupi use the visible evidence of the world as a sign to interpret that which ... is invisible' (Myers 1986:67).
18. Incremental or reluctant disclosure of secrets is discussed by Maddock (n.d.), but the thrust of his argument is to distrust the genuineness of the tactic, even though it may be 'traditional'.
19. These claims relied more on descent and fragmented 'clan-tradition' as conveying a sense of land ownership, rather than adherence to an easily identifiable form of Aboriginal religion.
20. As Keen's (1994) study of esoteric knowledge in a northern Australian Aboriginal community clearly demonstrates, there is a profound absence of common orthodoxies in myths and ritual performances.
21. In wide parts of the Kimberleys only Phyllis Kaberry had done research into esoteric religious matters in earlier decades. Being female, her access to material on male secrets was very limited (even though she seems to have pressed men for access), and Aborigines would not have wanted to concede the validity of her information on male secret matters.
22. As Linnekin (1992:252) pointed out, there is a tendency to decentre narratives, abandoning an authoritative centre in indigenous societies.
23. Kartinyeri, when called upon by the legal process (and its exponents) to clarify the situation was given the 'capital' (in Bourdieu's sense, see Harker et al. 1990:13), i.e. the prestige and status, deriving from it, or more specifically, the legitimacy and authority to create the official version of the religious world.
24. Weber (1930:178). For a good summary see for example Hamilton (1974:98-102).

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