

Land rights and the hoax of anthropology

All claims to grant land to Australia's Aborigines have depended upon the "expert" testimony of anthropologists; without this "science" there would be no such thing as the land rights movement. Yet this quack science emphatically denies what is most human about man—his creative powers of mind—in favor of treating him as just another animal species, with a fixed range of behavior.

Australia was the cradle of British anthropology, whose history is sketched by the Sorbonne-trained Sydney lawyer and anthropologist Marc Gumbert, in his 1984 book, *Neither Justice nor Reason: A Legal and Anthropological Analysis of Aboriginal Land Rights*.

British anthropology really gets going, according to Gumbert, with an expedition sent by the Royal Anthropological Society to the Torres Strait Islands, off the northeastern tip of Australia. "In Britain, a scientific expedition in 1898 to islands in the Torres Strait (between Australia and New Guinea) by W.H.R. Rivers and his colleagues A.C. Haddon and C.G. Seligman, may be seen as seminal to the approaches and theory of an incipient British anthropology."

It was from precisely this area that Torres Strait Islander Eddie Mabo launched his famous case to the High Court which overturned all existing Australian law on land rights, and it was here that the Torres Strait Regional Authority was set up on July 1, 1994 to become the model of "autonomous self-government" for all other regional agreements.

The acknowledged "giants of modern anthropology," says Gumbert, are A.R. Radcliffe-Brown and Roman Malinowski. Radcliffe-Brown was the first student of W.H.R. Rivers, of the Torres Strait expedition. While Malinowski held the chair in anthropology at the London School of Economics, Radcliffe-Brown set up the first chair in anthropology in the British Empire, in 1921 in Cape Town, South Africa.

In 1923, an international scientific conference took place in Australia, which called for the establishment of a university department of anthropology. Anthropology from the start was tied up with the management of the Empire, since the school was not only to train anthropologists for Australia and Melanesia, but also to train colonial administrators for Papua and New Guinea.

In 1926, Radcliffe-Brown moved to Sydney to set up the Empire's second chair in anthropology. His influence has

shaped the entire modern land rights debate.

Says Gumbert, "But if it is to Malinowski's field methods that British anthropology came to pay obeisance, it was primarily from Radcliffe-Brown that it acquired its theory. . . . No doubt it was from Rivers that Radcliffe-Brown had obtained his first interest in kinship analysis. This was an area which Radcliffe-Brown made his particular specialization. After him, kinship analysis became the virtual *sine qua non* of British anthropology.

"His students included many persons who in time were destined to become the leaders of the profession."

Nugget Coombs's adviser W.E.H. Stanner was one of them.

'Expert testimony'

Stanner and another prominent Australian anthropologist, R.M. Berndt, offered "expert testimony" in Australia's first famous land rights case, involving the Yirrkala people on the Gove Peninsula in the Northern Territory. The two appeared as witnesses for Aboriginal plaintiffs trying to claim some land; their lawyer was A.E. Woodward, Queen's Counsel. Woodward would soon be appointed by Prime Minister Gough Whitlam to head up the Woodward Royal Commission, which resulted in the passage of the Aboriginal Land Act (Northern Territory) in 1976, and which initiated the process of turning over huge tracts of land to Aborigines.

The question of who, if anyone, would be granted land, depended on what relationship was established by the claimants to the land; as well as the relationship of the claimants to each other. As Gumbert recounted, "It is important to note that Woodward called, as experts, Professors Stanner and Berndt. . . . Basically it can be said that each postulated a structure along the Radcliffe-Brownian clan/horde lines," even though they contradicted each other in key points.

But Justice Blackburn found that "not one of the ten Aboriginal witnesses who were from eight different clans, said anything which indicated that the band normally had a core from one clan. . . . Had the composition of the band for which Mr. Woodward contended been the normal one, I find it difficult to believe that ten Aboriginal witnesses would give no evidence of it."

Indeed, the entire expert anthropological evidence upon which Woodward's claim was based, was found by Justice Blackburn to be nonexistent! This was the same methodology used by Woodward in his 1973-74 Royal Commission, which established the ground rules for all modern land rights cases! As Gumbert notes, "Mr. Justice Woodward was clearly still very much under the influence of those factual arguments which he expounded when counsel for the claimants in the Gove case. Those arguments, it will be recalled, had there been demonstrated as being without substance."

Woodward's director of research was Prof. Nicolas Peterson, the British head of the Anthropology Department at the Australian National University.