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6. LAND OWNERSHIP AND SPIRITUAL RESPONSIBILITY

Coastal groups

The field of social action of Aborigines in the north-west of the Northern Territory must have resembled those still present to-day to some degree in the north-east and along the north coast and in other coastal areas, like Cape York Peninsula. The similarities derive from their all being coastal groups, in fairly benign environments with a relatively high rainfall and with a consequently greater density of population than was found in the desert. For example marriage with someone from outside a person's father's language or dialect group, and even mother's, must have been, and is still, common and in some cases, required. Participation in religious cults spanning a wide geographical area is another similarity. Another must have been a territorial organisation which tended to map groups in one-to-one fashion with small parcels of land in ways that were fairly defined.

Populations under pressure

Yet, despite these erstwhile similarities with other coastal groups, one striking contrast is present today. For reasons outlined in chapter four, the north-western groups of the Northern Territory are much dispersed and the population density less than, for example, during the last century (allowing the estimates of early observers, and the indications in genealogies, to be accurate). To this extent the people today have something in common with those in the "stony and sandy deserts" where, Stanner says (1965:20) Aboriginal life had crossed the climatic threshold. There the regime was so harsh that estate-range distinctions were near or at vanishing point: "Such a regime undoubtedly encouraged relations with those on the periphery and discouraged formation of a territorial organisation

which mapped groups on a one-to-one fashion with territories" (Myers 1976:309). Myers (ibid.) has in fact documented this hypothesis for the Pintupi. For them there are "multiple pathways to estate ownership" (ibid.:37). We believe that these multiple pathways exist everywhere in Aboriginal Australia to be used when circumstances require and permit. They are so to speak safety devices for preserving the religious heritage recorded in the landscapes, as well as economic and biological alternatives for individuals to whom strict patrilineal succession is denied, for whatever reason. Through these devices the Pintupi extend rights rather than exclude people from them. Their problem is to get enough people together to ensure continuity of knowledge (ibid.:412).

Alternatives to ensure the heritage

The environment of the desert is certainly not that of the claim area. But the problem of having enough people to ensure that knowledge is handed on is as pressing for the Larrakia and Wagaidj as for the Pintupi. The Kartangarurru, decimated by killings, faced similar problems (Peterson et al. 1978:96-7). If we accept Berndt's contention (1974: Facsicle 4:28) that Aboriginal religion, the permeating force in all Aboriginal life, is everwhere oriented around the basic issue of survival - spiritual as well as physical - then it is not surprising that people in the desert and in the claim area have employed similar social mechanisms to cope with the same fundamental problem of how to ensure that the heritage survives. They are using alternatives built into their culture (see chapter one). In fact Sutton (1978) and von Sturmer (1978) document this process, too, on Cape York Peninsula and the pressures on population there have not yet been as steady and persistent as in the claim area.

Ownership - historical

We will look now at comments from earlier observers on how people in the claim area related to land, arriving finally at a

model which is still used today, although presumably with greater flexibility than was present in times of greater Aboriginal population in the area and when the threats to the continuity of knowledge were not so great as now.

Foelsche (1885b:190, 195) says the natives of the Port Darwin area (and he lists the "Larrakia" and "Wagait" among these) "are divided into tribes, each of which has a distinctive name and is subdivided into families. All live together in camps in different parts of the country belonging to the tribe but each family has its own portion of that country and roams over the whole as it suits them".

Parkhouse (1895b:639) says the land is subdivided among "the several families" who own estates. Further he says (ibid.) that people congregated to the Port Darwin area during the wet season but following that "the several members of a family with the exception of those engaged by the whites, may usually be found 'sitting down' at one of their country residences upon the ancestral manor".

Crauford (1895:180) says that children take the name of the father's family, since the tribe is divided into families and he names among them the Mungylah* and the Miranda** families. He continues by saying that each tribe has a recognised land boundary which is always sacredly respected, and that each family has its own particular portion of land within the boundaries. Wildey (1875:117) and Foelsche (1885b:190) confirm this.

Basedow (1906:1) speaks of a subdivision, or clan, called the

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* Mungylah is a name used today by George Munggalu or "Mungylah", resident at Newcastle Waters, and said by many informants to be "the one" with information and songs about Larrakia territory, including Dum-in-mirrie, having been initiated by Larrakia men in the Shoal Bay area, near Darwin, at Bilurrgwa.

** Prince of Wales, a traditional owner for the claim area, had a father's father called King Miranda (personal communication from R.M. Berndt to M. Brandl and M. Walsh).

Mărri (a term still used by one of our informants, Mr. Holmes, a Limilngan speaker) near the mouth of the Blackmore River, and he speaks of a further division between inland and coastal groups and names them.

The evidence above from Parkhouse, Wildey, Crauford and others makes it clear that members of the Larrakia linguistic group were organised into local patrilineally-oriented descent groups, as they are today.

Local descent group

We accept that these early descriptions and our own findings to be presented here (for the danggalaba clan) conform to the definition of local descent group given by Professor Stanner during the Warlpiri claim (Australia 1978:24). It is:

> a small association of persons of both sexes and any ages each of whom is kin to every other person in the group through the paternal and grand-paternal line from a common ancestor or founder. It is characteristically localized or territorially-based in that it is publicly identified with 1) a natural species or phenomenon of its "totem" and 2) a tract or tracts of land, or with one or more places, distinguishable from any and every other such tract(s) and place(s). Each and every Aboriginal person "belongs" in a full sense, and can "belong" in that sense, to one and to one only such group, to which he owes major allegiance.

We agree too that this group believes:

> that every member of a patriline is in some sense animated by the "patri-spirit" of his clan, to which he is affiliated (ibid.:25).

This conforms to the way in which the living members of the danggalaba clan see themselves and the way in which they are publicly identified.

We accept, also, the purposes of a local descent group as described by Professor Stanner:

> The preservation of continuity with the ancestral founders; the renewal and replenishment of benefits to be attained through the performance of sacred ritual; the initiation of youths into the clan's religious secrets; the protection, retention and transmission to younger generations of rights, privileges, and symbols of them; the maintenance of exogamy

> of interests in women, of public morality, and of the social structure, and the patrifiliation of the children of its male members (ibid.:24).

When local descent groups become extinct

However, in the claim area, more needs to be said, particularly on the matters of the relationship of the local descent group to land, and the exercise of associated rights and responsibilities:

> it is possible in certain circumstances for existing local descent groups to acquire, rather than just inherit, estates and responsibilities to those estates;
>
> there exists a network of people, wider than but based upon, the local descent group, who share the rights, obligations and responsibilities of the local descent group and who, in certain circumstances, can and do exercise the rights, obligations and responsibilities.

The integrity of the spiritual affiliation of local descent group members is not in question. Moreover, these qualifications are not in any way atypical of what happens elsewhere in Aboriginal Australia. Given the relatively small size of local descent groups (25-50 people) their extinction even in pre-contact situations "must have been a recurring problem and it is not surprising that the Aborigines have evolved mechanisms to deal with it" (Peterson et al. 1977:2).

Peterson et al. (ibid.) summarise the anthropological evidence on these matters, including examples from as near the claim area as north-eastern Arnhem Land and the Oenpelli area. They provide a list of twenty references, dating from 1899 to 1974, with examples from throughout Aboriginal Australia.

Von Sturmer (1978:283) gives fairly recent examples of land-owning groups dying out and the mechanisms used by the Kugu-Nganychara to deal with this in western Cape York Peninsula.

Similarly Williams (1978:2-10, 3-34) describes the

incorporation of "estates (or parts of an estate) of a patrilineal group near the limits of viability in that of a linked patrilineal group". She also says (ibid.:4-31) that "in Aboriginal land tenure ... rights of ownership include those of vesting subsidiary rights in others".

These references bear on two issues arising from the ways in which people in the claim area relate to land:

1) why members of the danggalaba clan alone are considered the traditional owners of the whole of the claim area, and

2) the permanent residence of members of other language groups than Larrakia in and near the claim area and their responsibility to it.

These issues must be considered in the context of the extraordinary pressures that have been bearing upon people in the claim area during the past one hundred years. The mechanisms present in their culture for dealing with what were normal fluctuations of population have been tested to the limit and beyond in the claim area.

We will look more closely at the first question now, and the second has already been discussed in chapters two and four.

We want now to examine the concept of durlg, applied to patrilineally-oriented descent groups, associated with a site or sites and natural species.

Durlg - key concept

The traditionally-oriented groups had "totems", or "dreamings", called durlg by claimants. The Larrakia word for "totem" in Spencer's time (1914:204) was unga* and every individual belonged to a "totemic" group. A man of one "totem" could not marry a woman

* Spencer's use of unga is the only one we found in the literature. Dirula is the Larrakia word given to us by Norman Barral for the Wadjiginy gloss durlg. We attach no significance to the apparent disappearance of unga, since what is denoted exists and operates still.

of the same, nor can they today, and the children took the "totemic" name of the father, as they still do.

Warner (1933) says the Larrakia had patrilineal groupings and inherited a "totem" from their father. Thus a man of the "Frog" group might marry a woman of the "Crocodile" group and their children would be "Frog", after their father. (Incidentally the late Tommy Lyons, his daughter, Olga, and his local descent group kinsmen, Bobby Secretary, Prince of Wales and others listed elsewhere, are crocodile "totem" or durlg, so Warner's work provides a historical depth for the local descent group to which the principal claimants belong).

The concept of durlg, both as a social category and a spiritual association which ties people to land and natural species, needs to be explained. It is most frequently translated as "dreaming". Thus "ngadja durlg" ("my dreaming that one") was said by Betty Bilawug when we sighted an osprey during our mapping exercise. We always used durlg, in preference to "dreaming", once we had been taught it, in order to elicit responses at the same level of meaning, since "dreaming" was also used to refer to another land-group connection, maruy, to which we come later. People with the same durlg always gave the same "country" (rag) so the two are linked.

Elkin* explains durlg as follows (1950b:68). The people in the Delissaville area "possess cult-totemism, which is both local and fundamentally patrilineal. It is associated with 'dreamings', that is, places sanctified by mythical events, where the spirits or 'shades' of natural species and objects sojourn... . The 'dreamings' or dorlks were brought or 'made' by a cult hero, Waran. ...a person's cult-totem, 'dreaming' (or dorlk), is the 'dreaming' of the locality

* Elkin worked at Delissaville and in Darwin for short periods in the late forties and early fifties.

in which his (or her) conception totem or maroi ... is 'found' by the father ... . Now that so much time is spent out of their own clan countries, either at Delissaville or Darwin, the local aspect of the descent operates much less, and a pure patrilineal principle is being recognised". Elkin was referring to the "Wagaitj", whose territory is further south, although bordering the claim area. We found that residents of Delissaville were still able to name their "countries" (rag*) when we asked.

Durlg was also used by our informants in other ways. Frequently, when mapping we would be told that a particular site was a durlg. Thus near Two Fellow Creek, located between Daramanggamaning, the former ceremonial ground, and Bemandjeli, the mouth of the creek, is the phallic stone Nguranyini durlg ("penis place dreaming"). Near Mindimindi point is Winganyini durlg ("red apple place dreaming") where a large tree of that type used to grow. The site of Wariny is often called Warinyini durlg. Some durlg places are areas rather than a specific rock or tree. Thus berlu durlg (grey hair dreaming), muyin durlg (wild dog dreaming), and wilar or gulida durlg (cheeky yam dreaming) roamed over several miles of land or sea. These uses appear to parallel those found by Peter Sutton (personal communication to M. Brandl) in the Daly River and Cape York Peninsula area, where he distinguished three denotations for "dreaming": first a "story place", then a place associated with plenty for a particular species and, thirdly, a dreaming place for one species alone.

The term was also used in the sense of a "being" or "entity", perhaps even monster, particularly sea monster, certainly awesome and of large proportions, even to be feared. Around the northern end of Duwun when the women in particular were very apprehensive, we were warned to watch out for "that thing", "that durlg" which might rise from beneath the sea and seize us. When listening to

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* rag as well as referring to the place where one's durlg is situated, also means "a camping place" and "home".

one of Elkin's tapes of the beliya ceremony in 1952 at Delissaville, a high-pitched, continuous, scream on the tape was said to be "that durlg", the same which called out the night Tommy Lyons died and probably moved the rock of Wariny and "changed" its aspect (Maudie Bennett).

Durlg was also used as the name of one particular durlg group, that to which George Munggalu belongs. This word is translated as "rainbow", sometimes as "sea monster" and "whale". Dirila, the Larrakia gloss for the Wadjiginy group name durlg, also means "whale" the name of a Larrakia descent group (personal communication to M. Brandl and M. Walsh from R.M. Berndt). This inclines us to use the English gloss "spirit" rather than "dreaming" or "totem" for durlg, so that the notion of "The Spirit" or "Great Spirit" for the particular local descent group to which George Munggalu belongs more accurately reflects the original synonym in Wadjiginy and Larrakia.

Maruy - conception totem

Regarding maruy, Elkin says (ibid.:68) this is "connected with the natural species in or through which the child to be born reveals itself to its father". A child was usually "found" in the "father's part of the tribal territory and so the child's 'dreaming' will be the same as the father's, unless there be more than one 'dreaming' in the latter's clan country, which is sometimes the case".

Elkin (1950b:75) says maruy is the "Wagaitj" word for conception totem. It also...

> denotes the pre-existent spirit-child and the soul. The father learns what will be his next child's maroi when hunting, fishing, walking, or even when eating. What seems to be a fish, animal, bird, snake, or plant, or even water or mud, behaves in a strange way, being visible one moment and gone the next or makes both him and his wife sick when they eat it. He knows from this that it is not just animal etcetera [sic], but is the temporary abode of a spirit-child. Indeed, he might even feel it cling to him, often to the muscle of his right leg. It then enters his body for the protection it previously had in the animal or plant. From

> him it passes later to his wife for incarnation. Further, through the locality in which the maroi was found, it links the child to the "dreaming" or mythological centre of the particular species or object which is its proper dorlk - the centre established by the tribal hero Waran.

We found the connection between durlg and maruy linked in the same way today. Thus Maudie Bennett told us one day during our mapping exercise:

> Madjalaba goes right up to place called Garabugulbugul and a bit further up this way is that dugong dreaming mamerandjarmul. Mamerandjarmul, there's a maruy there now belongs to my brother.

However, people have fewer maruy as a result of so many people having been born at Belyuen or in Darwin and their general dislocation, as Elkin also noted (1950b:66). As one of his informants at Delissaville put it, referring to three of his children: "Got no other dorlk and maroi ... for these, because sit down here".

On the other hand, being born at Belyuen at least does not seem to deny a person a relationship to the land there, according to Topsy Secretary. We asked her (on 28 February 1979) if she approved of a joint claim by people from a number of linguistic and dialect groups to the claim area and she replied, "Yes, because they all were born at Delissaville. No matter that they Ami, Manda, Wadjiginy, Kiuk, they were born at Delissaville". In an article "Back to Balyun" in Bunji (September 1973) the late Tommy Lyons told a story of Larrakia language dreamings. "All around Delissaville is Larrakia place ... . The Wagait people born here now. They look after Balyun." "Looking after" is a reference to the responsibility Bobby Secretary and others gave to others to care for danggalaba territory.

Several of our claimants could relate how they or their children or others have a maruy. A man, George Gumbudug, was born on the island of Bidjirrnini, so that place is his maruy and also one of his personal names. A man, Colin Fergusson, conceived at