

# AN ASSESSMENT OF VON DOUSSA ON ANTHROPOLOGY

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## INTRODUCTION

The von Doussa judgment (*Chapman v. Luminis Pty Ltd 2001*) rejects suggestions and findings made in various previous forums (especially, the *Royal Commission on the Hindmarsh Island Bridge 1995*) that the significance of the Hindmarsh Bridge area was fabricated. It also rejects claims against the anthropologist and the other respondents of negligence, misleading and deceptive conduct, and failure to exercise duty of care.

I am sure that all of us can only feel personal relief at von Doussa's finding that these allegations made against our most closely involved colleague, and the other respondents, are not sustainable. The kind of pressure that this case has brought to bear upon them has been excruciating, and was potentially ruinous.

Going beyond its specific arguments to its overall character, the *tenor* of the von Doussa judgment is restorative. Reading between the lines, von Doussa writes as if he believes injustices have been perpetrated against the respondents in previous findings of fabrication and allegations of improper conduct, and he seeks to undo these previous findings.

However, I do not believe we can be content with some of the means he has adopted to achieve this result. In short, I do not think we can be happy with the wider implications of the judgement, as it stands, for anthropology. In what follows, I seek to explain why. Basically, the strategies of argument that he adopts go to the heart of questions about anthropological expertise and its role in public interest cases. To accept his views of the anthropology here would involve institutionalizing some unsustainable distinctions and, I argue, ultimately would be to anthropology's disadvantage.

Essentially, von Doussa accepts a view of the anthropology that went on here as a kind of facilitation of the point of view that he takes to have already been established as that of the 'proponent' women, those who wished to stop the bridge, assisted by the Australian Legal Rights Movement (ALRM). He finds it was an appropriate and justifiable form of advocacy, and that the anthropologist's instructions were to act as such (paras. 292, 296). He compares the role of the anthropologist to the kind of services that lawyers offer their clients all the time: the attempt to achieve the best possible outcome for them based upon an acceptance of their own sense of interest in the matter at hand.

Von Doussa's conclusion in this regard runs against the views that have been expressed by Dr. Deane Fergie, the anthropologist concerned, about her involvement, and about the character of a particular report she wrote which is at the centre of so much comment by von Doussa and others (Fergie 1994). She has argued that what she had done

was not a form of advocacy. Von Doussa does not comment on this inconsistency between his view and hers. If von Doussa's studied opinion contradicts the anthropologist's self-description by finding her work to have been a form of advocacy, but a justifiable one, where does this leave us? Shall we accept von Doussa's view, and move on to other issues? Shall we re-examine the entire matter to reach a conclusion about whether he or she is right? Shall we re-visit the general question, that goes well beyond this particular case, of what might be the role of the anthropologist in public interest cases? Here I intend to pursue the latter question, by examining the argumentation of the von Doussa judgement, and indicating where I think it raises issues that will turn out to be problematic in general, if we accept von Doussa's judgement in its particulars.

Burke (2001)<sup>1</sup> also raises questions arising from von Doussa's discussion of the anthropologist's role. In claiming that Dr. Fergie was justified in acting as an advocate, is von Doussa (he asks) abandoning the Federal Court's characterization of the role of the expert witness whose chief duty is seen as to the court, rather than any particular party? (there are 'Guidelines for Expert Witnesses in Proceedings in the Federal Court of Australia', see also Keon-Cohen 2001). Yes, Burke concludes; while von Doussa continues to recognize the notion of the 'expert', he is distinguishing between the expert engaged as such, and the anthropologist who (as here) is engaged by an organisation under other terms (see below for an account of them in this instance).

Is this distinction between the role of the expert, with its built-in notion of professional independence, and what Burke calls other, 'non-court' roles sustainable intellectually and practically? Burke's general view seems to be that the distinction is problematic. He responds to the problem practically, by suggesting that anthropologists should ensure that they establish strong contractual terms for a professionally independent position. I agree with Burke that the sustaining of a distinction between these roles presents problems. But here my emphasis is not so much on how professional independence might be ensured contractually (I agree in the main with his proposals), but on the more fundamental question why the kind of distinction von Doussa seeks to make is problematic in general for the kind of expertise we as anthropologists may hope to offer. My view, briefly put, is that if we accept advocacy as at the core of the kind of services that social research can offer, we accept diminishment of the potential of our field, and very likely too, its irrelevance.

What were the terms of the anthropologist's engagement in the writing of the report referred to above, and how do we view von Doussa's attempt to distinguish between the anthropologist as expert and as advocate? Let me very briefly review what we can, I hope, agree to have been the main facts of involvement of the anthropologist,

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<sup>1</sup> Burke's papers and this one have overlapped as follows: he heard the talk on which this paper is based, and commented on a written draft of it; he forwarded to me a pre-publication draft of his paper, on which I commented. I thank him for his comments and the useful exchange. One of his principal suggestions in his paper is how to structure contractual conditions to ensure anthropologists professional independence. I focus here more on the question of the kind of expertise presumed to underlie any such contract.

Dr. Fergie.<sup>2</sup> She was first contacted by Tim Woolley of the Australian Legal Rights Movement on 17/6/94 to facilitate a proximate meeting between Professor Cheryl Saunders (who was acting for Robert Tickner, then Minister for Aboriginal Affairs charged with the matter of potential declaration of the area of the proposed bridge construction under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*) and a group of Ngarrindjeri women who had something to say about it. Woolley said no report was expected, and the consultancy would involve a modest amount of work, perhaps four days in all. The previous preparation of a report to the developers by Dr. Fergie's husband, Rod Lucas, in 1990, was deemed not to represent a potential conflict of interest. On Fergie's speaking with Professor Saunders shortly thereafter, she discovered that Saunders had a rather different view of the anthropological services to be performed: Saunders understood a report *was* to be involved, but did not wish an anthropologist to mediate for her with the women.

Dr. Fergie independently established with some of the women (most notably Doreen Kartinyeri, whom she knew) that they approved of her presence at the meeting to be held. Following this meeting of the 19<sup>th</sup> June, the issue Fergie saw as the most prominent one was that of 'disclosure' by the women to Saunders of their sense of the significance of Hindmarsh Island in the context of the proposed development.

In other forums, over the years between 1994 and the von Doussa judgement (and especially to the Royal Commission), evidence had been given that what later emerged as a so-called 'dissident' point of view (by women denying the 'significance' of the area as understood by the 'proponent', anti-bridge opinion) became apparent at this meeting, and in any event before Dr. Fergie's report was written and submitted in early July 1994. Von Doussa is at some pains to review the evidence about these events, much of which had been at the heart of findings of 'fabrication' arrived at by the Royal Commission. Originally, much of this evidence was given to the Commission in the context of discussion of two crucial meetings at Mouth House (May 9, 1994), and Graham's Castle (19 June, 1994). It had been central in shaping the Royal Commission's view that Doreen Kartinyeri was likely to have been the sole person who knew 'the tradition' around the area of the proposed construction, and that these meetings had been the scene for the formulation and consolidation of 'secret women's business' as the core of anti-bridge arguments. Von Doussa reviews what, from the differing points of view emergent in evidence, can be taken to have happened at these meetings, and he comes to several conclusions. One is that the evidence of one strongly 'dissident' witness to the Royal Commission, Dorothy Wilson, who had claimed that Doreen Kartinyeri appeared to be the sole knowledgeable person, does not conform with other evidence to the effect that there was a wider understanding than this (e.g., para. 405). Another conclusion reached by von Doussa is that no dissent was expressed by women at either meeting about the information being put forward (by Doreen Kartinyeri, if not also others) about the significance of the proposed area of bridge construction (para. 535).

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<sup>2</sup> In the public presentation of a version of this paper, Dr. Fergie chided me for not mentioning her by name. By not doing so, I was not trying to de-personalize her, but attempting to indicate that the engagement of the anthropologist in the Hindmarsh Bridge case was an instance of a much more general issue, and a set of problems with which we all regularly grapple.

It is plain that von Doussa's giving credit to one version of events involves, at this point, having to discredit others -- so polarized had opinions become over time. In this judgement, Kartinyeri is exonerated and Wilson dismissed as unreliable. In some ways, this might be fair enough. Some of the evidence was given quite a long time after the original meetings; it may well be that witnesses' shaping of events in recall is worth subjecting to question. However, one can also see into the account of events and evidence enough to recognize that the witnesses who subsequently gave evidence do not all agree among themselves what happened with respect to certain matters at those meetings (e.g., what was or was not said about a certain aerial photograph? and so on). More importantly, the accounts of the meetings as visible through subsequent evidence suggest the great likelihood, as I read it, that there was also considerable indeterminacy as to some participants' understandings about what other indigenous participants may have meant and understood at the time of the meetings. There seems little way now to achieve clarity and certainty over many of the specific matters at issue.

Why is this important? The conclusion I draw from all of this, whatever view may be taken of the relative trustworthiness of the different reports and testimonies, is that there were some grounds for concern not only about the existence of commonality among the women, but also the very nature of what was understood, and by whom. For instance, while in von Doussa's review of previous evidence, frequent mention is made of speakers' talking about and in relation to an aerial photograph, nothing of this is even mentioned in the anthropologist's report. There is no account of what happened that purports to be simply descriptive, no critical characterization of the modes of understanding and knowing which were deployed at the various meetings by the speakers, and no analytical discussion of the relation between the anthropologist's observations and conclusions. From von Doussa's account of events, a question that emerges, for example, is whether or not an aerial map referred to many times in subsequent evidence about the meetings, and clearly displayed on the occasions of the meetings, was significant, or not, in confirming or contributing to a climate of understanding as to the nature of significance of the terrain around the proposed construction site. Discussion of this would assist in addressing the question of what participants may be understood to have known, and the ways in which they expressed themselves about it. There were claims in evidence that a man had specifically pointed to the map and suggested what the topography resembled; there were, equally, denials that he had done so. Nothing of the sort can be confirmed, denied or even broached on the basis of the Fergie report, because there is no discussion in it of *how* understandings were evinced, confirmed or denied, shared or not shared, at the meeting of 19 June. All this goes directly to questions of method and interpretation that, it seems to me, are fundamental to anthropology as form of activity. Observation and interpretation are fundamental and intertwined aspects of social analysis. Recognition of this undercuts any neat distinction between the anthropologist as independent versus retained professional (despite the undoubtedly enormous pressures of particular cases).

On the 20<sup>th</sup> of June Prof. Saunders toured the area with Dr. Fergie and the women, and a vote among the women conferred upon Doreen Kartinyeri the right to discuss the

issue of significance with Saunders. Though a meeting between Doreen Kartinyeri and Professor Saunders was arranged, it is not clear to me what the substance of it was, except that Saunders evidently formed the view that Doreen Kartinyeri might have something more to say. On the 24<sup>th</sup> Fergie was briefly present at a (second) meeting between Doreen Kartinyeri and Professor Saunders, which may have left Saunders with outstanding questions. At any rate, on 26<sup>th</sup> June, Sunday, Tim Woolley asked Fergie if she would write a report for Professor Saunders, a matter Dr. Fergie submitted for consideration to Aboriginal women on Monday the 27<sup>th</sup>, the report to be completed by Saturday 2 July 1994. The report (dated 4 July) was written between 29<sup>th</sup> June and 1 July, and couriered off on 2 July. It was apparently written in close collaboration with Doreen Kartinyeri, with prior discussion having taken place with some other women, mainly on the 27<sup>th</sup>, before the intensive writing process began.

In short, the anthropologist's expectations went from those of being involved as a facilitator between Saunders and the women, with no report-writing function, to one in which she took a role much more independent of Saunders, not simply one of facilitation. I surmise that, correspondingly, Saunders' expectation must have gone from one of the anthropologist writing some sort of report about what took place between herself and the women, to one in which the anthropologist's involvement was much more central than Saunders had originally envisaged. Evidently, events unfolded in such a way that, after a time, Saunders DID wish for a report to be written, contrary to her original intent.

Let us likewise quickly review what Dr. Fergie saw as the scope of the report, as cited by von Doussa (passages are here cited from the report of 1994). Dr. Fergie says her aims were:

- to outline the particular significance according to Ngarrindjeri tradition, of the area of the proposed bridge
- to identify any threat of injury or desecration by the proposed bridge construction under the terms of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- to focus on the significance according to Ngarrindjeri tradition, of women's knowledge about the bridge area and
- on the consequences which according to them would ensue from construction; as well as
- to assess the cultural process by which the revelation of the women's secret knowledge has been negotiated and authorised by a representative group of Ngarrindjeri women

The report is said by Dr. Fergie to have a 'limited focus'. The stated focus on activities of evaluation and assessment indicates that this description minimizes what was potentially involved. The terms given above can in fact be seen as very broad, as would

be any discussion involving questions of value. However, as I have illustrated in a limited way above, there is no account of how observation is related to the findings of significance. We get a clearer view of some of *what* went on during parts of those meetings from subsequent testimony cited by von Doussa, rather than from the Fergie report of 1994. In my opinion, the main way in which the scope of the inquiry was in fact limited was that the matters involved -- the nature of significance, its emergence and shaping in the recent past, the character and diversity of connections among Ngarrindjeri people to each other and to place -- were given no prominence. Rather, 'significance', 'tradition', and so forth were assumed as stably established generalizations. The report is written by the anthropologist as if she had a relatively unmediated grasp of the sentiments and attitudes of the women involved, so much so that any methodological and other questions about their contextualization and character, which to my mind would be usual anthropological practice, are absent. Von Doussa seems to have accepted these limitations, and this leads him to a certain view of the work involved. I quote:

*Para. 295. A reading of the Fergie Report ... does not suggest that Dr Fergie has undertaken investigation or research, other than to the limited extent stated, to obtain information about Aboriginal tradition relevant to the assessment of the significance of the area, and the threat of injury or desecration. On the contrary, I think it is apparent that she has not done so. The limited scope of Dr. Fergie's instructions did not require her to ensure that sufficient tests and all proper investigations were done as to whether the restricted women's knowledge was truly a Ngarrindjeri tradition. To have undertaken such a questioning role would have put her in conflict with her instructions.*

*Para. 296. Dr Fergie was asked to conduct an evaluation in her professional capacity. The clear inference from the circumstances of her engagement is that she was to do so exclusively in the interests of the clients of the ALRM who were seeking professional support for their contention that the area was a significant Aboriginal area deserving of protection by preventing construction of the bridge. Dr. Fergie is criticised by the applicants for assuming the role of an advocate... That is exactly the role she was instructed to undertake... To accept such a role is entirely in accordance with the role of a professional person instructed to make or assist in making a representation on behalf of a client. This is something that members of the legal profession do, day in and day out. In doing so, professional people are required by their professional standards to act honestly and not knowingly or recklessly to misrepresent the facts or mislead.*

On this view, the main duty owed by Fergie was to her clients, construed as the proponent women as represented by the ALRM. In keeping with this, von Doussa suggests that adherence to the 'facts' is the main content of the notion of truthful representation under these circumstances. In this matter, he and Fergie seem to agree more closely than they do about the overall assessment of what she did as 'advocacy' versus independent reporting. Fergie has repeatedly said that she was bound by a duty of truthfulness. We might all accept this as good, but while this is necessary and important, it is not sufficient. I submit that to take this view of things begs the question of the nature of the reality that we as social scientists investigate, vastly simplifying the issues of diversity among the set of people who regard themselves and others as Ngarrindjeri, the

nature and texture of the information at their disposal, and the complex questions of process involved here. There is a very basic sociology of knowledge issue here about the existential bases of the understandings that the women, separately and collectively, brought to this issue. Many aspects of social science research and analysis cannot be understood as being about truthfulness in relation to some hypothetical set of facts construed as self-evident in the way von Doussa suggests. Such research cannot be made independent of context, process, and the researcher's considered and argued perspective in the way his acceptance suggests.

Above, particular mention has been made of the character of anthropological reporting. But the assumption of stably established generalizations is also evident, for example, in Saunders' affidavit which constituted her evidence in chief concerning her meeting with the women on 20 June. She refers repeatedly to 'the knowledge', 'the oral tradition', and so on; yet she also avers that throughout, she only had a hazy grasp of what some of the women may have meant in their references to 'the significance', and so on. I am *not* suggesting that the women present should have been somehow forced to make a complete revelation of their understandings of things against their will. I am saying that very basic issues of the nature of communication and understanding were persistently glossed over, and that basic matters of the relationship between research method and conclusions remain opaque.

I also make two further suggestions. I think it is possible that a bridge-stopping case might have been made in other ways; that is, hypothetically, I do not hold it to have been impossible. Just on the face of it, there seems to me to be considerable indication in the various forms of record left by the Hindmarsh Island case -- testimony, reports, articles, books, and so on -- that many women had something to say, and something that they understood to be the case, about the significance of the area [see below]; but we do not know what, nor what the nature and diversity of these understandings may have been. And in relation to this, I do assume that many anthropologists, among others, should and would be disposed to share ethical concerns that indigenous people have been unfairly subject over the long term to conditions and events that have drastically affected their overall life chances, and that demand constant and considered contemporary response. In this sense, I entertain certain values that many others -- perhaps even an Australian majority -- might not (see van Esterik 1985). I do not, however, think it is a simple or obvious matter to implement appropriate responses in a responsible way.

Second, the time-frame (Wednesday to Saturday) would not have been sufficient to develop an appropriate report of the kind I have in mind. But I consider the issue of limited time period given for the report writing not to have been the only relevant time frame, since obviously, Dr. Fergie relied throughout on her much longer-term acquaintance with certain Ngarrindjeri people, and especially Doreen Kartinyeri, in the course of the consultancy.

In my opinion, we cannot be happy, except at the personal level to which I referred earlier, about the von Doussa judgment. In accepting the anthropological report as justifiable advocacy, he damns it. In particular, he moves away from any expectation that

the anthropologist's role be characterized by an explicable and transparent relation between what is observed, and the opinion ultimately rendered. When unfavourable judgments are delivered, e.g. in land claims matters, which we deem to show an insufficient understanding of the character of social research and its nature as a form of study and analysis, we repudiate them. In this case, an outcome favourable to the respondents has been delivered. But the judge's ruling seems to accept the idea that the anthropology involved is mere facilitation and advocacy in the sense of speaking on behalf of another, and does not seem to expect critical investigation and assessment. I feel we must be concerned about these aspects of the present opinion as we would about any opinion that fails to attribute a more independent and analytical role to social research. Granted, this shifts the focus from the Ngarrindjeri to the practices and values of research. We must, however, do this in order to be able to recognize certain of the problematic issues arising from the Hindmarsh case, and likely to arise elsewhere.

## PART II: AN ALTERNATIVE MODEL

In any debate, when one foreshadows an alternative model, one must be prepared to present it. I want to present one, backing it up with a few side references to theorists who underwrite and inform our dealings with these issues. There is here also a danger, which I acknowledge, of writing this section with the benefit of hindsight. We now have an overview of the course of Hindmarsh events. Had this been knowable at the beginning, some things might have been done differently. But so it always is: life does not stand still. Social analysts always face the problems of incomplete knowledge at the time of their involvement. In this section, then, I no longer attempt to stick strictly to the early events of anthropological involvement in Hindmarsh, though I think what I say is relevant to that period as to later events.

This situation visited upon local indigenous participants the problem of defining a sphere of Ngarrindjeri identity and territoriality, many different and particular elements of which were present in people's lives and histories, but which had not been previously demanded or elicited in this public form. Because of the bridge issue, there was suddenly the demand for authoritative representations and effectively the creation of a zone linking the levels of everyday life and the local public sphere with various local and supralocal organizations, and these, almost certainly, would be closely scrutinized. Of all the local participants, only Doreen Kartinyeri seems to have previously taken large steps towards attempting to make these connections and articulate this zone, weaving family history etc. into supralocal systems of meaning and institutional structure.

Anyone working on this issue would have been well advised to recognize that as this zone was being shaped, the relative status and input of the various local participants was likely to become subject to particular tensions and contestation. (This is not to doubt the sincerity of any of the participants). From early on, there were indications that local-level understandings about the Hindmarsh area were disparate, that the specific familiarity with the area was variable and in some cases limited. There were early statements from indigenous people themselves that some had not heard of the 'tradition', the 'significance', and so on -- all terminology which obscures as much as it reveals, and reflects the early penetration of state influence and institutions into local-level

deliberations. This whole process did not initially take the acute form of rivalry and mutual denial between the so-called 'proponent' and 'dissident' women, but it eventually did. It seems very likely that the shaping of this conflict was accompanied by on-going revisions of local perspectives and understandings of events.

How, you may ask, are indigenous people to respond to the incredible strength of the demand that they show themselves to be traditional, or bust? (bust, that is, give way on things that may be of importance to them, or to some of them at least, cf. Tonkinson 1993). The need to display some accepted form of traditionality makes 'traditions' into irreducible necessities of the interactional order between indigenous groupings and the various levels of the state. My argument would be, though, that by defending their irreducibility, anthropologists may unwittingly help to sustain unreasonable expectations (Merlan 1998). We, like the shoemaker, need to try to stick more closely to our last, attempting to understand social process, despite the power differentials that indigenous people, and we ourselves, may confront in doing so.

As von Doussa recognizes, we do not have to credit or share the content of others' beliefs to recognize that these may be genuinely held. Nor do we have to resort to cynical notions of the various witnesses lying or strategically fabricating anything, in order to see in general terms what social analysis requires of us in a case like this.

The issue of the bridge (increasingly over time) provided the context for what Leach (1954) would have called 'a language of arguments, not a chorus of harmony'. This is to be expected in the historical conditions and on-going debate over the lived constitution of what we could begin to call a revitalized and more explicitly self-conscious Ngarrindjeri public and organizational sphere, as well as the incredibly fraught atmosphere in which the matter was played out. Those arguing for the relevance of specific territorial connections and the proposed bridge location needed to be contextualized as part of a wider debate. My suggestion above has been that the indications that this needed to be done were present from the anthropologist's early involvement; there is a question of where and how one chooses to look, above and beyond the issue of honesty or truthfulness that von Doussa addresses. Widening the scope of opinion and positions investigated would have given the opportunity for recognition of the fact that many aspects of identification of people AS Ngarrindjeri, through particular kinds of historical self-representation, were not simply given, or susceptible to some kind of standard judgment of traditionality by either insiders or outsiders, but that the very criteria for identification of participants AS Ngarrindjeri, and as entitled to speak and to prevail, were variable and open under the circumstances to contestation, on such bases as family background, access to elders, religious background and conviction, etc. One would then have made the argument for this diversity, that is, contextualized it historically and presently. The questions would very likely have arisen at some point: how are the expectations of the heritage protection process to be specified, and why these expectations? and is the demonstration of attachment deemed sufficient to meet them? These matters are undoubtedly at the heart of the issue. Consideration of them would make visible the structural impasses and questions created by the

codification of values of traditionality, which are used to establish when 'difference' is sufficient and justifiable in relation to the public and legal order (Merlan 1998).

The 'proponent-dissident' debate, called forth by the penetration of supralocal institutions into the local sphere, was evidence of, and also galvanized, the vital re-constitution of contemporary Ngarrindjeri identification and self-conceptualization. All local positions and modes of knowing in this debate and related processes needed to be treated as relevant subject matter. Given the pressures, it would undoubtedly have been hard to defend particular notions of significance as sufficient to stop the bridge, and the outcome would have been in the balance, but I think this would have been the best positioning from an anthropological professional perspective, and very likely, from other perspectives. One would have been able to extend the notions about the existential bases on which people currently assert their belonging to this area and Ngarrindjeri identity, giving a more inclusive representation of who is Ngarrindjeri, allowing space for a variety of local views, which emerged anyway as time went on, and pressures became more insistent.

Instead, what has happened, both in the initial anthropological reporting, and later in Bell's (1998) work, has been that the mostly discursive matter produced in the course of their inquiries was taken on the one hand as highly significant, but on the other treated as merely epiphenomenal of allegedly more firmly based social structures, as merely the 'said' part of something otherwise fully existing. What was said and done, in short, was treated as the reflection of some firmly settled state of social affairs. It needed, instead, to be analyzed as partly constitutive in this on-going debate, in recognition that people were creating themselves in particular terms in the very act of representing themselves. This acceptance of things-in-process as stable generalizations opened the way for another basic problem, that is, continual insistence (by Fergie and Bell) upon the determinative power and force of what people 'said'; saying is presented as if it were much or all of what there is, and the said was not adequately located within wider social process. It is the absence of social mooring of the 'said' that has always been a great problem in Hindmarsh, and there is an ever-receding horizon of what is 'really' the case which we will never catch up. Once, however, one recognizes lack of consensus and debate over self-interpretation and representation (as became increasingly obvious in the Hindmarsh matter, but was, I have argued, an issue for social analysis from the beginning), it becomes easier to consider the ways in which expressive forms such as language and ritual play particular kinds of roles in the constitution and re-shaping of social realities. Instead, again, what happened here was that there was an attempt to use what was said by some in order (as Dumont 1970 would say) to 'encompass' the dissident viewpoints, and attribute sole authenticity of positioning to a singular traditionalist position. This rarified view of things has been contested at different times over the years since the early 1990s, and the matter has never been brought to a satisfactory conclusion. Whether it could now be is moot.

Some anthropologists opined from early on that 'women's secret business' was at stake and was being disregarded or devalued in Hindmarsh, and we should all support the 'proponent' position on that basis. Others of us, myself included, have long thought that

other fundamental issues are at stake. These include the diversity to be expected, and accepted, as inherent in the indigenous social field; and a view of the anthropologists' role as that of attempting to understand and explain social process, not bound to the delivery of any predetermined kind of opinion within that role. Such a brief must also include the attempt to understand the socio-political context in which indigenous matters are made the subject matter for public debate. We cannot take positions that require us to abandon these commitments to understanding, which are also a form of commitment to the people whose lives we come to experience, and to others. Though 'Hindmarsh', the case, cannot be revisited as if it had not happened as it has, these issues are there for our future consideration.

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