

You still have to get your feet wet: anthropology beyond the Rubicon¹

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Overview

- What is different, if anything, in claim research under the TOS Act?
 - Separate space for Traditional Owner self-representation (Statement of Association)
 - Separate space for research expertise
 - A heightened focus on methodological rigour and documenting the research process (not that this is novel, but that it is more in the foreground)
 - Ongoing need for empirically grounded research findings
- Key methodological questions that are applicable more broadly to the practice of anthropology (and other research disciplines) in the native title arena (to open up discussion).
 - Making the most of short-term fieldwork – useful field methods
 - Writing with conviction from difficult data – what are the methodological tools that assist in bridging the gap between data (with all its limitations) and attestable findings

Introduction

The question, "*Has the Traditional Owner Settlement Act* changed the way we undertake research on native title matters in Victoria", is not difficult to answer. The quick answer is, "Well, not really. ... We package our findings differently, but demonstrating the basis on which Traditional Owners ground their assertion of rights and interests remains our preoccupation, and that remains an intensive process." On the other hand, the 'packaging' is part of the research process, and so, the answer is really, "Yes, in some ways".

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A concomitant question is, "Given that under the Traditional Owner Settlement Act settlements are expected to be achieved faster, more cost effectively, does this mean the research is conducted faster?" Again the answer is both, "Well, not really," and "Yes, in some ways". The need for a fine-grained documentation of continuity of 'law and custom' and presence on country is diminished. However, the need for a thorough documentation of the basis of claim is still there. These are subtle shifts; shifts of emphasis; but they are significant.²

Before I talk a little more about these shifts, and what they might mean for anthropological research practice, there's another question that seems never far from the surface in our interactions with Traditional Owner communities.

Why anthropology, and why research?

Why all the research, and why anthropology?

I stated moments ago that 'demonstrating the basis on which Traditional Owners ground their assertion of rights and interests remains our preoccupation, and that remains an intensive process.' What do I mean by that?

The need for a research-based documentation of a native title claim (alongside the Traditional Owners' own self-presentation) is fundamentally a framing device to address a bureaucratic requirement of government, like many other aspects of the experience of living in a state society. Traditional Owners find this frustrating. They know who they are and resent having to prove yet again who they are. But whoever we are, and whatever our relationship to the power centre of the state, we need to be seen to be heard. Some social theorists in recent decades have been using the word 'legibility' to talk about this aspect of the relationship of the citizen or particular interest groups to the state.³

² Anoushka Lenffer (DOJ), co-presenter in this conference session outlined some of the shifts in presentation of research findings and how these are integrated with Traditional Owners' self-representations, which are presented in a way that foregrounds Traditional Owners' agency.

³ e.g., Sennett 2001.

Imagine the difficulty of proving one's identity to the passport office without a birth certificate or other standard identity documents. Even with all the documents, we still have, periodically, to go through the motions of identity verification. Without them, there is a more rigorous forensic process. By definition, this is the situation with regard to native title and Traditional Owner rights. It is a matter of making one's identity 'legible' to the state—not just visible, but meaningfully so.

In any case, how does one document a collective right? —A contested collective right? Anthropologists are trained in ways of teasing out core values and commonalities from the ebb and flow and discord and 'noise' of social life. This is our disciplinary expertise. This is distinct from Traditional Owners' own cultural knowledge ('competence'). This distinction derives from the perspective that anthropological expertise is grounded primarily in a set of specialised research practices rather than in a body of specialised knowledge.

In recognising this distinction—one of the key subtle shifts in the presentation of Traditional Owner claims in Victoria—the guidelines for Threshold Statements (which are the vehicle for presenting a Traditional Owner settlement claim in Victoria) attempts to re-centre the balance between demonstrable presence and legibility. It is not that such a balance is not there in the way native title claims are waged under the Native Title Act. However, the Threshold Statement pulls both of these elements—Traditional Owner self-representation and findings based on anthropological and historical research—together into one package.

Similarly, many of the now distinct aspects of the documentation process are not new so much as made explicit in the claim documentation (the Threshold Statement) whereas they may have been less visible to the state previously (e.g., the role of group decision-making in the lead-up to the lodging of a claim).

On methodological rigour

At the outset of this paper, I raised the question of whether research for a Threshold Statement is a faster process. This raises the question of methodology. While there may be much that can be learned from research methods used in other contexts (for instance, rapid appraisal methods often used in development anthropology), the difficulties we face in native title anthropology are not primarily to be resolved by either more data or more

efficient data collection. Fundamentally, particularly in south-eastern Australia, the problem we as anthropologists face is one of how to write with conviction from difficult data, a problem shared also by our historian colleagues.

This brings us to the other subtle and important shift in emphasis that the Threshold Statement process requires in relation to demonstrating methodological rigour. While methodological rigour should be at the heart of any research endeavour, explicit demonstration of the groundings of methodologies and the researcher's confidence in them is particularly valuable in interdisciplinary and applied research contexts.

Being asked to think about methodology and methodological rigour and to document them in ways that make explicit the analytical processes has given me pause to reflect on methodology in anthropology more generally. Having come into the native title field from an academic career back in 2006, I was immediately struck by the heightened need to make explicit the assumptions and conventions of anthropological argumentation to attend to the needs of a different audience (or audiences). I now am often startled by the lack of attention in some academic scholarship to audience accessibility, and have found working in an applied field to have sharpened at least this aspect of my own writing.

I make a short digression to clarify my point here. John Comaroff, Professor of African American Studies and Anthropology at Harvard University, with a distinguished career in the anthropology of southern Africa and post-colonial societies, gave a seminal paper in 2005 at a workshop on standards in qualitative research sponsored by the National Science Foundation (the equivalent of Australia's ARC—Australian Research Council) in Washington, DC.⁴

In this paper, Comaroff posits the central question for both qualitative and quantitative sciences as being:

how do we arrive at once at the necessary conceptual terms and at techniques of producing knowledge commensurate with the problems that we seek to address?⁵

⁴Comaroff 2005.

⁵Comaroff 2005:36.

Comaroff argues that, because anthropological methods always rest on “a dialectic between the deductive and the inductive ... between its objectives and its subjects, whose intentions and inventions frequently set its agendas” and are chosen from a broad methodological toolkit:

It goes without saying that it is the ethnographer’s obligation to explicate how and why s/he has deployed those elements in the way s/he has.⁶

To the question, “What are the standards of rigor in anthropology?”, Comaroff answers:

Given that all method is mediated by theory and *vice versa*, our standards are, in the final analysis, determined contextually. ... we tend to assess our techniques of knowledge production by the degree to which they yield data about which a cogent argument can be made in terms of prevailing conceptions of plausibility, persuasiveness, parsimony, density. Or, as [British social anthropologist Max] Gluckman put it, the extent to which they yield accounts about which we may reasonably disagree, accounts that may reasonably be subjected to reinterpretation.⁷

This is, in effect, Comaroff’s argument regarding replicability, which is a standard test in most research disciplines: For research findings to be evaluable, it should be possible for another researcher to undertake the same study or at the very least to reconstruct the steps involved and have sufficient contextual information to follow how the author arrived at her/his findings based on the data as presented.

Comaroff’s paper was delivered in an interdisciplinary setting in which a case for the nature, scope and rigour of anthropological methods needed to be made in the face of other disciplines’ seemingly more formalised methodologies, and in the face of a general uneasiness with the seeming fluidity and subjectivity of anthropological research (and writing) practices. Comaroff’s response is to challenge the idea that anthropologists need to find more rigorous methods, stating that “ethnography *practiced well* ... is rigorous enough”.⁸ Instead, he states that:

⁶Comaroff 2005:37

⁷Comaroff 2005:38

⁸Comaroff 2005:38

The challenge ... is to convince its practitioners [i.e., anthropologists] that they owe it to themselves, and to their colleagues in other disciplines, to *explicate* their procedures fully.⁹

Anthropologists could do more, he argues, to make explicit their demonstration of the 'facts' being examined and the means by which they have arrived at findings regarding the relationships between them in a way that is accessible to a broader readership. It is not the rigour that is lacking, but a convincing demonstration that the rigour is there.

Why have I spent so long relaying a message intended for a slightly different audience—both written as an explication of anthropological practice to a broader social-science audience and as a challenge to anthropologists (particularly in the US orbit) to make their academic scholarship more accessible?

There are some easy critiques that might be levelled at any attempt to use an external analogy like this. Anthropologists working in the native title sector work under constraints that are quite different to those of academic scholarship, including constraints on the ability to read each other's work, and the concomitant lack of a body of comparative scholarship arising out of native title work.

However, there is something valuable in the way Comaroff has framed the question of methodological rigour and the value of making explicit in our writing the basis of our confidence in the rigour of our methods. This not only makes for good scholarship and more accessible writing, but effects a subtle re-centring of research practice around the documentation of the means by which anthropological methods add value in the description, 'translation' and analysis of social and cultural practices.

Moreover, in true anthropological fashion, I suggest that looking into the social and cultural practices and life-ways of others gives good pause to reflect on our own practices and life-ways. There may be something those of us who are practitioners of the craft of anthropology can learn from the critical debates of our peers in other countries.

⁹Comaroff 2005:38-39

Concluding remarks

I have sought to bring to your attention key methodological questions that are applicable more broadly to the practice of anthropology (and other research disciplines) in the native title arena in the hope that this will open up a productive discussion about method and how we document the value that anthropological expertise brings, while also highlighting how, in Victoria, we are working to keep that expertise in perspective and balance relative to the knowledge and passion that drives Traditional Owners' pursuit and, increasingly, successful pursuit of their aspirations.

I also have sought to bring to the fore what appears to be a central problem in native title research in general—how to write with conviction from difficult data—and thereby to open discussion regarding the methodological tools that assist in bridging the gap between data (with all its limitations) and attestable findings—to assist not only in making our own practice more accessible but also in making Traditional Owners' claims more 'legible' to the State.

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