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Marriage Networks, Descent Clusters and Native Title Claims*

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The use of computers to gather and order genealogical material has not only allowed for a more efficient handling of large amounts of data; it has also given rise to new analytical approaches with potential applications. I would like to briefly explore one such approach, the representation and analysis of empirical marriage patterns, with a view to its possible relevance for Native Title.

Ethnographic accounts overwhelmingly attest to the central mediating role played by affinal relationships among Australian Aboriginal populations. People having inter-related ties to the same stretch of territory, those undertaking ceremonial and/or political activities together and so on, do not just happen to intermarry. Rather, ongoing relations of matrimonial interdependence between such persons' families are an integral aspect of their ability to perform certain ritual and other activities, to properly look after country and to faithfully pass on land-related knowledge.

It may well be that persons acquire and transmit "ownership" of particular sites through individual ties of descent. However, the wider system of relationship through which such descent ties are integrated into particular supra-familial collectivities and perpetuated as such through time, is largely founded upon a cross-cutting network of affinal linkages. Indeed, as I will argue, regular intermarriage, far from being peripheral to matters of land entitlement, is constitutive of the larger social units in whose name land claims may be made.

Land claim researchers are eminently pragmatic and many of them are fully aware of the advantages of attending to affinal relationships. However, the point I wish to make here concerns the potential importance of attending to such ties *systematically*. It may be that in certain cases, and I am thinking of "settled" Aboriginal populations in particular, the most appropriate starting point for the constitution of a claimant community is not the aggregation of groups of consanguinially related individuals, but a larger collectivity implied by a network of inter-related marriages. Descent, the key-stone genealogical principle of the 1976 Land Rights Act, is an excellent connective principle for linking individuals together into small, tightly bounded units, let's call them "families". However, the very strength or intensity of descent ties makes them much less effective for the integration of social relations on a higher, supra-familial level. Such an integration, as Granovetter (1973) has argued, requires a weaker, less exclusive type of connection in which kinship links are envisaged less in terms of close primary ties and more as the building blocks of wider and more diffuse webs of relatedness. Intermarriage, I suggest, is precisely such a connection. Thus, I am wondering whether, within the less rigorously defined framework of Native Title, collective land claims founded upon descent *and* marriage ties, might not, at times, be more appropriate and efficient, especially in those cases where the tracing of uninterrupted lines of descent proves problematic.

Marriage networks

The study of marriage networks is based on a simple empirical fact : generally speaking, most people don't marry (and/or have children with) people who have nothing to do with them, and very often, this prior connection consists in a direct or indirect kinship and/or

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marriage tie. In short, most spouses are consanguineously and/or affinally related. As, generation after generation, many of the children of such previously related spouses, themselves marry people with whom they are directly or indirectly related, a higher-order social entity comes into being: a dense network of interlocking consanguinal and affinal ties. Imagine a mesh of consanguinial strings knotted together by marriages so as to form a single whole. This higher-order social entity, a marriage network, persists through time, not as a static configuration but as a continually unfolding one in which certain connections are forgotten, others are renewed and new ones are forged. Developing in accordance with changing circumstances, it is shaped, generation after generation, by the aggregate influence of antecedent marriages upon the determination of marriages to come. Such a network thus embraces, in an approximate yet unmistakable fashion, the evolving social field in which individuals are embedded and through which their past and future are indissolubly bound.

Figure 1, for example, shows the marriage network for the Aboriginal inhabitants of the town of Wilcannia in New South Wales (data from Memmott 1991). The genealogical material has been organised using programs from the P-GRAPH suite[1] (White and Jorion 1992), and drawn using the PAJEK program for network analysis[2] (de Nooy, Mvar and Batagelj, forthcoming). As indicated in the small frame in the upper right-hand corner, the notation I am using reverses the usual conventions (*cf.* Guilbaud 1970). Generations proceed from top to bottom. However, individuals are represented by lines, solid lines, males and dotted lines, females, while the actual or potential marriages of these individuals are represented by small circles. The last two generations are almost entirely composed of as of yet unmarried and/or childless individuals.

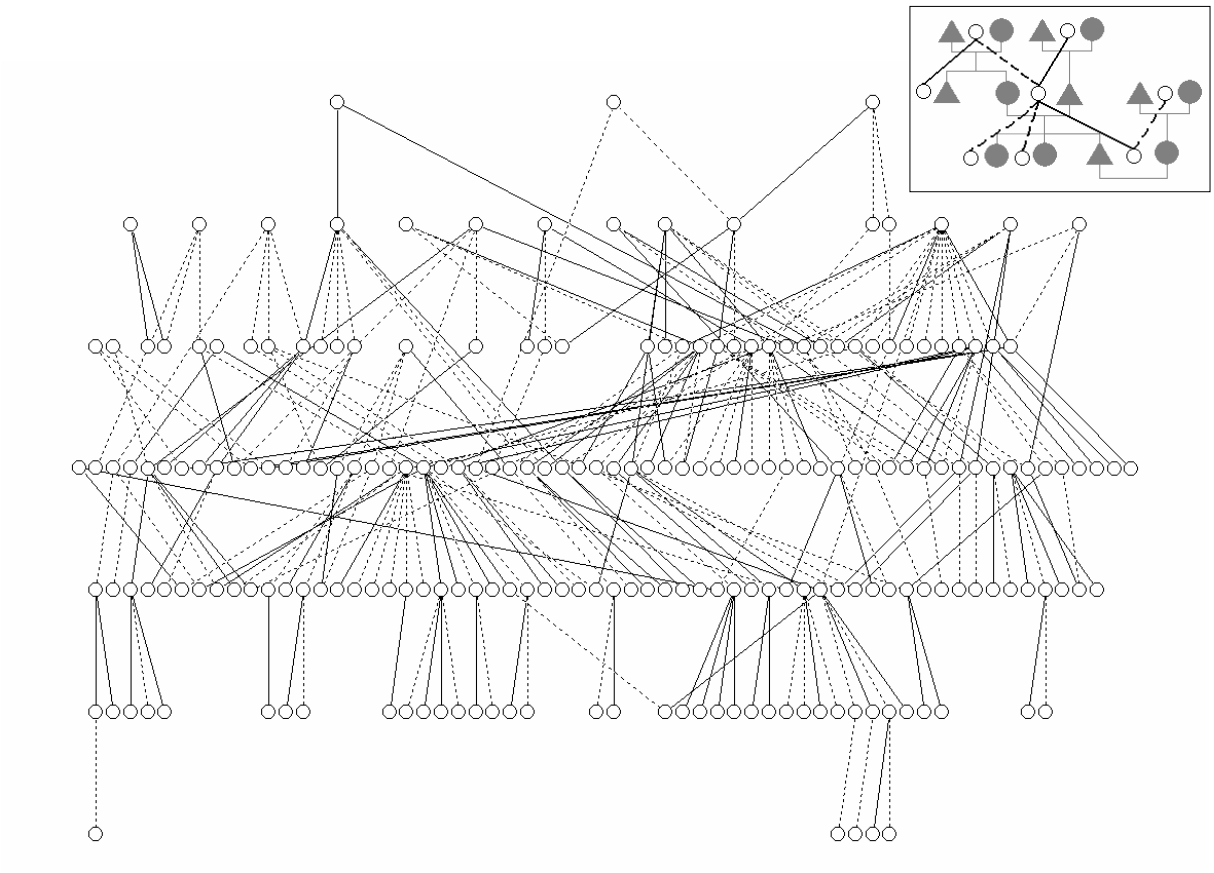


Figure 1
The Wilcania marriage network

[1] Available for free at http://www.eclectic.ss.uci.edu/~drwhite/pgraph/pgraph.html
[2] Available for free at http://vlado.fmf.uni-lj.si/pub/networks/pajek

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The study of empirical marriage network patterns has been given new impetus by computerization; this research, however, is just beginning. In a previous paper (Houseman 1997), I was able to show, for example, that Australian Aboriginal networks are like European networks in being cognatic, but unlike European networks in that they display a clear tendency towards bipartite organization or "sidedness". Populations with moiety, section or sub-section systems may be close to 100% sided, whereas "settled" Aboriginal populations are between 75% and 80% sided. The Wilcannia network, for example, is 78% viri-sided; the likelihood of this pattern occurring by chance is less than one in 1000 ($p < .001$).

In the present paper, I want to raise the question of the possible usefulness of marriage networks such as these within the context of Native Title. My suggestion, in a nutshell, is the following. Marriage networks, directly instrumental in the traditional management of land in Aboriginal society, attest to the existence of stable, supra-familial kinship-based collectivities enduring through time; to the extent that a significant proportion of living persons participating these collectivities are able to demonstrate (a variety of) ties with a particular stretch of territory, marriage networks may provide a rigorous basis for joint land claims undertaken in the name of these collectivities. There are, of course, advantages and drawbacks to such an approach, and it is these advantages and drawbacks that I would like to touch upon here.

Marriage network cores

All genealogical materials, once they are isolated as a subject of study, are biased in some way or another, and marriage networks are no exception. As tribal, ethnic, linguistic or national boundaries are almost never entirely sealed off, marriage networks rarely exist as discrete totalities "in the world". They represent zones of relative endogamy that must be extracted from the wider webs of marriage in which they are embedded. In other words, marriage networks must be externally delimited by the application of some selective criteria regarding the persons to be included: common links to land, explicit claims of collective identity, co-residence, shared language, custom, history and so forth. How a marriage network should be delimited, and thereby constructed as a distinct totality, is a complex question whose answer may vary from one case to the next: traditional-law land entitlement is an obvious criteria in the context of land claims, but so may be residence, tribal affiliation and so forth. I will touch upon such matters further on. For the moment, I want to concentrate on another, more general, formal, internal way in which marriage networks may be said to form particular wholes. This relates to the degree of closure that a successful external delimitation implies.

A marriage network is not a simple assembly of individual (or collective) matrimonial initiatives, but a dynamic coordination of such initiatives. In order to see how this is so, it is necessary to shift the analytical focus away from the way in which individuals are related to each other through marriage to the manner in which their marriages, connected through these individuals, may be said to be organized amongst themselves. This is why the notation I am using is reversed. In a delimited marriage network, some of the paths connecting marriages together lead "nowhere", that is, beyond the boundaries of the delimited network itself. However, a significant proportion of these paths buckle back upon themselves and, in doing so, provide the marriage network with a degree of closure. The marriages lying along such closed paths form a subset of the marriage network in which every marriage is connected to every other marriage in at least two different ways. I will call this sub-set of interconnected marriages the "core" of the marriage network. The core corresponds exactly to the concept of "block" in graph theory (Gibbons 1985), and is therefore easy to determine with network

analysis tools. Figure 2 shows the Wilcania marriage network with its core marriages shaded in black.

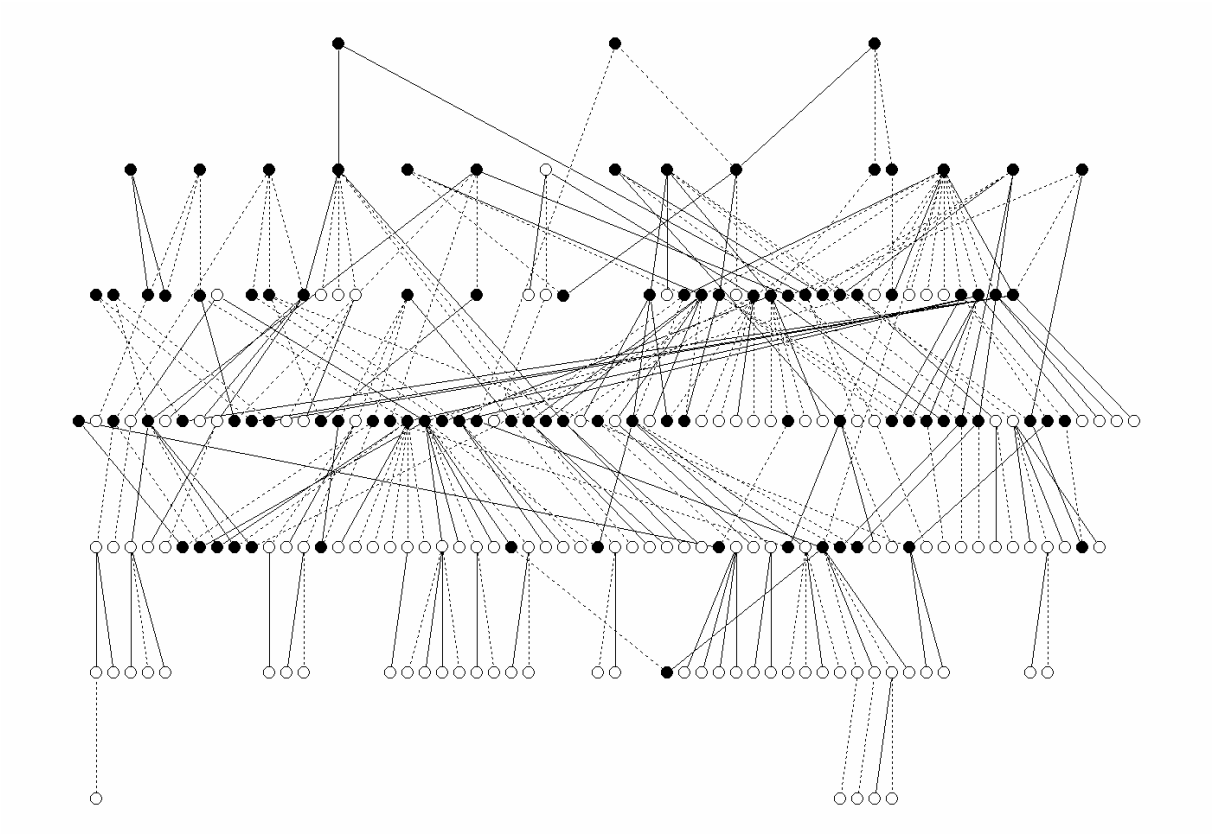


Figure 2
The Wilcania marriage network and its core

62 of these circles represent unmarried and/or childless individuals; of the 149 actual marriages shown, 87 compose the core, which represents about 60% of the entire marriage network. The available genealogical material for this population is incomplete: there are quite a few marriages in the younger generations, which, going by family name, seem to be between members of local families; however, as these marriages have not been accounted for genealogically, they have been excluded. It should also be recalled that this data, because it was collected within the context of a study of settlement patterns within Wilcania, includes only those persons living or having lived in this town. A marriage network which also included non-residents would be considerably larger and, most probably, would have a denser core as well. However, even within the context of such a partial, constrained delimitation, the existence of a marriage network core spanning several generations is clearly in evidence. This ongoing set of core marriages, I suggest, is what provides the wider social armature whereby, among other things, distinctive relationships with land are reiterated and passed on.

The web of genealogical connections within the core is a very dense one. For most of the individuals in the core, the others it contains are either (cognatic) kin, in-laws or in-laws of in-laws of some sort or another. The core represents what Brudner and White (1997) have called a unit of "structural endogamy", in which it is not its individual members but their matrimonial relationships that are homologous: they all form circuits. All core marriages are joined to all other core marriages along closed genealogical paths. In this sense, a marriage network core is to be appreciated as a structural entity rather than an strictly empirical one: a pattern of relationships rather than a collection of persons.

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Descent clusters

In order to get from a marriage network core to a group of actual people in whose name a collective land claim might be pursued, it is necessary to "fill out" the core with additional, living persons connected to each other through this set of core marriages. It is of course imaginable that a claimant community be comprised of only those living individuals involved in core marriages, but this seems unreasonably restrictive as this would exclude not only the siblings and the ascendants of these individuals, but also their children as well as the children of other, past core marriages. How, then, should the network core be "filled out" to produce a viable claimant group? There are various possibilities (*cf*. Houseman 1997). My suggestion is to go with one of the simplest formal solutions: all persons capable of tracing descent from a core marriage are to be taken into account. This includes the cognatic descendants of core marriage participants, but excludes their ascending and collateral kin (if they are not themselves descended from a core marriage) as well as their affines such as spouse and spouse's kin. The result is what I will call a "descent cluster" (as distinct from a descent group). Figure 3 shows the core of the Wilcania marriage network core (black circles) together with the additional ties of descent deriving from these core marriages (white circles). The black and white circles, together with their descendants, comprise the descent cluster delimiting a hypothetical claimant group. (For Wilcania, a cognatic descent cluster has been drawn; in other cases a unilineal descent cluster may be deemed more appropriate.)

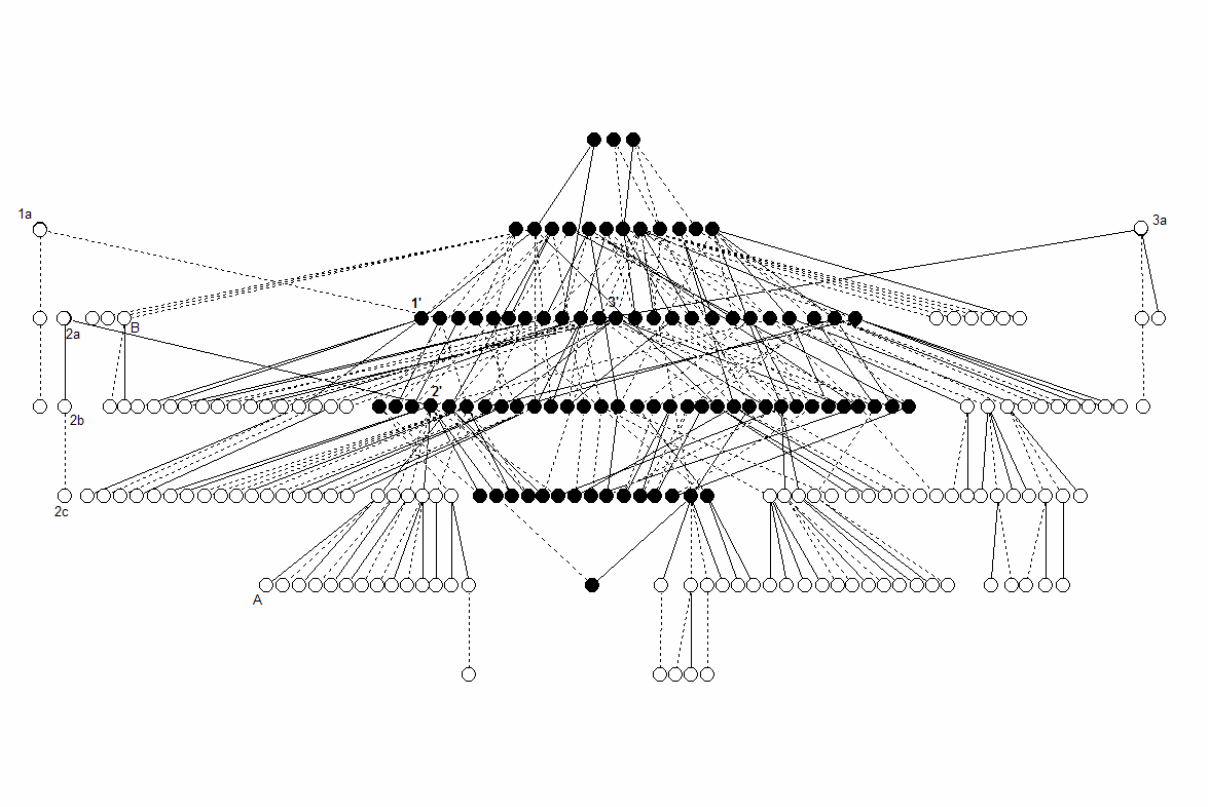


Figure 3
The Wilcania marriage network and its derived descent cluster

A descent cluster, then, is a set of descent groups. However, it is important to emphasize that it is neither a corporate group, nor a simple an aggregation of such groups. Rather, the descent groups that comprise a descent cluster are structurally related to each other in an organic fashion not through descent but through an enduring network of interlocking

affinal ties. From this point of view, a descent cluster is very close to what I have elsewhere called a "connibium" (Houseman 1997), that is, a particularly tight matrimonial community composed of family groups having at least two members involved in core marriages, such that the relationship between the families involved is similar to that obtaining between the core marriages themselves: each one is linked to every other one in at least two different ways. Such multiply linkages, allowing for a close knitting of interactions and a rich circulation of information among the persons involved, provide the grounds for a more or less systematic imbrication of the participants expectations and concerns: "Every family story, every piece of gossip or information, can be received and cross-checked through [at least] two different connecting paths of transmission. This ability to independently corroborate intimate 'family' information through independent paths may serve to reinforce other relations in the network, as for example, trust or enmity, and in-group or out-group membership norms" (Brudner and White 1997: 9-10).

Potential complications

There are a number of factors which complicate matters somewhat. The first is that marriage network cores and the descent clusters that derive from them are not static configurations but historically constituted ones; their precise contours evolve over time. Consider the marriages indicated by the white circles *1a*, *2a* and *3a* in Figure 3. While one of the offspring of each of these marriages is involved in a core marriage (black circles *1'*, *2'* and *3'*), *1a*, *2a* and *3a* are not core marriages themselves. Thus, whereas the descendants of marriages *1'*, *2'* and *3'* are part of the descent cluster, the descendants of the other offspring of *1*, *2* and *3* are not. However, should one of these latter descendants, a child of marriage *2c* for example, marry a descendant of a core marriage such as *A*, a circuit would be formed and marriages *2a*, *2b* and *2c* would become core marriages, their descendants becoming part of the descent cluster. In this light, it may be expedient to envisage additional constraints to claimant group membership: full members of the claimant group should be limited to those persons descended from a core marriage at the state of the network at time *t*, or, full members of the claimant group should be limited to those persons descended from a core marriage at less than three generations removed, and so forth.

A second difficulty is that the relationship between descent clusters and "tribal" or territorial identities is not necessarily straightforward. On the one hand, if the descent cluster is founded upon some sort of tribal or linguistic identity, it may well include but a segment of those persons able to claim this identity. On the other hand, if the descent cluster is centred around some sort of territorial reference, the system of affinal ties linking core marriages typically reaches beyond the boundaries of the local group. The Wilcania data, as I have mentioned, while incorporating persons claiming a number of different tribal affiliations, concerns only (past and present) town residents. A fuller representation of these persons' marriage network would extend beyond Wilcannia to encompass residents of other localities. Thus, special care must be taken as to the selective criteria to be used in the delimitation of the initial marriage network from which the network core and descent cluster is derived. Past and present core marriages involving people having demonstrable links with land obviously play an important role here.

Finally, related to the first two factors, is the fact that marriage network cores and hence descent clusters may overlap. Consider marriage *B* for example in Figure 3. The wife of this marriage (dotted line) is the offspring of a Wilcania core marriage. It may be, however, that the husband of this marriage descends from a core marriage of another descent cluster. In this case, the descendants of marriage *B* are potentially members of both this other descent cluster and the Wilcania cluster. Similarly, there is a question of scale. For example, the

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Nyungar marriage network core as derived from Tilbrook (1983), contains a number of lower-level loci of heightened intermarriage. The marriages between the members of those family trees having a common reference to the "Wilman" territory of South-western Australia (Tindale 1974), form a substantial core of their own (*cf*. Houseman 1997). What we may call the Wilman marriage network core, is thus encompassed within the larger Nyungar core. Matters of overlapping and scale, however, are less problematic than might first appear: special modalities concerning plural descent cluster membership or a distinction between primary and secondary descent cluster affiliation, might be easily included in the determination of claimant groups.

Implications for Native Title

It is difficult to evaluate, in abstract terms, the usefulness of identifying delimited marriage networks, the cores of such networks and the descent clusters that derive from these cores, within the context of Native Title. Where the transmission of customary-law land entitlements concern well-defined estates clearly held by families or other small groups, such an approach may prove irrelevant, redundant, or even a source of unwarranted conflict. However, wherever, for either historical or social structural reasons, descent-based lines of transmission are less in evidence and/or a more holistic approach seems appropriate, marriage networks may provide the empirical grounds for the conceptualisation and the constitution of more inclusive collectivities in whose name land claims may be pursued. In any case, it should be clear that the perspective outline here is offered in a spirit of speculation, not as a replacement for existing procedures, but as a possible complement to them. To conclude, let me just briefly mention what I see as one of the main advantages of such an approach: the promotion of collectivist claims.

It is perhaps not too much of an oversimplification to say that a similar logic has dominated most land claim work. A crucial first step, often initiated by persons approaching some broad representative body such as a regional land council to prepare their claim, consists in identifying certain key individuals as having demonstrable links to a particular area of country. Research then proceeds outward, adding on further persons in order to encompass the entire set of concerned parties. This outward expansion, by which the claimant community is progressively constructed, is typically accomplished through the tracing of descent ties and/or through the introduction of supplementary types of links by means of which these additional persons can be shown to be related to the individuals already recorded and/or to the area of land in question.

As a research strategy, this aggregative approach has proved its worth again and again within the finely honed legal armature of the 1976 Land Rights Act. However, within the context of Native Title, a number of difficulties arise. Native Title legislation and its implementation leave little room for the gradual constitution of a claimant community. On the contrary, the intervention of representative bodies in whose name claims are to be made are required at the very onset of land claim proceedings, money for developing claims being directly supplied to such claimant groups themselves. At the same time, the Native Title Act does not provide the means for assessing the relative strength of different bases of claim, founded for example upon different types of relationship with land (residence, familial association, care-taking, knowledge of country, ceremonial or mythical knowledge, etc.). As Merlan (1994) has remarked, the Native Title Act exhibits a much lower level of codification of entitlement criteria than does the 1976 Land Rights Act. The emphasis on a small-scale "body corporate"-driven claim process combined with a lack of legislative discrimination regarding varying grounds for land claims, has led to a situation in which the confrontation of rival claims has become the norm. Thus, whereas claims under the 1976 Land Rights Act

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rarely involved disputation, "The majority of claimant applications received by the [Native Title] Tribunal involve disputing groups. An increasing number of cases brought by Aboriginal groups to the courts – Supreme, Federal and High Courts – also involve disputes" (Edmunds 1995:1).

In discussing this problem, Edmunds goes on to observe that what appear to be separate and conflicting claims in fact often address not only disagreements over land use rather than land possession, but also different aspects of ownership – different types of relationship to country – rather than the issue of ownership *per se*. In order to forestall the inflation of such largely inevitable subsidiary contentions into mutually exclusive assertions of control within the claim system, it is necessary, she suggests, to develop "customary strategies for dealing with disputes" in which the interrelatedness of different dimensions of ownership within a higher-order structure of collective land-owning can be recognised (1995:8).

The presence of enduring marriage network cores among Australian Aboriginal populations suggests a possible grounds for such a recognition. Specifically, it suggests a framework in which links with land are associated with the identification of a constellation of systematically related affinal ties and the descent cluster deriving from them. The claimant body is thus conceived as a set of descent groups whose interconnections through marriage provide the relational conditions underlying the perpetuation of their territorial entitlements through time. Within the context of this higher-order collectivity founded upon a relationship of interdependency between descent groups, the variety of different types of links between descent cluster members and a particular sites may be seen as mutually reinforcing. Different aspects of customary-law entitlement, rather than providing the basis for rival and potentially incompatible claims, may be more easily treated as complementary.

A number of authors have pointed out that the contestation of rights relating to country is not usually the sign of a social breakdown, but an integral feature of the indigenous political process (Myers 1982; Peterson 1986). Nevertheless, in order for such conflicts to be minimally prejudicial for Aboriginal people in their relationship with non-Aboriginal institutions, they must take place within the framework of a some sort of positive collective stance. This is particularly important within the context of the Native Title system in which it is all too easy for potentially mutually profitable situations to be transformed into ones governed by zero-sum – I-win-you-lose – principles. Collectivist affirmations, in keeping with the communal foundation of land claims favoured by the Native Title Act, can be brought about in any number of ways: by the intervention of charismatic personalities, through the work of experienced field workers, by means of conflict resolution strategies, and so forth. The identification of marriage networks, by providing immediate evidence for higher-order communality, is another, more replicable and rigorous way of promoting the constitution of wider collectivities in the name of whom land claims can be made. This is not to say, of course, that with the acknowledgement of descent clusters, disputes will disappear. However, within the framework of such an acknowledgement, they can be more easily relegated to their proper level, namely, that of internal issues to be worked out by successful claimants once land title has been transferred.

I maintained earlier that co-participation in a descent cluster implies a close sharing of a number of expectations and concerns. The reverse, I submit, is also true: peoples' ongoing involvement with each other, the regular communication of ideas and sharing of responsibilities, tends to imply participation in the same marriage network core. In other words, the various types of links with land which may be evoked – residence, care-takership, participation in ceremonial activity, sacred/secret knowledge, etc. –, if they have enduring value, will almost always be accompanied by intermarriage. Thus, the descendants of the core marriages of a marriage network centred, for example, on a given area of land, represent, at

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the very least, a good approximation of the entire collectivity of persons concerned by the territory in question. In short, marriage networks and the descent clusters derived from them can provide a rigorous and sociologically realistic basis for the determination of what Sutton has called a "primary structural envelope within which a land claim will be made out" (1995:5).

This last observation leads to what seems to be an ethical consideration and I would like to end with this. Marriage networks provide the grounds for legitimately delineating higher-order social entities in whose name land claims may be made, but without committing claimants (or land claim workers) to any particular detailed account of Aboriginal social organisation. Indeed, the determination of matrimonial networks is minimally dependant upon substantive models of Aboriginal society. It's aim is simply to show that demonstrable links between persons and places are realized and sustained through the ongoing existence of supra-familial, kin-based collectivities which it helps to identify. Such an explicit disconnection between anthropological theorising and political process is, to my mind, a healthy development for all concerned. Specifically, it helps to avoid two potentially treacherous confusions: the subordination of partisan initiatives to academic concerns, and reciprocally, the burdening of anthropological expertise with expectations of competent activism.

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