

Re-imagining land ownership in Australia

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A front page report in *The Australian* newspaper of 10 August 1994 began

Cape York pastoralists and Aborigines have jointly called for state and federal governments to legislate ... a form of statutory co-existence of title on pastoral leases. ...[A] marathon seven-hour meeting in the Queensland town of Coen last week ... sought to address the uncertainty and financial difficulties flowing to Cape York pastoralists from the Wik people's claim to a large area of Cape York, including 12 pastoral leases.

These negotiations, begun by the Cape York Aborigines and pastoralists, and later joined by representatives of local tourist operators, did in due course lead to a form of agreement between these disparate interests. However, the developing alliance was strongly opposed by the Queensland Government, which tried assiduously, although unsuccessfully, to bring negotiations to a halt.

In 1994 the Wik people's claim to a large part of Cape York had every chance of being recognised in law, and that likelihood led to the development of new sorts of negotiating between Aborigines and pastoralists. The full bench of the High Court of Australia delivered a significant ruling relating to land ownership in Australia in June 1992: the land of Australia and the surrounding islands had been owned by indigenous peoples before 1770 when British officials claimed the land for the British Crown. With subsequent legislation, this meant that most land not specifically claimed in the past under freehold title became eligible for claims by indigenous communities under the Native Title Act 1993. A central provision of this Act, which was formulated in the public gaze under intense pressure from indigenous Australians, is multiple possibilities and opportunities for negotiation between the parties involved.

Subsequently the High Court of Australia, in its *Wik* decision of 23 December 1996, ruled that native title could coexist with pastoral rights on leases. This was significant because it followed that native title had not been extinguished on the mainland of Australia in pastoral areas where many Aboriginal people live, maintaining their traditional association with their lands. The scene was set for the new and unfamiliar politics that were being negotiated in Coen in 1994, to spread quickly and widely, generating fear and confusion on all sides. This in turn prompted the (now conservative) Federal Government to introduce what has become known as its 'Wik Bill' to amend the Native Title Act. The whole thrust, and the explicit central provision of this amendment, which on the day I write

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this paragraph is currently being considered for a second time by the Senate, is the abolition of the rights of parties to negotiate.¹

The issue of the survival of *Wik* native title was still undecided when those discussions reported so enthusiastically in *The Australian*, between a few Aboriginal Australians and descendants of those who dispossessed them, got under way in a small town in the bush of far north Queensland in 1994. But what had become obvious by then, and is still obvious, although some would wish things otherwise, was that it is not only land title that the 1992 Native Title ruling institutionally recognises. Aboriginal traditions of knowing were recognised in a new way by that ruling, known now in Australia as the 'Mabo Ruling', celebrating one of the leading plaintiffs. Recognising Native Title amounts to recognising the existence, and the rationality, of knowledge systems of indigenous Australians. And, as evidenced by the negotiations in Coen, some non-Aboriginal Australians now have strong reasons to find ways to work modern ways of knowing (largely originating in colonising European traditions) together with the very different knowledge traditions of indigenous Australians. If they don't they are likely to suffer 'uncertainty and financial difficulties'.

It is not my aim here to comment on this series of legal rulings and parliamentary proceedings, rather I want to focus on the negotiations over land title now required (but perhaps soon to be outlawed) in many parts of Australia. Among other things, I want to ask what sorts of things land titles are, and how they are generated within a knowledge tradition, that is, to carry out a form of ontological investigation. I suggest that looking at some of the puzzles that participants in negotiations over native title and pastoral leases might face can be helpful in understanding what I see as a new form of politics emerging in contemporary Australia. I identify this as a politics being waged over ontic and epistemic commitments; a politics over what there is and who/what can know it.

In particular I suggest that looking at some of their puzzles allows us to see an element inherent in knowing which, currently, is almost entirely ignored by modern practices and accounts of knowledge. I call this element 'the imaginary' and point to its necessary involvement in knowing and knowledge making. I show the imaginary as something constitutive of, and constituted by, ontic and epistemic commitments.²

Western philosophy has a continuing interest in 'other' knowledge traditions, although the idea of working knowledge systems together as implied in the need for Aboriginal Native Title, and pastoral lease holders to negotiate has not in the past featured in that interest. Blinded by an epistemology obsessed with scientific knowledge, theory is taken to be the sole expression of true knowledge. Philosophers (and anthropologists) puzzle over whether or not 'traditional' knowledge systems have theory, and if they do, whether or not it is rational. In the early 1980s the topic was bogged down in a maze of debates over relativism and realism.³ However the topic has recently emerged rather differently both in empirical and in speculative work in science studies, associated with a concern for actual practices of doing science.⁴ Mixing epistemologies and ontologies is no longer an outlawed notion in some parts of that discipline.

What has remained unnoticed and unexplored in the new focus on practice in science studies is that many of the previously supposed limitations of other

knowledge systems compared with science have been dissolved. Emphasising the locatedness of all knowing and knowledge making, focuses up the ‘heterogeneous material-symbolic assemblages’ constituting strategies, techniques and entities which enable the workings of all knowledge systems.⁵ The challenge now is how to go beyond, the now quite common, descriptions of heterogeneity. I suggest that part of this will be recognising that these ‘heterogeneous material-symbolic assemblages’ clot in a politics waged over ontic/epistemic commitments. This politics is perhaps most easily identified in what are often called ‘cross-cultural’ contexts, such as I am concerned with in this paper, but this politics is certainly not confined to such situations. In this paper, which I understand as a contribution in both postcolonial studies and science studies, I show that we cannot begin to understand this politics without paying attention to ontic/epistemic imaginaries.

Bruno Latour identifies the juxtaposition of science and other knowledge traditions—the ‘modern’ and the ‘premodern’ in his (somewhat flawed) terminology—as utterly central in science studies. For him scientific ways of knowing and knowledge making are a vast covert enterprise of ‘translation’, which is hidden by an equally vast overt endeavour of ‘purification’, with the second making the first possible.

the word ‘modern’ designates two sets of entirely different practices ... The first set ... by ‘translation’, creates ... hybrids of nature and culture. The second, by ‘purification’ creates two distinct ontological zones: that of human beings on the one hand; that of non-humans on the other. [Paradoxically] the more we forbid ourselves to conceive of hybrids, the more possible their interbreeding becomes.⁶

Latour reminds us that back in seventeenth- and eighteenth-century Europe, as modernity solidified, particular accounts of knowing and acting were developed and promulgated as final and ultimate. Using the work of Shapin and Schaffer,⁷ Latour shows how these accounts were built on deceit and denial, c(K)ant and hypocrisy. They have all the knowing and acting in the world concentrated at one ‘pole’—reasoning humans. The role of the non-human domain is to be the known about and the acted upon. Individual human knower/actors were the triumphant epistemic agents for 200 years, but, the very triumph now leads us to see through this framework. The work of purification, the story telling that keeps sorting things into ‘nature’ and ‘culture’, work that must be invisibly carried on to sustain the schema, ‘blows out’ and becomes visible at the end of the twentieth century, especially to those involved in social studies of science and technology.

At the end of the introductory chapter in *We Have Never Been Modern*, Latour asks ‘what are we going to become? Can we aspire to Enlightenment without modernity?’. He rejects the romantic notion that we can return to the ways of the pre-moderns who ‘by devoting themselves to conceiving of hybrids ... have excluded their proliferation’, suggesting a middle way, ‘that we are going to have to slow down, reorient, and regulate the proliferation of monsters by representing their existence officially’.⁸ In this paper I extend Latour’s answer, suggesting that slowing down and reorienting, that officially recognising all the

monstrous hybrids of which our worlds are composed, will necessitate our identifying and engaging in a politics waged over ontic/epistemic imaginaries.

As a way to begin imagining the negotiations between Aboriginal groups and pastoralists which are foreshadowed in the Native Title Act, and as exemplified in the 'marathon seven-hour meeting in the Queensland town of Coen' in far north Queensland in early August 1994, I want to show how questions over knowing and acting come to life around the negotiating table. They constituted the first stumbling block in the negotiations at Coen.⁹

In earlier times, for colonising Europeans, the Aborigines of Cape York were definitely not part of the knowing world. In the eyes of the grandfathers and grandmothers of those pastoralists who in 1994 sat around the table negotiating over ways of knowing the land they both claimed, the Wik people were, in public contexts (as distinct from private involvements of many sorts), part of the undifferentiated black 'other'. Being 'of the natural' Aborigines could be known about—studied by anthropologists. But more importantly they could be shot and poisoned, led away in chains from their land and imprisoned elsewhere—to be civilised, to become part of the social. Only when they became individuated, modern individuals, only when they stopped being Wik, could they know, and act as knowing agents, although that would not necessarily prevent their being discriminated against and denied social justice.

We might like to think that near the end of the twentieth century this has changed, and perhaps even point to the Native Title Bill as attesting institutional recognition of Aboriginal Australians as knowers. But, in practice Aboriginal knowledge systems are often understood as being at best a partial knowledge; Aboriginal knowers are treated as ambiguously both knowers and known, simultaneously of the social and the natural. And this will obviously form a first barrier to mutual respect and understanding on which fruitful negotiations will depend, although it is a barrier which might be dissolved by good intentions.

It is not so easy to dissolve a second problem which soon became evident in Coen in 1994. The ways in which the negotiators at Coen came up against quite different notions of who or what can act is less easy to elaborate than the ways questions over knowledge and knowers arose. We need to appreciate something of the content of Aboriginal ways of knowing to appreciate this. To demonstrate that this issue is likely to come to life when Aborigines sit down to negotiate with pastoralists, I tell a little of the proceedings of a landrights case which was an important precursor to the 1992 ruling on Native Title.

Some 25 years ago Milpirrum and others, Yolngu men who are all now dead, made a High Court challenge to the Federal Government plan to develop a huge bauxite mine and build a large mining town on land they understood themselves and other members of their clans as owning. The judgement, which went against the Yolngu people with whom I am intimately involved,¹⁰ was handed down by Justice Blackburn in 1970.

In the judge's view, although the claimants established the existence of a subtle and powerful knowledge system, recognisable as a system of law, by which particular clans were linked through identifiable sites both to sections of land and to each other,

... [it] did not provide for any proprietary interest in the clans in any part of the areas claimed.¹¹

Rather,

... it seems easier on the evidence, to say that the clan belongs to the land than that the land belongs to the clan.¹²

The judge was correct in identifying that quite different notions of agency are involved in Aboriginal knowledge systems. But whether he was correct in thus concluding that the clans had no proprietary interest is quite another matter.

What did the judge consider the evidence for the land not being property of the clans? The crux of it was the limited rights of exclusion that clans had.

The clan's right to exclude others is not apparent ... the greatest extent to which this right can be said to exist is in the realm of ritual. But it was never suggested that ritual rules ever excluded members of other clans completely from clan territory; the exclusion was only from sites.¹³

Justice Blackburn's ruling is now all but irrelevant but the problem of agency he identified remains, paralysing many attempts to work Western and Aboriginal knowledge traditions together. I suggest that an important clue to how we might solve this problem is embedded in Justice Blackburn's reification of exclusion as the defining characteristic of ownership of land. I will return to this later.

Is it beyond the pastoralists' grasp on the issues to construe their corporations as being responsible to the places where their cattle roam, pulverising the soil with their hard-cutting hooves? How can they think of their companies as being owned by the land? What might be the implications for their practices as pastoralists of this understanding? This is part of what is being negotiated over, but like Justice Blackburn, the pastoralists must refuse the land as agent. How and where to begin in institutionally recognising another system of knowing and thus owning land is deeply perplexing for most pastoralists. Like the rest of us moderns, they are suffering from an advanced case of hardening of the categories.

For their part, entering into negotiations over land title, Aboriginal peoples might be troubled to see that the pastoralists do not seem to know how to go about negotiating, knowledge, land and ownership. As most Aboriginal groups see it, they 'own' the land in the strongest possible sense: the clans in question, distributed across the area claimed, came into being with the land itself. The land was made meaningful as it was peopled in a network of interconnected places. Through these places the land owns them as they own the land. Owning the land is owning and publicly articulating the stories through which the land is meaningful as a set of interconnected places. And in the stories are the multiple and complex metaphors which comprise the stuff of negotiating in Aboriginal Australia.

In contrast to the pastoralists, on the Aboriginal side generally there are far too many who have ideas on how to negotiate. On the basis of my experience with Yolngu people facing similar sorts of questions, I would expect to find that in beginning negotiations, a whole range of metaphors would be worked up in discussion. These provide the possibilities for imagining new categories, and for

reworking old categories in new ways. Just which vision might eventually prevail as an Aboriginal people's position is, at the beginning, usually far from clear. As with any negotiations in Aboriginal Australia, discussions here are likely to be tied up with the ongoing struggle for cognitive authority, waged through pitting metaphor against metaphor. There is often heated, and overt struggle, over whose metaphor is going to prevail. Given time, one metaphor will carry the day, and it will have been greatly enriched by the controversy surrounding its being settled upon.

Aboriginal Australian peoples generally understand themselves as having a vast repertoire by which the world can be re-imagined, and in being re-imagined be re-made. In English this usually goes under the title of 'the dreaming'. I think a more helpful name for this conceptual resource is 'the ontic/epistemic imaginary' of Aboriginal knowledge systems. It is this imaginary, celebrated, venerated and providing possibilities for rich intellectual exchange amongst all participants in Aboriginal community life, which in part enables the eternal struggle to reconcile the many local knowledges which constitute Aboriginal knowledge systems. Many Aboriginal communities know how to negotiate over ontic categories; they have the epistemic resources for devising a radical form of land title acknowledging disparate ways of knowing land.

Pastoralists are likely to have trouble of a different kind. They know there are no metaphors or images involved in public knowing of the land which underlies ownership. Behind ownership there are just the rigid facts of quantifying and surveying the land. Various individuals might imagine and use all sorts of metaphors in the ways they represent the land, but that is the domain of art and emotion which has no place in negotiations over ownership of land. Enmeshed in their rigid facts pastoralists have only very slender resources for imagining a joint title.

Pastoralists, of course, see themselves, their lives and their families as belonging to the land—they are country people. But this 'belonging' for them can only be a turn of phrase. They might admit to strong feelings underlying their convictions that they are the 'real' owners of the land, but the love and fear that motivates their loud protestations at land rights for Aboriginal Australians has absolutely no place in Western land title—a cold removed factual document with its map of land as mythical empty space.

How might the pastoralists solve their paralysis? I am immodest enough to consider that I have some useful suggestions. My suggestions grow out of contemporary understandings in science studies, and are strongly mediated by nearly 10 years of learning from and working with members of the Yolngu Aboriginal community in the Northern Territory, and before that years of working with Yoruba teachers in Nigeria as they struggled to reconcile the traditions of Yoruba knowing with contemporary school life.

If I was asked to translate between pastoralists and Aboriginal groups negotiating over land title, I would begin by pointing out to the pastoralists that they need to understand that here they are involved in a process of knowledge making. And in this regard there are some things they can learn from Aboriginal Australians. The making of new knowledge is understood as a highly local affair in Aboriginal Australia. True knowledge embeds a local balance which is

achieved in negotiation over particular issues at particular places by particular people, yet these understandings can be mobilised from the site of origin.¹⁴ Firstly, I would suggest, it can help pastoralists if they understand knowledge and knowledge making in this embedded or performative¹⁵ way. Secondly, the pastoralists would need to understand that both an imaginary and a logic, intimately meshed, are involved here.

But, taking these insights on board is likely to be difficult for the pastoralists. For a start, they find it difficult to see these negotiations as knowledge making and not just dirty politics. Moreover, they have always lived in a world where true knowledge has no imaginary. Modernity circumscribes its imaginary as of aesthetic, but not ontic or epistemic interest.

Seeing these negotiations as knowledge making is tied up with questions about agency and knowing. There seems to be too much agency involved here for moderns to understand this as knowledge making. Each side has the capacity to interrogate, to know, the other. Westerners see true knowledge arising only out of one-sided interrogations; for them only one side can have agency in knowledge making. Reasoning men are knowers of truth; nature can only be known about. The pastoralists can conceive of knowledge making *about* Aborigines, when they are part of nature and have rights only to be silent. But as soon as Aborigines have a voice, are recognised as knowers (even if only partial knowers), then dealing with them becomes dirty politics, not making knowledge. Enmeshed in their modern constitution, pastoralists see no role for negotiation in establishing truth.

As part of helping pastoralists learn to see these negotiations as knowledge making, to begin to understand true knowledge as embedded and local, and to deal with their problems over too much agency, I would focus first on the absent imaginary in Western epistemological traditions. On this issue I argue that asserting that our Western imaginaries do not have a role in constituting ontic and epistemic commitments is a denial dependent on privilege. It is useful only when the sciences hold the unmarked position of privilege with respect to all other knowledges. The pastoralists' grandmothers and grandfathers felt no need for an imaginary to deal with the Aborigines.

Once we see through the universalist pretensions of the sciences, and recognise the violence that lies behind these pretensions, we must admit our need for ontic/epistemic imaginaries, or we can't get anywhere in working sciences together with other knowledges. Doing without imaginaries, denying the pictures and stories inherent in our knowing, is a luxury which can no longer be justified, if indeed it ever could be. I suggest that moderns need to bring back into view our denied imaginaries so we can more easily get on with the business of working knowledge traditions together and recognising non-human agents, as we make knowledge and remake worlds.

Where might the pastoralists turn to try to understand why they find themselves there at the negotiating table with so few resources? They need a picture of the ways that the things we take for granted have been made. They need a story of the construction of the basic categories through which land is known in a public sense. Where do Westerners turn if they need to get a fix on the basic categories of Western life? Surely this is the role of philosophy in our public life.

In particular, I suggest that Kant¹⁶ whose ‘work stands as a watershed in the self-understanding of modernity’¹⁷ can be useful.

But can they expect to find there the pictures and stories they need? Every school girl knows that philosophy is not a story; not a pictorial description. Philosophy declares itself as philosophy through a break with the domain of the image.¹⁸ Yet, Michele Le Dœuff, who went looking in the texts of philosophy, and in the pages of Kant’s books, found something different. She found what she called ‘a properly philosophical imaginary’—images thoroughly specific to philosophy. Her conclusion was that

imagery has a relation to what we call ‘conceptualized’ intellectual work, or at least that it occupies the place of theory’s impossible ... imagery copes with the problems posed by the theoretical enterprise ... The imagery which is present in theoretical texts stands in a relation of solidarity with the theoretical enterprise itself (and with its troubles)¹⁹ that is, in the strict sense of the phrase imagery is *at work* in these productions.

Because of its strident denial of its images, and because philosophy claims to be a self-founding discipline, making recourse to myth inevitable, most or all the images in philosophy are about philosophy itself:

Philosophy defines and designs its own myths making use of spatial and narrative places and layouts ... [Spatial] images ... form part of the language of the corporation ... which may be, just as much as certain principles, rules and misapprehensions, structuring elements of the philosophical position itself.²⁰

And we see it clearly in Kant’s work. The metaphor of space goes right through Kant’s critique. In explaining his fundamental distinction between the analytic and the synthetic, a spatial metaphor is implicit:

In the analytic judgement we *keep to* the given concept and seek to extract something from it ... But in synthetic judgements I have to *advance beyond* the given concept, viewing as in relation to the concept something altogether different from what was thought in it ...

Granted then that we must *advance beyond* a given concept in order to compare it synthetically with another, a third something is necessary ... *inner* sense and its *a priori* form, time.²¹ (emphasis added)

Fifty pages later we get the full picture

We have now not merely explored the territory of pure understanding, and carefully surveyed every part of it, but have also measured its extent, and assigned to everything in it its rightful place. This domain is an island enclosed by nature itself within unalterable limits. It is the land of truth—enchanting name!—surrounded by a wide and stormy ocean, the native home of illusion, where many a fog bank and many a swiftly melting iceberg give the deceptive appearance of farther shores, deluding the adventurous seafarer ever anew with empty hopes, and engaging him in enterprises which he can never abandon and yet is unable to carry to completion.²²

Notwithstanding the intimate role of the spatial image in his own text, Kant casts imagery out of reason. With his island, Kant paradoxically uses a metaphor to

outlaw metaphor. Just as Justice Blackburn some 200 years later sees exclusion as the defining property of land ownership, Kant sees the exclusion of the imaginary as the defining property of reason.

In dealing with imagery

Kant confronts an abyss, where were he to fall into it, he would confront chaos and uncertainty. He pulls back onto the ground of certitude. In doing so he circumscribes the nature and role of the imagination, especially its synthesising power, making it dependent on understanding. ... This has the effect, as the *Critique of Pure Reason* unfolds, not only of reducing the nature of the imagination to that of cognition, ... but more importantly of driving a wedge between reason and imagination. Reason contains no creative power, only a regulative power which gives rules and standards.²³

The island is thus the emblem of the Kantian enterprise, yet an emblem unthinkable in the logic of the program it seeks to establish. The image of the bleak ordered northern isle is thus at once both a precondition of the Kantian theory, and systematically denied. What *is* happening here? According to Le Dœuff, the textual conflict is

A sign that something important and troubling is seeking utterance—something which cannot be acknowledged but is keenly cherished.²⁴

What is this something, that cannot be acknowledged, which generates the prolonged metaphor of *The Critique*? Le Dœuff identifies it as the need to close the question of philosophy's role in the global project of the Great Instauration, as Kant, following Bacon, calls it. With his metaphor Kant is both justifying philosophy's role in the establishment of modernity, and giving us a vivid picture of that state. The metaphor of the island allows the question to be settled by fiat. Paradoxically, metaphor establishes an epistemic regime which excludes itself as an epistemic element.

So turning to philosophy can be of help to pastoralists. Seeing Kant's moves, they understand something of the impulses behind the peculiar denied role of the imaginary in Western philosophy. But, in contrast to Kant and his contemporaries, justifying and imagining modernity is not a top priority for pastoralists in Australia in 1998. In terms of the Native Title Act, they need reason to justify and imagine *inclusion* not *exclusion*.

Understanding how the situation arose is one thing, working out what they might do now is another. How are they to go on? I suggest that we take Kant's metaphor in full, and treat it seriously. To take it in full is to see the island and the seas which surround it as integral to each other. To take the metaphor seriously is to see that it is through being lived space that both the island and the seas become meaningful. Taking the metaphor seriously makes the notion of empty space untenable.

To get a better idea of what it means to do this I turn now to examining the particular puzzles that confront pastoralists as they and the Aboriginal peoples begin to talk of working their disparate ownerships into one title. Here I am imputing to the Aboriginal peoples generally a system of knowing and owning land of a similar general form to that of the Yolngu Aboriginal people, whose

lands, located on the other side of the Gulf of Carpentaria from the Wik lands, are securely held under freehold title granted under the 1976 NT Land Rights Act.²⁵ I have developed this way of explaining the Yolngu system over the past 10 years. It is a translation Yolngu have been intimately involved in formulating.²⁶

In this translation both modern and Aboriginal systems of land ownership have an identifiable logic through which land can be publicly known and, since known, owned. There are various interesting and significant differences in the logics, and in the past I have spent much time elaborating these, showing how the logics can be understood as analogous.²⁷

In each case the logics translate meaning invested in the land. But the forms of the meaningfulness (ontic commitments), and explanations of its origins (epistemic commitments) are quite different in the two systems. It is the very different ways that Western traditions and Aboriginal traditions take the land as meaningful that interests me here. And this, it seems to me, is what pastoralists and Aboriginal groups need to pay most attention to.

To begin with the tradition readers of this journal are likely to be most familiar with, moderns own land through the mediation of number. Number constitutes an ordering recursion, a logic, which translates qualities taken to be *in* the land. Area and length are the qualities conventionally used as the basis for quantifying land, that is, publicly knowing land, and the basis for owning particular sections of land. Qualities come to life as images, and are conceived of in a way which echoes the structure of separated integers of the number system: an infinite extension of units (metres, hectares etc).

What I have just given is an explanation of our practices of quantification. It is thoroughly uncontroversial. But what about the origins and explanations of these practices? We are quite comfortable with recognising the pattern of tallying on our fingers in the recursive pattern of number, but where do qualities come from? What is the origin of this inherent meaningfulness we moderns find in land?²⁸

In Kantian terms, the qualities we express in our practices of quantification are synthetic a priori concepts. We can put an explanation of their origins in Kantian terms. ‘Advancing beyond the structure number gives us (the analytic concept), we view it in relation to a perceptual element, and synthesise notions of qualities as infinite extensions’. By a series of unnoticed spatial movements—inclusions and exclusions—we have explained the origins of qualities and firmly ruled out the mystery. Standing on the ordered island, with a quick and controlled glimpse at the surrounding ocean, we come to enumerated qualities—quantities. But having domesticated something of the watery chaos that surrounds us, we remain enclosed in our certainty on our regulated island, and keep the imaginary out at sea.

Without bothering about any of this complicated cognitive manoeuvring, we who use qualities every day take it for granted that the landscape is somehow ‘naturally’ meaningful in that it contains qualities. Yet anyone who has tried to describe and explain qualities to small children will realise that they are rather mysterious things. We tend not to admit this, preferring to hide this mysterious making of the land, and the material world in general, as inherently meaningful.

Through our practices of quantification with their denied imaginary, we know and own land, maintaining the myth that knowable space is at once ordered and empty. An outcome of this is that all space is equivalent; a uniform grid. In unthinkingly using Kant's denied metaphor, what we hide from ourselves is a paradox. That it is our very practices of quantification which constitute, and in turn are constituted by, that uniform frame of empty space.

Amongst members of Aboriginal communities, knowing land and making rational judgements and decisions about land are based on very different sorts of reasoning. They have a very different way of dealing with the paradox. In their conceptual system land exists primarily as sets of sites; there are inherent foci in the land connected in particular ways. Through these interconnected sites, often called 'sacred sites' in English, land is meaningful. In describing and explaining this system in Western terms, we can identify and separate logic and metaphor. We can re-present the practices in terms which are analogous to the ways Westerners present their system of publicly knowing land. Some Yolngu people, for example, find this an odd, even offensive way to do things, but they recognise that the translation can have, and has had, particular uses.

The primary focal sites through which land is meaningful are connected in ways which echo the pattern of logic common to Aboriginal Australia. This is a logic strictly analogous to the number-based logic of modern life, but one which takes its pattern not from the material pattern of tallying on fingers, but from the material pattern of kinship relations—*gurrutu* for Yolngu people. This recursive logic modelled on kin relations translates inherent meaning of the land in just the way the logic of number translates qualities, the meanings moderns take to be inherent in the land. But in contrast to that stance, the mystery of the origins of these sets of sites, the foci of meaningfulness in the land, is celebrated in Aboriginal communities. Stories of the making of these foci abound with metaphor.

According to these stories, there was an eternal, simultaneous making of the people in clan groups and of meaningful foci in the land, by eternal beings as they went about their living: hunting, eating, defecating, urinating, having coitus, menstruating, crying, and having babies. This is understood to have occurred in what is known in English as 'the dreamtime', *Wangarr* in Yolngu languages. This is often taken, incorrectly, as the far distant past, but a contrast between time as secular and as eternal is probably a better way to explain it. *Wangarr* is time of a different sort (something like eternal time) to that in which we live our everyday lives (secular time); it is not time only of the far distant past. It is a time which we can find here and now, and will be able to continue to find in the future. Boundaries between these different sorts of time are continually maintained and celebrated in Yolngu life.

Perhaps these boundaries separating different times can be understood as analogous to Kant's boundaries separating different types of space: the orderable empty island and the chaos of a northern ocean. But whereas Kant's boundary making, and our continued remaking of the boundaries as we quantify, is hurriedly passed over and denied in modern traditions of knowing land, Yolngu boundaries are celebrated. Traversing boundaries is overt participation in public ceremony. Yolngu openly acknowledge that it is through traffic across

boundaries between different ‘time spaces’ that the foci of meaning in the land—sacred sites—are maintained. The paradox inherent in meaningfulness, in making ontic/epistemic commitments, is acknowledged and celebrated.

The knowledge of sites and their connections is contained in a large corpus of stories and the songs, dances and graphic designs which go along with the ceremonial elaboration of these stories (hence the popular English language notion of ‘Aboriginal songlines’). These are performed in ceremonies where both the complex logic of *gurrutu* (the recursion of kin relations) and particular land sites are re-presented. The words of songs which celebrate this imaginary are not memorised. It is the general picture of the network of places and their interconnections that is memorised. This is a complex set of spatial images, a ‘cognitive map’²⁹ which can be understood as quite analogous to the modern imaging of qualities in material objects as held in varying extents pictured as infinite linear extensions, which can be made analogous to the infinitely extending line of integers.

It is knowing ‘the map’, which we can understand as a matrix of vectors with each place defined through relations of varying intensity and direction, and coming up with metaphoric insights to express this ‘map’ in performing songs and stories, that is valued as Yolngu intellectual work. There is a correct ‘map’ which everyone knows in greater or lesser detail, and the ‘map’ may be expressed in more and less elegant ways.

But this matrix of ‘sacred sites’ is not all there is to land ownership in Aboriginal Australia. The ancestral beings constituted a set of particular places as primary in engaging in particular acts: having sex, giving birth, menstruating, hunting, eating, shitting and piddling etc, as they made their way across the land. And in a secondary way these actions constitute the space between these places: the blood, or the tears, or the urine, or the honey flowed in a particular way, so that ownership radiates out from sacred sites encompassing the broadlands between. These broadlands can be used by other clans for hunting and gathering, and for passage, by negotiation; exclusion is only from sacred sites. Apart from this eternally justified ownership, clans may also own in a secondary way particular sites within the broadlands of other clans—these are known as *ringgitj* by Yolngu, and likened to clan ‘embassies’. Ownership of these subsidiary sites has been constituted historically within secular time, they are important in the ongoing collective life of a group of Yolngu clans. Parties of clan members camp at these sites during times of ceremony.

For Aboriginal Australians, space is primarily constituted as live or enlivened and inevitably not all places are equivalent; space is inherently differentiated. In ceremony this eternal constitution of the land through the living eternal ancestral beings, is re-presented. Particular sacred sites and associated broadlands are ritually evoked in representing the living of the ancestors: their making fire, collecting honey, having sex etc. This differentially focused space is also maintained in everyday activities: hunting and gathering of particular foods at particular places at particular times by particular people is also seen as important in the ongoing constitution of space.

This translation or mediation divides Yolngu Aboriginal knowing and owning of land into logic and imaginary. It can be understood as a projecting of Kant’s

island and its surrounding seas on to Yolngu knowing. But it is a translation which reflects back on to that island, bringing it more clearly into view and acceptability. It and the sea no longer need be denied. The translation throws light in both directions.

To be able to get on with their negotiations, the Cape York pastoralists need to recognise that collective picturing and storytelling about the land with its possibilities for emotional ladenness and material embeddedness is an inherent part of knowing it and owning it; and that Western picturing is no more and no less rational than Aboriginal ways of picturing and thus knowing and owning the land. Picturing and stories embedding metaphors are as much a shared ontic/epistemic resource as the rules and regularities which accompany them. That is, as long as moderns *recognise* their picturing and storytelling, we moderns can become as rational as Aborigines. My claim is that by restoring imaginaries to modern theories of knowledge, we will rediscover the capacity to re-imagine ourselves, and devise ways they can work with other communities—human and non-human.

But how can we learn to celebrate rather than deny the ontic/epistemic imaginaries involved in modern knowledge traditions? I have been arguing for a radical change in our ontic/epistemic constituting metaphors, and a recognition of their place in our knowing and acting; that we must recognise Kant's treacherous sea as well as the calm island, and include our use of imaginaries in our accounts of our knowledge. We could understand this taking of our imaginaries in full, and taking them seriously, as changing ontic/epistemic mode. It involves a different way of dealing with the paradox inherent in ontic/epistemic commitment, in meaningfulness.

Representation is the current orthodox Western ontic/epistemic mode. Knowledge is a representation of various situations on Kant's empty ordered island. What happens when we include the treacherous sea in what we are representing? Straightaway we see our installation on the ordered island as an accomplishment, an ontic act. And we continue to enact our installation of this ordered island again and again, not least in our practices of quantification. In beginning is an act, and it is as much an act by the island as it is by those whose practices (for example practices of quantification) become possible in and through the act. It is a co-constitution of island and those who order themselves with quantification. Or to put it in an Aboriginal way, the people and the land come into being together, and thus are deeply implicated in and by each other. The inherent uncertainty, messiness and multiplicity of action is what Kant effectively hid.

Including the sea has us more like Aborigines, the performative or enacting mode emerges as epistemically primary. Representational knowledge comes to be understood as a secondary, derived form. Taking Kant's imaginary of an ordered (that is enlivened) island seriously, amounts to an epistemic commitment to knowledge as enacted rather than as propositional.

I want now to explore what might follow from such a shift in ontic/epistemic mode, using land titles as my example. In doing this I will suggest a basis on which pastoralists might go into fruitful negotiations with Aboriginal people developing agreement over working native title and pastoral leases together. I suggest that we could understand such negotiations as constituting a politics of

ontic/epistemic commitments. My main purpose here is to show how we might use our ontic/epistemic imaginaries in such a politics.

Switching from understanding land titles as texts which neutrally represent both land—with a map, and the testimony as to ownership—with legal words, and beginning to think of land titles as working in the performative mode would involve at least two shifts. First, we would need to recognise the performative nature of the testimony element in titles. We have hidden the fact that the written components of land titles are no less and no more than testimony backed up by an elaborate set of ‘technologies’—social, material and literary—land surveys and grid making, titles offices, a vast enterprise which continually underpins the performance of testimony over land titles.³⁰

The second element is to recognise that maps perform particular places in the land. Land is not empty space and maps are not mere representations. Land is lumpy, bumpy lived material place, and maps perform this place. Maps are a particular way of living space and encode a complex set of conventions and standards that only hold because they continue to be enacted as people make and use maps, and because a great deal of work is put into making them hold.³¹

Kant’s denied island has had us hiding from ourselves the conventions inherent in land titles, and the work which maintains them, just as much as it hides the imaginary implicit in representing the land in maps. In engaging a performative epistemic mode, we more easily recognise both these, and land titles become evident as messy, complex material-symbolic assemblages in part held together as working entities by an imaginary: a vision of the categories through which land is inherently meaningful (ontic commitments) and an account of the origins of this meaningfulness (epistemic commitments).³² We enact these ontic and epistemic commitments in ownership, calling on the shared imaginary in doing so.

The ways moderns have treated imaginaries in the past—using and denying them—has enabled us to make (and deny) the translations by which we constitute complex hybrids such as land titles. The imaginaries have enabled the titles—heterogeneous material-symbolic assemblages—to be active in making and remaking our world. And denying the imaginaries has enabled us to deny titles as agents.

Recognising the imaginary can enable us to begin to develop titles that perform in different ways, that is, connect particular people with particular places in ways that better suit our worlds. In defending this claim I briefly sketch an alternative vision of pastoral land lease, one which is compatible with the notion of joint native title and pastoralist lease land title. It is important to recognise that at present this is no more than a thought experiment.

A joint title could try to represent Aboriginal land ownership within the conceptual framework of Western land ownership. It could retain the notion of empty space, trying to impose ‘Aboriginal boundaries’ on this space. These boundaries could be taken as representing the limits of influence of ‘sacred sites’ present within these boundaries. This leaves Kant’s notion of a priori, empty and undifferentiated space intact. It is in fact the route taken in the 1976 Northern Territory Land Rights Legislation. By using this means of translation, areas of Crown land can be declared as the freehold property of various Aboriginal clans.

From the point of view of joint ownership between pastoralists and Aborigines, however, this leaves us with the excruciating problem that the one area is claimed by two opposed groups. Adjudication in favour of one or the other seems the only possible way of settling the dispute. There is a further problem in going this way. Native Title must be the basis of joint title negotiations, because it is understood to have existed prior to any Western-style land titles in Australia. Native Title of course can only be legitimately understood in the terms of 'the natives', and (on mainland Australia) these terms do not include notions of bounded area as a primary category in land ownership.

An alternative would be to follow the Aboriginal conceptual scheme of understanding foci in the land as the basis of the meaningfulness of the land, and hence as a basis for ownership. To go this way we first need to see that in a pastoral lease not all places/lands are equivalent. Just as for the Aboriginal clans who own the land not all places/lands are equally and similarly important. We can understand a pastoral run as constituted by a hub site—the homestead, the machinery sheds, the yards and perhaps some home paddocks where the milking cows are maintained. This is the site of primary significance in a pastoral run and might be understood by reference to Kant's live (ordered) island, or alternatively by analogy to Aboriginal sacred sites—those places where the ancestors lived, doing things which constituted the site and its surrounds as meaningful.

In a similar way that the ocean surrounding Kant's island becomes meaningful as the island is enlivened, and that meaning flows from Aboriginal sacred sites into the surrounds, the significance of the pastoral lease hub site can be seen as flowing into the surrounding lands—the tending and care of cattle and the lands on which they thrive, flows from the hub.³³ With respect to these broadlands, what pastoralists need is the possibility of negotiating rights for harvesting these broadlands (in the form of beef cattle) and this possibility is constituted by the care that exudes from the station. And then there are the outstations, the huts, the bores with their pumps, the watering holes along river courses—the subsidiary sites. The use and maintenance of these sites too can be negotiated over. Claims for use of these subsidiary sites can be seen as growing out of the caring.

This reading of meaningfulness in the land as differentially significant sites is imminent in the life of a pastoral run. What I have done here—re-interpret Kant's imagery and abandon the denial of the imaginary through which space is constituted as *a priori* empty—is a move which pastoralists could make. Going this way pastoralists would find they have significant things to negotiate with Aborigines. And it is conceivable that agreements could be reached. Joint land titles could enact these agreements.

I recognise that to make such a shift, to commit themselves to understanding their pastoral leases and themselves in this way, would be no small thing for the pastoralists. However it may be the only possibility for them to continue as pastoralists. But for Aboriginal peoples too, to engage such a move by the pastoralists would be politically dangerous. In this move sacred sites might seem to be reduced in status. Such a move could be seen as compromising the Aboriginal occupation of the high moral ground of spirituality, which they have held to great advantage in the landrights debate in Australia. But for Aboriginal groups, continuing with land title neutrally representing empty space might mean

that they regain use of their land at the expense of having their traditions of knowing eclipsed by official Australia yet again.

Making a reconceptualisation such as this the basis for negotiation would entail significant changes in ontic and epistemic commitments by pastoralists, 'Official Australia' and Aboriginal Australia. To engage overtly in a politics of ontic/epistemic commitments is clearly dangerous to both sides. On all sides this is a more tricky enterprise than the covertly colonising politics we have come to understand by deluding ourselves that we are moderns; a politics which overtly centres around purification and its essentialisms, all the time maintaining an unacknowledged politics of coercion and insidious translation. Both these politics are easier to do when they are kept separate. A politics of ontic/epistemic commitments is a politics which has paradox at its centre.³⁴

Constituting our imaginaries as ontically and epistemically potent has brought us a long way. In recognising this, I explicitly, although perhaps redundantly, point out that imaginaries are not located in minds. The pastoral lease imaginary I devised should not be taken as located in minds, not mine or pastoralists' and others' who might take it up as useful. And neither should we take Kant's imaginary of empty space as somehow located in minds. Images and the stories which people tell with their metaphors and causal connections mobilise these imminent imaginaries and only in this indirect way contribute to constituting them. If imaginaries are located anywhere, it is in the practices which constitute, say, a pastoral run, or Aboriginal clan lands.

It is in the everyday messing around with mucky, obdurate stuff, and in the conversations and other texts—official and unofficial—that imaginaries are enacted and enact. The imaginaries imminent in practices interpellate those objects/subjects that/who are implicated in and by the practices, helping to constitute them as objects/subjects. Owners, and lands, and titles, are co-produced as complex material-symbolic assemblages deeply implicated in and by the others. We have come to understand knowing/acting in different ways.

Reading a pastoral lease as live places, and incorporating this reading in land title, recognises that the cattle run works the pastoralists as much as the pastoralists work the run. Titles which are taken as enacting or performing ownership focus attention on the materials, the actual places and practices. They can be more easily understood as working in both directions—mediating between people and the land—compared to titles which are taken to represent ownership of empty space. Titles, as heterogeneous assemblages accomplishing particular translations in the long and complex connection between particular people and particular sections of land, have agency, as much as owners and lands, as complex hybrids, have agency. The problems that the pastoralists had with Aborigines as knowers and with non-human agency, the issues which constituted the first stumbling block at Coen in August 1994 in the negotiations over joint title, are dissolved.

Titles have agency, but their agency is potent only in a community which has a commitment to a shared, or a partially shared, imaginary. Before they can develop a joint title, pastoralists and Aborigines need to understand themselves as an epistemic/ontic community, to commit themselves to an imaginary, at least partially shared, through which the land is meaningful, and by which the primary

categories of that meaningfulness are given. I have suggested a possibility which entails the pastoralists and by implication 'official Australia' adopting a performative epistemic mode and by doing so recognising the role and nature of ontic/epistemic imaginaries. Constituting such a joint title would amount to official recognition of land title as a monstrous hybrid. And it can only be achieved by slowing down and reorienting.

Pastoralists and Aborigines, and Australians in general need courage, determination, and time to develop ourselves as at least a partially connecting knowing/acting community, one which shares at least to some extent an ontic/epistemic account of our land. We can no longer afford to delude ourselves that we are moderns. Negotiations over working native title, pastoral leases and mining leases together, will be constituted in, and turn will be constitutive of, a community which accepts that it shares imaginaries and articulates those imaginaries as part of recognising the myriad hybrid assemblages with which we constitute our worlds.

Notes

- ¹ It is far from clear that governments formed by the Australian Labor Party would differ significantly from their Liberal counterparts on this matter. It was a Labor government which in 1986 abandoned a celebrated election promise of national, uniform land rights legislation, and which before its removal from office had already begun to formulate plans to amend the Native Title Act by curtailing the possibilities for negotiation incorporated in the Act under pressure of getting endorsement of the legislation from representatives of indigenous Australians.
- ² I adopted the term 'imaginary' from Michele Le Dœuff, *The Philosophical Imaginary*, The Atholone Press Ltd, 1989. I use the notion in ways which have similarities to the ways Donna Haraway uses the term 'trope' in *Modest_Witness@Second_Millennium. Female Man@_Meets_OncoMouse*, New York: Routledge, 1997.
- ³ See R Horton, 'African traditional thought and Western science', *Africa*, 37, 1967, pp 1–2; R Finnegan and R Horton (eds) *Modes of Thought*, London: Faber, 1973; J Goody, *The Domestication of the Savage Mind*, Cambridge: Cambridge University Press, 1977; B Wilson (ed), *Rationality*, Oxford: Oxford University Press, 1977; M Hollis and S Lukes, *Rationality and Relativism*, Oxford: Basil Blackwell, 1982.
- ⁴ Feminists, symbolic interactionists, actor network theorists and those who see themselves practising sociology of scientific knowledge have all embraced heterogeneity, though with somewhat different caveats.
- ⁵ Helen Watson-Verran and David Turnbull, 'Science and other indigenous knowledge systems' in *Handbook of Science and Technology Studies*, S Jasanoff, G Markle, J Petersen and T Pinch (eds), London: Sage, 1995.
- ⁶ Bruno Latour, *We Have Never Been Modern*, trans Catherin Porter, Cambridge, MA: Harvard University Press, 1993, pp 11–12.
- ⁷ Steven Shapin and Simon Schaffer, *Leviathan and the Air Pump Hobbes Boyle, and the Experimental Life*, Princeton, NJ: Princeton University Press, 1985; Steven Shapin, *A Social History of Truth*, Chicago: University of Chicago Press, 1994.
- ⁸ Bruno Latour, *op. cit.*, p 12.
- ⁹ My informant was a non-Aboriginal person working for the Cape York Land Council, a regional Aboriginal organisation. The non-Aboriginal staff of this organisation act as an advisory team for Aboriginal negotiators in meetings such as the Coen meeting, as well as in legal disputes.
- ¹⁰ The Yolngu community around Yirrkala in Arnhem Land in Australia's Northern Territory call me their consultant philosopher. As a teacher of Yolngu tertiary students I was adopted into the Marika family in 1987. Since then I have been deeply involved with the community as a member of a research group of Aboriginal and non-Aboriginal Australians seeking to remake Yolngu schools in ways that better serve their community.
- ¹¹ *Millpirrum and others Vs Nabalco Pty Ltd and the Commonwealth of Australia*, Melbourne: The Law Book Co, 1971, p 143.
- ¹² *Ibid.*, p 271.
- ¹³ *Ibid.*, p 272.

- ¹⁴ Helen Watson with the Yolngu Community at Yirrkala and D W Chambers, *Singing the Land Signing the Land*, Geelong: Deakin University Press, 1989; Helen Watson-Verran and David Turnbull, 'Science and other indigenous knowledge systems', *Handbook of Science and Technology Studies*, London: Sage, 1995.
- ¹⁵ In particular pastoralists must be helped to reconsider truth as conventionally understood by Westerners: 'objective' truth as corresponding to some prior reality. Some might understand this assertion as relativism—the view that truth is paradigm dependent, but the view that I am adopting differs from that 'social realist' position. I take the view that meaning is undecidable, and on this basis assert that 'objective' truth (whether it be a 'relative' truth or a 'universal' truth) must be considered as unattainable. This is to engage a notion of knowledge which is not representationalist but which asserts that all knowledge derives from particular practical contexts and is an embodiment rather than a representation. The idea that there is a 'natural world' for knowledge to be about, entirely distinct from the ways human and non-humans as knowers and/or agents interact, must be abandoned.
- ¹⁶ In 1770, the year British officials claimed the 'empty' land of Australia as British, under the doctrine of *terra nullius*, Kant took up a professorship in logic and metaphysics at the University of Königsberg, a city deeply caught up in European expansionism. He published the first edition of his enormously influential work *The Critique of Pure Reason* in 1781.
- ¹⁷ John Rundell, 'Creativity and judgement: Kant on reason and imagination' in Rundell and Robinson (eds) *Rethinking Imagination Culture and Creativity*, London: Routledge, 1994, p 87.
- ¹⁸ Michele Le Dœuff, *The Philosophical Imaginary*, London: The Atholone Press, 1989.
- ¹⁹ *Ibid.*, pp 5–6.
- ²⁰ *Ibid.*, p 171.
- ²¹ Kant, *Critique of Pure Reason*. p 192.
- ²² *Ibid.*, p 257.
- ²³ John Rundell, *op cit.*, p 95.
- ²⁴ Le Dœuff, *op cit.*, p. 9.
- ²⁵ The similarities and differences between Aboriginal groups in issues of land ownership are complex and contested. The general similarity I am attributing here is merely that all Aboriginal groups own land through a notion of what are called 'sacred sites' in English.
- ²⁶ Helen Watson with the Yolngu community at Yirrkala and D W Chambers, *op cit.*
- ²⁷ Helen Watson, 'The politics of knowing and being known', *Arena*, 92, 1990, pp. 125–140; Helen Watson-Verran, 'Contemporary Aboriginal life and some foundations in reasoning' in *Non-Formal Foundations of Reason*, W E Herfel and C A Hooker (eds), forthcoming.
- ²⁸ This is an old and venerable controversy; one which Frege sought to end in his *The Foundations of Arithmetic* (Oxford: Basil Blackwell, 1980) but one which caught up with him in the end. Murray Code suggests that when Frege's program of showing that general concepts like qualities could be understood solely in terms of precise systematic logic-mathematical propositional functions began to founder he lost interest in philosophy, *op cit.*, p 3.
- ²⁹ David Turnbull gives a description of a similar sort of cognitive technology by which Micronesian navigators maintain a dynamic map of the ocean. David Turnbull, *Mapping the World in the Mind*, Geelong: Deakin University Press, 1991.
- ³⁰ The invisibility of this element of land titles is part of what Steven Shapin in *A Social History of Truth* (Chicago, University of Chicago Press, 1994), identifies as epistemological decorum: the hiding of the practical management of factual testimony in truth-making in action.
- ³¹ See David Turnbull, *Maps are Territories*, Chicago: University of Chicago Press, 1993; 'Remapping the relationships between cartography, science and society', 1994.
- ³² In practice, of course, ontic and epistemic commitments are not separable, which is not to say that we should not separate them for analytic purposes.
- ³³ It can easily be seen that I have followed Aboriginal understandings both in reinterpreting Kant's imagery, and in coming up with this picture of a pastoral lease title constituted as places which vary in significance. This reinterpretation of Kant produces a startling contrast. Kant fears the 'watery chaos', which threatens to overrun the fragile order of reason. Is this that fear, both of seduction and of insurrection, which is well known to violent colonialists? In contrast the Aboriginal metaphor views the broadlands with an acceptance of their 'other' state. Rather than fear, Aborigines' metaphors evince an expectation, a hope that these unformed stretches will be transformed by products of life at primary sites. Is this the hope of a people 'at home'?
- ³⁴ And this possibly points to my projected role as a translator. We can understand arenas of politics over ontic/epistemic commitments as constituting 'passages' in the sense that Kathryn Pyne Addelson is developing the notion (*Moral Passages*, London: Routledge, 1994). In her terms 'performative land title' can be understood as a sensitising concept, sensitising participants to new ways of seeing the past, and constituting an assemblage through which a future with new categories is made. My participation as a translator in such a passage would be characterised by working both with Aborigines and pastoralists, and perhaps also with miners, lawyers, politicians etc in an arena of active negotiation. But my role is also in the academy, writing papers such as this, where the sensitising concepts growing out of that work also do work. This sort of work I am doing here is ontic/epistemic politics of a different kind; the politics of developing theory.