

## The concept of indigeneity

### Mathias Guenther

Alan Barnard presents a well considered critique of Kuper's rejection of the 'indigenous peoples' notion, by arguing a case for its validity, as a relational, legal concept – 'a useful tool for political persuasion' – and a concept that is contingent historically and situationally, and not capable of being captured within one nomothetic definition. The author's 'third solution' along such lines is as cogent as it is practical and provides a way out of the definitional conundrum that engulfs the 'indigenous peoples' concept. It is also sensitive to the political problems, needs and aspirations of indigenous groups and the anthropologists who work among and for them.

I appreciate Barnard's sensitivity on this score – his recognition that the indigenous peoples debate transcends the theoretical and ideological sensitivities of anthropologist-scholars of the western academy. 'Indigenous' is a term applied to people – and by the people to themselves – who are engaged in an often desperate struggle for political rights, for land, for a place and space within a modern nation's economy and society. Identity and self-representation are vital elements of the political platform of such peoples. Politics, in the regions and the time the article is situated in – post-apartheid South and southern Africa – is all about identity, among various ethnic groups, with claims – after generations of oppression by the apartheid state – to rights, land and competing claims to 'first people' status and standing.

Like Kuper and Suzman and others, I am disturbed – although not as much as they are, for reasons I will explain below – by the essentialism, primordialism and primitivism, as well as the residual colonialism, inherent in these conceptualisations of identity, which are so much out of step with where anthropology has got to in its post-modern, post-colonial period. Yet, as an anthropologist – one who has been in the southern African field for a fair bit of time, and throughout the politically turbulent 1990s – I also find myself in a dilemma on this issue. To 'the people' – in my case the San, or Bushmen, who over the past dozen years have become much stirred up politically, have organised themselves and are active on many fronts – 'cultural identity' has become an extremely important matter. Self-representation is something people expend cultural and political energy on. 'Cau ba kg'òè dim dàò me e', explains Xguga Krisjan of the Kuru Development Trust's Cultural Centre in Ghanzi, Botswana. 'Culture is a way of life' that defines and differentiates the San people in their ethnically pluralist environment. It gives sense and direction to the people, for, as declared in a speech in November 1998 by KDT's indigenous spokesman Robert Morris, 'a nation without a culture is a lost nation' (the nation referred to being the *ncoa khoe*, the Ghanzi San's term of self-designation). The logo of the San organisation 'First Peoples of the Kalahari' is a fire surrounded by a circle of footprints, flanked by a digging stick on the left and hunting bow on the right – the most salient cultural symbols of these trance-dancing (erstwhile)

hunter-gatherers. The late John Hardbottle, the group's founder and chairman, used to take trance dancers with him to important political meetings with government officials. Identity is one of the central planks in the platform of contemporary San politics, along with land and rights. Culture is a device and a strategy used consciously (though not self-consciously) by the San to gain recognition in the wider society, and from the state that runs it; without it they deem their struggle for rights and for land to be futile.

As the indigenous peoples debate (*pace* Kuper) makes all too clear, constituting and (re)inventing an 'indigenous' people's identity and culture in such fashion raises concerns in the anthropologist because of the contrived nature of these chimerical phenomena and their penchant, on the one hand, for allowing themselves to be manipulated, commodified and commercialised by outsiders and, on the other, for fuelling ethnic stereotypes that in modern times have held back the decolonialisation and empowerment of the post-foraging San (Tomaselli 1995; Guenther 2002; Buntman 1996). Barnard's article points to yet another problem, the entrenchment of factionalism between the 'modernists' and 'traditionalists'. The latter may in turn be split between 'authentic' and 'neo'-traditionalists, as a number of North American 'first nations' communities such as the Canadian Eskasoni Mi'kmaw of Cape Breton have been since the spread of 'pan-Indianism' (Robinson 2005).

Whether we like it or not, identity and culture, and their representation, are self-declared priority issues for most indigenous people. Do we, as anthropologists working among and with them and as supporters of their cause, endorse and actively support their endeavours, or do we tell them that what they are doing is wrong-headed? Do we lecture them about the error of their ways, telling them that they are duped, and that the identity they constitute for themselves is of dubious substance and merit, a legacy of colonialism? That it is an obsolete and discredited residue of western academic cultural theory? That it is counterproductive to their cause, generating new forces and forms of ethnic tension, factionalism and oppression?

I don't think we should. I for one wouldn't, and couldn't. I have seen San delegates to an academic conference on Khoisan identity and heritage take umbrage at an academic after he had presented a scholarly paper deconstructing the conference's themes. I see such an approach to the people's earnest struggle with the political problems that confront them as a touch paternalistic and as basically futile, beset with problems of 'cross-epistemic translation'. I would find myself unable to deny the San people I have worked among their commitment to culture and identity. Instead of deconstructing what are to them key notions, my energies would be directed towards battling alongside the people I work with, uncompromisingly and, as much as possible, at their behest.

The dilemma is not thereby resolved, of course; it is simply acknowledged as yet another item on the list of trials and tribulations, contradictions and conundrums that bedevil anthropological fieldwork.

A final point regarding my caveat about the essentialism and primordialism that attaches to notions of indigenusness as defined by indigenous peoples themselves. We should note that however 'primordialist' its content might be or seem, assumptions held and employed about indigenusness and about 'traditional culture' by the people themselves are, of course, also 'instrumental'. In James Clifford's words, such notions 'reproduce themselves historically by risking themselves in novel conditions. Their wholeness is as much a matter of reinvention and encounter as it is of continuity and

survival' (1988: 341, cited by Robinson 2005: 113–4, in an insightful discussion of the problematic that surrounds invented tradition). Being contemporary, reinvented and negotiated constructs, indigenous definitions of indigenouness are necessarily always 'hybrid constructions . . . both tribal and modern, local and worldly' (Clifford 1997: 154, 157). The essentialism inherent in indigenous definitions of what constitutes their traditional culture may thus actually turn out to be more apparent than real.

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## **Justin Kenrick**

Alan Barnard's fascinating article examines what light earlier attempts to fit the inhabitants of the Kalahari into 'Urkultur', 'traditionalist' and 'revisionist' schemas can shed on the current indigenous peoples' rights debate. It is delightfully written, bringing a tone of reason to a highly charged context. He argues that internationally recognised indigenous peoples' rights are a legal concept that can usefully advance the causes of marginalised peoples, but that the 'indigenous people' category is 'unscientific' and should not be retained 'in [the anthropologist's] glossary of technical terms'. His conclusion, in relation to the current debate, appears to be that Kenrick and Lewis are right in (political) practice, but Kuper is right in (scientific) theory. But this is a problematic distinction: good social science must involve a reflexivity which explores rather than denies the political conditions and implications informing the choice of any terms. Indigenous peoples' demands effectively challenge the dominant tendency within the Enlightenment project that presents a particular eurocentric perspective as universal. The term 'indigenous peoples' can usefully highlight the commonality of ongoing hidden histories, which question the basis of dominant states' legitimacy and dominant notions of human identity, but can also unhelpfully conceal dynamic differences which need to be traced in their particularity. It is curious that Barnard picks up on Thomas's obvious point about the negative side of essentialism, without mentioning his acknowledgement that this may be the only discourse the 'other' can use against the power of the coloniser (Thomas 1994: 188). Paradoxically, anthropology becomes an essentialising discourse precisely to the extent that it does not examine its diverse implications in systems of power, and instead presents itself as an absent 'objective' science that can neutrally arbitrate on others' identities (1994: 194).

So why do highly marginalised groups present themselves as indigenous peoples? Firstly, they do so in relation to others who also define them as indigenous, whether these be long-standing neighbours (e.g. in Central Africa [Kenrick 2005; Lewis 2005]), settler societies, or people who share common histories of dispossession worldwide (Niezen 2003). Secondly, because indigenous peoples' rights emerged as part of a legal rationalisation of European colonisation (Asch 2004) and then of development-based assimilation, and have now become a tool for resisting domination. And, thirdly, because of the increasing resonance between the understanding of human embeddedness

amongst many indigenous peoples, and a widespread perception of the fundamental incompatibility between capitalism and our species' continued existence (Kenrick 2002). Finally, they do so to reclaim rights and lands forcibly denied them by states and interstate bodies (such as the World Bank) whose legitimacy rests on being able lawfully to justify such use of force. In a world moving towards justice, the term would be understood as drawing our attention to similar processes of systematic appropriation that have sought legitimacy by first essentialising and then denying difference.

Marcus Colchester (personal communication) points out that indigenous peoples are not, in the main, claiming 'special rights' (contra Barnard). On the contrary they are claiming the rights of all peoples to self-determination, from the enjoyment of which rights they have been excluded through discrimination. The application of the right to self-determination to peoples subsumed within nation states who have suffered a history of exploitation requires recognition of collective rights and a measure of self-governance, autonomy and control of lands and resources: these are not 'special rights', only special circumstances. Such circumstances of injustice, I would add, are compounded by the market-driven nation-state which depends for its exclusive legitimacy on denying the relations of domination which have constructed it as a 'natural' entity, and in which 'the market systematically destroys whatever it cannot encompass' (Milton 2002: 150). Why, then, does Barnard not challenge Kuper for failing to interrogate equally problematic terms – such as the 'nation', 'modernity' and the 'market' – which are deeply implicated in processes that deny such peoples rights to land, livelihood and self-determination?

How can one retain such a reasonable tone in the face of the example Barnard gives of 'recent threats by the Botswana government to change the country's constitution if "indigenous people" succeed in the courts', and in the face of Adam Kuper's misrepresentation of the many and diverse struggles of indigenous peoples as being implicitly racist and based on falsehoods? It would appear that they can't win. First, they are systematically dispossessed by European empires on the basis that they are distinct from 'us' and too backward to manage themselves or their lands. Then, when those who have survived this process demand some recognition of their land rights and their right to self-determination, their arguments are likened to 'extreme right-wing parties in Europe' (Kuper 2003: 390) and they are told that their 'land claims rely on obsolete anthropological notions and on a false romantic vision' (Kuper 2003: 395).

Kuper's argument is difficult to stomach for innumerable reasons. I will name but three. Firstly, the most extreme right-wing party in Europe, the Nazis, were in many ways continuing on European soil the logic that justified the European treatment of indigenous peoples worldwide. Secondly, transnational corporations relish such attacks on indigenous peoples' rights since such rights act as one of the few impediments to their appropriation of indigenous people's lands. Thirdly, indigenous peoples are often forced by the huge imbalance in power to fit their complex realities into the obsolete anthropological schema required by the courts (see Pinkoski and Asch 2004 on Stewardian ideas in the Canadian courts, and Povinelli 1998 on Australian courts' views of tradition). To put it mildly, this all imposes 'definitions and expectations of culture that in some ways limit the manner in which indigenous societies can present themselves' (Niezen 2003: 243). In place of essentialism or denial, acknowledging we are already engaged in any situation we seek to understand means recognising that 'there can be

no theoretically unproblematic anthropological definition of “indigenous” (Barnard) or of anything else, including ‘anthropology’ itself.

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## **Adam Kuper**

The notion of ‘indigenous peoples’ is a ideological makeover of the old idea of ‘primitive people’. Alan Barnard agrees that it is an ethnographic illusion, based on a discredited anthropology. It takes for granted assumptions that anthropologists have effectively challenged since Boas’s day, and which a long run of ethnographic studies have effectively ruled out of court. Indeed, Barnard himself summarises very effectively some of the relevant debates in the history of our discipline. However, he tries to salvage some intellectual respectability for the construct of indigenous people, suggesting that the definition is not a hopeless muddle but is rather quite helpfully ‘polythetic’, combining four criteria in such a way that people intuitively recognised as indigenous can be made to fit in, while others, like the South African Boers, can be excluded. Barnard identifies the two key elements of the definition of indigenous people as a claim to a history of hunting and gathering, and a weak political position. However, there are problems even with this watered down definition. Would the Greenlanders be excluded now that they have won self-rule? And how far back is the history of hunting and gathering to be taken? Barnard is, of course, fully aware of such problems, but he is prepared to play them down because he feels that the construct of indigenous peoples is politically useful. It provides former hunter-gatherers with a narrative that has a resonance for liberal governments, facilitates international mobilisation and yields gains on the ground.

But matters are not so simple. It is surely obvious that these false models and misleading ideal types will not fit the variety of complicated local situations to which they are being applied. Moreover, the messy consequences of imposing these models are dreadfully predictable. NGOs will identify some people in a region as truly indigenous. Organisations will begin to speak for this category of local people. As membership of the group starts to yield rewards, criteria for recognition will be enforced. These are normally based on descent, since the insistence on cultural criteria (knowledge of a language, the practice of hunting and gathering, etc.) tends to raise too many awkward questions. The usual outcome is that racial criteria are resorted to, in an unselfconscious and indeed unabashed fashion.

The results of such interventions are not always benign. Once a new ethnic political identity has been established, the local – usually rather mixed-up society – is transformed. One category of local people can now make legitimate claims for land, fishing and grazing rights, shares in resource companies and political representation. Others, however, are excluded. This, of course, undermines the claim that support for indigenous peoples movements is just a way of helping the poor and underprivileged. Granting special privileges to a particular category of poor people is not always a simple matter of natural justice. Many of those who lose out locally will be as poor

and underprivileged as those who benefit. And very often local ethnic tensions will be exacerbated.

As James Suzman (2003) has remarked, the rhetoric itself has its costs. It may appeal to certain governments and international organisations, but it entrenches the very perceptions of hereditary backwardness that have long been used to justify discrimination. If it is a small move from 'primitive' to 'indigenous', it is not hard to move back again to the old insults. Appeals to stereotypes of hunter-gatherers also make it hard for local people to argue for goods that don't fit the image, like goats or cattle, or farm land. Economic priorities are distorted to fit the illusions of foreign romantics (see, for example, Robins 2001). Arguments made on the basis of common human rights, or democratic or egalitarian values do not involve these risks.

These are strategic arguments, to be borne in mind when the more sophisticated advocates of the indigenous peoples movement plead with us to ignore their bad anthropology because it is all done in a good cause. But there is also an urgent question of principle for anthropologists. Should we pretend to believe in the fantasies of Victorian evolutionism just because some NGOs find the discredited old ideas serviceable?

In my view, an ethnographer should aim to understand the complexities of local situations, including processes of ethnic-group formation and the meaning and role of ideologies, new and old, local or imported. This requires a degree of objectivity and detachment. As anthropologists, we also claim to have a set of models, theories and comparative perspectives that will illuminate social and political processes. We have also developed critiques of western ideologies of the primitive other. Activists beg us to put these back on our shelves in case we weaken their advocacy. Barnard seems to go along with this. His essay is informed, sophisticated and compassionate, but it suggests in the end that that we should subordinate our priorities to those of the activists, that ethnographers and anthropologists should be prepared to hide their true beliefs and censor their reports in order to support a political programme.

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## **Evie Plaice**

Alan Barnard attempts to bring a reasoned discussion to what has become a passionate and sometimes acrimonious debate. He succeeds in highlighting the issues that need careful attention, in defining, contextualising and historicising the uses and understandings of the term 'indigenous'. What Barnard highlights is that the term has a particular history in the discipline of anthropology from which certain political interpretations and commonsense understandings have developed that are at variance with current theories of indigeneity. His solution is to separate the legal interpretation of the term from its anthropological baggage and retain legal usage, especially when this has some practical merit for affected minorities. I am not convinced that the separation Barnard suggests is either practical or desirable. And if it is, I would argue the reverse: that the term and the discussion of it belong in anthropology, and not in law unless its meaning and application are supported by academic and intellectual discussion. The

profound debate the term engenders suggests that it should not become established in law. Rather, I argue that the separation needs to be made elsewhere.

I see two specific sources of convictions that motivate this debate. One has to do with the possible existence of an *Urkultur* and how this relates to contemporary cultures and societies. The other concerns the inequality of socio-structural relations between minorities and the dominant society, and how these should be addressed. While both issues belong in the domain of anthropology, my sense is that where one is debatable and quite possibly unknowable, the other exists without doubt and is the source of considerable preventable suffering. It is here that the separation needs to be made, and I turn to the Canadian example in order to illustrate my point.

Barnard's issues of definition, history and context all have relevance for Canada. It has a colonial history, an aboriginal population living in sometimes abject poverty, and several decades of committed legal and academic activism around issues of social justice for aboriginal peoples. In its Canadian context, the idea of indigeneity has been shaped by a series of episodes and events, the most pertinent of which for this discussion are the contest between the 'founding' French and British colonial powers, the making of treaties and a moral and political commitment to a just multicultural society. When Pierre Trudeau tried to usher in his 'just society' and dismantle the Indian Act as a way of resolving the 'Indian problem', his government met with extraordinary resistance that gave way to the most recent epoch in Canadian aboriginal policy-making. Born out of extensive consultation and collaboration with aboriginal organisations, scholars at the time recommended the acknowledgement of special status, or 'citizen plus', for Canada's aboriginal peoples. In essence, this line of thinking still dominates, though its effects are only slowly being felt, and not always positively. The idea of 'citizen plus' is based on the recognition of specific legal and political relations existing between the Canadian government and its aboriginal peoples, based on the fact of aboriginal prior occupancy and the signing of treaties. This historical relationship gives context to the Canadian interpretation of 'indigenous'. I think it is entirely possible to understand and apply the idea of indigenous without recourse to the question of an original human culture, though my preference would be to abandon the term and its unfortunate baggage altogether.

In 1974, George Manuel and Michael Posluns coined the term 'fourth world' for what they described as encapsulated minorities (1974). This term, it seems to me, put the focus on the structural relationship between aboriginal groups and the dominant society. Canadian academics have been grappling with the idea of a 'fourth world' reality ever since and, as Patrick Macklem (2001) illustrates, are still struggling today with the salient structural distinctions of this reality. Macklem outlines four key distinctions for his legal application of 'indigenous difference': threatened cultural distinctiveness, prior occupancy, prior sovereignty and involvement in the treaty process. These mirror the distinctions drawn by Saugestad and discussed by Barnard. But they also attribute a particular distinctiveness that has legal substance, and they do so without essentialising a particular, supposedly primordial, way of life.

Quite apart from defining and contextualising indigeneity, its application brings yet another set of dilemmas. As ways of living, cultures do not stay static. Yet we have fallen into the trap of codifying certain cultures, and those deemed 'indigenous' have been particularly prone to such reductionism. As an example, the Labrador Métis raise a number of related issues in their efforts to gain acceptance as an indigenous group. Métis-ness in itself confronts the problem of inclusion since, as an ethnic identity,

it straddles the realities of both aboriginal and coloniser. For the Labrador Métis indigeneity was felt to be something distinct from aboriginality in that an indigenous culture was a way of life that had grown *in situ* and was specific to a place, much as the Métis were to Labrador. Moreover, Labrador Métis culture was an amalgam of other cultural traits that had developed specifically in Labrador precisely because this unique blend of place, peoples and circumstance could not have occurred elsewhere. In expanding on one of the attributes set out by both Saugestad and Macklem, this interpretation adds another shade to a definition of indigeneity that neatly sidesteps and even negates the essentialising tendency of other interpretations. Whether or not an *Urkultur* exists, the structural inequities between cultures that are the fruit of history and circumstance can, and should, be addressed as something separate. Michael Asch, a longtime advocate of indigenous rights, argues for just such recognition, in that ‘the status of indigenous peoples [needs] to be resolved in a manner consistent with the principles of social justice’ (2004: 150). I would argue that it is the issue of social justice that is paramount, and not a disenfranchised people’s indigenous status.

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## **Trond Thuen**

Basically I agree with Alan Barnard’s view that the term ‘indigenous’ is a political construct, not an anthropological one, and that it denotes a claim to legitimate political goals for a category of peoples whose identity we recognise ‘when we see it’, despite the possible definitional problems that the concept creates. Accordingly, I regard Kuper’s accusations (2003) as misplaced, and an unfortunate confusion of indigenous essentialisation (which is a means of self-presentation and an ethnopolitical closing of ranks) with the anthropological fallacy of picturing peoples through a limited list of features assumed to be typical or representative that ignores internal diversity and fuzzy boundaries. In view of Barnard’s basic argument I am somewhat surprised at his initial statement that he has ‘no problem with Afrikaners being classified as “indigenous people” if they truly believe that they are’. However, as he also points out, the claim to be indigenous is not just a one-sided issue; it has to be confirmed by others, and ideally by those who constitute the family of indigenous peoples worldwide. Its similarity to the concept of ethnic identity is relevant here; it rests on self-ascription as well as a confirmation from others. And as a substantiation of ‘knowing when seeing’ I think Saugestad’s (2001: 266) definitional criteria as quoted by Barnard (first-come, non-dominance, cultural difference, and self-ascription), are the most valid.

The problem of the concept of ‘indigenous peoples’ today is not so much that the definition is complex. After all, we know what it is when we see it. The problem relies, among other things, on the burden that to substantiate their land claims many indigenous peoples are expected to prove their ‘authenticity’ by demonstrating an archaic lifestyle. They find it hard to be accepted as modern. ‘Indigeneity’ is an image self-constructed by the subordinate under restrictions set by the superordinate discourse. Essentialised presentations of self tend to be a legal and political requirement



within majority discourses of indigeneity, and it is a paradox that anthropological questioning may denigrate such presentations. It is also a problem that the paradigm of essentialism may overshadow aspects of indigenous culture that are not essentialised for political purposes, but are still part of the life worlds and the personhood of members of indigenous groups. It is a challenge for anthropologists to understand that what decides the acknowledgement of an individual's claim to belong to a certain indigenous group may not be so much the way he or she embraces the essentialised and politicised aspects of 'the culture', its grand narratives of colonial oppression, ecological wisdom and spiritual enlightenment, as it is his/her position within specific kinship networks and the group's positive evaluation of performances in certain types of knowledge, behaviour and competences according to shared criteria. There is a double standard of evaluation here: the one relying on external, essentialised criteria, and the other defined by internally accepted characteristics. It is here that many marginalised people fail to meet the requirements. As a relevant example to Barnard's discussion it is worth mentioning Sylvain's (2002) article on San identity and global indigeneity, where she demonstrates the problem that San face in their struggle for land rights. Heavily influenced by the politics of deprivation and sociocultural marginalisation over a long period, a majority of the people find it hard to live up to the criteria, based on a primordial and essentialist conception of culture that the majority society employs in their imagery of San identity. Assimilation and marginalisation policies are, after all, what indigenous peoples worldwide have been subjected to.

Revitalisation of a distinct culture does not necessarily imply a return to pre-colonial ways of life. Neither do I think that the idea of an *Urkultur*, deriving from the debate on the origin of human culture and postulating a deep-rooted shared human inheritance helps us much in framing our analytical understanding of indigeneity. Again, I point to the relational and structural character of the concept: it denotes a subordinate position within political structures consisting of decisional as well as definitional powers. Accordingly, indigenous peoples' strivings aim at emphasising their distinctiveness vis-à-vis mainstream society, and stress the right to some level of self-government and to a specific territory that represents the people's materialised linking of past, present and future. In my opinion anthropology's task is not to scrutinise the validity of indigenous peoples' arguments, but to investigate the changing relationship between indigenous peoples and the governments and majorities within which they live, as it is revealed in national and international discourses on collective rights.

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## **Patrick Wolfe**

In his commendable desire to be fair to everyone, Alan Barnard fails to avoid the risky suggestion that anthropology should maintain two conversations: an in-house one devoted to generically anthropological concerns and a more strategically

savvy conversation for wider – and, in particular, official – consumption. This tactic inescapably devalues the strategic conversation, which becomes detached from its disciplinary warrant. It also makes it easy for conservative anthropologists to cite scholarly rigour as an excuse for the political outcomes of their practice, as if accuracy were a virtue rather than a duty. For a historian whose disciplinary conditioning includes an attitude of deference to anthropology where matters theoretical are concerned, this is all rather puzzling. Surely anthropologists, who so deftly embed the political domain in other peoples' cultural processes, cannot seriously expect to maintain a hiatus between the political and the epistemological when it comes to their own intellectual practice?

The debate over the category 'indigenous' has acquired a salient anthropological profile for the simple but good reason that it is an intensely political issue. The politics of indigeneity is, of course, first and foremost a politics of land. The two Boers who sought entry to the 1995 UN Working Group on Indigenous Populations were only too aware of this. Our collective sharing of that awareness gives Adam Kuper's account of the incident its arresting quality, regardless of its factual inaccuracy. This spatial specificity means that the categories 'indigenous' and 'native' are not simply reducible to cognate categories such as 'savage' and 'primitive'. The primitiveness is universal and spatially unmarked in contrast to the site-specificity of indigeneity. Thus natives can resist being called 'primitive' while demanding to be acknowledged as indigenous.

In this light, we can see that the indigenous category is indeed open to challenge, only not in the way that Kuper intends. Rather than being less than a category – something illusory, a romantic fiction – 'the indigenous' designates something more than a category.

The term refers to a field of discourse. Indigenous peoples' self-ascription has an address: their colonisers, who respond to it. Thus it is not a matter of making choices in a competition between rival contents or ontologies, or even between positive and negative evaluations, which are the terms in which the debate between Kuper and the engaged anthropologists has become enclaved. Rather, the field of indigeneity encompasses the competition itself, which is inseparable from the politics of territorial expropriation. This is why, regardless of our particular affiliations, we share the Boers' awareness (whatever else we may wish to say about Kuper's approach, he knows a good example when he sees one).

On this basis, it is not just natives and their supporters who are committed to indigeneity, citing prior ownership and a universal, commonsense understanding of property to refute the colonial claim. Their opponents are equally committed to countervailing versions of indigeneity. In the Botswana/Kalahari case that frames this debate, for instance, as Barnard notes, the Botswana government is committed to the inclusive assertion that all Botswanans are indigenous. In Singapore, by contrast, the official line is that nobody is indigenous. In the case of Israel/Palestine, the significantly misnamed Law of Return indigenises people who have never even been to the country. In white (post-)settler colonial societies such as Australia or the United States, official discourse has defined indigenous status so narrowly that large numbers of natives have been excluded from official reckonings in regard to matters such as land rights and tribal enrolment. All these cultural categories are central to the self-formation of the settler states concerned.

Thus indigeneity is not just a matter of native self-ascription, though it is such a matter. It is also, among other things, a matter of settler imposition. (In the Australian context, I once gave such an imposition a name, 'repressive authenticity'

[Wolfe 1994; 1999]). Within this contested field, there are no innocent utterances and, whether Kuper likes it or not, no innocent anthropology. Thus a 'relational' account needs to be total. In particular, it should extend to a reflexivity that factors in anthropology's own participation in its object of study, a kind of anthropological uncertainty principle. In contrast to the revisionists, whom he cites in his own support, Kuper assigns no historical specificity to indigenous peoples. Rather, he confines himself to negation. Whatever the extent of his reflexive awareness, this negation is unavoidably assimilationist. No doubt the Botswana government was gratified to have its claim that there is nothing special about the Bushmen so authoritatively endorsed. Surprisingly, the Australian government does not seem to have heard Kuper's message as yet, though it may be that the continuing scandal of stolen Aboriginal children makes a forthright return to assimilationism inadvisable for the present.

True to the style of conservative politics, Kuper claims (e.g. 1993: 68) that his approach is animated by factual rather than political concerns. In giving succour to the incoherent distinction between the epistemological and the political dimensions of anthropological practice, Alan Barnard endorses this evasion of the politics of Kuper's epistemology.

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## **Werner Zips**

In reviewing Alan Barnard's article, directed to Adam Kuper's ambush against the indigenous rights movement along with the accompanying discussion, it strikes me that this anthropological discourse bubbles up at the end of a decade that brought a ray of hope for millions of indigenous peoples around the world. For the first time in their histories, the proclamation through the UN General Assembly of the International Decade of the World's Indigenous People (1995–2004) opened a window of opportunity to promote their political and legal recognition under the law of nations. The common denominator of 'indigeneity' allowed various groups, societies and nations deprived of their right of self-determination by more powerful usurpers to concentrate their energies on the age-long struggle for equal rights (Kuppe 2004: 48). Will it be to their fatal disadvantage that a great number of state governments worldwide find the notion and legal concept behind it as inconvenient for their ideas of the 'common good' as Kuper (2003: 400) deems for 'good anthropology'?

Barnard's sympathetic, but nevertheless firm repudiation of Kuper's polemic can only be praised from a human rights and legal anthropological perspective, although it misses in my view some of the key legal issues at stake. The redefinition of indigenous peoples in international law bears little or no resemblance to the layman's connotations of self-acclaimed saviours of 'the pure, authentic and primitive indigenous' in NGO circles that Kuper rightly criticises but wrongly mistakes for the outcome of a long and differentiated process of deliberations and negotiations that has involved, and been substantially driven, by indigenous peoples themselves. Fed up with centuries-long

experiences of being legally defined by others – not surprisingly being denied the fundamental human right of self-determination in the process and being kept locked out from resources of material survival as well as democratic participation – indigenous peoples entered the arena of human rights within the international institutions from the 1960s onwards (Anaya 1996: 46). These initiatives, and not their misrepresentations (by some NGOs) as protective measures for ‘original (primitive?) cultures’, led to a multifaceted emergence of new developments in international law and the adoption of reparation policies at the global level by the UN, the regional level of state associations such as the EU and various nation states. Barnard acknowledges that Kuper’s attacks on ‘conventional lines of argument (that) rely on obsolete anthropological notions and on a romantic and false ethnographic vision’ are to no avail against such complex activities. Where it draws on false analogies with apartheid, blood-and-earth Nazi ideology and the far right-wing of racist European xenophobia, Kuper’s ‘return of the native’ comes dangerously close to an inversion of perpetrator and victim that is so common in these circles. Barnard is also right to ask reflexively what right we have as anthropologists to rebut the legitimate claims of people forming a new alliance around a term that they certainly did not invent.

Even a superficial look into the vast literature on human and indigenous rights in international law that Kuper and some other anthropological commentators appear to be oblivious of reveals that indigenous rights discourses are not about primitiveness, cultural purity or exclusive ancestral roots, but about unfolding *in practice* such notions as equality, procedural justice and a universal right of self-determination that the idea of human rights has always promised. Constructive anthropological contributions to this complex, highly problematic and ambiguous legal process would be welcome, as Barnard correctly suggests. This could, and should, include questioning the use of the term ‘indigenes’ as an invention in the historical context of the law of nations that was used in all its historical versions as a means to deny the *indigenes* in the way of western usurpation any right to govern themselves on their lands and any right not to be conquered (Anaya 1996: 22). But to conflate the discriminatory effects of the conventional use of the concept with current developments to redefine indigenous rights dedicated to the opposite aim of bringing the exclusive definition of state sovereignty to an end is less than helpful (as Saugestad [2004: 264] has remarked in her comment to Kuper). Unless the international legal discourse on indigenous rights as a form of human rights is adequately re-evaluated by anthropologists, the core aspect of a fundamentally revised policy towards an egalitarian and possibly complementary mode of sovereignty, and the political procedures of legitimation backing it, will be missed.

The communicative competence that representatives of ‘indigenous’ peoples have shown works against notions of primitivity, irrespective of whether these denials of contemporaneity and exclusions from modernity come from the evolutionist perspectives of some NGOs that regard the ‘indigenous’ as a resuscitation of the ‘noble savage’, or from comparable mindsets among some state governments that see ‘their remote area dwellers’ as some sort of backward, stone-age creatures. More than four decades of legal debate in the arena of international law have raised awareness about the constant paternalistic attitudes of modern nation states that still follow an arrogated civilising mission based on the doctrine of trusteeship and the adverse protectionism of self-acclaimed saviours of ‘traditional’ lifestyles. Both positions are at least influenced by earlier anthropological thinking of evolutionary culture circles and the *Urkultur*, the

obsessive consequences of which have not been sufficiently exorcised by recent social anthropology.

Human rights discourses on the recognition of indigenous rights as a remedy for (past and present) injustice appear much more advanced in this respect. *Urkultur* and related concepts of primitivity are of no relevance whatsoever for the legal issues at stake in ongoing debates of the UN Draft Declaration on Indigenous Rights. It is in this context that one may wish, along with Barnard, for more open-mindedness among social anthropologists towards these developments in international law, forged to a large extent by 'indigenous' peoples themselves. To remain in an ignorant state, blindfolded to legal discourses appears to me as no sign for 'good anthropology'. On the contrary, such a restrictively defined discipline takes the definite shape of an essentialist, pure science, immune to interdisciplinary challenges.

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## **Rejoinder by Alan Barnard**

I am extremely grateful to the commentators for their provocative and insightful comments. It is a great pleasure to see one's work further developed with such concern. Let me take each in turn.

Guenther is disturbed by the essentialist, primordialist, primitivist and residual colonialist modes of expression in First Nations discourse, but asks: 'Do we lecture or hector them . . . that the identity they constitute for themselves is of dubious substance and merit, a legacy of colonialism?' He says not, and he is quite right. However, we should distinguish here between relatively isolated groups whose members have little knowledge of nation-state politics, and those individuals involved directly in the political struggles of their respective groups. The former are far rarer today than thirty or thirty-five years ago when Guenther and I did our early fieldwork, although the supposed 'real Bushmen' of the Afrikaner imagination did not exist and probably never existed. It is worth noting that Guenther has changed his terminology over these years: from 'Bushmen' to 'San', then to 'Bushmen' again, and to 'San' again – these changes reflecting change not just in anthropological but in 'indigenous' fashions. Guenther's point about instrumentalism echoes Saugestad's suggestion of an analogy with ethnicity, and it seems 'indigenous peoples' may be becoming rather like one large, self-defining ethnic group. If that were to happen, then we would have to take them seriously as such.

Kenrick very succinctly summarises my position as favouring Kenrick and Lewis on political practice but Kuper on anthropological theory. He is essentially correct, although my position is undoubtedly messier than either of these extremes. I agree with Kenrick (and Marcus Colchester) that hunter-gatherers in particular have special *circumstances*, yet I would say that their advocates do actually seem to claim special *rights* for them as well: notably special rights in their traditional access to land. These are not contradictory but related phenomena – related especially to the different attitudes to land held by hunter-gatherers and those who pursue other means of subsistence.

Kuper seeks the sort of precision in definition that I believe is impossible. Not finding it for the word 'indigenous', he rejects the concept altogether in relation to a kind of 'people', along with the 'false models and misleading ideal types' behind this complex term. There is, of course, no clear-cut answer to the question of whether modern politically autonomous Greenlanders fit Saugestad's definition. At the fringes, definitions are problematic. However, San dispossessed of their lands are another story, and if Greenlanders could help them in their struggle, through a common sense of 'indigeneity', I would not stand in their way. Kuper points to another problem not dealt with directly in my article: 'If it is a small move from "primitive" to "indigenous", it is not hard to move back again to the old insults.' I agree, and it would be easier if 'indigenous peoples' and their advocates fought simply on human rights principles. But they don't. We are stuck with the politics of 'indigeneity'. Kuper says that my paper suggests that we anthropologists should 'hide [our] true beliefs'. I too can see that reading of my argument, but I would not put it quite that way. Indeed, my article is partly an attempt to make explicit my 'true beliefs' on that matter for all readers of *Social Anthropology* to see.

Plaice claims that the separation between the legal and the anthropological that I advocate in the paper is neither practical nor desirable; but, more interestingly, she argues that if it is to be the case that these are separable then the term 'indigenous' (along with *Urkultur*) belongs in anthropological rather than legal discourse. Her preference, which might help to solve the dilemma, would be to abandon the notion of 'indigenous peoples' and think in terms of 'fourth world' peoples instead, with the emphasis on legal substance rather than a supposed primordial existence. I am sympathetic, but this would require a massive shift of emphasis, not on the part of the readers of this journal but on the part of elements of the UN, the ILO and the organisations that support the diverse causes of 'indigenous peoples' worldwide.

Thuen largely agrees with me, but does question my perhaps casual assertion that the self-styled 'Boers' might legitimately be considered 'indigenous people' if they believe they are. I don't in fact defend their position against its rejection by the Working Group on Indigenous Populations, but merely suggest that I would find their position understandable if it were genuinely held. This hints at one of Thuen's own key contributions to the debate: the problem of 'authenticity'. I agree with nearly all his points, though his conclusion, that anthropology should study the changing relations between governments and 'indigenous populations' rather than worry about definitions, perhaps too easily sidesteps the important challenge of both Kuper and his critics. Thuen is analytically correct, but Kuper's argument against 'indigenous peoples' as an anthropological notion remains.

Wolfe makes the case that 'indigeneity' differs from 'primitiveness' in that the former is site-specific and the latter universal and spatially unmarked. In that sense, it seems to me that the latter may yet have a peculiar legitimacy in present-day concerns with the 'Out of Africa' *Urkultur* that underlies all human symbolic culture. I take in his excellent examples, which highlight not only the complexity but also the contradictions of the concept 'indigenous'. His emphasis on the significance of outsiders' classifications over local claims to 'indigeneity' highlights yet another twist, hinted at too by Kuper.

Zips brings forward some of the legal questions neglected by other contributors to the debate. His eloquent contribution hints, like Thuen's, at new directions for anthropological research. The next step may well be the anthropological study of relevant legal discourses. This strikes me, as a sometime historian of the British tradition

of anthropology, as ironic in light of the origins of British anthropology in nineteenth-century legal theory. Yet again the 'native' returns, though this time the native in question is anthropology itself.

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