



# PROOF OF BIRTH

Published in *Proof of Birth* in 2015 by Future Leaders ([www.futureleaders.com.au](http://www.futureleaders.com.au))

## CHAPTER 7

# Traditional Australian Aboriginal naming processes

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‘Names’ are ubiquitous in the human world, but their functions, the information they carry, and the constraints placed upon their public and private use vary immensely from culture to culture, society to society, and from situation to situation within them. Colonial and post-Colonial administrative and legal practices can also have an impact on the manner in which Indigenous communities perceive and respond to official registration processes.

The substantial legal value of an ‘identity’ in today’s world makes it easy to forget the impact which demanding essentially ‘Western’ or ‘state-based’ naming practices can have on cultures and societies that have never traditionally made use of them for purposes akin to our own. This chapter looks at some of the implications of this impact in the Aboriginal-Australian context.<sup>1</sup>

## **Dissonances in the literature?**

The literature relating to Indigenous identity and identification falls broadly into three categories:

1. analysis of human rights law, which quite rightly points to the considerable problems that occur today when people have no access to an official personal identity. Much of this volume addresses these issues;
2. anthropological and socio-historical literature, which points to effects, often deleterious, of the imposition of non-Indigenous (primarily Western) 'naming' and identification processes on more traditional societies;<sup>2</sup> and
3. historical and political science literature, which points to the broader misuse of systems of personal identification by state entities, not just, but especially with respect to Indigenous and other minority groups.<sup>3</sup>

These are not mere intellectual schisms, or differences of viewpoint. Each of these three schools of thought draw attention to matters of real human consequence. If we are to properly address the issues of naming and identification faced by Indigenous peoples and their communities within the context of human rights, and state requirements, it is critically important all perspectives are taken into account.

To understand some of the problems which Indigenous Australians may have with Anglo-Australian naming and identification processes it is necessary to understand how they have traditionally dealt with the

business and purposes of personal identification and 'names' within their own social universe, as well as the historical circumstances that they have encountered since the time of British occupation of their lands.

Western civil registration and identification systems today have, as their primary purpose, the clear and stable identification of the individual by the state. Within traditional Aboriginal communities 'names' are used to convey very different information, such as status, kinship relationships, the relationship of the speaker to the person named, and current personal circumstances of the individual concerned. It is unusual for a person to retain one stable name throughout their life, as names are context and time specific.

### **Traditional Australian Aboriginal naming practices**

Aboriginal Australians living in traditional situations are known within their own communities by many names and other personal identifiers in the course of their life. There are, or in some cases were, also substantial regional variations in their naming practices.

Ethnographers, anthropologists and linguists have been commenting on the complexities of Australian Aboriginal naming practices and usage constraints since the 19th century. For example, the prominent Victorian ethnographer A.W. Howitt wrote of names changing with age; naming by grandparents rather than parents; the acquisition of enduring primary names at initiation rather than birth, which were not to be used in public

situations; the necessary use of ‘nicknames’ rather than proper names in public situations; the widespread refusal to mention even one’s own wife’s name publicly; and the general preference for use of kinship terms rather than names in general discourse.<sup>4</sup> Other early recorders observed similar processes and constraints, and more, throughout Australia.<sup>5</sup>

Prohibitions on the use of names of the deceased were (and in many areas, still are) universal.<sup>6</sup> These sometimes even extended to the names of those who had themselves been named by the deceased.<sup>7</sup> Other constraints also existed. For example, in the Tiwi Islands a man was not permitted to use his own wife’s name at all within several weeks of a birth.<sup>8</sup>

The well-known Australian anthropologist W.E.H Stanner pointed to a core difference between Indigenous perspectives on ‘names’ and our own primary use of them as symbolic identifiers:

... personal names are something more than names. Native statements suggest that names ... partake of the personality which they designate. The name seems to bear much the same relation to the personality as the shadow or image does to the sentient body. To stab a man’s shadow with a spear is not a friendly action. Names are not symbols so much as verbal projections of an identity which is well known in the flesh. This is well illustrated by the widely reported ban upon the names of the dead. If the death has been at

all recent it is not uncommon to meet a blank refusal to utter the forbidden name....

Men and women are often loth to tell even their own names when others are within hearing, although the names are perfectly well known to everyone.... Once it is seen what shame and confusion it is possible to bring upon a man by mentioning in his presence a name which convention forbids him to hear, one is able to understand the circumspection with which personal names are used, even though the nexus between name and its avoidance may not be well understood.<sup>9</sup>

Such issues are not simply 'problems of the past'. In the 1990s, for example, Laurent Doussett identified ten primary categories of 'names' currently used by the Ngaatjatjarra of the Western Australia, South Australian and Northern Territory border region:

- *section names* (commonly called 'skin names'), based on broader community divisions and kinship processes;
- *bush names*, derived from the Tjukurrpa ('dreaming') and heavily restricted or prohibited for public use;
- names from the *Kalyartu* relationship, in which a grandparent transmits his or her names and personality to their grandchild;
- names based on a *place or a parent*. Used to avoid using a bush name, and often based on a place

name with the affix *-nguru* or *nguraru* — ‘of the place’, or the name of a parent with *-kurnu* — ‘child of’;

- a *birth name* — given at birth but not used until a child is walking/leaving tracks, derived from various non-secret, sacred identifiers based on fauna, flora or physical elements and characteristics;
- Aboriginal nicknames — called *yinni watjarnu* equating to ‘spoken name’. Used for reference, but not to directly address a person, who may be offended by their use;
- descriptive names, especially at times of bereavement (for example, equivalents to ‘the man who lost his sibling’);
- European names — used with increasing frequency in public situations, but not displacing other forms of more restricted name. Both first names and surnames are used, though surnames do not necessarily follow the male line if political advantage lies elsewhere; and
- substitutions and transformations in the event of a death. In this area *kunmarrnara* fulfills the same role as *kwementyay* when a name or its homophone is prohibited as a result of a death.

### **Differences between Australian Aboriginal and Anglo-Australian naming practices**

Names used in Anglo-Australian culture are generally stable throughout life (or have predictable changes, such

as, for some, as a result of marriage or remarriage) and the number of changes in a lifetime is generally limited.<sup>10</sup>

Names, though, in traditional Aboriginal communities are highly variable — they change with age, status, the death of similarly named people, their relationship to the speaker, and the death of another community member. An Aboriginal individual is likely to be known publicly within their own community by a wide variety of names, depending on the circumstances. The use of these names is governed by extensive rules, and inappropriate use can cause extreme offence.

Formal names in Anglo Australian society are enduring and public, they can be spoken freely and form the basis of the mainstream ‘civil registration’ processes. By contrast, use of formal, enduring names in traditional Aboriginal communities is usually highly proscribed — forbidden except in specific ritual contexts, only used by specific, highly credentialed speakers, and even then offered in hushed terms, especially if the subject of the name is present.

Accordingly, in traditional communities a person’s traditionally ‘formal’ names are rarely, if ever, used for birth registration or government identification. Instead, ephemeral, Anglo-Australian ‘nicknames’ of little local importance are generally used. Until very recent times, these were usually bequeathed by Anglo-Australian officials, rather than chosen by community members. The name that appears on the birth certificate of a traditionally inclined Aboriginal person in Central Australia is

not a name that is likely to appear often in the course of their daily life.

For many older Aboriginal people living today, their officially recorded names were not chosen by their parents or other members of their own community, but by non-Indigenous officials motivated primarily by a need to 'keep their records' straight (and sometimes by misguided attempts at humour, often malicious in nature).<sup>11</sup>

### **Indigenous and minority experiences of official recording processes**

Human rights activists and agencies such as the United Nations have tended, with some justification, to see processes like birth registration and certification as unequivocally 'good'.

However, state identification processes have been put to a variety of uses, especially where Indigenous minority groups are concerned, and these do not always provide a pretty picture.

It is fair to say that in Western societies, the clear identification of people serves the needs of the state, at least as much as the individual, and that there is some 'balance' in the process. People perceive real rights flowing from the identification and registration process (for example, pensions, inheritance, voting, drivers licences).

However, for most of the time since Anglo occupation of Australia, official identification processes by governments for Indigenous Australians have focused on refining social control, assessing 'assimilability', measur-



ing the extent to which people need ‘management’, or selecting for the application of discriminatory policy.

Similarly, missionaries (and other officials) in the 19th and 20th centuries saw processes such as the acceptance of ‘Baptism’ and adoption of ‘Christian’ and ‘Family’ names as signs of ‘assimilation’ or ‘acceptance’ of Western social and religious values, and abandonment of traditional ones.

To be ‘identified’ in official records for most Aboriginal people in the Northern Territory until the early 1960s, meant to be subjected to the ‘Wards Ordinance’ or similar draconian regulatory regimes, which placed very substantial constraints upon one’s freedom. Echoes of this time, sadly, resurfaced with the crudely implemented, 2007 Northern Territory ‘Intervention’.<sup>12</sup>

### **The global context**

Conflicts between traditional and state interests when it comes to naming processes are not new, nor limited to the Australian situation. A growing body of literature, both historical and sociological in focus, looks at the relationship between the state and customary naming practices in other parts of the world.

The Icelandic anthropologist, Gisli Palsson, explored the power of names and naming systems today:

... names not only specify and individualize their bearers, they also represent ‘technologies of the self’ (Foucault 1988), serving as means of domination and empowerment, facilitating

collective action, surveillance, and subjugation  
— exclusion as well as belonging ...

Naming involves powerful speech acts, making history, constituting persons and the social relations and systems within which they are embedded — families, communities, states, and empires.... Clashes, I suggest, between different traditions and practices of naming, especially in the context of slavery and empire, illuminate with striking clarity the relevance of names as technologies of exclusion and belonging.<sup>13</sup>

Drawing on Inuit and Yup'ik examples, Palsson points to the perceived role of Indigenous naming systems in not just individual identification, but in personality development, growth and status.<sup>14</sup> Such changes in Yup'ik names in accordance with changes in status and age, together with an absence of 'surnames', clashed heavily with United States' administrative demands; for example, making it very difficult for the Yu'pik to obtain passports.

In Canada, the inability of authorities to cope with a traditional Inuit systems led to the introduction in 1935 of 'dog tags' bearing an identification number, required to be worn by Inuit at all times. The number on the tag

directed an official to the appropriate dossier containing all the information of interest to the state (name, aliases, birth-date, civil status, vaccinations, criminal record, pension and welfare records, etc.).

The proposer of the system felt that the tags' 'novelty' would appeal to 'the natives'.<sup>15</sup> The identification number

was to be used in all official correspondence and was required on all Inuit civil registration birth, death and marriage certificates. Inuit parents complained their children at school were being asked to call out their disc number rather than their names, and some received mail addressed simply to their ID number.<sup>16</sup>

This system was finally abandoned in 1969, after extensive Inuit complaints of disrespect, but in its place Canadian officials sought to establish 'Project Surname' and register 'proper' (in the state's terms) patronymic surnames for all Inuit, despite the absence of relevant patrilineal structures in Inuit society.<sup>17</sup>

In a manner very similar to that found in many parts of Australia today, Pallson notes that in Canada 'name pluralism is typical for many Inuit, with the two systems of surnames and customary names coexisting, their use depending on context'.<sup>18</sup>

The introduction of Project Surname was 'chaotic and coercion fairly high'.<sup>19</sup> One community of 800 people was told that by the end of the day they all had to have a surname. If they did not already possess one they were simply given their father's name instead. The process was not merely undertaken for the sake of bureaucratic convenience. Instead, the 'desire to create a modern Canadian identity for the Inuit and muster them, at least on paper, into a standard normative family was at the very core of Project Surname's logic'.<sup>20</sup>

Scott et al. are highly critical of such forced and fumbled processes as those experienced by the Canadian

Inuit, but they conclude by recognising a dilemma that lies at the heart of some of the issues analysed in this collection. Despite such problems, there can be great value in effective state identification of individuals:

... unless one wishes to make an ethical-philosophical case that no state ought to have such panoptic powers — and hereby commit oneself to foregoing both its advantages (e.g., the Center for Disease Control) as well as its menace (like fine-combed ethnic cleansing) one is reduced to feeding Leviathan and hoping, perhaps through democratic institutions, to tame it.<sup>21</sup>

Recent material from groups such as Plan International suggest increasing recognition that birth registration is not just a simple ‘good’, but must occur within a broader context of socio-political processes. Without this, ‘feeding the Leviathan’ may achieve nothing, or worse:

The relationship between birth registration and access to other children’s rights and services was found to be complex and context specific. It is important to recognise that birth registration is only one component of a governance and legal system that could protect and promote children’s rights. *Birth registration should not be implemented in isolation.* Any birth registration initiatives should be integrated with other measures to fulfil children’s rights, such as governance, protection, education and health care and should be part of a comprehensive civil registration and vital statistics (CRVS) system. [emphasis added]<sup>22</sup>

### **A concluding observation and some questions**

The purpose of this chapter is not to cast doubt on the clear and obvious importance of personal legal identities for groups such as Australian Aboriginal people. Rather, it is to suggest that a more nuanced approach may be needed when dealing with such matters.

How do we ensure civil registration causes no harm (through potential impact on traditional Indigenous naming processes or by official misuse of information obtained) to Indigenous groups in Australia and elsewhere? What other measures of governance, protection and administration need to be developed to mitigate against possible negative effects? How do we recognise and preempt the dangers for some Indigenous communities, and other minority groups that may attach to formal state identification processes? Is it possible to develop systems that are better attuned to traditional processes than the systems we see in place in Australia and much of the rest of the world?

Answers to these questions need to be considered if we are to achieve a balance between contemporary societal demands for personal identification and Indigenous processes, including historical concerns regarding engaging in the dominant or mainstream regulation of life events.

### **Endnotes**

- 1 In this chapter, the term 'Aboriginal' is used to denote descendants of mainland First Australians. 'Indigenous' (unless a further descriptor is included) is used to refer more broadly to First Peoples, or pre-Colonial era populations, more generally.

- 2 See, for example, G vom Bruck & B Bodenhorn, *An anthropology of names and naming*, (CUP, 2006); J Scott et al., 'The production of legal identities proper to states: the case of the permanent family surname', vol. 44, no. 1, *Comparative Studies in Society and History*, 2002; G Palsson, 'Personal names: Embodiment, differentiation, exclusion and belonging', *Science, Technology, & Human Values*, vol. 39, no. 4, 2014; and V Alia, *Names & Nunavut — Culture and Identity in the Inuit Homeland*, (New York, 2009).
- 3 See, for example, D Lyon (ed), *Theorizing surveillance: The panopticon and beyond*, New York, 2006; D Lyon (ed), *Surveillance as social sorting — privacy, risk and digital discrimination*, London, 2003.
- 4 AW Howitt, *The Native Tribes of South East Australia 1904* (1996 facsimile), pp. 736–739 and AW Howitt's reported comments, in R Brough Smyth, *The Aborigines of Victoria with notes relating to the habits of the Natives of other parts of Australia and Tasmania VI* (Melbourne, 1878), pp. 55–58.
- 5 For example, see R Brough Smyth, *The Aborigines of Victoria with notes relating to the habits of the Natives of other parts of Australia and Tasmania VI*, Melbourne, 1878; WE Roth, *The Queensland Aborigines VI, Victoria Park, 1897* (1984 facsimile), pp. 57–70; B Spencer & F Gillen, *The Native Tribes of Central Australia*, MacMillan, London, 1899, Appendix A, p. 637.
- 6 Most communities have a 'substitute' word for use in such situations. In a Central Australian community where I worked in the 1970s and 1980s, an unimaginative patrol officer or police man in an earlier era had given children English names based on the day of the week on which they were born. A recent series of deaths of people from that generation meant children in school, when reciting the days of the week, had to use the substitute *kwementyay* for several of them: 'Sunday, kwementyay, kwementyay, Wednesday, kwementyay, Friday, kwementyay.'
- 7 CWM Hart, 'Personal names amongst the Tiwi', *Oceania*, vol 1., no .3, 1931, pp. 282.
- 8 Ibid. (Such an approach, of course, runs directly counter to legal requirements for the reporting of births by parents within a brief time framework after the event).
- 9 WEH Stanner, 'Aboriginal Modes of Address and Reference in the North-West of the Northern Territory', *Oceania*, vol. 7, no. 3, 1937, p. 301.
- 10 L Dousset, 'Naming and personal names of Ngaatjatjarra-speaking people, Western Desert: some questions related to research', *Australian Aboriginal Studies*, vol. 2, Fall, 1997, p. 50.
- 11 It was sadly quite commonplace in the 1940s and 1950s for Northern Territory patrol officers and policemen to officially record new-born Aboriginal children using names such as 'Hitler', 'Mussolini', 'Stalin'. These, officially, stayed with them for life (and often appear, for

example, in the official records of land claim and Native Title processes). As with most Anglo-Australian 'nicknames' in traditional areas, they were almost never used within the communities themselves by anyone other than Anglo-Australian officialdom. Similar practices were applied in Queensland and Western Australia.

- 12 See, for example, Tom Calma 'The Northern Territory "Emergency Response" intervention', Chapter 3 in *Social Justice Report 2007*, Australian Human Rights Commission, 2007.
- 13 G Palsson, 'Personal names: Embodiment, Differentiation, Exclusion and Belonging', *Science, Technology, & Human Values*, vol. 39, no. 4, 2014, pp. 619–620.
- 14 Ibid, p. 623.
- 15 J Scott et al., 'The Production of Legal Identities Proper to States: The Case of the Permanent Family Surname', *Comparative Studies in Society and History*, 2002, vol. 44, no. 1, 4–44.
- 16 Ibid.
- 17 Ibid, p. 28.
- 18 Plasson, op cit., p. 626.
- 19 Scott et al., op cit.
- 20 Ibid, p. 29.
- 21 Ibid, p. 38.
- 22 K Apland et al., *Birth registration and children's rights: A complex story*, Plan International, 2014, p. 4, retrieved from <http://plan-international.org/files/global/publications/campaigns/birth-registration-research-full-report.pdf>