

CHAPTER 3

Feeling the *Djang*: The camp of Senior Law Man Neidjie

As mentioned earlier, in the previous camp, I was introduced to the works of Senior Law Man (SLM) Neidjie by my educators, Lilla Watson and Mary Graham. However, it was the work of their colleague Bob Willis (1990), in particular his honours thesis on SLM Neidjie and the term 'lawful behaviour', that made me consider SLM Neidjie's work beyond an aesthetic piece of Aboriginal prose on the Australian Aboriginal world-view. I found, as I read and continued to reread SLM Neidjie's prose, that I began to feel as if I were carrying around prose of great depth. Moreover, as I began to ponder the developments in quantum physics of the 1990s, I found myself referencing SLM Neidjie's writings to make sense of what I was reading. It was as if the abstraction of quantum theory was leaving out half the story. The poetics of SLM Neidjie gave me a feeling for the knowledge in the abstraction of the quantum theory. As Hannah Bell (1998) learnt from the Ngarinyin people (discussed in the next camp):

For the Ngarinyin, the world is received and transmitted through direct communication with nature, understood in ritual through performing and visual arts, and consolidated into law of being and doing through the medium of dream in readily accessible altered states of consciousness. In order to experience the world through these media you must suspend your more familiar intellectual thinking in favour of sensory receptivity, awareness, and

responsiveness. Above all, you must observe nature mindfully, listen to the elements carefully and receive knowledge subjectively.
(1998: 135)

This subjectivity, as discussed in this camp, is the cultivation of feeling – specifically, feeling as a way of shaping and experiencing knowledge from the landscape and the universe itself.

Entering the camp of Senior Law Man Neidjie

This camp introduces us to the *Djang*, its protagonist SLM Neidjie and his Buntji people. The jurisprudence that emanates from this camp is both innovative and timely in a world experiencing global warming. It is a camp that I hope opens up to the reader an ancient jurisprudence, one which has largely been ignored due to its colloquial nature. As in Australian Aboriginal art – which I regard as its predecessor – the legal knowledge found in such works has gone unrecognized, as it does not fit into the formulaic jurisprudential scholarly papers, let alone reference the Western or Eastern jurisprudential greats; rather, it references its own source of wisdom – the primordial energy, the *Djang*. A universal energy or *physis*, this energy is not without personality and influence, however.

The subject matter for engaging with this energy is the philosophical prose of Senior Law Man Bill Neidjie of the World Heritage-listed Kakadu National Park of Australia's Northern Territory. However, I must state at this point that this camp contains *my* understandings and not those of his people, the Buntji. It is up to each individual of the Buntji people to experience his or her own understanding. My intention is to bring this work to the public at a time of great need for a jurisprudence that premises the environment/*Djang* as the law, rather than some human-centred set of norms that have to this point aided and abetted anthropogenic global warming (United Nations Intergovernmental Panel on Climate Change (UN IPCC) 2008).

To explore the establishment of law in any Indigenous culture, one must first enter the cosmology via the cosmological narrative. Central to that narrative are the constitution of authority and the jurisprudence that legitimates such authority. It is by understanding the cosmology that an outsider can come to terms with the manner in which the laws of that society and the individual's behaviour are understood. Senior Law Man¹ Bill Neidjie² of the Buntji clan of Northern Australia offers a collection of classical thoughts in his book, *Story About Feeling*. This cosmological account is accompanied by its strategies for knowing.

This understanding is based not on an abstract adjudication of the empirical norms; rather, as SLM Bill Neidjie explains, it is built on the individual's *feelings* about and *experiences* of the world. In other words, it is the individual who eventually must take responsibility for becoming the *voice of authority* to his own experience of the Law. So it is the individual who is constantly testing out his experiences through his relationship to his surroundings – whether seen and unseen. To feel the Law, which is posited in the Land, requires a communication with the unseen. This *feeling* of the spirit world and the reliance on that feeling as the basis for knowledge keeps the individual mindful of his own actions and so leads him to *internalize* the law, rendering it intimate, in contrast to the West's reliance on external prompts and norms. Thus, on entering an Indigenous cosmology, the outsider learns to have feelings for the cosmology and that process to take responsibility for her feelings (and her behaviour). SLM Neidjie (1989) offers a guide to connect with feelings in a lawful way through his book, *Story About Feeling*, a poetic cycle that I call 'oratory'. By commenting on these oratories, I offer a jurisprudential reading of this text.

This reading, however, is framed within the Australian Indigenous legal *logos*: Land – rather than humans and their customs – is the source of the Law. Through my commentaries on SLM Neidjie's work, this *logos* will become apparent.

Story About Feeling can be said to contain a series of poems, but I call these poems 'oratories' in order to emphasize their spoken and public quality. Unlike Western poetry, which is often individualized, SLM Neidjie's poems are collective – designed to enable us to 'feel', as a group, that the Land is celebrated as the Law. Moreover, they contain 'secret' knowledge that SLM Neidjie feels needs to be heard. This then renders them, as Laguna Pueblo scholar, Paula Gunn Allen (1992: 73), argues, ceremonial rather than popular literature.

Perhaps the best description comes from Pueblo Indian philosopher, Dr Greg Cajete.³ When speaking of the Indigenous educational methods of the Americas, he refers to the poetic chants called 'flower and song':

The Aztec developed schools called the 'Calmecac' in which the Tlamatinimine, the philosopher poets of Aztec society, taught by using poetic chants called 'flower and song'. Through formal and informal methods, the Tlamatinimine encouraged their students to find their face (develop and express their innate character and potential); to find their heart (search out and express their inner passion); and to explore foundations of life and work (find the

vocation that allowed the students the fullest expression of self and truth).

(Cajete 1994: 35)

This, I would argue, is the intent of SLM Neidjie's oratories. These moments of 'flower and song' were recorded by Keith Taylor in spasmodic encounters over several years. These oratories were then set down in *Story About Feeling*, a small book now known as Aboriginal philosophical poetry.

To begin these commentaries on SLM Neidjie's oratories, I will first present his words. *Story About Feeling* is told in dialect – what would officially be called Aboriginal English, or 'blackfella's speech'. So the tone is self-consciously colloquial:

This story e can listen careful
 And how you want to feel on your feeling.
 This story e coming through your body
 E go right down foot and head
 Fingernail and blood . . . through the heart
 And e can feel it because e'll come right through.

(Neidjie 1995: 1)

SLM Neidjie, as an Aboriginal Australian would put it, is 'having a yarn' – a conversation. But the conversation here is not with another person; rather, it is with the Land of Australia, its geography but also its cosmology – and the Law underpinning it. So the seemingly 'naive' language is informed by an extremely complex, indeed sophisticated, set of ideas – ideas that the uninformed or dialect-deaf reader will miss. I follow this evolution with a jurisprudential reading, using the triadic theoretic model of concentric circles of cosmology, the Law of Relationship and rights and responsibilities (diplomacy). I devised this triadic model to make it easier for the uninitiated in Indigenous classical thought to understand the writings of Senior Law People.

Cosmology

Instead of putting their surplus energy into getting more food out of the landscape, Aborigines expended it on religious and artistic development in a huge release of intellectual effort. For them there was the religious and artistic imperative. In that sense, Aborigines, supported by their technology and skills, were able to float above the harsh

vagaries, the great stresses thrust upon them by an ever-changing continent.

(Jones 1990)

Cosmologies are safe places: they are the circle that encompasses all one perceives to be reality. It is from these safe places that people get a sense of who they are and how they fit into the grand plan. SLM Neidjie's intention in this compilation of oratories appears to be to situate the individual in a cosmology in which maintaining balance is paramount. What is being balanced is the *Djang* – the primordial energy – which, in turn, is the basis for Law. That force or energy comprises legality, rather than the governance of men. By shifting the emphasis from that of the governance of humans to that of balancing energy, SLM Neidjie explains why the sensory and affective activity of *feeling* is fundamental to understanding the law. The development or maintenance of that sensory/affective activity is through the constant enactment of the Law of Relationship with the unseen/spirit world, which, in turn, develops in the individual a familiarity with not only the unseen, but also the inanimate and the world around them. That development interconnects the person with that world – intellectually, psychically and physically. This is not to suggest conquest: humanity here does not colonize cosmology. Rather, the world around humans moves from being a space subordinate to the human desires to one of a superior informant, of the human's need for survival – a survival based on the interpenetration of the knowledge found in the seen and unseen.

Story About Feeling

In *Story About Feeling*, the preface introduces the reader to the 'story' of *feeling*:

This story e can listen careful
 And how you want to feel on your feeling.
 This story e coming through your body
 E go right down foot and head
 Fingernail and blood . . . through the heart
 And e can feel it because e'll come right through.

(Neidjie 1995: 1)

The intention of this paragraph is to situate the person inside their body as the site of law: 'This story e coming through your body.' Hence this lawful behaviour emanates from the person in his or her most corporal

form ('foot', 'head', 'finger', 'nail', 'blood') and not from something outside the self – an external adherent to a legal regime. This grounding brings the person into relationship with 'feeling' and the internal law of other life forms, both seen and unseen, as depicted in the following extract:

Tree, grass, star . . .
Because star and tree working with you.
We got blood pressure
But same thing . . . spirit on your body,
But e working with you.
Even nice wind e blow . . . having a sleep . . .
Because that spirit e with you.

So the body of the person is connected with the body of the land ('tree', 'grass') and even the cosmos ('star'), for both have 'got blood pressure', inextricably linking 'spirit' and 'body'. 'That spirit e with you,' writes SLM Neidjie – a notion he takes up and develops, casting 'spirit' as mobile, moving in a liminal space, a space of further communication with the unseen. What is that space other than the space of 'dream'?

You might dream moon,
Or you might dream water, storm.
You might dream tree, wind . . .

Oh anything e can dream . . . that dream e's true.
You having a sleep
But your spirit over there where you dream.

Daylight e come back.

'Dream', of course, has a very precise meaning for indigeneity, different from that of the West – pre- or post-modern or psychoanalytic. For the Dream here refers to 'the Dreamtime', a time out of time, more appropriately called 'the Dreaming', a state of timeless being in which the spirit resides.

Translations

In the following, I set out my translation, which constitutes my own understanding, rendered in standard Australian English. Then I will turn to my commentaries on the *meaning* of the original 'broken English' text, in which I quote small parts of the original text. The following translation

should be thought of as a synopsis of the longer commentary. It has retained the original paragraphing. I will use the first paragraph as an example of the method I am using:

This story is for all Australians. Prior to this it was restricted knowledge, which we did not share with White Europeans. We didn't like them.

I will now translate the rest of the text.

White Europeans must understand that those who live in Australia must understand the culture, and the restricted knowledge about the Dreaming.

The Dreaming is complex. It is our cosmology.

Indjuwanydjuwa [the Ancestral Being] laid down the two-way moiety system of governance. He made everything including the rain and people, but he also made a governance system, which we refer to as 'Business'.

Well they [Europeans] have their Biblical creation story. We also have a creation story about Indjuwanydjuwa, which we pass on to our youth.

Young people have a natural curiosity about their 'origins'. They feel they need to know and have answers to the mysteries of life. Everyone feels the same.

The *Djang* is the *logos*. It is very complex. The Dreaming is mysterious.

The source of the energy of life is powerful and if you tamper with it you may destroy yourself or may cause untold damage.

[Note: the tampering with the microscopic atom brought into being the atomic bomb.]

If you tamper with it, can cause havoc in the same way as a cyclone, it has no boundaries. The effect of the disturbance could cause

destruction in Croker Island, Elcho Island or Brisbane.
The *Djang* can cause cataclysmic damage.

We are all sitting on top of the *Djang*.
This primordial energy runs through the earth.
We do not fully understand this energy.

From our observations, the source is energy
that traverses the planet and one cannot be
sure if there is a disturbance in one country,
a fault lines effect will not cause a cyclone,
flood, etc. in another country

That is why mining disturbs us.
We are not sure of the full implications.
You can try and it might be alright.

However, it is us who worry about the consequences
because once it has happened it is us who will know
it is too late.

The *Djang* is the dream of the power of the King Brown.
[King Brown is a creative energy.]

Balanda (Yolngu for White person)! If the Aboriginal person
gets annoyed its because he wants you to stop the mining.
But the Balanda have to have the *Djang* explained to them first
This is a difficult concept to explain
So Aborigines are hesitant.

They may be hesitant because they may be aware
of some fault line effect that has caused a catastrophe
in another place, therefore they are fearful to express this awareness.

An example of a cataclysmic event might
be a plague called *mia mia* (sounds like smallpox)

Another example is a rock (raw uranium).
If you touch it you will die. The old people learnt
from experience about uranium. You have been warned!
Prior to this that knowledge was restricted.

We call the primordial energy the *Djang*,
What do you call it?

The *Djang* is a difficult concept to accept.

If you do not pay heed to this warning
You will be breaking the law – a
 primordial law which applies to all of us.

It's just the same as in your own country,
 if outsiders come and break the law
 it affects all of you.
You begin to worry a lot and that makes you feel weak.

He won't accuse you of lawbreaking. That's not his role.
He won't do that. (He is a watcher, not a policeman.)

Commentary

This 'Dreaming' is the starting point of the oratory: 'Big name . . . *Djang* Dreaming e listen.' That Dreaming, however, is not just 'for us', but also for the 'White European'. This is a bold departure in Indigenous literature, art, theology and jurisprudence because, traditionally, the Dreaming and the knowledge it affords is 'secret before', restricted to 'no matter Aborigine'. But SLM Neidjie's oratory is that 'This story not for myself . . . all over Australia story.' Why all Australia – especially an Australia often tone deaf to Indigenous stories? Precisely because it is 'the Balanda' – the 'White European' who is introducing imbalance in the land, provoking a crisis – a crisis of which SLM Neidjie, as an Aboriginal spokesman, is 'fright' – seeing it as terrible and terrifying.

What alarms SLM Neidjie is the reckless exploitation of the land, as represented by 'mining'. 'Oh some mining might be alright,' writes SLM Neidjie, parodying corporate rationalization (ranger mining); however, he adds in an increasingly ironic tone, 'you try e might be alright.' Mining here is a metaphor; it extracts something, it creates something, disturbing atmosphere and its harmonies: 'You might spoil any body, so matter where/Same as cyclone, if you spill it.' How is mining related to weather? How does extraction lead to the creation, and chaos, of a 'cyclone' – or, even more lethally, a 'disease' ('Some sores . . . what we call *mia mia*/But this one, *mia mia*, biggest . . . just like boil')? So this disturbance is now rendered as a bodily pathological symptom (a 'boil') writ large on the body of the land. SLM Neidjie provides a diagnosis of this pathology and the

dying land, locating this chaotic cosmos in the release of *Djang*. It is *Djang's* implosive release that is the source of the problem, for *Djang* is the very organizing principle. *Djang*, in a word, is Law. But when it is tapped into inappropriately – as with mining – it becomes a disorganizing principle, confounding and confusing, blighting the land. Only by feeling the Law of the *Djang* will the Balanda be able to instinctively do what is right. So SLM Neidjie is not a prophet of doom in the wilderness, but rather a leader and Law Man who gives the people a law by which to live, one that draws them into the cosmology of the *Djang* – hence the Dreaming of Australia. By understanding Australia through the Land – as the Law – Australians will feel the imbalance themselves and realize something must be done. To learn to feel SLM Neidjie's oratory offers practical and democratic exercises in what amounts to an engagement with other life forms – for example, an eagle – but also inanimate objects, such as a rock.

The Land is not SLM Neidjie's sole focus. His lens widens to take in cosmology. So SLM Neidjie opens his oratory with an apostrophe to the Ancestor Indjuwanydjuwa. This Being, just like many others in other Indigenous Creation stories, brings the cosmology to life and so establishes the Law: 'I want rain, I want people.' This accords with, and is in the tradition of, the many stories talking of Creator Beings, which, as here, 'think or dream' humans and the earth into existence. (This is as though to join in the debates surrounding the law of physics, of which some theorists see matter at its most fundamental level – for example, the sub-nuclear as being more like a thought than solid form.) In the case of Buntji, SLM Neidjie says they dream of a snake-like energy, which the oratory renders as dream of the 'King Brown (Irwardbad)'. A 'King Brown' is a highly poisonous snake in its earthly manifestation, but in its representation, it is an enormously dangerous energy. It is an emblem of the *Djang* and a force that reverberates through all Creation and the universe: '*Djang* is biggest one.'

Balancing this force, according to the Buntji, is the 'Law of Oober', which appears in SLM Neidjie's oratory as 'two way e made', an Indjuwanydjuwa-created 'double helix' that, like the laws of physics, regulates, negotiates and binds energy (*Djang*) and its agent-emblem (King Brown). That law, a law of the cosmos as much as the Land, is the basis for SLM Neidjie's argument – as advocate of both physics and metaphysics.

The balance of the *Djang*, therefore, is the basis for the Law of Relationship: the metaphysical and physical relationship between people and the cosmos. This relational jurisprudence is, however, not only metaphysical (or physical), but geographical – between the people and the Land. For disturbances in the Land, according to SLM Neidjie, are the result of imbalances in the *Djang*: 'You might spoil anybody, no matter where. Same

as cyclone, if you spill. First one might be east? No matter Croker, Elcho or Brisbane . . . same. That *Djang* will now do it.' So the reason for having 'feelings' is to keep yourself constantly aware of the activities that might cause an imbalance in the *Djang*, both locally and at a distance. For example, consider the importance attached to sacred sites – nodal points for the *Djang*. Indigenous Australians are acutely sensitive to any disruption of these sites' sacrality, precisely because such a violation throws the *Djang* out of balance. That *Djang*, of course, is not just an Indigenous force; it is one that connects us all – 'Aborigines', 'European' – 'story same'. So the *Djang* might be said to entail political principles, as much as a metaphysical or physical one. By connecting us all, it opens up the possibility for a democracy of feeling, of the land, of the cosmos. The cosmology, therefore, is a vibrating democratic sphere, where all Creation – including the planet itself – has feelings, and attention must be paid to those feelings through the monitoring of the balance of the *Djang*.

In the next section, we show how SLM Neidjie provides what is basically a helper from the unseen. In other words, it explores the consolidation of the interpenetration of the liminal space between the world of the seen and unseen. Moreover, it provides a confirmation of its existence and its 'relatedness' to the seen world.

Law of Relationship

The following translations are based on prose on page 107 of *Story about Feeling* entitled 'Spirit':

The spirit of the Jabiru is Badbanarrarr,
If you listen to this story
You will feel the spirit beside you.
This applies to everybody who listens
To the story.

I'm going to influence you
And you will begin to feel the spirit.
The spirit feels like wind.

Someone may assume I am talking
About the landscape, but
I am talking about spiritual depth.

There is a spirit world and
It is parallel to this world.

You must become aware of the spirit world.
The spirit is in everything including the rock.

You may dream of a spirit or might find
something special in your pocket.
You may feel the spirit as something
Touching your hair, standing behind you
Or beside you.
While I am telling this story
You will begin to feel the spirit.
Yikes, I feel spooked!

When this happens, your hair might stand on end,
as you then can feel the spirit.
But don't be frightened.
He wants to communicate with you, so listen.
He likes you.

You can't see it so you begin to feel
Feel the feeling.

The spirit influences you.
He puts forth suggestions.

These suggestions the spirit puts forth
May lead to a pleasant surprise like
bush honey.

Commentary

Once again, SLM Neidjie is opening up his experiences to all Australians: 'This story for me, for anybody, for you too.' There is a lightness in this piece of prose that engenders a sensitivity: 'I can feel it, blowing wind.' This is the necessary sensitivity needed to communicate with a spirit: 'If you listen to this story here, E'll with you e'll be with me.' The referenced spirit is not a free-floating ghost, but rather a metaphor for the soul of another life form – animal, bird or mineral. In other words, to engage with 'difference', one must move to the most fundamental level of being – the level of spirit or soul. It is at this point of engagement that human characteristics vanish as the 'dominant interpreter' and *feelings* become the only adequate form of communication. Moreover, the oratory appears also to heighten one's awareness that one is being watched: 'and you'll get it

because spirit e'll be longside.' That action can never be carried out in solitude, as the very air is full of the unseen and its potentiality to interpenetrate reality. Contained within that communication is an exchange of valuable knowledge. Ethno-musician Allan Marett (2005: 3) gives a solid account of the knowledge of his informants, Senior Song Men of the Wadeye people who enlightened him to the importance of the way the interpenetration of liminal space offers an opportunity of exchange of sacred knowledge for ceremony from both the dead and animal spirits.

In this particular piece of text, SLM Neidjie is trying to convey to his listeners that the spirit is already with a person and that he merely has to alter his state of consciousness by paying attention to his feelings rather than perhaps several hours of meditation. I would argue that this 'familiarity' with other states of consciousness is the hallmark of the Australian Aborigine. The protocol for communicating with other life forms is guided by the Law of Relationship. This law appears to dispense with rigid or embellished formalities and long periods of self-imposed isolation. Conversely, the opposite would appear to be the protocol for the Aborigine with a full exposure of intent. In some cultures, to reach this level of communication is seen as a specialist undertaking and one that requires a concentrated effort in isolation. The Aborigine would appear to be doomed to be drenched in the human drama. There is no escape into solitude, for, at every corner, a rock, a tree, a spirit is watching the actions of the Aborigine. Hence life becomes 'full-law' participation – fully engaged with all that surrounds us, both seen and unseen.

Therefore, when there is little resistance between the seen and unseen, it is much easier for the inanimate object to come through the liminal space and manifest: 'I don't known but you might find something. I find it couple of time in my pocket.'

The example given is that in relation to a *Badbanarrawarr*, the Jabiru: 'That spirit of that *Badbanarrawarr*, Jabiru, E'll be longside to you.' First, one may have a dream about a particular object such as a bird's nest: 'This one we say, "Only nest." But as SLM Neidjie goes on to explain, it is: 'But not really' – rather, it is a spirit: 'But something went in. Went under ground where the spirit for us.' What he is saying is that the nest, or even a rock, is the vehicle for the spirit that comes up out of the ground – the dwelling place of the *Djang* primordial force. Note that it is a coming up out of the land rather than an ordination from some divinity on high. The difference is the desire for relatedness rather than indebtedness. This relatedness is there for us to access at all times: 'That spirit e watching us. For you and me that spirit. Never lose. Always with us. With you 'n' me.'

SLM Neidjie then goes on to point out that 'Dreaming places' are also an

extension of the 'relatedness to land' – they are there for everyone as repositories of Dreaming stories. But this is as a responsibility, not as a right. 'Must keep it. You must keep im story/ Because e'll come through your feeling. Even anybody.' Access to them is through having feelings. 'E can see . . . have a look!' This open invitation is a profound statement in itself. On the one hand, it explains the popular Aboriginal saying of 'I'm going to sit down country', which means 'I am going to sit down and listen to the country'. On the other hand, it is a major paradigm shift in the intellectual property notion of regulation. This would seem a breach of Aboriginal intellectual property, but instead it is a clever safeguard against humans' obsession with their own rights to have and control information. By ensuring access is only through having feelings for a Dreaming site, this ensures a built-in way of ensuring the visitor will not damage or steal from the site. It is a safeguard against 'abstraction' – where knowledge is gained through memory and analysis; if anything, 'objectification of the knowledge' is a prerequisite to authority over that knowledge.

The validation of what one may hear, however, is dependent on one's own experience of the wider community in terms of that knowledge. As mentioned earlier, a comparison with the teachings of the Wadeye Senior Law Men described by Marett (2005) reveals that when a new song from the dead is received, it is still up to the community to accept or reject that song as legitimate. This is the Law in other Indigenous communities, too, in relation to knowledge received from the 'unseen'. In fact, this process is no different from that involving scientific knowledge. The general public cannot simply carry out the same experiments which the scientist tells us are valid; it is only through the general public's experience of that knowledge that it becomes valid. This, therefore, maintains interrelated levels of the Law of Relationship between the site, the spirit of the site, the communicator and finally the clan (Marett 2005: 3). The completion of the circle of relationship becomes the Aboriginal environmental ethos – 'caring for country'. The clan must, therefore, care for the countryside if its members are to maintain access to the stories. If they deface the country, that ends their access to their intellectual property. Access through feeling, however, does not mean some kind of epiphany of the Dreaming and all that it contains, but rather offers 'bottom-level' knowledge; to access deeper knowledge requires initiations into higher knowledge of the site and the information contained. The higher knowledge is like understanding physics: the more you know, the more you realize that the universe is made up of an unknowable amount of information. The amount you want to know is based on how much time you have in your life to spend on such pursuits. As Indigenous societies are egalitarian, the clever man or woman

is not seen as any different from the rest of the clan, so the pursuit of this kind of knowledge is purely personal. This lack of status also ensures a relatedness with the rest of the clan, rather than an exclusion from society in general, which, unfortunately, tends to be the outcome of a single intellectual pursuit in Western knowledge societies.

Therefore, for SLM Neidjie to abstract his knowledge into a book signals how urgent the situation now is. For this is a time when the secrets need to be shared. This sharing, however, is based on the ‘graduation’ of the Balanda regarding the realization of sacrality of sacred sites and the need for legal protection. Now the legislation is in place and there is a ‘commonsense’ understanding of the historical importance of sacred sites, SLM Neidjie has taken the next step and is sharing the ‘secrets’ of the ‘lawful behaviour’, which leads to the hearing of the stories of the Dreaming sites.

The moment of legal significance in this oratory is in the revelatory relationship between the human and the spirit, which is the basis of the actualization of law. This actualization is tempered by the development of the person’s own inner voice of authority. Communicating with the inner space and relying on one’s own voice of authority as the vouchsafe for the experience builds up in the human a sensory awareness of the effect of feelings and also the need for balance and taking responsibility for actualizing the Law in the Land. This, as I pointed out earlier, is the democratic process in action.

Rights and Responsibilities: Diplomacy

This section deals with the individual’s rights to ancient knowledge that has been maintained by former generations and guarded by the dead, who become the sentinels of the sacred sites. It also looks at the responsibilities to act with consideration and due care when entering a sacred space. These spaces, we are told, are occupied by guardian spirits who must be acknowledged and respected for the responsibility they carry. The guardians are the Ancestors of the local clan, which brings about a familiarity in relations between the dead and living. The protocols, therefore, are about an ongoing relationship between people and the land, be they dead or alive (Marett 2005: 4). This is vastly different from the concept of political correctness or ritualistic behaviour, such as with the Native Americans who offer tobacco when entering a sacred space.

The second part deals with the knowledge found in the caves – for example, the paintings. The oratory asks the reader to think of the paintings as though reading a written text containing knowledge for future generations.

Paintings

The following is based on the prose entitled 'Painting' from page 69 of *Story about Feeling*:

Well, we'll be dead
and they can see our painting
because behind us all the children . . . right back.
They can keep on look this painting and bone.
They can see us if they behind us.
This country for us.

When we are dead the future generations
will see the paintings.
They can look at the paintings and
know the country is there for them.
This is the generic protocol for all situations.

As we can see 'this country is for us'.
If you go to the cave you have to call out.
Let the spirit know you are coming,
especially if you are bringing a stranger.

Otherwise if you do not take due care
you will get sick, very sick.

You have to call out to the spirits
who are your ancestors as they'll be
waiting for you and expecting you to
give them notice so that they don't
harm the stranger.

This is the protocol of the Dreaming.

Based on page 107 of *Story about Feeling*:

Then you think, I'll go somewhere else,
maybe to look at a painting.
You go and look at the painting
and you begin to read it just like a newspaper.
All the little marks are just another form of alphabet.
You have your form of literature and we have ours.

That spirit is telling you to read those paintings
and feel what is good in them for you.
Then that spirit is telling you to go
and take photos of what you see.

Once you digest all this knowledge and
the finer details found in the marks,
you will digest it in your sleep and move to
a higher level of understanding
– been dreaming a good dream.

Commentary

This protocol of consideration or act of diplomacy comes out of the dream – ‘Because that’s the dream’ – the cosmological Dreaming. It is the cosmological Law of Relationship – the law between the actions of the living and the responsibilities of the dead to guard the land or site.

Sacred spaces, just like halls of learning and religious establishments, require certain diplomacy in terms of approach. In the West, this approach is based on the knowledge that a divinity of power dwells within the walls of the establishment, with the Aboriginal, it is based on family relations: ‘Yes you father, your grandad, your aunty,/They’ll be waiting for you./You must signal, yell out . . . they’ll listen. They know you.’ It is the family relationship that once again shifts the reverential behaviour from that of an above-and-below relationship to an egalitarian relationship with the living and dead, still seemingly related but occupying different dimensions in time and space. It is as if the dead are still fully employed in the affairs of humans. They are not removed to some dead zone, forgotten in time but, as Marett discovered, ‘full participants in the lives of the living and their ceremonial relationship to land’ (Marett 2005: 4).

The same applies to all sacred spaces: ‘Each place, no-matter here, all over.’ An approach is made by calling out to let the spirit know you are coming and maybe bringing strangers. The spirit has a responsibility to care for the sacred space of future generation ‘because behind us all the children’. The spirit needs to know if strangers are being brought to the site: ‘New man might be stranger . . . you got to yell out.’ The spirits need to know the stranger is being ‘managed’ by their Aboriginal host and will not cause trouble: ‘Because wrong spot, wrong place.’ In Central Australia, it is part of land council protocols that a new recruit must realize they are putting their host in physical danger if they go off and do as they please; this is due to the host’s reciprocal relationship with the guardian spirit (Central Land Council 1998).

This familiarity, once again, would seem to generate a *feeling* – ‘They know you. They will know’ – rather than an abstracted ritualistic act of reverential behaviour. The reverential connotes a distance in relationship, if not a deference or homage being paid to that which is being revered. The Aborigine does not revere the dead or the spirit of a sacred site, but rather has feelings for the concerns of the spirit and its duty to protect a site: ‘You might get sick or very bad sick. Because wrong spot, wrong place.’

The concern relating to sacred sites is much about the *Djang* power as it is the content of the cave paintings found in these areas. These paintings, SLM Neidjie points out, need a closer examination and understanding of their meaning: ‘Big mob you read it all that story, e telling you all that meaning.’ The Law Man asks us to first understand that the paintings and the markings are like the marks that make up the alphabet, which, in turn, become the script of the newspaper: ‘That’s the same as this you look newspaper.’

However, to understand the meaning once again requires the effect of feelings: ‘That meaning that you look . . . you feel im now.’ So the idea is not to enter the cave and try to decipher the markings, but rather try to ‘feel’ the meaning. In other words, the markings are not an alphabet or hieroglyphic, but a mnemonic for intuiting a feeling, which, in turn, brings meaning: ‘You might say . . . Hey! That painting good one! I take im more picture.’ However, the feeling is not something about which you have an epiphany while looking at it; rather, it is something that seeps into your unconscious: ‘All that mark they make it, when you go sleep/You dream,’ which then permeates your dreams and ‘Hey, I bin dream good dream!’ And so you have a good feeling about the painting, the cave and the cosmology from which it sprang. This, in turn, becomes a self-authorizing way of acknowledging another tradition, another life force and even another dimension of existence – that of the dead.

Conclusion

From the time of the invasion by the settlers to the present day, the Australian Aborigine does not, on the whole, appear to have seen the advantages of or the reason for the emphasis on the material world as displacing the metaphysical world. The universalism of humankind appears to have a ‘glitch’ when it comes to Aborigines – it is Land not humans at the centre of the universe. Why is this so? How does this affect Law? The answer lies in the affect of Indigenous Law and conceptual understanding of the Dreaming. All this is built on having ‘feelings’ for Land. These

feelings were felt through a democratic/egalitarian process in which it was up to the individual to become the 'voice of authority' and so own and regulate their feelings in line with the greater *Djang*. These people somehow understood some of the fundamental laws of physics and the importance of developing an intellectual property regulatory monitoring process requiring the individual to take responsibility for their own actions.

So there was not only clear understanding that to move beyond the laws of the Dreaming was illogical and a breach of the Law of Relationship; it was unthinkable due to the 'feeling' they had towards Land.

The explanation for the 'glitch' of the Australian Aborigine is still given today: it is that the laws that control or advance technology are not in alignment with the Dreaming. That is, they are detrimental to the spirit of the Land. As Chairman Galarrwuy Yunupingu (1997) of the Northern Land Council states:

Land is very close to the Aboriginal heart and we can actually feel sorry for land, like you would feel sorry for someone who has been hurt. We give land ceremonial names as a sign of respect and this is very important, like respecting your elders. We acknowledge the land by giving it a title that is not used every day; a special name so we always remember what it means to us. Our relationship with the land is much closer spiritually, physically, mentally than any other relationship I know of.

(1997: 6–7)

Land was never perceived as a resource but always addressed as a 'thou'. As Marett (2005) learnt from the Senior Song Men of Wadeye, as he entered their cosmology the position and relationship to Land moved from that of the external objective sense of 'place' or 'home' to an animate relatedness of 'love' of Land (2005: 319). And so the cosmology that, for SLM Neidjie, is the basis of the Buntji people is one of a democratic space inhabited by a multiverse of beings, of which humans are just one manifestation.

Finally, this translation offers a timely jurisprudence for consideration alongside that which has shaped our world into its climatic stage of our history. It is an ancient jurisprudence offering a philosophy of law that premises the *Djang*, or primordial energy, as that which shapes the legal behaviour of the individual – a law that cannot but help make the individual responsible for their behaviour towards the planet on which we live. For it is not more regulation and imposition of laws that we need, but

rather a realization by individuals that they have the ultimate responsibility to take due care.

Acknowledgement

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Notes

1 My camp

- 1 My mother's mother's people are the Kombumerri and her father's people are the Munaljahlai. These two clans are neighbours and, therefore, share a language.
- 2 A South-East Queensland Aboriginal language group, including the Kombumerri, my grandmother's people, and Munaljahlai, my grandfather's people.

2 The camp of the *talngai-gawarima*

- 1 PIE, or Proto-Indo-European, is the hypothetical reconstructed ancestral language of the Indo-European family. The timescale is much debated, but the most recent date proposed for it is about 5500 years ago.
- 2 'The reconstructed Proto-Indo-European root of this looks like *yewes- and among its relations are Irish *huisse* "just". Though the root later meant "law", probably it originally was a term of religious cult, perhaps meaning "sacred formula" (cf. Latin *iurare*, "to pronounce a ritual formula", Vedic *yos*, "health", Avestan *yaoz-da-*, "make ritually pure"). In language, if not in life, law and religion are blood brothers.' Available at <http://www.etymonline.com/index.php?search=Indigenous&searchmode=none> (accessed 17 November 2006).
- 3 '1340, "wisdom to see what is virtuous, or what is suitable or profitable", from O.Fr. *prudence* (13c.), from L. *prudentia* "foresight, sagacity", contraction of *providentia* "foresight" (see *providence*). Secondary sense of "wisdom"

(c. 1375) now only in *jurisprudence* (q.v.).' Available at <http://www.etymonline.com/index.php?search=prudence&searchmode=none> (accessed 17 November 2006).

- 4 '1646, from L.L. *indigenus* "born in a country, native", from L. *indigena* "a native", lit. "in-born person", from Old L. *indu* "in, within" (earlier *endo*) + *gen-*, root of *gignere* (perf. *genui*) "beget", from PIE **gen-* "produce".' Available at <http://www.etymonline.com/index.php?search=Indigenous&searchmode=none> (accessed 17 November 2006).
- 5 South-East Queensland Aboriginal language group including the Kombumerri, my grandmother's people, and Munaljahlai, my grandfather's people.
- 6 Taiaiake Alfred (1999: 12) refers to the Mohawk philosophy as being a similar question: 'human purpose consists in the perpetual quest for balance and harmony'.
- 7 Taiaiake Alfred (1999: 12) also points out that the Mohawk philosophy that 'peace is achieved by extending the respect, rights and responsibilities of family relations to other peoples'. This interpretation is slightly different from the one above.
- 8 Ms Graham has held many significant positions in relation to Aboriginal community politics and child welfare. She and Lilla Watson developed groundbreaking courses in Indigenous tertiary education in Queensland in the 1980s.
- 9 Ms Watson is a descendant of the Kangaulu and Birrigubi clans of South-East Queensland, Australia. An Indigenous scholar who has made a significant contribution to Indigenous tertiary education, she is also an artist of international repute and many of her works hang in places of significance in Australia.

3 Feeling the *Djang*: The camp of Senior Law Man Neidjie

- 1 Senior Law Man (or Woman) is an honorific title to indicate the level of education that is required for an Indigenous person to reach the status; it is equivalent to what in Western law would be a High Court Judge.
- 2 SLM Neidjie's clan is the Buntji clan of Northern Australia's Kakadu National Park.
- 3 Dr Gregory Cajete, Santa Clara Pueblo, New Mexico. He was the founding Director of the Institute of American Indian Arts in Santa Fe and is currently an Associate Professor in the College of Education at the University of New Mexico.

4 The spider or the web? The camp of Senior Law Man Mowaljarlai

- 1 Some of the oldest surface rock – 4.4 billion years old – can be found in the Jack Hills of Narryer Gneiss Terrane of Western Australia.
- 2 Interview with Mowaljarlai about the concept of the university. Available at <http://www.abc.net.au/rn/talks/8.30/lawrpt/lstories/lr100996.htm> (accessed 17 November 2006).
- 3 I thank Louis Wolcher, University of Washington for bringing this to my attention during the Critical Legal Conference in South Africa in 2003.

- 4 I refer to orality as being limited only in relation to its access by a wider audience than that for which it was originally intended. It has nothing to do with either its substance or its posterity. For only the land-based clans can keep the accurate account alive for posterity.
- 5 The Ice Age occurred during the Pennsylvanian and Permian periods (between about 350 and 250 million years ago).
- 6 Gavin Pretor-Pinney, in *The Cloudspotters' Guide* (Sceptre, 2006), points out that landscape is static. Only the atmosphere makes it dynamic. Morning Glory cloud is the world's biggest and most frequently stratocumulus roll cloud, at times 1000 kilometres long.
- 7 Kallawa Anggna Kude is the name of a celestial occurrence, a 'star with trails' (Wunambal language group) (Mowaljarlai and Malnic 1993: 209).
- 8 'Walkabout' is a term that can be used in a derogatory way. It refers to an Aborigine who must travel a distance to attend either a ceremony or other Aboriginal business.

5 Health and land: The camp of Senior Law Man Wandjuk Marika

- 1 Yalanbara is also known as Port Bradshaw of north-east Arnhem Land in Australia's Northern Territory.
- 2 Isaacs has worked on many pictorial publications with Indigenous people. She has had a long-time friendship with Marika and his clan.
- 3 A series of land councils was set up in each state as semi-representative bodies to deal with government.
- 4 'This version of the story is not the *manikay* – the song, the religion. He does not impart the detailed religious knowledge that was his great power. Today, songs and ceremonial knowledge of Djangukawu are considered profound Yolngu knowledge and property. This book simply places the Djangukawu in context so that all could understand his life, and his purpose' (Marika 2000: 32).
- 5 '*Madayin* is the name for the complete system of law of Yolngu (Aboriginal people of North-East Arnhem Land). It embodies the rights of the owners of the law or citizens (*rom watangu walal*), who have the rights and responsibilities for this embodiment of law.' Available at <http://www.ards.com.au/info7.html> (accessed 17 November 2009).
- 6 Both brothers have been named Australian of the Year, Galarrwuy in 1978 and Mandawuy in 1998.
- 7 A form of Indigenous knowledge from east Arnhem Land; see Hughes (2000).
- 8 The Garma Festival is an annual festival held in a bush setting in remote Northern Australia.

6 The journeys: From camps of old men to camps of young women

- 1 These were the people who lived in the Arizona area before the Navaho. The cliffs are now in what is termed Navaho country.
- 2 *The North American Indian* by Edward S. Curtis is one of the most significant and controversial representations of traditional American Indian culture ever

- produced. Issued in a limited edition from 1907–30, the publication continues to exert a major influence on the image of Indians in popular culture. Curtis said he wanted to document ‘the old-time Indian, his dress, his ceremonies, his [sic] life and manners’. In over 2000 photogravure plates and narrative, Curtis portrayed the traditional customs and lifeways of 80 Indian tribes. The 20 volumes, each with an accompanying portfolio, are organized by tribes and culture areas encompassing the Great Plains, Great Basin, Plateau Region, south-west, California, Pacific north-west and Alaska.
- 3 Available at <http://www.lanl.gov> (accessed 10 June 2006).
 - 4 Available as http://www.lanl.gov/news/index.php?fuseaction=home_story&story_id=7396 (accessed 10 June 2006).
 - 5 Popular TV Westerns in the 1950s and 1960s.
 - 6 Shaka established the Zulu Nation, an area covering the province of KwaZulu-Natal. However, the battle tactics of Shaka and his warriors were portrayed as aggressive rather than skilful.
 - 7 Religious dance of Plains and Plateau Indians.
 - 8 SFIC, Regina Saskatchewan, Canada is seen as one of the most significant First Nations tertiary institutions.
 - 9 The legal myth on which Australia was able to be occupied by the British.
 - 10 Available at <http://aotearoa.wellington.net.nz/imp/mata.htm> (accessed 12 December 2006).
 - 11 Available at <http://www.maori.org.nz/tikanga/?d=page&pid=sp30&parent=26> (accessed 12 December 2006).
 - 12 Māori sacred knowledge. *Tikanga* can be described as general behaviour guidelines for daily life and interaction in Māori culture. Available at <http://www.korero.maori.nz/forlearners/protocols> (accessed 12 December 2006).
 - 13 Available at <http://aotearoa.wellington.net.nz/imp/mata.htm> (accessed 12 December 2006).
 - 14 The Waikato River is a major river system running through the west side of the North Island of New Zealand, through the fertile plains of the Waikato district.
 - 15 The replication of the tattered Treaty is on display in the Te Papa Museum in Wellington.
 - 16 The New Zealand Wars were fought in New Zealand between 1845 and 1872.
 - 17 Māori tribe.
 - 18 War canoe.
 - 19 According to Māori tradition, Paikea is an ancestor of Ngāti Porou, a Māori tribe of the east coast of New Zealand’s North Island. Available at <http://en.wikipedia.org/wiki/Paikea> (accessed 17 November 2009).

7 The camp of ‘caring for country’: The world of *Plains of Promise*

- 1 The Dreaming in the Australian Aboriginal world-view is the primordial energy from which all things emerge and into which they disappear.
- 2 In 1896, Archibald Meston was asked to report to the government on conditions at the mission stations and reserves. In his report, Meston spoke of the frequent

kidnapping of Indigenous children by settlers. He urged that Indigenous people be isolated on reserves to the 'total exclusion of whites' in order to prevent further kidnappings. Meston's suggestion was taken up by the government and would form the foundation of its policies until 1965. Indigenous people, including children, were to be isolated on missions and government settlements, well away from non-Indigenous society. The government acted on Meston's advice soon after by passing the Aboriginal Protection and Restriction of the Sale of Opium Act 1897. This allowed government officials under the Chief Protector's control to remove Indigenous people to reserves and to separate children from their families. All that was needed was administrative approval from the minister. There was no court hearing. The Act also allowed 'orphaned' and 'deserted' mixed-descent children to be removed to an orphanage.

- 3 As mentioned previously, I shall reference these Senior Law Men through the acronym SLM as an honorific to acknowledge their long and arduous education and training in the jurisprudence of their law. This honorific was prompted by SLM Mowaljarlai's complaint that Senior Law Men are given little recognition of their status by the media. He felt quite indignant that he should be simply called 'David' when interviewed: 'After all, no one calls a High Court Judge Tom, Dick or Harry,' but rather their honorific is used – for example, Chief Justice or, in speech, Your Honour. I have therefore decided to use the acronym SLM to honour SLM Mowaljarlai's wishes.
- 4 The novel was shortlisted in the Commonwealth Writers' Prize, *The Age* Book of the Year and the New South Wales State Premier's Award – all prestigious literary awards in Australia for a new writer.
- 5 The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families was established in May 1995 in response to efforts made by key Indigenous agencies and communities. They were concerned that the general public's ignorance of the history of forcible removal was hindering the recognition of the needs of its victims and their families and the provision of services. Available at http://www.hreoc.gov.au/social_justice/stolen_children (accessed 17 November 2009).
- 6 I denote affluent when referring to tribes that received royalties from their land resources.
- 7 African spider motif.
- 8 De Ishtar (2005: 137) points out that the ritual was a combination of Christian and European secular elements with traditional mythology and ritual and that it was introduced to Balgo through Fitzroy Crossing after having travelled from the west coast. It contained many song sections and elements and took several years for the Balgo people to learn.
- 9 The unacknowledged invader.

8 The camp from Turtle Island: *Thunderheart*

- 1 Chief Stephen Augustine, Elsipogtog Heredity, New Brunswick and Curator at the Canadian Museum of Civilization, Ottawa, Canada.

- 2 The Lakota, sometimes known as the Teton Sioux, moved to a region west of the Missouri River. The Lakota became the largest of these groups, developing what is known as the Plains Indian Culture after receiving the horse in the seventeenth century. They are divided into seven bands: the Oglala, now on the Pine Ridge Reservation in South Dakota; Sicangu or Brulé, who are now on the Rosebud and the Lower Brulé Reservation in South Dakota; Hunkpapa, who are now at the Standing Rock Reservation in South Dakota and North Dakota; Miniconjous, now at the Cheyenne River Reservation, South Dakota; Sicasapa or Blackfoot, now at Standing Rock or Cheyenne River; Itazipacola or Sans Arc, now at Cheyenne River; and Oohenupa or Two Kettle, also at Cheyenne River (later declared to be tribes by the US government). Available at <http://www.hanksville.org/daniel/lakota/Lakota.html> (accessed 17 November 2009).
- 3 The names the people we call Sioux have for themselves are the Lakota, Nakota or Dakota, meaning 'friends . . . allies . . . to be friendly'. At an earlier time, the Sioux evolved into three main groups, speaking different dialects of the same language. The Dakota were the largest group and are considered to be the mother group. The Nakota were next in size, followed by the Lakota. Winter count records indicate that there was strife within the Sioux tribal family, which may have been associated with a rise in power of the Lakota. Available at <http://www.hanksville.org/daniel/lakota/Lakota.html> (accessed 17 November 2009).
- 4 The Mikmaq people are from Nova Scotia and New Brunswick, Canada.
- 5 Available at <http://www.dickshovel.com/annalay.html>.
- 6 The American Indian Movement, more commonly known as AIM, was active in Indian politics in the Civil Rights era of America.
- 7 The Red Road is also known as the Pipe Religion or, in Lakota language, Canku Luta (St Pierre and Long Soldier 1995: 66). It should also be noted that the Lakota have issued a Declaration of War against people who exploit their spirituality. It was declared and documented at the Lakota Summit V, June 1993. Available at <http://www.elexion.com/lakota/rites/index2.html> (accessed 17 November 2009).
- 8 Attorney Chief Harry Wallace reminds Indigenous peoples that the Federal Indian Law is a recent apparition in his multimedia presentation for the University of New Mexico Law School's Tribal Law Journal. Available at http://tlj.unm.edu/multimedia/interview_with_chief_harry_wallace.php (accessed 13 December 2006).
- 9 Lester is a Pitjantjatjara Senior Law Man.
- 10 *Thunderheart* – Grandpa Reaches speaking to Levoi.
- 11 The Creation story began long, long ago when Waziya, the Old Man, lived beneath the earth with his wife, Wakanka. Their daughter, Ite, grew to be the most beautiful of women, thereby captivating the attention of one of the associate Gods, Tate the Wind. Although not a Goddess, Ite became the wife of Tate, who lived at the entrance to the Spirit Trail. She bore Tate four sons,

quadruplets – the North, West, East and South Winds. The first son became cruel and hard to get along with, so Tate took his position as first son and gave it to his boisterous second son, West Wind. Thus the order of the Winds became West, North, East and South. Because of the association with the influential good and helpful Gods through the marriage of Ite to Tate, Waziya became dissatisfied and yearned to have the power of the true Gods. Iktomi, the Trickster, always anxious to further discontentment and promote ridicule, bargained with Waziya and Wakanka and Ite, promising them great power and further beauty for Ite if they would assist him in making others ridiculous. He even promised Ite that her enhanced beauty would rival that of the Goddess Hanwi, the Moon, who was the pledged wife of the great Sun God, Wi. So Waziya, Wakanka and Ite agreed to Iktomi's bargain (St Pierre and Long Soldier 1995: 44).

- 12 Available at <http://www.manataka.org/page163.html> (accessed 10 November 2009).
- 13 Lakota word for Holy Man.
- 14 Lakota intellectual Vine Deloria Jr, in discussing leadership, points out that: 'So there is a group of Indians frantically trying to buy into the system, and they clog up the analysis of our problems because they seem to be co-opted, but they are really just selling out. One way to avoid that is to have a council governing the tribe and have it choose a particular person as spokesman for different occasions. Many tribes practised that successfully with similar institutions. The Sioux used to appoint people to make different speeches, without vesting the power to negotiate in any of them' (quoted in Alfred 1999: 91).
- 15 Available at <http://www.freepeltier.org> (accessed 10 November 2009).
- 16 The 'ol people' are the ancestors, who are seen in a ghostly form.
- 17 Band of the Great Sioux Nation.
- 18 A concept taken from the title of St Pierre and Long Soldier (1995).
- 19 Dr Medicine is Professor Emeritus of Anthropology at California State University.
- 20 Seneca – one of the tribes of the Iroquois confederacy; see Mann (2000).
- 21 Christianne was referenced under many names over the years, such as Mary Christianne Morris Paul, Christy Anne and Christina Morris, as was the custom of the time due to the Mikmaq's different way of naming.

9 The camp from the sparkling waters of the Pacific: *Whale Rider*

- 1 *Iwi* is the largest independent politico-economic unit in Māori society.
- 2 The *kawai tipuna* are the superior beings and controllers (Ministry of Justice 2001: 14).
- 3 The full quote is: 'Ancestral ties bind the people and the [environment]. Just as land entitlements, personal identity, and executive functions arose from ancestral devolution, so also it is by ancestry that Māori relate to the natural world. Based on their conception of the creation, all things in the universe, animate or inanimate, have their own genealogy; genealogies that were

- popularly remembered in details. These each go back to *paptuanuku*, the mother earth, through her offspring gods. Accordingly, for Māori the works of nature; the animals, plants, rivers, mountains, and lakes are either kind, ancestors, or primeval parents according to the case, with each requiring the same respect as one would accord a fellow human being.’ Available at http://www.justice.govt.nz/pubs/reports/2001/maori_perspectives/part_1_mana.html#175 (accessed 17 November 2006).
- 4 ‘*Tapu* is a supernatural condition. Animate and inanimate objects have a direct genealogical link with the *kawai tipuna*, particularly Tane, whose attempts to produce the human element resulted in all these things. The *tapu* of humans, as well as animate and inanimate objects, is about the relationship between the physical and spiritual realm. Examples of these relationships are found in *waiata* and *karakaiā*, each of which has its own *tapu* nature. Everything was regarded as *tapu*. Individuals and groups have responsibilities and obligations to abide by the norms of behaviour and practices established by the *tipuna*. *Tapu* acted as a protective mechanism for both people and natural resources. Making something or someone *tapu* could either protect the environment against interference from people or protect people from possible dangers they may encounter.’ Available at http://www.justice.govt.nz/pubs/reports/2001/maori_perspectives/part_1_mana.html#175 (accessed 17 November 2006).
 - 5 ‘It was the major cohesive force in Māori life because every person was regarded as *tapu* or sacred. Each life was a sacred gift, which linked a person to the ancestors, and hence the wider tribal network. This link fostered the personal security and self-esteem of an individual because it established the belief that any harm to him [sic] was also disrespect to that network which would ultimately be remedied. It also imposed on an individual the obligation to abide by the norms of behaviour established by the ancestors. In this respect, *tapu* firmly placed a person in an interdependent relation with his *whanau*, *hapu* and *iwi*. The behavioural guidelines of the ancestors were monitored by the living relatives, and the wishes of an individual were constantly balanced against the greater mana and concerns of the group’ (Ministry of Justice 2001: 187).
 - 6 Canasatego, Iroquois, on turning down the offer of the commissioners of Maryland and Virginia to educate Iroquois young men at William and Mary in 1744, the James Madison University. Available at http://www.jmu.edu/madison/center/main_pages/madison_archives/era/native/franklin.htm (accessed 15 December 2004).
 - 7 Dean, School of Maori and Pacific Development, Waikato University.
 - 8 The phrases ‘return to country’ or ‘sitting down country’ refer to a kind of ‘grounding’ or going back to one’s roots and remembering where one came from.
 - 9 These cosmological beginnings are mirrored in the processes of conception and birth. From the *kākano* (seed) develops the *koi ora hou* (a new life),

- which – while within the *whare tangata* (womb) – possesses *mauri*, *whakapapa*, *wairua*, *hau* and *pūmanawa* (natural talents). It is then born into the world of light. Available at <http://www.bioethics.org.nz/index.html> (accessed 15 December 2004).
- 10 In my own case, in the early 1980s I participated in my clan's activities on the Gold Coast to repatriate the human remains and assist in the reburial of our ancestors remains, which dated back over 1200 years. This grounding in my Kombumerri history has become an important intellectual strength.
 - 11 '*Humarie* is the human nature, which is accommodating to all sorts of people and all sorts of situations. Accommodating in the sense that rather than react in a very violent and active way, one will tend to, not necessarily take it on the chin, but will act in a way which is becoming of the gentleperson. This is not to be read as a weakness but rather that the person has control of his or her feelings and emotions and by that very nature will often assist in settling disputes and bringing about resolutions much more quickly than someone with a more volatile nature. This is a person of a rather peaceful disposition but there will be situations outside of the general context in that if *humarie* people are goaded enough they will forsake their peaceful disposition. Generally, though, the expectation of *humarie* people is that they have such a way or manner that enables others to work with them.' Matiu Dickson, personal correspondence with author.
 - 12 Personal correspondence with author. Matiu Dickson's *hapu* is Ngai Tukairangi. He is a Senior Lecturer at the University of Waikato.
 - 13 The land from which they come, Hawaiki, is said to be a mythical land, which has been destroyed – in other words, a place that is not of the present cosmology or part of the history of the present civilisation. Available at <http://www.spiritsouthseas.com/hawaiiki.htm> (accessed 17 November 2009).
 - 14 *Kaitiaki*: guardian, steward. The meaning of *Kaitiaki* in practical application may vary between different *hapu* and *iwi*.
 - 15 However, when compared with the oldest cosmology in the Americas – that of the Hopi – and the concept of former worlds – which are subsequently destroyed once the inhabitants forget their sacred contract with their Creator – this is a common theme. Even in the Australian case, it is not dissimilar: former worlds and their law exist in the Kimberley area. SLM Mowaljarlai refers to the need for the Law to be brought once again to cope with life after the Ice Age. The present people and their law have been laid down by the Wandjina – Creator Beings.
 - 16 Hirini personal communication, Melbourne, December 2002.
 - 17 In the case of the Hopi, the following of a cloud to the new homeland reminds us of the similarity of the meaning of Aotearoa – the land of the Long White Cloud. It is as if a cloud has also been followed.
 - 18 Hopi land claim, Connecticut presentation.
 - 19 'Additional *mana* could be acquired through the way *rangatira* conducted their actions during their reign as leader. The *mana* of the *rangatira* is enhanced

when the people recognise and acknowledge the ability of the *rangatira* to succeed in defeating other tribes or forming new alliances with other tribes. The *mana* of a *rangatira* was integrated with the strength of the tribe, which was the result of these achievements' (Ihimaera (1987: 175). The success of the *rangatira* may have been because of the advisers or other leaders within the tribe assisting him or her, but outsiders will give sole recognition to the *rangatira* as the figurehead of that tribe; see Buck (1950: 345).

- 20 Personal communication, Griffith University, 2005.
- 21 'Kaipaoe in a narrow sense refers to someone who is generally incapable of hard, sustained, concentrated work, especially agriculture. The person who is not given to hard work tends to walk among relatives outside the immediate family group and prey on their goodwill to obtain a *kete* of potatoes. It is similar to neighbours who knock at your door and ask whether you have any sugar or other foodstuffs on a regular basis. Thus a *kaipaoe* is someone who poaches food from someone else' Ministry of Justice 2001).
- 22 Official website <http://www.WhaleRiderthemovie.com> (accessed 17 March 2005).
- 23 Maiti Dickson, personal correspondence with author.
- 24 Available at <http://www.movienet.com/WhaleRider.html> (accessed 17 April 2005).

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- 1 Others are the United States, China and India.
- 2 The United Nations Framework on Climate Change meeting resulted in the Kyoto Protocol.
- 3 A team of experts from National Oceanic and Atmospheric Administration (NOAA) in the United States released a service assessment on the performance of its forecast operations during the severe weather outbreak that struck portions of 19 states in May 2003, resulting in 39 deaths and nearly 400 tornadoes during a six-day period. Available at <http://www.noaa.gov> (accessed 17 November 2009).
- 4 An Australian Aboriginal legal agreement in dispute resolutions among north Arnhem Land tribes.