

Justice and equity in Bill Harney's Imulun Wardaman Aboriginal spiritual law

# Four Circles, the Law Man and the Stars



by Hugh Cairns and Bill Idumduma Harney

A Northern Australian People with their intellectual legal world of the Four Circles tradition





## Dedication

As I switched on my television in Sydney this week, there was Bill Harney! Dapper, well turned out, his bush hat slanted in his usual way, he was seated in the third row of the Federal Court sitting in Mataranka, Northern Territory. Calm and secure in aspect, he was listening to the Judge as the Court formally acknowledged the Native Title of the Aboriginal town, only the third town in Australia to receive this. The Elsie cattle station and its black families had been made famous by the pioneer Gunns of 'We of the Never Never': now, members of Communities and Land Councils from all over the continent were applauding the High Court's original Native Title Decision of 1992-3, the hard work of individuals like Bill Harney who since those days had persevered in the Tribunals and hundreds of other meetings and field surveys on behalf of the Originals of the claimed lands, and the lawyers and judges who had – bravely with intellectual integrity – found decisively for this Law of the Land.

This is an active man, caring and courageous and hard-working, in his eighty-second year. Last month he was in Alice Springs with Men Elders and Women Elders, pleading for the Government to stop the 2007 Intervention, and its Income Management policies and practices, from being extended for another ten years: its devastations, in many Communities he knows well, should not be allowed to continue.

Next month he will be part of the Wardaman consultations with Defence regarding the dozen years for which the Delamere Bombing Range on their land (permitted in exchange for Land Title being, by mutual agreement, allowed to lapse) has so far (and extraordinarily) been free of financial cost to the Government. This payment needs to be negotiated properly, and honoured by Defence and Government with up-to-date costings, to assure us that All the People are being treated honestly.

The television snapshot sequence of Bill Harney suggested, by random coincidence, the many types of work in which he has involved himself for his own family and on behalf of others, during his long life. He has been an unsung treasure to Aboriginal people and to all Australia, though his humility and serenity in integrity are well recognised in many quarters in the USA for his art, spirituality, kindness, music and story.

This book is dedicated to him and his family with the gratitude of many, many people, and in the hope that his joy in black and white working together reaches its proper completion in his adored original home of Australia.

## Preface

The focus of this book is Bill Idumduma Harney and his Wardaman Law. Part One conveys his Aboriginal authority through his traditional upbringing and training as an Elder. Part Two emphasizes the oral tradition and its expression in metaphor and the arts, and culminates in his Spiritual Law painting – The Imulun. Part Three shows him perceiving modern Australian Law in family and other events within his community, and seeing its working Law within the Constitution as ‘non-spiritual’, causing ineffectiveness within the Australian law system in relation to Aboriginal people, and uncertainty in the general population. Their Imulun therefore is better for the Wardaman.

The heavy-script writing throughout the book is Bill Harney talking. Presenting his voice in this way, normally at the top of the page, keeps the central flow of the book. Based in over 100 tapes and video recordings, with words changed, paraphrasing necessary, and cut-and-pasting to ease the flow of associations and ideas, this script text in its selected form is accepted by him as authentic: it forms a picture of him with his traditional Imulun Law, accurately recording him, not always verbatim, but accepted as his authentic voice by the other Elders as well as himself.

Bill Harney’s Aboriginal voice in the main text has the co-writer’s thoughts and comparative data swirling in the section below, in interpretation, attempted clarification or critical comment; and in smaller black type, below this, are some notes based in wider fields of scholarship or interest, particularly relating to socio-economic or historic political events, or other material that may have shaped indigenous life after 1788.

These notes reflect the co-writer’s background in academia embedded in modern, sophisticated institutions. This connects with the book’s claim to present – through its 2 authors in sharply delineated natural contrast – the ‘2 worlds’ which Bill Harney relates together, in his life with people of all types, in his books, in his daily work, in his co-authorship of the present book. Different but both ‘spiritual’ (the general word) and ‘Spiritual’ (in our own spiritual Tradition), we two authors nevertheless see ourselves as ‘Responding to the Cosmos’ in our lives: his own word ‘cosmoscape’ represents the valuable modern ‘epigenetic’ understanding that we both serve.

This reality of the ‘Two Worlds’ – and this he confirms in the Epilogue-Coda, as well as on the first page of the book – is what Australia need to accept, to get black and white living and working together: they must be properly together, for it ‘all to be better!’

In writing this book, then, my part has firmed up in the following way: realising that the ‘white’ is European Culture with the ‘Writing’ civilisations that have been modernising the human world for more than 6000 years, and that this is what has been hitting indigenous peoples hard all over the world for millenia, my voice is still a definitely western voice but with an empathy that chooses to tandem with Bill Harney on his journey throughout the book. The Wardaman story is a small part of the Aboriginal story which is a continuing

symbol of ‘the downtrodden’ to whom Jesus of Nazareth was particularly sensitive, and on whom we whites have inflicted ourselves in Australia for over 2 centuries. So these ‘2 worlds’ can be seen on most pages with the voices of Bill Harney, Hugh Cairns (myself), and some modern thinking and understanding, that filter through us separately or both together, normally pointing to further relevant items or valuable sources, that might deepen or clarify one or both of the 2 worlds for the Reader.

The ‘Justice’ and ‘Equity’ of the title remind the reader that when the modern Judge explains to the public in Court that they should ‘not expect Truth here’, this reflects modern Australian Law resiling from Greek idealism’s ‘Imagination of Perfection’. Many a normal person (and Judge) is shocked in disbelief at this, feels sadness at hearing it, and privately will disbelieve or dispute it. But this statement reveals difficulties for Evidence and much else (including the complexities of individual lives), and therefore for almost all modern law cases. The rise of Equity, on the other hand, has gradually brought public and legal realisation that, since Magna Carta, the Common Law and Royal Decision of historic Britain (now including Statute Law) have needed to be balanced by increased accuracy, fairness, kindness and mercy; and the problems of Evidence and so much else arise from the developing scientific and bureaucratic understandings of ‘accuracy’, ‘demonstration’ and ‘truth’. As time has passed, the legal community has reflected on global experience, and on written history and personally-known cases, and finds negatives and positives in the thinking, results and consequences – legal, social and personal – of cases and their outcomes, and inadequacies, including those of the laws of the land. Changes in Law therefore take place, but continuity is normally necessary in a legal system and its community. Today in parliamentary democracy, this means it ‘all takes time’.

The Equity Court in our Parliamentary Democracy is nowadays of great importance, in this. Strictly speaking, this book suggests it may now join fruitfully with the Aboriginal Law Tradition, because this has evolved virtues and necessities over aeons of time, with adjustment built in to its processes. Indeed, its own equitable history is a valuable, major, legal premise in the indigenous mind as it struggles with the pressures and intense agonies, as its people appear in our western Courts. Even in today’s more equitable world, misunderstandings on both sides (black and white) could find much redress through Imulun Law being respected under Australian Law.

Our book’s title therefore means that we are attempting to present, know and understand ancient Traditional practices which may yet be valuable in developing better laws in Australia for the whole population, in this multi-cultural world. Witnessing to our indigenous peoples’ intellectual wisdom, and grasp of sensible human life, within its ancient Law that includes its legal system, may enable whites to further respect them and their traditions; and such a development would be of immense value within the indigenous communities that have suffered, for so long, from the arrogance, pseudo-rationality and brutality of earlier times in the Australian law system.

All Australians – Migrants as well as Originals – need each other’s respect for our own histories and integrities – but so (it must be

## Introduction

remembered in these reforming times) do the long-settled British families of Australia, who need respect for what has happened well. (Being contrite for what was terribly wrong is hard for them: but they must help to set it all right).

We all need to understand each other better, and to be better understood. The incoming whites would have been respected by the indigenous people if hidden purposes had not become deceit and bastardry, and if the British Law in its Equity developments had entered Australia successfully, beyond Governor Macquarrie. The basic lack of trust present still today (by many in both white and black communities) could be avoided, in future, if honesty and hidden white 'interests' were transparent to ALL the population (including therefore Aborigines in their own languages). Honest laws in Australia are what our general population is indeed very keen to experience.

It is hoped that this book will be helpful in its surveillance of such matters as well as opening up some of the Aboriginal world for a more transparent perception, for those who wish to see. We hope, too, that the benefits of Original Peoples and their Customary Laws will be better understood and respected, for we think that Planet Earth's future will be more valuable, with a Better Humanity, to our own people, to our human descendants, to the future human species, and to the Cosmos itself. If human beings become more sensible in 'all living-together on the one sphere', some better realities, in their struggling to be born, will be bright lights indeed within the mysterious realms of the multi-dimensional Universes; and that would be Good. As Socrates perceived, we do all recognise The Good.

Hugh Cairns  
Bill Idumduma Harney

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Bill Harney's Wardaman remote community Menngen is 100 miles west of Katherine in the Northern Territory of Australia, and 300 miles south of Darwin. The huge eastern Kimberley and Victoria River region was traversed and sparsely settled by white pastoralists in the 1880s, after inroads were made from the sea in the west and north; and from the 'overland' from Alice Springs in the south when it was explored and prospected while the Telegraph Stations were being set up in the 1850s.

What was said about the Wardaman in those days was that they were brave and tough fighters: but the Gun and the Horse together were formidable in posse numbers of disciplined militia and police. By Bill Harney's childhood in the 1930s, the Wardaman were quietly peaceful after 1925's Aboriginal 'Formal Rejection of Forceful Rebellion', in Canberra. Now living as very valuable cattle workers in their humpy communities on the settled cattle stations – in this case mainly on Innesvale-Menngen and Willaroo – with food and work but no wages, their happy and contented family lives were well recorded in photography. Living in their own land was still beautiful to them, what whites saw as undisciplined 'walkabouts' were really their ceremonial world of the Spiritual with its intelligent virtual pilgrimages; and these traditions were at least 6000 years old, possibly even reflecting 60,000 years of living in northern Australia. But the 'Stolen Children' Assimilation policies were present in Bill Harney's childhood years (actually until the 1970s), and his sister being taken away to Reserves is an early, deep memory of something Wrong. Nevertheless, with their own Customary Law virtually untouched by Church Missions, and with intelligent whites respecting what was (in white analogy) the Aboriginal ceremonial religion, the Old Tradition was living on, in Bill Harney's childhood and youth; and ministers such as Reverend John Love understood this completely, and accepted Imulun with respect, presenting this acceptance as their model for a proper Church approach, in his Presbyterian Mission.

Is the Boy-Girl saga that centres our book, and Bill Harney's Law, a respected Skin Law and Justice System today? By the Wardaman, Yes; but by Australian politicians? The Senate since 1972 has been debating them: but the continuing Intervention is pursuing – unsaid – the Assimilation Policies of a Parliament that seems to be demanding No. In truth, non-spiritual people may respond negatively to what they see as a myth-making journey 'we can do without'; and non-liberal Right-wingers may desire control over all northern land for economic and security reasons. But also, in the basically white world of clever Jurisprudence and sophisticated Legal Systems, there may be an imperial-political need for a 'One Law fits All' system; and a hidden racist or religious personal bias may sometimes be present.

Nevertheless, all through this book, if we perceive ancient or modern biased thinking or custom to be present, the concern is always for The People, Aboriginal people. They have been very wronged in Australia's history: and although many in the present generation of Australians try for a morally Good land, do not some of us, white and black, assert 'Our World Right or Wrong!', and forget The Good?

I believe that none of us Humans can afford to be arrogant, thinking we are the only ones who have 'got it all right'. Certainly the

reifications in our religions – the taking of ‘concepts’ as ‘real’ or really-Real’ – as well as their often-monstrous histories, make any racial or cultural arrogance strictly untenable. Any national pride that pretends to be ‘greater or holier than thou’ in its Law or Moral reality or Religion, is mistaken; and in this book it is hoped the Reader will not feel any ‘superiority’ that is not merited. We need to work hard to discover whether one Way is better than another – ‘the world is many ways’ as John Houston said – and in human and cosmic historic, as well as intellectual and moral, reality, ‘The Facts’ in History and Law do not underline Race or Intellect as the successful prime factors: it is more complicated than that. The idea that our history since 1788 makes us saints of some sort is unmerited: it could all have been done better; and the growing of the Nation of Australia could have been managed within the developing international law, but wasn’t.

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This book was first mooted in Darwin, at the Book Launch for our Dark Sparklers revised printing, in 2004. The Northern Territory Administrator, His Honour Ted Egan, had been welcoming the Menngen extended family and the assembled guests at Government House, and an eminent legal officer said, in conversation, that our book should be handed out to all new citizens of Australia. Really? That was the first shock (and an idea sadly not carried out). But the City of Darwin’s flowers, shrubs, trees were glowing in the Administrator’s cliff gardens above the sparkling harbour. The happy party was enlivened by the wine-coloured setting sun: it was idyllic. Then suddenly Bill Harney came up to me energetically and exclaimed: “Now we must write our Wardaman Customary Law, you and me together!”

I was stunned! Without law training, I was very reticent to even contemplate such a task; but he said we would present it very simply. Yet nothing with him (or Aboriginal culture) had ever been simple to me, let alone his Law – we had touched on many facts of it, in Dark Sparklers – and the complexities of the project almost overwhelmed me. Yet the sheer interest of the material I already knew made it irresistible – and Bilidumduma is my friend, his family and mine are friends. Friends. So I have never regretted the time and the difficulties in these years of writing and researching: the complexities of Imulun turn out to be fascinating, and of huge intellectual interest.

Soon, we produced a first set of tapes of him talking, then a manuscript by Christmas the next year: so this book might have been presented much sooner. But different sets of events complicated our lives. It has taken us six more years to complete it, not least because, although we have a story in this book (like SBS’s ‘Still Counting’ series but without the scintillating technology and professional ease of commercial writing and production!) which shows one individual and some valuable cultural history, many other complications come into view. Not just the Law, but the indigenous intellectual worlds as a whole are the opposite of simple (as Levi-Strauss emphasised to us students in Paris in 1969). Putting together this book has indeed had extra challenges because Aboriginal silences make themselves

heard, and data cannot be selected simplistically, to fit a theory, or what we have been told. Listening to ‘silent Facts’ as well as to ‘possible’ and ‘unlikely’ ‘facts’ (often in unexpected guises) turns out to be a solemn, sometimes depressing, but dreamy business.

I apologise if errors or eccentricities, as well as listening to repetitive material, sometimes in this book dulls the tale. But I am glad to have persevered to produce a story I believe, and AI can only do it ‘my way’. Bill Harney, his family-community, the Aboriginal lawyers, and legal experts (who may agree to disagree) are happy with the result. If I have become too serious sometimes, I again apologise: but I find the data, and the streams of theory behind them, an abiding concern; and if any of this book is helpful to any of us, black or white, as individuals, community or simply members of the human species, feeling a possible really-Real in it all, as well as a true story, Bill Harney and I will be very happy.

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Problems of many types emerged during the writing over this time: personal and intellectual, historical and social, white and indigenous.

One was this: how do I put together, with the terrible happenings that have afflicted the original Australians, the massively brave and resourceful British settling of this continent? So many different types of individuals and people worked at often terrible cost to make the new nation: colonial authorities, Governors, naval and military and police legions, officers and bureaucracies and law, worked their way through this controlled overseas posting, with the land-working convicts, free settlers, pioneers, miners, pastoralists, teachers, family stalwards, missionaries and the like; and it was done ‘all together’, though each group was so different ... and all in a land, and with a people they did not understand, really, at all. Most of the newcomers would be good people, many were very able in surviving, some had extraordinary skills; and all no doubt existed, at times, in personally excruciating circumstances, tormented by loneliness, disease, memories, basic hardships, and often failing expectations. How to relate these people, and their hard work, to the sheer wickedness dispatched into the mix by some individuals, some cliques, then some laws and some institutional powers, and their agents? Often the outcomes were not good to their own people, let alone to the indigenous groups and individuals they were displacing: do we pretend they were not there? and were they not wasting much of the variety and richness of Australia and its life, in their wrong-doing?

How, again, do I dovetail such darker sides of life and people with the bright planning and guts that have been forming the northern territory of Australia? Sometimes there is history, or the input of the sciences, so that silences light up or disappear within what is a near-unbelievable story (to an Enlightenment mind). Bill Harney seldom lets slip anything negative about his upbringing in close contact with pioneer white pastoralists and other incomers: yet he has experienced Stolen Generation real-realities, the regular non-cooperation and

negative behaviour of outsiders and agencies who have the power of government, the ruthless streak of selfish enterprise, the corrupt powers of wealth, or all three; and members of his own family have been affected excruciatingly, even in recent times, by the dark powers. But seldom does he lose his trust in the good people in the white and black communities: any negative mind quickly gives way to the traditional Aboriginal mind of 'adjusting-to-reality', which is the Imulun. The imaginative creativity you see in his painting, the never-say-die quality of his 'hands-on' bush life, the Creation Story's zest and fun in traditional indigenous life, keep burgeoning in him.

Is his personal generosity too good, and bad manners just not his style? Probably. But how can I present a complicated set of historic perceptions and community-known, emotion-laden truths (seldom witnessed and written up because that is unsafe when whites are around) when our Australian community is seldom listening with a tenacious seriousness, to Australia's own 'Elephant in the Room'?

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I have tried to meet this major set of problems by alluding to complex events that were happening in parallel, elsewhere on the globe, like the rise of Equity thinking, with its legislation in Britain and America. So: notes and writing separate from and underneath the Bill Harney text, towards the middle of each page, make a contribution to the general attempt to put Wardaman experiences into the modern world (as well as into Wardaman contexts of today and yesteryear). In this way, the Aboriginal lived-in physical and cultural world is put into some wider perspectives, normally not realised by, or unknown or inaccessible to many readers.

It is this inaccessibility, for some people, that draws me to put forward (amongst others) perspectives on what may or may not be known as 'religion' or 'spirituality' in the personal and social lives of many readers. First there is the psycho-physiological reality of 'spiritual' experience': one model for this spreads out within the sciences, relating to physical-neurological (but still unclear) bases in the human nervous system, resulting in creative imagination and search-images that in normal life are personally and often socially positive – they survived in our species' evolution because they helped (and still do help) some individuals, and some groups, to survive. 'Spirituality' and 'spirituality' are therefore important to general understanding of this book, as they are central to Traditional Wardaman real-reality.

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'Spirituality' however is today a difficult area to discuss, but it is reasonable to attempt to understand Bill Harney and the Wardaman by means of it, since it is 'the' great difference in 'Law' between Wardaman Law and Australian Law. When, today, urban-type laws do not satisfy Bill Harney, but the ancient Imulun does, how does this 'Spirituality-within-spirituality' match our amazing modern sciences, and our sophisticated thinking, in Australia? It certainly walks with Buddhism in its curiosity and empathy – love – but with Science?

Questions of molecular memory in cardiovascular and brain-system symbiotic intelligence are part of a modern model in this not-yet-understood area: but (whatever its reality) spiritual imagination flourishes here, and early childhood realities and lived-in models continue in the emerging imagination that develops alongside reflective thinking, and provides whole-some perceptions that erupt into in what Freud, Piaget, Froebel (and others in educational practice) recognise as co-habiting within modern science's mathematical universe (as per Freud's research attempt to discover concepts of 'god' through or in his statuettes' plural forces'). The seeming 'presence' of a 'god' or 'God' through 'father and mother' projections (or whatever) have emerged in displaced form within the 'Great' religions especially, then, in recent times, were propelled into the 'Universe'. Having begun their actual development within the human 'Ego' and from natural understandings of 'causes' in the perceived human environment, this 'God' has often become a reified concept such as 'The Controller of it All', or 'The Lord of (starry) Hosts', to become, then, the central reified concept in an Institution that defines the religion, and sometimes runs as an equal partner in a political setting, even 'established' as part of Government, or even its Leader.

Such a scenario was also used to feed back into psychological and neurological studies, and into the hypothesised realities where 'human conscience' becomes an inner part of the human person, as in Freud who interiorises voices of family and society as the 'Superego' that includes in itself the oral and written testimonies of historic myths and laws. But what if this is all or most of it not true? Freud is not Science! and parts of the scientific enterprise (as in Biology and Physics) deny, on Positivist grounds, any mono-'divinity' presence 'out there', making and affecting our human, 'real' world. Perhaps there are other ways of looking at the Universe.

The monotheist 'God-in-Heaven', that operates in conjunction with the Greek-and-Semitic three-tiered cosmology in story, and produces the 'doctrines' that provide religious institutions with set-piece belief-systems, is indeed rebuffed by much Modern Science (but not all scientists in their personal world). What then of the Wardaman 'storied feelings' of 'cosmic presences' which remain in the personal community world of metaphorical concepts, and are 'Mystery' without being reified by writing, their focus being on what is seen and experienced now, and 'transformed in the spiritual way'? At all times, the practical perceptions are experienced within a wonder-full cosmos, in which the world of the Wardaman Creation Story is a 'story', not a pretence of 'knowledge', more in the form of an immediate Gestalt that provides a living way of 'seeing', in the real, observed world. The monotheist reification of imaginative concepts such as 'Force' or 'God' give causal control to a psycho-social 'Authority' in a hierarchical power-system: these are not Wardaman, and not true.

In spite therefore of the great and clever philosophies permeating the monotheistic religions of the last two millennia, the reified mental-imagination projection calling us to pray to 'Someone-Out-There' is scarcely acceptable today (we might perhaps be praying to our own self, as Laing noted in his poetry). So the human spiritual dimension resolves itself into various modern equivalents, examples being a personal inner meditation and visualisation as we 'swoon' (like falling in love), or an evolutionary conscience and forward

perception where ‘praying-to,’ or ‘living-within’ an inner ‘cosmic stream’ is a mind-set the ancient Buddhist and Hindu religionists knew well. Within the Christian world, there can be acceptances of Science that sounds similar: the Teilhardian ‘Christ-Cosmos’ discipleship in its ‘evolutionary-cosmos’ mode (the ‘Milieu Divin’) is the one I know. But using the more general word ‘spirituality,’ with the ‘Spiritual’ focusing on ‘Some One’ or ‘Some Thing’ in your particular faith, leads to a spiritual appreciation of the real creative human milieu: for instance, the arts as in music, painting, song, story-telling, writing, unconscious researching, scientific imagination, mathematical leaping – and other intelligent creativities like these – allow Ultimate Meaning to be present as an hypothesis within or relating directly to an Ultimate Creativity in the Universe. But only with an acknowledged ‘faith-leap’ (as in Wardaman Spirituals or the leap to a Christ or to Teilhardian vision) is there an integrity of personal humility ... with an Authoritative commander, reification pretensions abound.

Outside the specific faith-leap, we are back with metaphor and the more humble spiritualities that John Carroll describes in *Ego and Soul* (2010). Here the ever-creative and non-reifying Spiritualities of the Wardaman Way operate person-to-person, without theistic or monotheistic concepts. So ‘Good’ is their Justice System, so consistently ‘human’ their *here-and-now* realism, so eminently sensible their individualism, so personal and socially moral their ethical relations, that the spiritual realism of Imulun Law becomes Spiritual in its Presences, focused not subservient, a true spiritual-Spirituality like a Jesus-faith in the Pentecost days (not the Roman Empire’s years).

Within the mysteries and visions of *Gestalt* imagination, the ‘exterior reality’ of ‘God’ as channelled within the power elites of empires into hierarchical form, is now seen in negative focus, in the book. Having become within Science an impossibility, the old religious spiritualities and Spirituals are better understood (as to possible truths) by means of metaphor, cognitive mapping, and the story-telling delights of their music, ceremonial theatre, architecture and art, and new moralities of Service. To outmatch them, the mental immensities of the quantum-cosmos of Hawking can only be expressed in Higher Mathematics; and this means we miniscule human pieces of seemingly-eternal sub-atomic nano-stuff do not need to reify concepts of ‘God’ and ‘gods’ concepts, and would be better in our urban-industrial state to keep – like the Aborigines – to Mystery without Hubris. Closer to real-realities and (with faith) the really-Real (but not in the imperial arrogance of Fiat), we might with the mite’s humility then dare to wonder and search for the Really-Real (as if it exists) without the reifications that religious imperial philosophies claim as Truth, instead serving Humanity in the Goodness of Love.

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In history, Australia and its allies Britain and America have – instead of Love – made War with such suffering to mostly innocent people, (often on questionable grounds relating to reifications of ideology) that if we humans were now to appear without doctrinal and political reifications selecting our focus, we might find the sciences and arts urging us to keep more to what happens in non-human

Nature. Then, in our western world but without human pretensions and ambitions, we might find ourselves with a non-Ego perception of facts, thinking more like the Aboriginal mind and spirit. Then we might see the Jesus who lived a noble ethical life and death with a reified ‘Father in Heaven’ – his Spiritual – as his cognitive model and this man had a voice and spirituality living with and within sets of metaphors valuable to millions of people since then. We may indeed seek to be like him: for he was not an Institution which, unlike him, defines itself not by its practice but its self-serving doctrine; and he did not leave his original path, falsifying his original purpose, living for himself; and he always did Good to and for children.

Jesus indeed kept to spirit, and became The Spiritual for many. These included Kings and Queens in Roman (and later Enlightenment) Britain. These developed laws in his name, and for their lands: but this is not how Australian Law evolved. Therein lies the tale of our Aborigines, whose Law came from Story, Cosmos and Spirituals. Australian Law never knew The Spiritual at all.

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Within the new framework for modern understandings of physical reality, the social institutions identified with the monotheistic ‘God-out-There’ belief-systems can be seen to have channelled and (by extrapolation) exploited the human Ego’s anthropomorphic visions (such as ‘God and His Son’, relics of early pre-science models of cosmos found in early Mesopotamian material). They do not describe the ‘Ultimate Reality’ that the great mid-20th century theologians such as Bonhoeffer, Reinhold Niebuhr and Tillich, were seeking; and in their search for Meaning. Teilhard de Chardin alone developed a Cosmic Christianity that lives in the real, modern world (although the ‘Christ’ part of it is, of course, as he wrote, a matter of faith and hope, not scientific demonstration). Churches remain so fearful of the complex scientific universe that they hide behind the old philosophical question of ‘One or Zero’ by means of assurances from (false) literalisms of Scripture, and fallacious historic Arguments from socio-institutional Authorities. But the human mind still reaches for ‘Meaning or Nothing’ answers. Science feels it belongs here, but as a whole does not pretend to ‘Ultimate’ answers from within its own thought-world. So we can explore what happened to the Wardaman – Bill Harney’s family, clans and people – without pretending to reach ‘the end of all our searching’, or even a full story modelling certain extraordinary human beings. But History and Science suggest ...

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Most scientists do not claim a religious authority: indeed Science affirms that its practices and theories use ‘modelling’ to proclaim possible demonstrations as to ‘Meaning or Nothing’. Even the clear thought and writing of my fellow-student-hero from school, young Dawkins, will not further Science by means of anti-religious invective: for the cognitive leaps in scientific (or any other) research and



theory are full of imaginative thought and logical reflection, so the scientific journey is spiritual in the same way as music and art and story and mathematics itself are spiritual, and its demand for 'testing experimentally' is (like them all) a part of the creative journey of the Human Species. In a similar way, the spirituality of the Wardaman lived-in model with its Customary Law is spiritual and tested socially, in practice; and since it is found to be Good, Valuable and True in a human way of thinking that keeps the Mystery in Story (without claiming it as Real-Reality not model) Bill Harney's Customary Law can be viewed by a scientific mind without ridiculing Spirituals.

This is not 'dumbing down' Science: not is it pretending to find the Wardaman Way 'scientific'. Both genres are humble in the real, intellectual world; and this is where the lawyers of the western Law tradition find themselves too, as this book's Oxford intellectual tradition attempts to make space for the oral basis of Wardaman society, and its mind and Law. While some personal cognition, and work on 'new' and 'old' Law is spiritual-creative (though Australian legal circles mind the Constitution as being secular not spiritual) this is not the reified 'Spiritual' and 'Spirituals' of a particular religion (such as, say, Christianity). Our Australian secular law may originally be descended though Roman Canon Law as well as English Statute and Common Law, so some 'spiritual' is in it. But 1788 did not have the 'Spiritual' in it, as the emergence of Equity had not yet begun in earnest. The flow of 'spirit' is of course within the cosmic flow that has flowered in recent human evolution: but the Spiritual reflects an Institution's history and its reifications, so that ecclesiastical doctrines may be hardly spiritual at all. This means basic metaphors, concepts and laws need careful perusal, if 'equity' is to be discerned in them.

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All this means that we can respect the Doctrine and Extrapolations of Institutions like Roman or Protestant Churches, Islamic Religions, or Jewish Groups and Sects that are tied to their own Spiritual Gestalten and Ideological Faiths and Practices. But they may not themselves be really-Real Spiritual or even really Spiritual, in particular forms and places; and if they are not 'Spiritual', their strictures may not appear in democratic law other than in hidden presupposition in argument, or as imagination's possibility. But if reification from Story into artificial formality is not taking place and giving false 'truths', then a Church (for instance) can become a warm, human, family gathering. Here the cosmic, underlying, thought-of, intellectual and sensory, lived-in worlds that interiorise the 'Jesus of free human beings in free societies' may not be submerged in the historic, murky waters where 'kindness and mercy, accuracy and fairness' do not appear. But too often in human history, when Sovereign Elites forced wrongs committed in the name of 'Reason', or 'Justice', or 'Christianity' or 'Allah', the spirituality of the Human, and the Spirituality of Christ, were lost; and Bill Harney's indigenous people experienced irrational, unjustified and irreligious wrongs too often not to know them for what they are ... most recently, the 2007 Intervention and its sequels, are Wrongs.

This now becomes part of this book. The history of Equity shows what the Western laws normally needed, all along: 'kindness, mercy, accuracy and fairness'; and these have been entering our laws in recent centuries. This is a massive development of spirituality made possible not least by adherence to particular Spiritualities, especially the Story of Jesus and the Strictures of the Hebrew Prophets. Since 1992-3, most vividly through Mabo, these changes have developed the life (but not solved the problems) of much of Aboriginal Australia. Not through the presence of religious doctrines or ideology, these legal works used the modern mind-creativities that perceive data more accurately, and operate with concepts of fairness, kindness and mercy, thus allowing 'facts' and – by listening to Aboriginal people at long last, in the Tribunals – some of the historical and contemporary oral history 'truths' to emerge. This has been a veritable spiritual blossoming in our time, and reflects the genuine spirituality of so many individuals, including the chairpersons, judges, commission members and legal teams; and the individual history of secular saints may well reflect some quiet personal religion in them, and in some cases the value (to them) of some preferred institution and its Spiritual. The spirituality of intellect itself, within a rising consciousness and complexified self-consciousness, will be part of the developing empathy and standard of truth the Tribunals have been exhibiting: the Spiritual too can make a difference, in all this.

The word 'spiritual' is being used here when the cosmic-evolutionary spiritualities (music, painting, imagination, logic, story et al.) that developed in pre-urban, pre-institutional, original peoples, are being emphasised; for Australia's traditional Aboriginal people are one such group from a multitude of similar examples on the planet. 'Spiritual', on the other hand, is used to represent the reified 'local' concept-cluster that serves as a 'Faith-Gestalt' within a 'Doctrine' of a group within a man-made Institution that has its own impersonal, separate life, and (as it were) 'corporate' law. In the oral/non-written world of the Wardaman, the individual players in the ceremonial theatre-story may be 'Spirituals' (on the analogy of 'Christ' in the Churches), and the Law of Sky-Boss Nardi is 'Spiritual' in the way the Ten Commandments are group-specific and Authoritative, coming from Jahweh-Jehovah. But the way Bill Harney and his early mentors interpreted the stories producing the Imulun Law System was not a 'Fundamentalist' subservience to a (self-seeking and servile) 'Truth' relayed by an institution. The Ten Commandments needed an institutional 'sacral' king before their Authority went national, but the Aboriginal people never had kings, except on the metaphor-analogy of the non-institutionalised Jesus (when 'King of the Jews' was a mockery by authorities for political reasons). Indeed the Wardaman indigenous Law-world was an educated family democracy, where the Ancestral Elders were (and are) keen to adjust the Law's lines of thought and practice, to meet practical and present realities of Wardaman life, Imulun not being subject to a written Code that is reified-stipulation from a previous epoch. The Law stories are subject, then, to existential realities of today, focused on relevant truth for immediate discussion, delivered to properly adjust to present experience, not institutional make-believe: but the original social-reality of the family-institution and the democratic, non-sexist ways of doing the Law are in its 'Foundation Story', unlike the western stories of Genesis which assume a hierarchical, industrial world.

Therefore (by my reckoning in this book) Aborigines are using the spiritual creativity of original, normal Mankind, personally and with immediacy. Engaging in realistic life, there is an accuracy in the Law because it is both spiritual with the validity of Spiritual Story, and is embodied in the Men and Women Elders with a humility that encourages community knowledge, and enhances the thought-of-Way.

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If we were to go round the world, to all indigenous groups, we would find much of this would apply. The incoming western imperial ideology claiming Authority over every custom and person, and a Superiority in Law, would find their institutions producing Wrong, and judged by their own morality to be Not-Good; and by its reified thinking (including doctrine) to be producing, indeed, what their Story would see as Evil. But this hypocrisy is normally kept hidden by the institutions of power, and their fear-inducing methods. In the present book, perhaps luckily and because they are spiritual, tolerant and not given to ideological judgment, a violent reaction to the white laws' and their system has never been even hinted at by Bill Harney or any Aboriginal person I know: but they know that they have experienced; and while some Church people are quick to use 'Authoritative' language from their Story, if they have suffered what the Aboriginal people have suffered in Australia, they tend to be loathe to see the Aboriginal experiences as produced by 'Evil', and might call the Imulun 'demonic' for its 'Pay-back' laws (taking the reification of metaphor in an English language sense) while not seeing the vengeful Myall Creek beheadings as Evil, but instead as 'Justice according to the Law of God' (see Ch.8 below). What exactly is the 'spiritual' or 'Spiritual' validity of descriptions like 'demonic' or 'pay-back' (or 'Devil Dog') when the metaphors are wrong in their English substitutions translated into English from Aboriginal language and Law? If a descriptive metaphor informs a judicial argument but is mistakenly taken as literal in another culture, its spiritual legitimacy disappears: a wrong meaning in the institution's legal writing may gain a mistaken legitimacy which a judge's 'faith in Christ' has Jesus' 'freedom from fear' has not freed him from incorrect metaphors.

Fortunately, humility often removes our human ego from illusions in the Cosmos sphere, and from the human institutional hubris of modern false authorities. Today, in the world of Modern Science, we are returned (if we will) to a mystical, searching humility in which we are not now so subservient to institutions claiming 'God's Ego', our own 'Ego', or the legal corpus' Ego. We can affirm 'Goodness' in itself, and search for Beauty, Goodness, Love, Truth, because we know (and can trust) them from inside ourselves, in our integrity.

So, in this book, with both a scientific and a mystical imagination – in a modelling and reality-testing thought-search that feels like a thought-experiment – we can go in search of Bill Harney. In my case, the humility must be appropriate to my limitations, which are many, and many of us will need to be alert to the different but physical world of the 'ancient non-urban' type. The rather mystical attempt to know another person's inner being also needs Science's humble wonder and awe at the cosmic range of truth that will engage us, as

we consider the 'otherness' of the ancients and our original people (and indeed our own self). I hope I have kept humble enough in this Science-and-Spiritual enterprise; and our flurries into questions of legal development certainly leave me in a very humble place.

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Listening to the words of Bill Harney, and considering his Imulun Law, may keep suggesting to us what it is to be Human, an Authentic Self like him. To begin with, the stark place for basic questions and references, in Bill Idumduma Harney's experiences of the Law, includes the Willaroo Community's experiences of White Law; and we can hear again today's questioning as to how indigenous matters developed negatively in Australia. Finding the crucial stages in the events of the 1830s when the secular laws of the non-Spiritual colonists were developed in relation to London, would be important here, because the politics became ambiguous with the States now in conflict. Then in Britain, the House of Lords had the Anglican leaders in it, with the Queen both Head of Parliament and Head of the Church, giving the Nation and its Law their Formal Spiritual base. The reality of Government as a numbers-game then becomes intriguing, because – in Australia, for instance on the question of Hanging, the majorities in our Parliament controlled any idealistic spirit with regularity, but in London the formal idealism of Equity remained in place. How would an Aboriginal person view it there?

Indeed, the British Parliament passed the Reform Bill and Slavery Abolition Act in the 1830s: yet even with the findings of Chief Justice Marshall in America – crucial to developments in International Law in the late 20th century in Australia, and today – these failed to orientate governmental as well as the popular mind, here. Even the (appalling) transportation of the Tolpuddle Martyr agricultural workers in 1836 had no effect on the laws controlling the taking (not buying) of Aboriginal land in the expansions happening now in all States here (as well as in America): indeed it sharpened the issues. The 'How' and 'Why' of what happened overseas provided bases for the legal findings and perceptions that eventually resulted in the 1967 Referendum here: so why, when these were present in the 1830s (after Judge Marshall in 1823 and 1833-5) did they not take hold in Australia? History would have been so different for our Original People if laws had been reformed then: but the numbers-game has always controlled Australia's 'Sprurts of Spirit' because the Australian parliaments have always been committed to basic domestic action, and seldom to international issues engulfing outside interests.

The Referendum on Full Citizenship for Aboriginal people, followed (as the make-up of Parliament allowed) by the Mabo and Wik findings by the High Court in 1992-3 and 1997, and the 2010 Formal Apology for Stolen Children sufferings, had grown from Aboriginal protests begun in the 1820s, and carried on constitutionally through such as Dunmore Lang, Einfeld and Wilsonthrough . Early on, from 1788, the Governor, Council, and the succeeding power-blocs and governments had starkly rejected Aboriginal 'rights' to unworked land. Land-owning in Britain was automatically vote-possessing and government-influencing, and the young barrister Richard Windeyer (in spite

of empathy with the Myall Lakes Aborigines in 1836) set the scene for what followed. In 1843 he demanded that agricultural-pastoral land-tillage, crop-cultivation and animal-husbandry be the bases for land ownership and legal rights to land; and acceptance of this by 1851 in the new Australian States, excluded Aboriginal people until 1967; and Bill Harney only received Title Deeds to the Menngen Community land in 2005. So this is a big legal story for experts to decide, and today's News of a likely new 'Intervention' in a community whose pitiable state brought tears to the Marcus Einfeld Commission's eyes, nearly 30 years ago, reminds us that their Native title land is not their sovereign land at all (as oil-gas exploration host-farmers are also finding today); and they cannot continue their culture properly in it because the 'welfare' urban culture traps them with material that is meaningless and worthless to Aboriginality.

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For the Wardaman, their land is and was everything, as Bill Harney reiterates throughout this book. The issue of hunting-gathering indigenous peoples in the Americas and Indies had been debated since the 18th century: so exactly why, when it had been decided in the Americas and in the British Parliament in favour of 'the natives', did the New South Wales, Victorian and (soon to be) South Australian governments not follow their 'families of great nations' in the idealism which was to be put into practice in the laws overseas? Some of the story soon becomes apparent: Washington itself did not follow Marshall for long; and even though the semi-genocidal plight of the indigenous Americans came into view to global watchers when the Mississippi crossings led to the cultivation and exploitation of the Wild West, international voices were muted because the European empires were beginning to flex their muscles (ready for 1914). The gross cruelties, and totally unspiritual and un-Spiritual treatments by governments (for instance with the Cherokee as my student David Foreman notes for his people) wreaked havoc on the indigenous communities. As in America where individual and institutional outcries against annihilation could at times be heard, in Australia the pro-indigenous voices were not strong in number and media power; and the exhilaration (and economic benefits) of opening new land, the security the Gun gave to the settlers, and the rich proceeds of wool and cattle trading, gave governments little leeway (like mining today). Australia naturally followed in the steps of the white Americans.

But there were deep reasons for ambivalence in Britain and America: both were 'Christian' nations which seemed to allow 'unconscionable' laws to take their place in their remote lands. But in the British homeland, new Fencing laws and the power of the land-owning elite in Government, showed blatantly ambiguous moralities, in the emerging industrial world. Charles Dickens and George Elliot conveyed the Jesus-Spiritual message of Love and Lovingkindness in their spiritual novels; and the changing of the British world to an urban-industrial-commercial power-house, based in money from trade, was highlighted in the Press, together with new forms of inefficiency and deceit bringing unintended tragedies (like industrial accident) and unforeseen social chaos (like poverty and the Poorhouse). But voices of this sort were scarce in Australia, and without the power of numbers; and London's power on this continent was waning.

While the British imperial trade outreach claimed to bring a moral world for the good of all, and the freedoms of equality and fraternity, happiness and order were publicised in the Noble British Empire in the 19th century after the French Revolution, these hopes, while valuable to human beings in general, were especially desired for the British Nation's centre, its local subjects. Elite wealthy controllers in particular could be idealistic in spirit (going to Church on Sundays as their miners worked): but workers in the budding colony seldom experienced it because this Noble British Christian Empire vision did not develop much in Australia. The Credos of Quakers and Methodists, as well as old-time Presbyterian faithful such as the non-conforming John Dunmore Lang, did for a time follow Lachlan Macquarrie into originally-Scottish moral dreams for the budding nation: but the realities of English 'Establishment' politics, where the Church of England's 'Go to Eternity' Hanging Judge Samuel Marsden embraced the judicial mantle, ruled as the real-politick of survival ruled. Nor did the London and Paris financiers developing others' wealth choose to share with the 'worthless' of the world.

The treatment of Aboriginal people was not special: in spite of Christian idealists in London, an irrelevant presence was miniscule in the corridors of power. Nevertheless, the Scots morality of Brotherhood and Equality (on the clan model) did join with the Christian conscience (through the clan's 'lost land'); but the majority of incomers had overwhelming number as they pressed outwards geographically. Aboriginal solidarity had to go its own way as they were dispersed or disappeared or went 'underground' into a passive silence. So now the institutional religionists, and by the 1870s the later literalists, began misusing Evolution to press their reifications so as to suggest Aboriginal 'inferiority'. With the 'fittest' only foreseen to survive, Aborigines were thought lost in small and vulnerable groups, readying to go.

But 'Truth will out'. In the 1880s, the 'evils' of Victorian and Tasmanian 'Reserves' and their methods of silent destruction were plain: the Wrongness of what had happened to Aboriginals when South Australian pioneers went through their land was now known. Attempts at reform had been made in Queensland (until Disraeli's Government fell): my relation stopped the whipping of Aboriginal women for instance, so 'The Good' and 'The Ethical' was living on, in Queensland's white-Christian conscience. But Aboriginal people also were keeping memory and knowledge of Imulun-type Law, and in private, personal life, they waited for such as David Unaipon. Profound, educated Aboriginal voices emerged, and for the next 50 years kept the Voice of Christian Equity alive as the data of real-reality clarified.

By 1835 Chief Justice Marshall in Washington had put in place the direct judicial thinking that was a precursor of the United Nations' 1947-8 Charter: he maintained in law that indigenous people do own the land they use for their survival; so when incomers wish to take possession of land for farming or mining or any other purpose, they must speak with the people already there, deal with them justly by negotiation, have Agreement in understood language result in a proper legal Treaty or else a Sale of Land or an Easement; and make sure that, if there is a sale, the original people retain sufficient land for a total continuation of their total life and culture; and then

the agreed result must be completed with proper compensation. Of course, in law, Australian Sovereignty has been used to override Justice for the Aboriginal, although Marshall's 1835 finding is normal Human Rights thinking today: but its non-appearance in statute in Australia in the 19th century (or until now, in full) shows that historically and philosophically the Common Law in Australia and its Statute Law had powerful political masters in the State and Federal parliaments, and only recently has judicial separation been in view. Moral spiritual and Christian thinking, and human sensitivity and logic (if not rationality), were unable to win survival for everyone.

Often the governments must have been counting on material interests not found in the human values within Christianity and Judaism, and trusting in ideas or politicised necessities that were not symbolised in the Oath to the (Christian) Crown. The moralities of Judaeo-Christian culture – the New Testament and the Old Testament Prophets – were not followed in much resulting law; and, in truth, Australian parliaments have often depended on the 'numbers-game' voting processes, so that when members whose interests in land gave privileged control of parliaments and judiciaries, they held power unfettered by the Jesus-Spiritual of the Oath. Before Universal Suffrage, the land-grabbing sections of society were controlling the law itself. The socio-economic realities in Australia have therefore often developed benignly to the advantage of the property-owning wealthy and their bureaucratic professional advisers, but not the white poor; and always this has been to the disadvantage, and often suffering, of the Aboriginal minority and their dispossessed families. Favouring the interests of the mainly non-democratic party politics of the property-owning and wealthy majority was not unique to pre-1967 Australian majorities, and the modern post-1980s spirit of Ego-narcissism suggests it is still here, in a different form.

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How has it all turned out? In this book I allude to recent and contemporary events, particularly to what seemed massive media barrage-attacks, on Aboriginal people and their culture, that began in 2005. These reached a crescendo in the 2007 Intervention put into effect by the conservative government, its special interests and bureaucracies, in Canberra. Weekly, I had to consider stories and statistics of negative data culled by mainly government researchers, in Aboriginal communities, and these came with accompanying commentaries and Australian legal projections. Western cultural prowess was heralded as superior at every turn. Orchestrated as a barrage or not, the reported data was used to project rejection of (and a constitutional need for Parliament to abandon) Aboriginal Customary Law and any idea that it is specially and legally valuable. So the writing of this book was greatly affected by its subject's possible disappearance! and the contemporary scene for Aborigines, including Bill Harney was becoming very disquieting. (The 'Women for Wik' website been documenting it all, and its saga – most recently in the Income-management field – still continues to be distressing).

The change of government soon after the 2007 Poll only postponed plans for Customary Law's foreshadowed constitutional demise. Continuing misperceptions concerning Aboriginal Traditional Law remained in place as Parliament in 2009 mooted plans to finish the Senate's deliberations on the 1972 Royal Commission into Customary Law. This political – and potentially very harmful to our indigenous people – parliamentary debate will be continuing for a long time, until Imulun's value is respected, and its survival assured. This book therefore has a considerable, unintended political scenario; and while I am mainly interested in presenting lost bits of 'truth' in matters and data that I did not previously know or consider, and providing some interpretation that might be of value to particular Wardaman Aboriginal people, I now believe some of it may be crucial to white as well as Aboriginal understanding, in the real, present world.

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All the above has weighed on my mind during the main writing of this book. But other more personal events created problems and traumas during these years, spin-offs which inform and attach themselves to the text.

The second weight – beyond the historic, scientific and legal uncertainties and complexities noted in previous pages – developed in 2005, when a grandson of Bill Harney was killed in a car accident. Other youngsters were injured, including the dead boy's twin, and this teenager group were said to be breaking normal Australian laws. Suddenly, the penalties for dangerous driving that could be dispensed in court to the surviving grandson, burst into view: a possible 8-year prison sentence for a young man whom my family had known for years was an excruciating, most upsetting new element in the story.

But then I heard, within hours, that Wardaman Customary Law processes, to re-educate him after his Law-breaking, were already being carried out by Wardaman Elders. What were these? Questions of appropriate police and legal Processes and Findings were soon in view, some seeming negative when contrasted to the Black Customary Law now in process at Mennggen. It all struck deep inside my mind – soul and inner being – my cognitive mapping some might say. Now I had to face, in practice, what I was discovering in Bill Harney's Imulun Law. Matching this with my white conscience, with the Presbyterian Spiritual Law of my own upbringing, I now had to discover the legal processes and philosophies of Australian Law itself: was it spiritual or Christian or moral, or a very moral materialism, perhaps?

But third, and quite separately, I now had my own close extended family problems: questions about practices and intellectual validities within the Family Law Court of the Australian Justice System presented themselves. If Wardaman ways of doing family, marriage, children, old age, welfare caring, and a different form of separation without Divorce's bitter-separations, appeared to be practically and morally superior to our Australian System, what then? If our modern social-system produces a non-spiritual 'Reason and Civilisation'

where modern Family Law is questionable and does not work in practice, surely it would not be right to remove Customary Law where it seemed to work well, better than what was wrecking those young white people in the name of The Law? Would some of Canberra's Australian Law not be amended or changed, if a superior product emerged, from elsewhere?

Viewing Law within the perspective of historical fairness and intellectual reasonableness now became an ongoing interest, food for my research, a major incentive for reading Australian Law in a western comparison to Bill Harney's Imulun. So the first chapters (below Part One) reverberate with Traditional Law ambience, focusing on what he himself experienced, and how he learned the Law; and the painterly chapters follow (Part Two) with art presenting his Customary Law in a storied, practical form that may prevent antagonists from pretending it does not properly exist. Part Three then attempts to concentrate on contemporary problems in Bill Harney's personal and community life, and on the whole western societal structure in which the Aboriginal people are (and have been) immersed since 1788, the realities of which, when it comes to laws for humans, might be dealt with better by knowledge and values and attitudes that are in the Imulun. Could the extended family community manage Law for themselves and others, today, better than the punishing regimes of professional police and prison, lawyers and politicians, who may miss the spiritualities that provide for such as Equity?

The Wardaman had gathered back much of their dispossessed land through the Australian Law Courts and Tribunals, by 2000: but what had they gained: 'gaining the trees, where was the wood'? What was the life that was now their's? It was clear to me that somehow there was no real 'equality' or Equity yet, for Aborigines. Would some of the history suggest valid answers that could help their future.

By the 1830s the idea that New South Wales Aborigines had no culture, including no property law, had been exploded correctly, as 'untrue myth-making': but Humanitarians travelling the same path as the Wilberforce Movement against Slavery, had presence but insufficient power. Successive State and then Commonwealth Governments continued the pretences until the 1950s: indeed racial illusions of Culture, and legal pretences of a Terra Nullius continent, received formal recognition as being untrue and inaccurate, only in 1992-3, with the Eddie Mabo case. Since we Australians think we live 'under the Rule of Law', how could these illegalities still occur?

The questions of 'Equity', 'Beneficial Law', and 'Justice' were now becoming part of our book; and 30 years ago a Ph.D. might have inspected the legal side more fully, accurately, with notes (and I hope others will pursue this whole story). But at this point, in 2008, I began to 'read Law' seriously (albeit as an old fellow once almost removed by illness!); and certain current political problems and policies, now under some scrutiny, made even more of an impact. In an informal discussion, the 1990s history was recalled to me by former Prime Minister Paul Keating, who firmed up the constitutional implications of the High Court's Mabo findings (later viewed in

The Australian 1/6/2011: The Lowitja O'Donoghue Oration; and written up his 2011 book). For instance, he says, in the Oration (pp. ): 'I knew the idea of pastoral leases over crown land arose because squatters moved on to land for which they had no title and where their activities, grazing or otherwise, were uncontrolled. The motivation for the legislative regimes was to put some control on squatters without conferring freehold title to vast tracts of land largely occupied by Aboriginal people'. With the 1996 Wik Decision (Keating continues) 'the grant of relevant leases did not confer on the lessees exclusive possession of the land under lease', so it was confirmed that 'there was a concept of native title at common law' where 'the source of the title was a traditional connection to or occupation of the land by Aboriginal and Islander people'. Then, with native title being a title 'recognised by the common law' and 'not a creature of the common law or indeed a common law title', there were (and are) 'principles of equality' involved; and the later YortaYorta case of 2002 put onus on the claimants as to continuity, according to the trial judge. So, 'in spite of the effects of European settlement (being) the most catastrophic in south-eastern Australia to Aboriginal people', the Yorta Yorta people must 'establish that there was a pre-sovereign society and that each generation had observed the laws and customs of its people'.

This was where the meaning and reality of the word 'sovereign' (or 'Sovereign') burst into our book: for Mr Keating now noted that the above did not recognise the legislation as aiming to give 'articulation to its recognition of native title' without superceding the common law. Instead native title was being treated 'as an ordinary exercise in statutory interpretation'; and Mr Justice French ameliorated the finding in 2008.

Now 'the onus of proof could facilitate a presumption of continuity of connection by claimants and continuity since sovereignty' – and though I am no lawyer, and cannot argue in the legal languages of 'Reason' and 'Fact', I attempt to keep the legal realities of Australian Law and its British history in mind; and some of this will appear – I hope in value – in this book.

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In fact, Aboriginal communities are still vulnerable – in 2012 – to political powers acting on behalf of assumed and asserted 'National Interests'. Mr Keating is adamant that 'the Howard government's 1998 amendments cut across 'the spirit of the act'. First and foremost, the 1993 and 1997 Findings were meant to be 'legislation of a beneficial kind, to redress historic inequities rather than compound ones sanctioned by earlier acts' (French 2011: quoted by Keating op.cit.). This confirms the presence of Equity thinking in the High Court; but perhaps the future begins to look like a rerun of the past, when a 'step forward' is followed by a change of government that has no Equity in mind as it reverses matters. In the Sydney Morning Herald for 23 June 2011, new legal questions were set to respond to geo-political – that is political – realities yet again, as Equity again fails to be delivered to compensate the already minimalised Aboriginal communities.

If the 2007 and 2010 reformist governments in Canberra are replaced by large-majority right-wing governments, Aboriginals Beware! because the 'Great Land Grab' with its Assimilation realities will be on the move again, and against you.

In such circumstances, conservative minds may like to keep interpretation to the firm signposts of the legislated past, while liberals may hope to keep realities from an unconscionable past. Surrounded already by Defence facilities – some on Bill Harney's peoples' traditional Wardaman land – and conscious of huge land areas nearby forming the 'energy and energy security belt' of northern Australia, Idumduma and Imulun Wardaman with other Aboriginal communities are becoming conscious that petroleum and other resources – the 'Growing Resources Industry indeed – are already presenting allied Top Priority concerns. With burgeoning, developing nations to the north turning eyes and minds to our continent for trade, resources and agricultural survival – increasing their maritime power at the same time – the Rio Tinto contract (2011) to develop Aboriginal communities with compensation for their land, is a very good example of what can be done with Equity Action that will potentially firm up the Aboriginal communities at last respected and embraced. But this is unlikely to press Defence to gather funds for the Wardaman for the use of their land. The history since 1788 has been One-Step-Forward, then One-Step-Forward And Two-Steps-Back, then One-One (and so on). What will the 21st century story be? Will Equitable Law and Life ever come properly, to the Wardaman? But what exactly is the Imulun Customary Law anyway? Do anecdotal stories from government outsiders form the basis of the Senate discussion? How to centre this book in its aboriginality, to 'value for all'?

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As happened in earlier circumstances when Bill Harney decided that I was having personal writing difficulties with our earlier book, he now decided to pull me back to the main focus of our book. I had found my words inadequate to express his astronomy for Dark Sparklers (2003-4) and he had solved the problem by painting his night sky Wume for me. Now the new Imulun painting rescued me. Central to my writing now, the new painting began to express the Imulun Traditional Law in symbol and story-commentary; and – worth many thousands of my words – this painting re-centred me on the practical Aboriginal spiritual and cultural worlds of his childhood and youth. The present book flows into it, and from it, in an attempted continuing dialogue: it is central from now on.

'Imulun' portrays personnel, practices and processes that are the 'given' in ancient Aboriginal culture. These include the Spiritual Cosmos with presuppositions of faith and experience, practical preparations for life-long education, details of Law – such as penalties, retraining, restitution, new life – and shows reconciliation work focusing on rehabilitation, re-integration, and social reinstatement. So the Imulun Law is an on-going, really-real world to many Aboriginal people today, so that when they experience an oft-crumbling Australian Justice System, like many poorer people in our mainstream society, they often feel glued into unreasonable social legislation, and Wrong law.

In its symbolic realism, the Imulun painting also leads us modern humans to consider and observe intellectually what is behind the visual metaphors. The original 'earth ochres' deepen story and experience in this geologically-fascinating land; and this book's text attempts to present a written substrate of concerns arising from the ochred painting and the human Imulun practice, and from the history of the colony with its Colonial and Parliamentary Law. Acute contemporary problems find their niche within the balances of history: but feelings of fairness and appropriateness increasingly pervade modern Law, pointing to its defects in mercy, kindness and proper consequences. This happens case by case in modern law, and only experts can work in this (much of its power lies in the esoteric special language that outsiders can seldom comprehend). But if we move Customary Law from original peoples into a modern Anglo-Saxon and American world, this is an exercise in seeking to find experimental validity, and good results. Where remarkable data press into mind the inadequacies of history, then imaginative possibilities arise, and those outside the legal profession may call for change through Everyman's call to the Sovereignty of Parliament. So if Australia's original peoples need positive law change in Australian Law, the various reconciliation and re-education possibilities in Imulun (for instance) may prove valuable, as in the recent changes to 'Circle' Sentencing. Parliament in its Duty of Care for All the People in our multi-cultural society, will need to consider its whole corpus of laws, for Good...

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Entering an educational institution and its Faculty dealing with modern legal realities, in June 2008, Bill Harney gave a lecture-presentation on his Imulun painting at Bond University Law School. As Artist-in-Residence, he had painted a second Imulun painting for that University's Collection, and that evening, at the Presentation, he described the Imulun Law in the 'Imulun' painting in terms of a specific story of 2 young, unmarried lovers' journey through the Aboriginal Law System. A talented musician and life-long worker in many pursuits, Bill Harney excels as a story-teller; and now, as he was portraying Imulun Law in this pictorial-story-telling, for its 'Justice' validity in human and rational terms, I could see the legal processes more clearly, as story. Having done wrong according to Traditional Law, the young couple acknowledge their wrongdoing, experience Courts and Sentence, are punished and then re-educated to know fully what Imulun means for proper Wardaman life. How sensible this System was! I reflected on this; and this story is central too.

As they learn under their (separate) Elders, the discipline and proper understanding of what it means to be Human is expressed for us all. I realised how the carrying out of the Wardaman Ancestral Law makes you Wardaman – a proper Humanity – and that aspects of this Spiritual Law may be of real interest to others on this Planet. If this is what it takes to make a proper human community, this is why Wardaman need it back. Australia needs to consider it too: much of the population prefer the ancient spiritual laws they once knew.

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So the realisation came, crucial to this book: this Customary Law is different from Australia's Law and Government because it is based spiritually in Cosmic Spirit, and they are not. The latter do not claim to be spiritual: an essential difference is that they have the authority of the people by democratic vote: but they do not have special moral authority, being secular urban creations in a secular society based only, now, on self-interest. That is why our laws certainly are not perfect, and may not be adequate to the challenges of modern life itself.

The European investigative law systems seemed more interesting now, and the Westminster System less effective. Too often our overall modern philosophies and religions have failed to meet the real but under-valued lives that most of us live: perhaps it should all be looked at again, in expert Jurisprudential depth (to which I do not pretend). The set of practical necessities and legal mind-sets forged in the secularising Industrial Revolution, following the British Enlightenment but now failing to acknowledge mistaken trends in those centuries, is hardly a national history presenting a Great Book of Success for Australia's future. Our history is filled with War, Greed, Deceit, Fear, Violence, Waste – all the seeming Non-Sense that makes for 'civilisation' in 2012; and there is a pressing need for at least the spiritual, in the legal realities of today, if a better Humanity is to be nourished in the world's communities and institutions, in these times.

Overall, in our book therefore, the 'unseen' has had to be brought to light to get a truer picture. Bill Harney and the Aboriginal mind see modern complexity clearly, not negatively; and he is a realist worker, not a Flat-Earther. Like a disinterested scientist who knows when data has been tampered with by inadequate research or intervening ideological story-tellers – or is inadequately sourced, or not investigated, or suppressed – he wishes to know more, so that his grandchildren understand how this complex western mind works, how the history has evolved with all its powerful institutions, and their laws. Basically many if not most Aboriginal people do not revere our white civilisation that has done so little Good to or for them; and, like most of us, Bill Harney feels he is often without knowledge of the intricacies and complexities of the human-made, artificial world we have produced. But he understands now that his family and people need to negotiate much of their life with the impersonal institutional worlds of modern imperial and corporate organizations, and for this they must learn to fully understand the modern bureaucracies and power-plays, and the impersonal processes of modern life. Perceptions on these matters, then, need to appear in this text, because Aboriginal people need to know it all. They know whites well. already: but the curiosity and love of real, basic knowledge is a mark of Bill Harney and the original culture of Australia's Aborigines, and so part of the future will be the harnessing of this curiosity and intellect, and the leaping imagination and humour ... in Science.

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Towards the end, in Part Three. some of the book has a more general, gentler yet stronger aspect. Written at Bill Harney's request to present Wardaman Customary Law to his young people, I find they need to know and understand, in this book, why the traditional Law is under fire from many in the legal fraternity, and even in the Senate of a Parliament that is meant to protect them. This is educational. Why, in this country where there are more than 53,000 years of their own traditions and lands, do Aboriginal people have to put up with our complex white historical residue, in this case the particularly aggressive form of Justice System which they know from experience does not suit them, and which oppresses them in a post-British culture? it claims more and better than it gives or deserves: why in its Australian form do its legal deceits press upon them, in the name of a non-spiritual democratic morality that is too often Not Good?

Global complexities in modern culture exploded within the British Empire: occupying the Australian continent for trade and geo-political reasons, but made the Aboriginal's personal and social experience detrimental and at times extremely violent to their way of life as 'subject' people. The Aborigines' own strict norms of justice, truth, accurate process, and fair sentencing, were lost under the new Australian laws which, ever since – in contrast to their's – have not been Good in their experience, nor equitable according to the international white laws of the 19th century. Even today, police vigilance is sometimes shown to be incorrect (if not cruel), the magistracy not always understanding, sentencing often ridiculous (when a white person is 14 times less likely to go to prison for not dissimilar actions) and so on. So, to show the youngsters of today how and why things are as they are experienced in their life, Australia's own modern history, with its inadequate actions and/or changing moralities and selections, and historical circumstances that have brought these, need to be clearly taught, not least in regions inhabited by Aboriginal communities. Worlds of controversies, in general, like 'church and state' and 'secularism', need to be aired academically in their schools (not just the 4 Rs) because they give major understanding to people prejudiced against whites; and such teaching needs to be properly funded (unlike the Intervention promises).

So now, with multiple failures in International Law having taken place – like no proper compensation for the taking of their land – the young people need to know Why? How does Parliament get away with not obeying their own laws in the world arena, or parliamentarians normal laws of the Australian people? Then young Aboriginal children need to know what 'due process' is, and why it is there: so, if the Imulun is in their community, they will know what it is. The living-in-2-worlds will make sense of it all, to everyone's benefit.

For whites too there are questions: what is the reality of power moving underneath what can be seen to be there? Recently the May 2012 media suggested that secret Australian military groups have been in operation with Government knowledge: is it a matter of Government purpose? If so, how can democratic Canberra act without Parliament? or are secretly-passed laws allowable 'in the National Interest', in our democracy? The racism laws were put aside so that the Intervention could take place, and Aborigines asked Why but received no adequate reply. Where does 'National Interest begin and end? What if the mysterious Bourgainville village massacres that

opened up the mines again, were really secret SAS cleansings by persons 'not to be identified'; that took place without Parliamentary knowledge on behalf of our (or any other) multinational companies? Is the 'National Interest' not to be debated publicly when economic interests alone – and not human interests – are the matter in hand? How many killings and cleansings remembered by Aboriginal communities took place in some hidden 'Interest', national or not?

In the 1950s when bauxite mining needed to burgeon, the north Queensland resources were claimed for mining, and the Aboriginal community of Mapoon suffered a semi-cleansing – 'semi' meaning 'no fatality' – reminiscent of the Highland Clearances in Scotland: but this took place under open Government auspices, with the decision able to be challenged. To their great credit, the Presbyterian (Mission) Church later publicly acknowledged their Wrong (in trusting the Government and Comalco); and their cooperation brought an abject Formal Apology from the Church's Assembly who had chosen Business over People (as had the Government). Assembly members had the courage to revert to the Jesus-Spiritual of their religion, and castigated themselves for believing Government and Company could be trusted. Deceits had been planned, how it would happen had been planned: but the churchmen did not know this. In 2011, decades later, the Aboriginal people were welcomed back to their destroyed, burned-out homes, and to a renewed life in Mapoon: they had left in trucks, and returned when The Good returned; and they remember how governments and laws can change

The callous awfulness of Aboriginal history needs black Elders to teach it, in the 2 worlds of black and white integrity. Do we understand the public and private realities of the Military today (the Intervention was shocking to most Aboriginal people)? Does Defence have such independence under the Crown – they have it in their separate, sovereign Military Courts – to be able to undertake extreme measures with a Special Operations Task Force) even fatality-producing action? When their own lives are in danger in a grenade attack this is taken to be justified: but when gross sexual abuses envelop Duntroon, Civil Equity is not allowed a presence. Which law is Sovereign? Moral laws as well as spiritual (and Spiritual laws as well as Parliament's normal Australian Law) are waived, here. Viewing the Military with its Code of procedures of 'due diligence' in investigation, and 'rules of evidence' that are kept 'in house' make (in their eyes) 'illegal' legal realities accepted as Sovereign and 'above the Law'. So Part 3 ends with Bill Harney renewing his strong refrain: 'Bring back the Imulun!'



# Chapter One - Part One

Law in the customs of the Spiritual -  
Family, childhood, education, The Law  
- Becoming a Law Man



# Chapter One: The Childhood of Today's Idumduma

At the end of Dark Sparklers in 2004 (the second printing p.223) I quoted Bill Harney's final word about what he hoped the book would communicate to readers. He responded with this paragraph:

***Care for the country like the Creation People did, the mountains, rivers, landscape, plants, animals.  
Our book's for people to understand how to care for the country... have a look anyway!...***

Now: in the photograph that shows people that his own uncles, and the elders who made up the male part of his childhood revered (below p.???) we can see they are synonymous with the types of people - the men and women Elders especially - who for at least 53,000 years cared for the physical land of Australia. The lived-in orders that their cultures produced, and the thought-of orders that underpinned the 'caring' practices of these metaphor-making cultures - with their stories, theatre, music-making, ceremonial art-working, and transmission of authentic inner thought - these were personal creativities that we know, today, as good modern education.

But what had happened to the human beings who emerged from Africa after our virtually-new species developed in the 80,000 years from 150,000 BCE? They had traversed tens of thousands of kilometres, mostly round the coast, across bays and narrows, and reaches between islands: but they knew - in their bones and cultures - the deserts and jungles and inlands of Africa and India at least. Genetic researchers recently confirmed the African origins of our original Australian inhabitants: but being here now, we can see they had traversed and settled over all of our continent before the whites arrived in 1788. How come, then, this successful human population who were so good at travelling all over - now settled with a million souls - was in danger of dying out, a hundred years later? Their ancestors had survived all manner of natural phenomena and catastrophe over a million generations, and all the photographs and almost all the records show a healthy population, happy, homely, generous in their relations with the newcomers, and indeed filled with an agile curiosity when these first arrived in Botany Bay and moved to Sydney Cove. How come their new life nearly killed them?

How did it all happen? Pointers abound, in the history recorded by the newcomers: but victors never record it all, and amongst the more hidden aspects, kept from the public and our children, have been realities of which we and our western communities have often been inordinately proud. Gun and Horse were the basics: but the invaders' British factories and bureaucratic and military disciplines, and all the resources and food possibilities carried into the land by an imperial navy, these controlled the land take-over; and it all took place under the iron will of geophysical and strategic Government objectives, and London's Will. Finely organised administration, and authoritative powers of coercion, were needed in that undemocratic era; and the gibbet and the lash were just the more open instruments of violence and martial law which were - at the time - 'beyond the ken' of the family-grouped indigenous people who were confronted by hidden power-structures, and relatively soon controlled by so much that they could not understand.

Why was there not a proper 'War'? There was no Aboriginal concept or practical reality of 'War'. These natural, non-urban, non-hierarchical, dispersed indigenous family-tribal groups had no need of fear-inducing, hyperbolic killing; nor for the excessive punishments they saw in the First Fleet's actions. Aboriginal culture had symbolic story, symbolic eye-for-an-eye fighting, symbolic language of personal demand and reprisal: but no need for 12 heads to roll for one killing, as Governor Philip demanded, without legal investigation.

The 'controlled ego' of people with a 'survival' culture had no need of excessive force by its population. With no impersonal destructive artefact, their way of life had no place for mad power, and no mass desire for the Doctor Strangeloves of western history... so when the Gun, Sword and Horse arrived with artificial foods in 1788, the Aboriginal People's land was easily taken. Then, with military defences and the first stone houses built, the visitors showed they were staying permanently; and British contempt for the special Tank Stream water supply implied a lack of personal concern for the local people, indeed a highly symbolic of lack of cultural concern for Land itself.

What is clear in hindsight about this British Government culture exploding into Australia is that Land was a commodity for human usage and production of wealth, and little more. Herein is The Clue to the Story of Australia ever since; and Aboriginal people suffer this still.

The more modern story of Bill Harney's extended-family people, the Wardaman, is a modern symbol for much that has happened since 1788. Mining and pastoral overstocking both garnered (or attempted to garner) personal wealth for those owning and managing these businesses, and for the London, Sydney and other banking houses that supplied them with Credit. The imperial trading era that supplied the infrastructure for the developing world system, underpinning the urban magnificence of the Industrial Revolution, found the new Australian colony a fine environment for the probabilities of huge, albeit-risky profits. But the virtually-slave, indigenous workers (like urban factory workers of the 19th century in Europe) found themselves without food, except the false-goodies of flour/sugar/tobacco/alcohol, without proper home and family, and with no Future as, soon, they were without their own culture. Figure 2 below vividly portrays this: if the Elders were in prison or dead, the traditional cultural teaching could not function, their children and wives could not be protected from the ravenous incoming people, and their land could not be cared for in the wholistic and spiritual way it needed.

Only in this 21st century have the 'Big Miners' suggested they give back to the Aboriginal people some of the wealth they have taken for themselves and their backers. Education, housing, employment and medical services are mooted to be given as payment to the Aboriginal owners 'in kind': but is this 'recompense'? Towns have helped make Aboriginal lands vanish. 'Shire' changes and various governments' 'interventions' have seemed to care little for actual Aboriginal land, for the spiritual culture and personal life that was organised well for millennia, or for the people themselves. Without listening to them, those in political power seemed 'hell-bent' on removing 'remote community' to towns by forceful means or by manipulations of Welfare payments, and the like: so that the futures envisioned by Aboriginal people themselves are - even after Citizenship and Apology - again being transformed back into the 'Outcomes' beloved by Government - one of which is control of a feared population, and especially control of their lands and funds.

Have the '2 Cultures of Bill Harney' – 'black' and 'white' – really been clashing? Whatever has been happening since the 1920s, he has been experiencing much of it. In this book the photographs are worth the proverbial 'thousand words': but his cousin Sabu's experiences of the 'glass ceiling' clearly underline suggestions of racism and of white-superiority immorality. White 'Meanness', indeed, still today produces a guilty silence in many white Australian people: but there is no antagonism to be found in Bill Harney's relations with whites; and such moral Goodness can be felt in the pictures of his family and himself. Like 95% of Aboriginal people in Australia, they live within urban cultural realities and norms where those of poorer backgrounds, in the statistics, work with limited success, as expected.

In essence, Bill Harney, over his lifetime, has seen traditional Aboriginal Law to be morally and practically superior – in terms of thought and outcome – to the general white culture of Australia, thence to its parliamentary laws. Both of these seem too often empty of proper culture and spirituality, and the western-urban global-commercial communities and nations seem too often lacking in personal integrity, and the Beauty and Goodness seen in the early photographs of Aboriginal personal family life and culture. In this deeply held perception he will not be alone: in any human place on the planet there are individuals, groups, institutions and ideologies that despair of the human species in its 21st century form; and the decadencies, futilities and downright evils that were present in the previous centuries still hurt when seen today, as their realities are laid bare by modern investigators. Bill Harney is therefore not alone in personal thoughts that lead him to think 'outside the box'; but his are not party-political views or commitments, simply understandings from spirituality and experience, put forward for his fellow Wardaman families and his own grandchildren; and for some of us in white society, who see waste in many forms today and in recent history, and who need to ponder them for our own family's sake, and their future.

In this regard his talking can be of general focus, but his smiling is from his own spiritual Goodness, and is personal in all fields. This comes to him through the traditions of his forefathers, and the totemic bases of his culture. Earth Mother Dungdung Froglady, her first husband Rain the Watermaster, and her second husband Sky Boss Nardi, work 'metaphor' to spread our thoughts into depths of meaning. Like all spiritual religions, where human linguistic genius and imagination develop and displace concepts, these focus on what is important. Western readers need not dismiss Aboriginal stories, because western institutions-with-their-doctrines flow from reified and repackaged western-storied concepts. But in contrast to the Great written Religions, the Wardaman metaphors of Bill Harney resound with refusals to go along with abstracted reification, and, more in tune with modern sciences, live close to natural earth, to non-artificial priorities, to oral immediacy, closer to 'Mysteries of the Universe' findings than most formal religions do with their 'Certainties' and 'Faith'. When Wardaman people obey Imulun Law, this is for natural evolutionary survival, not an elite's thought, structure, demand.

With Bill Harney, now, the Imulun Law is the Whole Wardaman Culture. Western legal materials, court-systems, inherited cases (and such-like) are analogous only to its Justice System part: its major considerations are concerned with his people's survival, their basic Existence, Birth, Marriage, Living Right, and Death – and only 'Living Right' covers our western meaning of 'Law' and 'laws', in the analogy. Some specific problems experienced in the Wardaman community in recent times appear in Chapter 7: but readers may already have noticed that the 'Whole Culture' concept of Law is not new to the western mind: ancient Scriptures like the Hebrew Old Testament, and many

other religions, have 'Law' as their Whole World-view. But modern western 'Law' has evolved from the ancient Hebrew 'Voice of Jahweh' into the mechanistic, utilitarian mode of urban-imperial realities we know today only in its thousands of material details pursuing Law-and-Order. In spite of individual law officers, it is not Spiritual. The Imulun is also not written, like the original Hebrew Faith before King David's time; and therefore this Law can respond to events with personal directness impossible in bureaucratic, non-prophetic nations.

Considerations like the latter pervade many pages of this book, noted in Bill Harney's 'scripted' perceptions, memories and thoughts, or in the co-writer's interpretations, notes and suggested readings. Throughout, we always have to have Bill Idumduma Harney himself in our mind, because this book aims (and claims) to be a presentation of this man, and an expression of his way of thinking, his priorities, his work, and his spirituality. This is no saint, either in popular meaning or in the meanings in various well-known religions. But he is a very worthwhile human being, by any yardstick; and he hopes that his traditional people will find that their ancestral Imulun makes worthwhile people too, in their own being and in their families' being. Maybe in ancestral Dreaming painting they will find Imulun: but we all ought to be learning to read and write today, so this book is Imulun explained a little in words, as well as through his own painting.

**What Bill Harney wants is this:**

***Bring Back our Imulun, our Ancient Law!  
Better than Australian Law for us - always was! - is Now!***

So let's listen to him as he grows up, and eventually becomes a Wardaman Law-Man like Joe Jomornnji and his Law Woman mother Ludi.



*Bill Harney today in Canberra at IATSIS with the attentive and respectful young Elder relative from Arnhem Land, at the 2010 Aboriginal Astronomy conference.*

*Today, we're back on the cattle station, the country I grew up in! other Wardaman're in Binjari, or whatever, an' if we're not doing the diesel fixing, or the fences, or the cattle, we're doing the normal stuff we'd do in the old days. That's it now: but all the town stuff's still hitting us, an' the young got it in the school probably, like when we were in town. That was we were 45 years there, an' plenty of us old ones were got there after the Walk-off. Never had the grog or druggies before the whites came, took some time t' get back, eh? What's needed's th' Imulun Strong Law. We'd best get it back- Ludi and Joe, they'd get it back!*

This is the passion of Bill Harney, his conviction that the old Wardaman Law and life was every bit as valuable and good as that brought in by the historic newcomers; and that the way out of the Australian Commonwealth's mess with its original resident-population is to value their Imulun Law, to help Aboriginal people now back in their lands to grow their communities into historic post-European but proper ways of their Law. This will benefit everyone, but for whites the basic generosity in the culture of the indigenous population needs to be enjoined with fervour by the whole population – the fervour of Goodness and Justice in the 1967 Referendum renewed – to make a true nation of Australia. Bill Harney even thinks that all Australians should join the Aborigines in their 'University if the Bush'!

The Imulun Law comes in the form of many stories and traditions of actions. The Centipede nursery story for infants (Parker<sup>1</sup> 1929) is one, but the outcome of the whole Imulun is to be a people who live, share and work together for Good. 'Children first!' – needing to be cared-for – is a beginning, something we all understand, a Law to be made firm in all people, and in Wardaman it is to be 'second nature', a lesson to be learned by all. The pattern of mothering behaviour continues when the nursery rhyme moves the child into the 'loving and giving' intense mateship solidarity that entered into Australian society as a whole when linked to convict and perhaps military behaviour; then the pioneering needs of outback work gave it high white profile, and it merged with Gallipoli's adherence-to-the-Empire behaviour, so that this Aboriginal family brotherhood underpinned major colonial and World-War phenomena so important to the Nation).

**The moral call 'Give to me, Baby! Give to her, Baby! Give to him, Baby! Give to one, Baby! Give to all, Baby!' (Langloh Parker, 19???, *Stories of the Dreamtime*) was basic to Aboriginal communities. The 'watching-and-caring' behaviour of the mother – here in sharing – was to become part of the child's inner nature, the child's cognitive structure, an 'alter ego'/'superego' observing the environment, ready to warn about danger from a very early age, a subliminal presence in the real-time environment, recording what and who can hurt, maim or kill. This 'acted parable' of the Centipede (next page) never meant 'ferocity' in close family life: the latter, in historic records, was loving and healthy. But the Centipede story makes clear how the reputation of the Wardaman as Warriors was well deserved; and what had happened in the nursery rhyme and Centipede story is 'acted parable' as educational method. The child watches mother hunting down the toxic centipede, the words of the mother enter the brain, reinforced as the centipede is caught, dismembered and killed; its a real-life story of mother dealing with visible danger. Law entering a child's inner being takes us into the heart of Traditional Law, and Aboriginal survival.**

*I remember our home in the Wet Season in the overhang on Old Willaroo. It was Mulluya<sup>1</sup>. We were often listening to Ludi and the others there, and then at other times we found ourselves in special places like Moon Dreaming. All these places my mother Ludi was teaching her Diamond Dove Ancestor knowledge, so I was deep in Law with her from the beginning! Stories we learned all the time, from her and the other old people, aunties, all them them stories. I didn't know it was Law. I'd been born out bush - under my mother's paperbark tree, I wrote about that! - her family place, it was. But it was cattle station country then, our country but their cattle!*

Langloh Parker tells one story beautifully illustrating the Aborigines' survival-need, and how they have survived at all in recent centuries. The child watches the mother hunting down a centipede<sup>2</sup>. The mother's story shows the meticulous observation crucial to outback survival. The centipede can be 20cm long, and it bristles with poisonous spikes. Watching the animal carefully, the mother croons the words of her song and then she grabs it, picking it very carefully in the skilled way that makes sure it can't bite. Holding it over the fire she then singes it deftly, so that its legs and body are burned stiff, but not destroyed. Gentle singing continues, but now the mother prods the child's hands against the stick-like limbs, and this shows the child that they are not to be feared now – just controlled.

The danger is past but this deep lesson has been learned:- 'Recognise danger!' and act quickly and intelligently to remove it. Death and its reality are observed close-up here; remember this, together with the unspoken knowledge that fundamental change happens, and matters. Learn this, for Life! and observe and learn your mother's skills – and the skills that other Old Ones will teach you. Realising this now, the child will never forget the wisdom of mother, will hone skills of traditional work and action and understand these are being transferred to everyone in the community, and will practice whatever is learned during these childhood years, throughout a long life.

- 1. The Four Circles rock art site is paralleled elsewhere in Wardaman land and is both a major (Justice System) Law site and the major Wet Season site at which they lived when he was being hidden from the Government 'Protector' in charge of 'mixed blood' 'yellerfeller' children. Much of Bill Harney's childhood is on record, in Harney & Wozitsky, 1993 (*Born Under the Paperbark Tree*); and in Harney & Cairns, 2003-4 (*Dark Sparklers*).**
- 2. Recorded by Langloh Parker (Parker op.cit), the paraphrased anecdotes and cultural stories tell of the world and behaviours experienced in the outback, and the people who befriended her. These Aboriginal people spoke different languages from the Wardaman, in territory further south; but Parker's renditions have wording, sounds and themes recognised by Bill Harney as those of Ludi, her mother Gargarla, and Dixie his wife. Real but universal knowledge is behind the 'Aesop Fable' form, and I am indebted to Maureen Brannan for sending me this material (also sent to the Prime Minister for better understanding of Australia's indigenous people). The lightly paraphrased quotations fit the 'inner' Idumduma I know personally, and other such leaders as his childhood friend Pat Dodson (who publicly decries the 2007 Intervention's seeming attempt to destroy 'the essence of Aboriginality'. The 2007 Intervention's unskilled, unplanned, parsimonious, special-interest-laden, and tragically racist-seeming set of strictures, policies and actions, are morally and legally reprehensible in United Nation's eyes.**

*That's all in my Law paintings too, because in those days, over on Willaroo, we had Ludi and Joe making it all happen well, and proper. Taught us behaviour! I remember it all. That's our Tradition - your mother grew you up, that's the right way; and you might growl at her, but your grannies tell you: Back off! it's Law! an' "Get back!" they'd say, and you stop doing mischief straight away! Got t' get it all right an' proper. Then today you stop too - I tell you! - with them on your back, an' it's Law - the Old Ones still there, I tell you!*

The following example (again in Parker op.cit) is a tradition Bill Harney knows: his wife Dixie has similar words, sounds and actions paralleling the Central Australian tradition, and these are sung to their own little grandchildren today. The Spirituals with this particular ancestral nursery-rhyme teaching pervade story and land to the south but Wardaman words and worlds carry the same traditions of behaviour:-

*Kind be Do not steal Do not touch what belongs to another Leave such alone Be kind*

These words echo Idumduma's Imulun Law strictures, but he relates the basic moral demand to blasphemy – The Spiritual. Stealing ceremonial items is subject to the most major warnings, and this becomes a general Law:- 'Watch Out! do not take what belongs to something or someone else!' Indigenous people did not – indeed, in 1788 – find the newcomers' western-European customs proper, morally good, or better Law, because soon after Captain Phillip arrived the special water-source (our Sydney Tank Stream) was commandeered, its totemic ground ruined, by people clearly no good. No land-knowing food-work was in evidence. Viciousness of a raw, uncontrolled kind seemed to know no bounds. Treatment of convicts and women could not be understood. Violence seemed unrelated to survival. The famous 'orgy' of the First Fleet's first days on shore advertised a culture with no spiritual ties, no marriage laws, no accepted/taught community Law, no goodness of any extended family. The whole-hearted lack a respect for persons, indeed, meant no initiation-education system; and no Law of lasting Goodness or value – Colonial, Military or Anglican – could be seen: so Sydney Cove lost the indigenous people within days. The West simply – then as now – cannot listen: its 'Way' is completely 'other'. Not 'better'.

**The Spiritual Law that nourishes Good Life, in Bill Harney's country, could have (but of course could not have really) shown 'wisdom ways of life' in Sydney, in Eora form, as they acted out parables of danger, ceremony, proper behaviour, humanity in the Men's Imulun, and in the Woman's Mudu the duties of caring, protection, language, accuracy, and general education for family survival. The Totemic Ancestors who taught Elder-representatives the continuing Law early in the 19th century (Parker op.cit.) were Spirituals before our modern governments planned forced removals, reserves, shanty-towns, prisons, amid virtual-slavery policies, by means of White Law. Cherokee and Seminole Indians were suffering similar government policies in the USA of 1836. The rhyme-story teachings taught to Bill Harney and his siblings 100 years later, live on today in a spiritual and customary moral tradition certainly not inferior to those of white governments until the 1950s, when catch-up began in Australia.**

*They told me how I was born, later saw it for myself. Ludi and the other women had the fire near me and smoked me - I'd have quickly known I was in the real world, that steaming heat'd make me think! They say today, it's like a medicine - call it 'anti-bacterial', that roasting! Then I'd the special red ochre plastered over me! Gathered that ochre in the proper Law way, proper place, so made me proper special like every other newborn Wardaman. Singing all the time, too, Ludi'd have held me at her breast, fed me good food!*

Normal Aboriginal family upbringing begins with mother, 'grannies', 'aunties'. Recently an attempt<sup>1</sup> to paint the 'indigenous home' in Australia negatively, is a far cry from my own family's experiences at Menngen with Bill Idumduma<sup>2</sup> Harney and the community. Bill Harney assures me that the Sutton interpretation is wrong if its meaning is that the Aboriginal mother is cruel as per the English language's normal meaning: perhaps an extrapolation from particular subjectively-experienced data was used to make a generalisation that interprets all Aboriginal mothers, fathers and the culture in general, as 'cruelling' their children. On the contrary, such deliberately cruel activities (if this is suggested) would be an insult to post-1788 Aboriginal families and Tradition as recorded, and to my own experience. Maybe an example from W.E.H. Stanner (in *The Dreaming*) is being exaggerated and subjected to dubious modern western religious moralism: in that example, a disciplinary pulling of an infant along the ground on its belly might be an educational reality-testing experience to the child that – agreed – would not be allowed in our modern (but amoral) 'West': but many parents today, in the dangerous 21st century, exhibit reality-testing behaviours of a corporal nature, by the roadside, and would welcome corporal punishment instead of chemical panaceas (for ADHD for instance). In the present case, the Aboriginal infant is experiencing discipline not sadism, the outside world where 'The Other' can inflict pain in real life, and the authority of the protecting mother and her ability to remove or heal bad experience, and teach about it. Over years, Mick Pearce<sup>3</sup> has worked in many indigenous remote communities and their houses: never has he seen or heard a mother in Menngen or elsewhere carrying out the crueling type of sadism that Sutton claims.

- 1. Professor Peter Sutton in his heart-felt *The Politics of Suffering* (2009) has, I believe, a traditional problem of Statistics. The 2007 Intervention's formal backers Professor Helen Hughes and Chief Medical Officer Dr Arnold reported 'child abuse' statistics for Alice Springs that were used by Government to justify the direct control of 73 indigenous communities, many of them not in that survey. Extrapolation of statistical material from small 'hearsay' samples from unlike communities too often form bases for government authority programs. In this case the bureaucratic military/police action formally condemned by the United Nations and by Amnesty International, was based on inadequate research and method. Many lawyers, moral campaigners, church people and politicians in Australia and round the world rate this 2007 Intervention 'racist'.**
- 2. Prefixing the basic name with a 'Y' is unnecessary The word 'Idumduma' reflects a totemic Eagle leadership role, and his close family's usage.**
- 3. Mick Pearce has been a personal friend and part-time consultant to the Wardaman Corporation since 1997, and to Bill Harney since 1998.**

*All this made me healthy, happy, active - sharp mind too! Clever thinking after that, watchful, respectful - what I've been ever since! In those days called me 'Bilidumduma' like my grandchildren today. My mother and the other women, they taught us real important things: she was Senior Law Woman, Ludi; and my new father (step-father Joe Jomorrnji) Senior Law Man; so I got everything taught real well! Ludi, our grannies, aunts teach 'respect everything!', 'don't touch!', 'leave it all!' Law's how to behave, have it learnt. I teach it now: it's the Law. Then, used to be story, singing, dancing, almost every night. I s'pose we learned from*

Misconstrued anecdotal data suggest religious, social and/or political presumption, and are not to be generalised without dense examination. Children were so special in indigenous societies. Values learned at mother's knee from Ludi and the other mothers and grandmothers – the Aunties – were deeply ingrained during 8 years of free-learning childhood. The years of hard discipline of Initiation schooling followed: but childhood was free for youngsters to be exuberant in ideas, humour, skill-finding, athleticism, personal relations and talk. So it was informal personal discovery that developed necessary self-disciplines, within normal natural environments in which they related to people, accidents, events, language-play, physical geography and so on. Free lively intellect grew common sense within basic life-information. Happy childhood laughter flowed in the bush, as it does with their children today, billowing amongst the humpies in the circles of loving extended family<sup>1</sup>. This informal education is solemn Tradition within the heart of Wardaman people, and it accords with that basic, normal indigenous world we know from the data world-wide. Careful protective watching by the mother continues all the time; so, when food is found, gathered or caught, the generosity of giving extends the child's social world, brings the child into one of the basics of Aboriginal Law; and develops the world of wider human relations, even a first glimpse of the kinship world. What starts with mother's joy becomes a way of life. This close-knit, full way of living is remembered as the old tradition by the old people today.

1. This contrasts with the urban-commercial and government-policied personal and social catastrophies seen in *Samson and Delilah* (2009). The field-video films we recorded regularly since 1997 show the extended families operating without welfare, paying their way with work in the modern world, enjoying being out of town and back in their country – but with urban-western/poverty problems at times. This is not a romantic view: from 1788 the normality of Aboriginal family life with its happiness and contentment was visible and recorded by incoming pioneers, pastoralists, researchers, government officials, police. It reappears when the family is allowed to exist without interference from incomers from government agencies who wish to (metaphorically) prod them like cattle, or from nosey visitors, or from troubling individuals affected by or hawking certain world-traded commercial food and chemical compounds or liquors emanating from costly town outlets.

*what we experienced 'n' felt. I was never at school, even in the station house. Then my name! we had our special names, my 'Idumduma' given it when I was born, so I got those Eagle stories 'cos that's who I was! ... I was recognised, see? So we're all special, got our place; an' they'd know then who I'd be marrying, maybe 20 years down the track. I'd be learning special stuff for that Promise lady, an' not know 'bout it till at circumcision - that's a long time learning for when you're married! But tha' Promise stop me getting out-of-hand, till I got that message going through th' boomerangs trail! - both heart-shape 'n heart-throb Ida!*

With mother a Senior Law Woman totemically identified with Diamond Dove, Idumduma was immersed in Law story and learning unconsciously from the beginning. Ludi's totemic name takes him into her Creation Story Ancestor world: her own remembered stories would have lived all the time in her mind, working within her unconscious<sup>1</sup>, her memories and cognitive creativity, her own actual dreaming – it would be a continually-flowing normal unconscious behaviour spilling out into Idumduma. Then, the boy's step-father Joe Jomorrnji was Bulyan Eagle Ancestor (and Catfish with his brother Charlie)<sup>2</sup>; his other brother Peter Bulbu was Grasshopper, Pluto (his mother's father) Bush Turkey, and Doja Bamau the Women's Clapstick Ancestor – so the infant Bill Harney was surrounded by male family members bringing major totemic Law (and that is not including all his mother's family women<sup>3</sup>). Immersed in the overt as well as unsaid cultic and cultural Law within his own close family, he experienced the atmosphere of their camp – the home hearth – as serious and responsible within these personal and group identities, their cultic behaviours just normal communal necessity while Tradition permeated their life simultaneously with laughter, music, dancing, fun, song and story-telling (as we still see from Bill and his family today). But this is what we see so often world-wide in the ways of work and life in overseas indigenous peoples: joy and pleasure freely given and creative in its feeling and visually artistic ethos, full of work too.

1. The word 'unconscious' used in this book is a metaphorical notion derived from the early science of the original Freud – a model that attempted what we now know is a scientific metaphor attempting to describe the boiling cauldron of thoughts and feelings that bubble up in the human brain and central nervous system but are not consciously known by the individual – and he hypostatized this as 'The Unconscious'. When needs, behaviours, thoughts, imaginative leaps suddenly emerge 'from nowhere' into our conscious mind, sometimes with great force, it is the Unconscious at work. Artists, musicians, theatre impresarios are happy to see a sort-of science describing what they intuitively know. Sometimes called 'inspiration', it is now viewed by many scientists as well as religionists and literary writers as a attempting to describe their personal reality-testing process and, through this, much spiritual experience as well as story and ceremony, and artistic and scientific creation – at least it seems to parallel much scientific 'hunching' that precedes empirical hypotheses, and work.

2. The Dreamings of Bill Harney's extended family and clan personnel are formally visible in their totemic identifications, and sacred places.

3. Bill Harney's remembers the names of the men: women are listed in this book according to the late Lili Gin.jina and researcher Julie Drew.

***We had our games, made th'm up, went around with people: that's how I learned, watched them, saw them do it, knew how! It was all free - we never got hit or shouted at abusively - an' I remember Ludi with my brother PeeWee in her arms, holding him having a tantrum, calming him. That's how we do things, it was gentle loving we all had - watch Dixie always with Jarinjun Wah's young ones: she's the boss O.K.!***

This sums up how Bill Harney experienced infancy and childhood, and it parallels Brannan's story<sup>1</sup> from the Tradition, in which the mother who hits her baby crying for food is described as have a parental 'character flaw'. This is because her Aboriginal child must be – under this indigenous Law – 'free' to 'openly drive emotion, and feeling'; and it is not until the onset of puberty that youngsters are introduced to laws and disciplines that curb egocentric needs and demands', and continue to guarantee the absolute equality of the sexes by means of the Women's Mudu Law being an equal part of the original Foundation Creation (see Chapter 8).

Noting that Amazonian Indians 'also give unlimited affection and freedom to young children', Brennan sees this Aboriginal Law and educational practice as developing the 'unbroken, gentle loving of infants (that) fosters remarkable coordination, confidence and independence' in a typical normal Aboriginal child. It is well-known from Aboriginal athletic prowess in many sports, but is seen by Brennan to be developed within a childhood 'sanctuary of joy, love and affection'. Within this family reality, Brennan continues, 'confidence and self-esteem (are) established early in (the) child's life' – and we see this type of childhood enshrined in Imulun Law as a crucial part of upbringing. It allows Bill Harney his full Idumduma self today, comparable to pre-1950s pre-Clearance photographs; and rejects media/Government assaults on remote Aboriginal people, the Intervention's police-military-bureaucrat 'horde let loose', and the contemptuous white assertion of widespread child abuse within black families, when the evidence points to white culture as the mainspring of such present degradation.

1. **In her comments Brennan (*Pers. Correspondence 2008*) notes that Amazonian Indians gave love and freedom to their young children', and this is education that develops 'remarkable coordination, confidence and independence' in Aboriginal children, within the childhood 'sanctuary of joy, love and affection' where 'confidence and self-esteem' make the human person.' This is not a picture easily recognised from much media today, of the government social scientists. To Bill Harney, it was Imulun Law that made this upbringing: it is Spiritual, and makes him what he is – therefore much of the darkness of today's Aboriginal situation (as seen in the film, say, *Samson and Delilah*) comes from Imulun not being present in communities where the men have been lost in prison or white chemicals, and government missions and schooling have destroyed the Law system, deliberately. We need to see the photographs of Ludi and Gargarla, Pluto and Joe Jomornji and other family members in the 1930s, to see health and vitality in Aboriginal people before the 'Australian Clearances' (from the 1820s) that were analogous in purpose and ferocity to those in the Highlands of Scotland in the 1770s and 1840s especially, after the English take-over post-Culloden in 1715.**

### ***We've a long history, we Wardaman!***

We can set the scene for the present book by tracing the history of Wardaman people. Their story is testimony to the intelligent, reflective memory retained within a spiritual, oral and ceremonial culture; and Consultant to the Wardaman Corporation and Gellatji, Mick Pearce, views this from his own experience and research, remembering too well the specific events that included tragedies of individuals as well as of government policies, and the immoral behaviours of white and black that have led to misfortune for many Aboriginal people, and too often to unnecessary policy hardships for all.

Wardaman are traditionally affiliated with and custodians of the country immediately south/south-west of Katherine township, and west to the Victoria River, and this people fought ferociously for their own country during the Contact period. Today they have eight (main) skin groups in concert with the tribal groupings, and their traditional land goes west from Katherine, through to the Kimberly Coast of Western Australia. Their Wardaman ancestors were the pre-eminent group of the 'kindred ceremonial' grouping over that area that determined to stay in their land when overrun by governments and pastoralists."

(Pearce 2009, from Private Paper '***History of Wardaman***').

Occupied for up to 9000 years, this land had oral Law Tradition of good pedigree. The 2005 general teaching session in Bill Harney's Wardaman country Nardi site fits with the Four Circles engraved and painted depictions of ancient Law in the Mullawa overhang of his childhood. The long teaching tradition within ceremony, in which totemically-acted parables relay well-thought-through historical and intellectual experience, in arts and story, keeps the historical memories intact.

Today, Bill Harney's people are back on their own land. After 45 years in the backstreets of towns forced on them, some Wardaman people are returning to traditions not completely lost. Reappearing are circles of women sitting with infants and pre-school young. Talking and laughing, showing dancing for them to mimic, songs for sing-along, they are teaching, playing card-guessing and gambling games of chance and memory with the children, sharpening all their minds.

1. **Personal, part-time consultant to the Wardaman Corporation since 1997, and Bill Harney since 1998. (See Note 3: p.9)**
2. **Peter Sing & Pearl Ogden 1992. *From Humpy to Homestead*. Winnellie, N.T.: Pearl Ogden. This is Idumduma's cousin Sabu Sing's biography: it shows late-1920s/early-1930s cattle station life, and records the rainy-season times spent by Aboriginal families in their home-country land, and the teaching by men and women Elders during these months. (See Sabu's photograph p.???)**



*The equestrian statue of Sabu Sing Raymond, Bill Harney's cousin, stands outside Katherine, greeting travellers from the south with features and horsemanship that are common to these two men and to the many Aboriginal stockman who mustered a million cattle for the white owners over 80 or more years. See Pearl Ogden, Sabu (2010). Photo: Roz Cairns.*

What was ferocious then, and what is now?

*They were fearsome in those days, look at the photos! Our top Law Man was old Pluto my granny - he had to sort out killings and all that. We had stong rules, but how could we control it, with the newcomers having no rules at all? They had their guns operating but never against their own people! We had strict rules for 'pay-back', otherwise things went out-of-hand, but they never had them - they'd just shoot like a war (the bombing you see on TV!). Well, that's all past: but I remember we had good education from Ludi my mother, all the things you needed to know to keep well! an' they had stories we never forget, even now.*

Bill Harney tells of his mother singing her Yarindi song when the Munga Munga centipedes were coming along at night, smelling the fat from the meal round the fire. When he heard (from me via Langloh Parker) the Warrinda stories (*below*) with their acted parables from different tribes, he warmed to them, remembering. Reliving the physico-mental thrall of the rapidly-moving, cleverly-clinging legs of the large (snake-like) Australian centipede – its touch is an electrifying shock-presence! – the thrill of its dangerous, venomous bite makes us 'Watch Out!', and the lesson from him is a contemporary, social part of age-less Law. Do not grab, hold or take what is not yours! you'll get that shocking reward if you do ... and be careful to watch out for people like that centipede too. But it'll Burn, in the Law.

**Bill Harney hears himself and his childhood in the similar words used by his mother Ludi as she acted out, for her child, the Wardaman woman's fundamental wisdom. Mothers used this startling, horrifying species to demonstrate the wrongness of living without knowledge: it will poison you with its toxins, so watch out, learn, don't let it get you! No wonder the Wardaman people recognised danger and poison in the pioneering newcomers. They experienced mis-communication, gun, shackle, prison, rape and abduction of their women (used for domestic and stock work, and environmental intelligence and knowledge); and once taken away from traditional possession of their land, they were no longer free in their own country. There is oral tradition and anecdotal evidence from Wardaman and other Aboriginal groups (and from some older European people) which shows the Wardaman were a "very aggressive, distinguished and proud people, much feared by other neighbouring tribes and different ceremony groupings" (Pearce *op.cit.*); and the Centipede Parable makes clear why this was so. Wardaman learned Total Environment, and this included Human Species. In their cultural evolution, they had internalised in story all the crucial survival information of their own people who had survived. None of life's basic preparation is to be lost, the world is always changing 'So: Be Prepared!' The different human groups they had met as they moved through lands over 65,000 years, had prepared them for strange things like whites but not for the new things brought from the new industrial Empire of Britain (and later for the resources needed by it). From the first gunshots, the first horsemen-killers, the first dishonesties, the Wardaman were not protected by any white Law; but the ever-growing incoming population was protected by disciplined regular forces always overwhelming the small numbers of indigenous occupiers. Yet the reputation of this indigenous people grew in the minds of those who took their lands; and there was respect as well as a murderous fear in such as Sergeant Willshire, because they knew the Wardaman families would defend their own loved-ones from the invading horde of poisonous centipedes. In the virtually post-British (post-1851) world, incomers knew that in practice they could resort to the worst of behaviours with impunity: if they had a conscience, words within religion and the Government emanations of Law would exonerate them (even from murder). After all, the Empire good (albeit voracious was it not?) and ruling the world, albeit by thieving purpose, was a moral Destiny.**



*Today we're like we can be - great big family at Menngen, dozen houses, fifty more people, sharing what we need - like the old station days! We're a bit separated without humpies, but we barter, meet together, play cards, music. We used to do this in the old days but there were differences then: no gunja or grog anywhere ... no money neither! But we're separate from the town - many in Binjari but we're mainly in our old land. We have to Watch out, though: car accident, bad leg, fall from a tree, miss the rock-cliff footing: so we need*

The perspective of history was not possible in 1788<sup>1</sup>. No previous urban or colonial or bureaucratic pressured life had touched this new land; but their old traditional stories included suggestions of what happened when new boat-people arrivals appeared and tried to move into food or even settled areas of previous arrivals. The Centipede Parable plays here: from 1788, Aboriginal people had new and terrible experiences, but age-old Law was ready. Oral traditions passed accurately from mouth-to-mouth, generation-to-generation are alive<sup>2</sup> in present Queensland data from 10,000 years ago. Wise stories rooted in observed natural worlds are immediately understood by each succeeding generation: incomers are like ants, or at their worst like the poisonous centipede (still an unpleasant mate in your tent today). The mother acting out the Parable of the Venomous Centipede was teaching this Law in 1788: but also watching her infant in other joys of motherhood, she could see the baby picking something up – a leaf or stone or stick, say – and then offering it to her (or someone else). This was another part of the Law, and she knew a good humanity when she saw one (3). This new 'giving/sharing' action by the child was a special act – identifying with and bonding closer intellectually as well as emotionally, with the mother. Happily accepting the gift, the Aboriginal mother/grandmother then starts making 'a clicking noise with her tongue rolled up against the top of her mouth'; and, mantra-like, continues to croon the words about kindness and giving. Cuddling the child gives both of them pleasure and warmth, and reinforces family inter-personal love, sensible behaviour, community survival, and the moral Law of right practice. Giving to others is good, and this sensible observation-parable reinforces the practice of reciprocal behaviour, a major basis and value of the sharing society of Aboriginal people – and it is a real pleasure for both actors, because it is to do with love<sup>3</sup>.

1. The Interlude (Part 3 below) gives some inkling of what the Aboriginal people of 1788 could not possibly know about the newcomers.
2. See Professor John Campbell for the ancient oral traditions in Queensland, that reflect the ancient environment as scientifically known. See also the recent (2012) TV series on Human Origins, for the probable 65,000 year arrival date for the first groups of people to Australia.
3. What Langloh Parker published, in this example, highlights the opposites possible in moralities. It is strange that commentators such as Sutton (2009) refuse the word 'love' to Aboriginal culture, religion, behaviour. Is the English usage too debased? Is a Christian 'missionary' meaning too different, too perfect, for Aborigines? From McIntyre (1968), I see all the 'Love' meanings existing in Aboriginal people I know.

*good thinking - straight; and we've Imulun warning us, put us on track, do things careful. Do it all proper. You see, there are stories to stop the parent being harsh with them. We were free youngsters, finding our own way, very free, but Ludi was boss and Joe was boss, them two together. Want to dodge a spear? Well, pick it up in your mind, watch it go, watch it come, see what Joe does! In your mind, do it his way, change to do it proper! It's all in the Creation Story and our land - get it in and you'll live! It's the Spirituals!*

The Wardaman educational system operated largely on a need-to-know basis relating to experiences undergone, data observed, particular personnel who were part of the environment: empirical knowledge needed for personal and social survival, and for normal development, pervaded the song and story, and the Spiritual relation was never far away from happenings and explanation. Day-to-day normal behaviours are often seen from within Dreamtime Law, as with, for instance, the Ancestral Lightning Blue Tongue who put the Lightning Yirradula's rainbow (not the Spiritual Presence 'Rainbow') into the air. It's because Blue Tongue is cosmic reality, and this reality is interiorised and symbolised by Blue Tongue's totemic Elder who will demand you keep the Law, that a young boy must not point with his index finger, but use the curve of his little finger (to point something out). The wood for making boomerangs must be Jibblejack Walagari, because there's a big Song on this from Rainbow; Possum Kayan invented the sugar tree 'bandalan' for its special food to be eaten at the ceremony; you must not go clapping the boomerang wildly in Kalana-tree country because terrible trouble will come from Blue-Tongue if he has to collect the broken pieces. Such rules are practical and ordinary but Spiritual, customs that must be learned early, to become second nature to every Wardaman. Later on, the boy or girl will discover at a deeper level that, for instance, the trading of ceremonial items is business that is 'Watch-Out!' and will be learned during the Initiation-education years. But the Blue-Tongue Elder, known to them ceremonially in totemic Spiritual form – a very authoritative role – also becomes recognised personally within the extended family, as growing-up proceeds. So observation develops knowledge of differences, even in the Spiritual.<sup>1</sup>

1. So the Spiritual is intellectual, not an obeyed reification. The indigenous people, without hierarchical imperial needs for One Leader only and a belief-system to sustain him, kept to what they knew in real experience. There are mysteries: many force-like things happen. So human linguistic imagination, in its genius, dreams stories that relate to mysteries observed in environment, night sky and human personal life. These – properly pondered – give feelings of humility, awe and wonder that are good for us. If we see and feel things, it means we are alive in the multi-dimensional universe that is explored in physical science; and it may (by faith) be 'personal' (Teilhard put this as 'The Universe is loving and loveable'). But our personal experience decides this for each one of us, to whom 'Meaning' and 'Purpose' are a 'one-zero' question and faith-leap. So Bill Harney has a bio-physical/Spiritual story for his own self: he finds the Wardaman Imulun world an admirable World-of-Meaning for his young people and himself, but little Spiritual in European-world 'Meanings': concrete, commerce, war, illness and poverty.

***Our Imulun's not to change - the old way's better. Understand, when I was a small child, I was Murren, things happening around me grew me up a bit! Stories tell us 'Be Prepared!' - way we were taught, see everything developing, told how t' get ready in our growing up. Peewee my brother got th' whistler, that's the 'sub' one, but Subu couldn't come wi' me, the other time. It was all Law - this is our language, our culture, the Imulun. It's our Wardaman life, you'd say 'our human being'! but we grew up and became Adult, that's it.***

How Bill Harney describes the ceremonial and cultural individual and social development that he himself experienced within the traditional world that the Wardaman Elders kept going before the Move to Town.

***First there is the Murren, the child or young boy. Pre-puberty, you're Mulla.***

***Adolescent: twitchy foreskin at 12, you become Bulla.***

***Behaviour getting really sexual at 13-14? circumcision looms: you're Waling.***

***Circumcision and your foreskin gone? you're Yabba.***

***Malu's 17-18, earliest age for sub-incision: much older, bleed to death!***

***Ibyan then was at 20: wife's your one Promised at Initiation, so that's when wife and you get together - marrying old widow lady, there'll be no fighting with her!***

Men and women talked publicly and normally about circumcision changing you. Then at 12-13 with the 4 years' formal education finished, you entered properly into the adult world. So until this Elder-education, children were very free, experiencing normal social laws of life in traditional cultural realities, growing up. In the more public arena of extended family community, individuals were seen to be changing over time. Ceremonies watched by wide-eyed curious children taught normal but special laws in mesmerising environments. 4 years of initiations into knowledge taught there was more Law to learn. Yabba's sexual urges found the Law readying for marriage took years, and not being with girls – off with the Elders, learning to be a proper adult – was tough discipline. But the land-leaving 1950s ended the subincision tradition<sup>1</sup>, in which the fully-formed adult male's marriage to Circumcision's Promised Bride had taken place.

1. **Bill Harney's brother PeeWee experienced this Imulun Law in full. It stems spiritually from the Creation Story, was lived-out in ritual, ceremony, processes of education and personal life-development of males and females, and in their own Wardaman land it nourished proper life and happiness. It was Good Law also in dealing with the dark sides of life (including old age and death; and Bill Harney still prefers its Justice System as better for the Wardaman than what he has seen these people experience since the new Clearances following the late 1960s.**

***We got to know all our relations, all the time. What we call Skin-ship System, that gives you your skin name, an' your proper name, an' your own totem. Now you had your dance totem, y' painting design, an' you knew how to make happiness this country, while y' were growing up. Coming to Initiation, that was all part of our Imulun Law, who t' marry, who we'd trade with, who'd we get to the ceremonies, all that. We were taught right steps through t' the young teenager's First Initiation. Then w're ready for it - all that an' you do stuff!***

Early childhood meant stories from Law but no formal teaching. Every rock type picked up would get the boy or girl ready for the Mud-Rock Imulun Law and its story. Playing with mud, seeing how it hardened rock-like, prepared the curious mind for strange transformations in the natural, experienced world. Bilidumduma's mother and new (step-) father were Senior Wardaman Law Elders – Spiritual leaders – so as he grew up, extended families of the skin clans met him (the 'floating' member in the twelve-clan tribal group also). This permanent group were Janama, Jaluma, Jabarba, Jimez, Jabalyi, Janalla, Jabija, the two Jangalri (Mimbabalaman and Luanagamol), and Jabarinji and Jabagbula (the two original cousin-brothers). The group making the last four – the two Jangari and the two cousin-brothers – were the original Wuna Old People who were "The Boss" in the Law<sup>1</sup>. The floating member was related to other tribes (a way of developing valuable marriage relationships at particular times, even for a short time). This Aboriginal method of a living Council of Elders operating as a Spiritual Government was successful, most recently in fronting up to and completing the Land Rights legislation and the procedures stemming from it. Historical, linguistic, rational, bush-legal skilled minds in the Council were ready to perceive and respond appropriately to the (1980s) Canberra and Darwin demands: they carefully thought things through, kept integrity with the lawyers entrusted to them, positioned the Wardaman well as the world of Australia's Constitution began to change<sup>2</sup>.

1. **Wuna are the 'Law Spillers' originally related to the Delamere Lightning Brothers. At present, they are Idumduma himself, his brother PeeWee, Garase Blucher, Shawna Norman. For present-day Australian Law, the Imulun Law has the two Lightning Brothers choose four people from each of the eleven permanent clans to make up the Council of Elders. This Traditional Council has the duty to change/develop/resolve Imulun Customary Law so that it is correct for the next generation of Wardaman. New circumstances have always included new situations and new relations, not just with incoming people. It was always a necessity for Imulun to change, to be practiced in a chance-changing world.**

2. **Governments have responsibility to all the nation's people (except in the 2007's Intervention's original prospectus). But the present Minister promised to listen to and consult with Aboriginal communities, properly. But this meant the present 4 Elders in the Traditional Law should be consulted, yet (so far) the political promises of consultation have not been honoured fully by Canberra. The successor to Aboriginal Minister Marion Scrimgeour in Darwin has not agreed with her predecessor's promise of complete consultation. (Negotiations continue to take place).**

***We had the old Law then. We were keeping the traditional Imulun - my first wife, my 'promised' wife - she was the real old lady, Yevaninggi. Both together, I did the work getting the food for us, she kept our clothes clean, explained the Law real good for me. Well, it was two years before she died: I was young, she was too old, so we didn't have children. Then it was arranged I marry the middle-aged Ida who'd been married to Yigardun: he'd died, so Ida and me, we had two children - Billy (you know him at Menngen) and Roderick (he married Sara, Simone's mother). Well, by then Dixie had had Sally with her 'promised' man, the old man***

This is where Bill Harney's actual experience tell us what life was actually like in his youth: his first (that is his 'promised') marriage took place for what he sees as good reasons, and he perceives his experience of marriage as superior – morally and in practice – to western marriage realities of today. Westerners look askance at arranged youthful marriage to an older woman (it seems to lack 'Consent'): but unlike today's toy-boy relationships, this Wardaman Customary Law does not exaggerate sexual reasons as the basis of marriage, and has moral (as well as Spiritual) purpose in it. Along with family reproduction in the middle term, the long-term serial-marriage gives survival-value and harmony to old and young. The sexually-completing middle years are necessary for the well-being of clan and tribe: but the loving kindness advocated in written monotheistic religions is scarce in Australian city family life where state institutionalised health and old-age care helps the economic life of young people, serial-sex coupling takes the place of 'life-long' marriage, and self morality is less kind to the family's children, grandparents, the married couple themselves. These are all basic reasons why he says:-

***We've to keep to the Old Wuna Ones' Law, Imulun Law: that's how we survive. Tell you 'bout it: continuing still today, kept secret, might move to the township, not given to white people way. When our old people died, young didn't know the Law: so now we're bringing it back - Kathy married to Cyril, right way; others pick it up, break that Welfare nonsense!***

'Must Be Consent!' is the cry from Australian lawyers and Welfare personnel, at under-age marriage. But Bill Harney's Imulun view is that Consent (after the initiation-puberty and years, not before the 'Yabba' years) is the young person's prerogative, if living in the traditional community is desired. The situation was portrayed in the recent films *Ten Canoes* and *Samson and Delilah*; and the clan/tribal extended family tradition is not dissimilar to traditional Jewish, Muslim, Hindu and other religious customs (Australia would outlaw these at its peril – beware a domestic minority being singled out for special treatment). In political fact, the special case to stop Aboriginal customs may centre on the reality of indigenous lands. While the 2007 generalised attack on specific abuses took place without properly tested statistical figures from other minorities (or the general Australian population), 'National Interest' – seldom admitted clearly or publicly – is the likely real reason, to 'get blacks under control'.

***Norman Uginari who died; and when my Ida died, Dixie and I married (our son is Hettrick). That was all according to the Law! It was like my own mother Ludi who, after having me in 1931 before Old Bill shot through, married her 'promised' man Joe Jomornnji. Old Joe died in 1968, but their children were PeeWee (who's at Binjari now), David (who worked on Wave Hill but died in 1978 from gangrene that set in after a burn infection), and Skeeta born in 1950 but was killed mustering at Elizabeth Downs. That's it: Skeeta was named after the Melbourne Cup Winner! but we were a big family, and all very expert with the cattle. But***

Wardaman today are back on their lands, but when he was born in the early 1930s the Traditional Wardaman lands were in the hands of white pastoral cattle companies, and most Aboriginal families worked from time to time in this white world, the men with the cattle as stockmen, the women in domestic duties. One family aunty remembers her own mother being sexually used or raped every night by white stockmen (the white 'husband' acquiescing or even revenue-raising); and McCorry<sup>1</sup> notes this use of Aboriginal women, and the way that sometimes the black (actual) husbands 'disappeared' for ever after being taken into the bush by the lustful white owner, manager, or stockman. But the Willaroo homestead of Bill Harney's Idumduma childhood was not this scene<sup>2</sup>. Bill's memory, on the contrary, reveres the white family of Tom Fisher in the homestead, and none of his family are known to have been fatally harmed by whites in any of his childhood. Possibly, Old Bill (W.E.) kept a protecting eye on Ludi's family through Tom Fisher: but the genetic father did not meet this son for 20 years (then only with a few words and seemingly no sentiment). Perhaps Old Bill simply retained cultural concern for Ludi's people, with a certain empathy and even hidden pride, rather than personal love for his son. In all, the oral histories of the region reveal no moral superiority in white culture<sup>3</sup> nor in its purported laws as they impacted on Aboriginal people. No more success exists for the colonial-institutional religion embedded informally in the Australian Constitution than is to be observed today<sup>4</sup>. When the Intervention originally eschewed interpreters and refused consultation, it simply reinforced the Aboriginal experience of the immoralities and untrustworthinesses of the whites. It was such a indefensible policy in International Law.

1. McCorry 2009. *Diamonds and Dust*.

2. See *Born Under the Paperbark Tree* and Peter Sing *op.cit*.

3. Day (2005). Also cf. the writings of Bruce Elder; and the story of Constable Willshire.

4. Reasons include:- his culture was and is totemic (Radcliffe-Brown 1913), spiritual (Elkin 1954); clan-based in close family with children and family love, and extended family (Levi-Strauss 1966); artistic (Sutton 1995); musical (Marrett 2005); permeated by Customary Law (Mabo 1993; Wik). See Sabu Sing, in Ogden *op.cit*.

We need to learn the white man's world

***That Skeeta, he went through Imulun Law schooling at Manbulloo in 1960. But that day he die, a buffalo killed him. I've looked after his widow and her two children since then - that's the way we do it: family first, make sure the women and the children always looked after - always - then all us old people 're looked after with food and companions, akk that, till we die. That's it, good Law, beats the Welfare stuff all right! That woman feom Darwin wi' millions t' spend didn't listen, not know a thing about us Aborigines. Just not know.***

In 2005 the only tertiary education course in Australia specifically exposing the differences between White and Black Cultures was stopped. Peter Tremain had developed this at Charles Darwin University specifically (but not only) for Aboriginal people. It gave black students understanding of white cultural realities – structures, sets of knowledge, ways of thinking... things pressing on them every day. Modern business practices/traps, legal traps, bureaucratic language, the sciences, western ideological certainties, police language traps, white expectations in the streets, the towns, the cities... in their home, their work place, their social pub or club. Blacks need to recognise and learn the roles and behaviours of institutionalised people working in or running departments in city corporate workplaces, in government offices, in banks, shops, garages, tourist offices, hospitality places, legal offices, Centerlink and so on. Even in the colleges they must expect differences (for instance) between people liking to socialise outdoors in their family group, and the white way of hiding their exuberant behaviour behind closed doors (or policed by some security in a protected place). This CDU course was helping blacks. Social, bureaucratic and legal realities need to be explained and discussed. Because it noted the real world, it was a popular course: it taught the methods of white deception, the graspingness of white needs, the hypocrisy of white morality and religions – it was real, not radical, but it was stopped suddenly in 2007, no reasons were given for its demise. Was it axed (a further example of policies to stop blacks) to stop the original people of this land gaining tertiary education, joining normal urban-white power-structures, or becoming political? (That old suspicion remains). Many long-term white inhabitants of the north respect Aboriginal culture, and like the people; but there is always the 'whisper in the heart' of guilt at what whites have done to this proud, original people dispossessed stealthily without white victory, treaty or compensation-money. The story is a massive breach of International Law (as moderns understand it), the opposite of an action-history of more superior, moral, spiritual, truthful people and society. If this is so, how can the two peoples really work together? If actual physical-social realities – identity – is not acknowledged by Government, if policies behind which they hide are used to prevaricate, weary and hoodwink you, if you are treated adversarially as opponents, and kept weak on false grounds of a nation's security, prosperity or regional power – how can it be said that the Nation's Law is an adequate Law for all its people?

Differences are good: but we are all brothers and sisters in life

***Black and white worlds are not the same. But we c'n respect each other, work together, 'n let the land be good to us both. Survive together, that's it. We know our land, let's make it Good, black and white together. This is our land but whites own much of it: but we all c'n listen to each other, understand each other, have proper respect, both ways. We c'n adjust to the white man and his ways - we've done it long time! - an' we c'n hold every person 'valuable' (you say). That's our Law: he can do the same, the white man, make us free!***

The modern world has changed all of us, black and white. Old Bill Harney, Bill Idumduma's father, was building the road from Katherine to Kunanurra with a road gang at the end of the 1920s. In the wild Wardaman country and dense bush, he took up with the young Lud(i). Young Bill remembers the old Ford wagon in which he spent his first year; and his mother as an able individual, and first-rate horsewoman. In the Elders' minds, this might have been a Law or skin 'exception', not least aimed to have a clan member learning English, gaining real understanding of the white newcomers, and perhaps assuaging Old Bill's notorious womanising. (Stealing of their women had been a major reason for distrust, disapproval and disrespect of whites since 1788). Ted Egan's 'Drover's Boy' is apposite: Australia's vast lands would never have been pioneered by whites without Aboriginal knowledge, curiosity, kindness (and unpaid work). Egan's song shows a woman like Ludi leading cattlemen (like road-builders) through land unknown to them, getting Clearance for the intrusions into clan lands by means of her knowledge of local languages, customs, people – basically guaranteeing their survival. These women arranged white survival by locating hazards, finding water and bush foods, providing companionship to normal western working men far from their original home. It was Old Bill who needed Ludi and had the power. But the Law provided her with him.

**Old Bill, Idumduma's genetic father W.E. Harney, was never the same again. Never doing normal maintenance of his many black progeny, this Irish mixture nevertheless differed from the normally disrespectful white takers of these women. From this time on, he spent his life amongst the Aboriginal people and for their culture, writing his first book Billabong at 2Feller Creek in Mandorah near Darwin, his last with Douglas Lockwood, still in the bush. As Protector of Aborigines at Ayer's Rock (now Uluru) he cared for the original people, and wrote up their story-culture; he joined with Professor Elkin of the University of Sydney to do original anthropological research and writing; and he published his own books to show complex, intelligent black people inhabiting the indigenous world he knew. Then, after his second major war service, he joined the 1948 American-Australian Expedition to Arnhem Land; and later, in the modern world as he grew old, he lived in both worlds in Queensland, and a plaque on the Esplanade in Darwin reveres him as one of the good, heroic Territory pioneers who was a master of the good yarn, and never lost his humanity. Thus, Idumduma's genetic father worked in and survived black and white cultures together, creatively respecting both peoples and their cultures. He died in Mallulubah near Badrum on the Gold Coast: he had only talked once with Bill Idumduma Harney: he left Ludi to continue managing the building of the road to the west of Wardaman country, to Hall's Creek, south of Kununurra. But during WWII he was stationed in Katherine, managing the transport of supplies to the military from Alice Springs to Darwin.**

***My hope for my grand children and their children is... black and white worlds understand each other! We Aboriginals are good at making do, we sing our land among the changes, even if they're bad! But our land's the home of Dungdung, Rainbow, Nardi - Earthmother, Rain, Sky Boss Spirituals - they're in the paintings - so we go along with them in all the changes. They made the Law - see! - we go along w' it, everything's transforming in the spiritual way as well as in the whites' ways! Different? we different from the white man - an' the white man's Law it's done us no good at all! That's what we think. Not good Law to us. Change it!***

A major difficulty in 'understanding each other' was (and is) simply that almost no white people had lived in and on the bush land like the indigenous people. The First Fleet men had mostly been in the urban-industrial Britain where complexities of trade and commerce, law, life, management and organizations – let alone Government – had long histories and were ingrained in the populace. The newcomers were therefore doing nothing new when they brought in from their ships all their food, iron utensils, tools and weapons – all made in industrial-revolution factories. All the writing materials for the bureaucracy arranged by paper skills and metal manipulations were present, in part, to distract or blind the normal convict population who remained under continual scrutiny in case they became an invading horde (like the Aborigines). As for control, the disciplined law-agent and soldiery were moral and actual policemen with constitutional authority from a distant Parliament<sup>1</sup>. But in Australia today, it is the now-symbolic Crown to whom utter obedience is still given on oath, with the Sovereign Crowned Parliament demanding utter and immediate obedience to its legislation – its Law.

There was so much that Aboriginal people did not know when they first met the British whites. Tom Keneally (2005) notes that the 18th century Enclosure Acts in Britain had set the scene for the 1788 First Fleet to Australia. These Acts led to the indigenous people being viewed as having no pre-existing rights. He relates how the Eora blacks found some of the First Fleet's White Law wrong, sometimes disgusting (like the strangling of hanged men); and how the Brits saw Aboriginal Law punishments (like the ritual murder of the wrong-doer's family member) as incomprehensible, morally untenable. This lack of understanding of each other's cultural needs and Law was clear in 1788 in both white and black camps – moral blindness on both sides: but the problems of different Law are no less present today: Sven Lindqvist (2010) summarizes Australia's appalling history in *Terra Nullius* (2007). The present book views black Law and white Law together within Australian Law, in relation to contemporary Aboriginal problems: but we Australians might ask where is there superior, more moral, better Law than here? wrongs and wars, are they not everywhere on earth? Well, no, not everywhere, actually ...

1. The writings of Kate Grenville, Tom Keneally, Xavier Herbert, Bruce Elder, Henry Reynolds, Alex Miller are recent, accurate classics. .

## Books and Summary of Chapter One

Walking with Elsie Raymond in 1988 and Lily Gin.jina in the 1990s we began to understand how perceptive and informed Bill Harney's Wardaman extended family are about the necessary details of life and environment as they experience the natural world.

In 2009, Pearson Australia published the Wardaman neighbours' (Jawoyn) '*Bush Tucker and Medicine*' picture of Aboriginal knowledge and use of the plants and animals of their land. Now the visual and cognitive observation of Aboriginal total environment is classically presented in *The Biggest Estate on Earth* by Bill Ramage 2011 (Sydney: Allen&Unwin). Chapter 4 ('Heaven on Earth') describes how 'the Dreaming's grounding in the land and its creatures' portrays the ecological and survival realities of the Aboriginal, and shows how the songlines are 'a map, compass and calendar' (p.135) whereby at particular places and times of year the Totemic Ancestors carry the necessary knowledge within a ceremonial world where 'countless ecological signals' carry information into the new generations. The 'rich and time-eating spiritual life builds on abundance, not poverty' and 'was made by skilled, detailed and provident management of country' (p.138). Pioneer botanists discovered this and respected the huge Aboriginal knowledge they found (cf. Philip A.Clarke 2008 *Aboriginal Plant Collectors*. Sydney: Rosenberg), and the discussion in Linda Groom's *First Fleet Artist* shows George Raper in 1788 very appreciative of the new terrain, animal and bird life of this continent: 'The perspective that he revealed through his paintings was one of unchanging and unqualified joy' (p.21). But this early understanding and joy at the Sydney environment was sadly not to be the norm in Australian history: even now the introduced human ideas and technologies of trade and money mixed with fears for defence and personal physical survival run side-by-side with an exuberant joy and self-esteem that produces the ambivalent Australia of today: in idea and practice, 'caring and loving country' lives rather unsettlingly in private and public mind with willingness to exploit country and other people, and bring the wholeness of the continent into physical and social jeopardy.

Quite apart from any spiritual awareness, the young child became aware of the Imulun Law unconsciously from infancy through his mother Ludi: for instance, watching his step-father, Redback Kangaroo Elder Joe Jomornnji making the special boomerang, he would observe the skills and then see it must be traded to Blue-Tongue (in this case, his uncle), for some special process to be carried out (he is still very observant!). When the special iron oxide ochre has been given in an

exchange, he notices this trading is a ceremonially-important ritual circumscribed by Spiritual Law; and within this Imulun behaviour, the little one is in awe, wondering at the music and careful song, aware of the Spiritual through the totemic presences of the Elders around him. Knowledge of the trading routes criss-crossing the Australian continent for many thousands of years would be taught later in the Initiation years, the Spiritual 'Creation Story' with its meanings combining with what he sees for himself, almost a set of abstract tools leading to the methods of the Spirituals.

Later, understanding this world as Spiritual, but now working in the white world, Bill Harney learned to speak in English, calling the Wuna Ancestors 'Spiritual Presences' ... for in story as in art, he feels them. Now 'spilling the story' helps to make more sense of the real transforming world, and his metaphor-fecund thought connects non-literalistic story with the real world that is experienced. Yet unlike institutional religions, he does not reify concepts into an Ultimate Truth (it isn't one): so the 'Shadow', 'Presence' and 'Spiritual' metaphors are universal, valuable and humble 'search-images', not reifications of 'Sacred' 'Scriptures', pretences that have taken mankind into many an abyss. Indigenous families know the personal Spiritual world directly, but ideologies taken as true and armed with new knowledge but untruthful managers, have taken their Aboriginal land by human powers of violence and lies. Beware the Terror of Untruth, then; and Keep to Imulun.

Learn and share.



Photo: Roz Cairns

Keep to the Imulun  
and learn what is.

Bill Harney with friend Agricultural Science special researcher Dr Sebastian Pfalsch. The Willaroo landscape painting shows food sources, water courses, vegetation, in Spiritual guise. Created in 2010 for the University of Sydney's Faculty of Agriculture, this 'working together' acknowledges Professor Keighley's commitment of his Department to Aboriginal Ecology and Environment – Traditional Knowledge is key to many future food problems of Australia.

# Chapter Two - Part One

## Education in two worlds: the future Law Man on the cattle station

*I joined the men on Willeroo Station<sup>1</sup> when I was 8, and began learning the country and its Law when, a year later, I was out with them on my own horse - a good quiet one!. Old Tom Fisher had taken me in hand, taught me to read a little, broken me in to the horse work. Then - a stockmen at 9 years - I was listening all the time to the old Aboriginal bushmen, often our own Elders. They told each other the stories as we went riding through the gullies, or stopped in shade at the overhang. We used to sit on the rocks gazing into the paintings that the Barunga Old People or Wuna Spirituals themselves had left there. At the campfire the talk was often of those far-off Dream Time ways, and I knew later that often they were talking Law. I was not yet initiated, though, and special Law understandings still meant nothing to me.*

The adult outside world of the uncles – Ludi's brothers especially – was now developing the education-initiation program. It would normally last up to 10 years (beginning at 8). It would lead to the necessary world of adult marriage, and the long process focused them on family by training them for the lifelong responsibilities and sets of knowledge of adult Wardaman world. Fierce loyalty to the extended clan-family as a group was taught, and all the skills needed to keep life and survival in freedom. But above all it entailed proper knowledge of the land and the Spirituals in which the traditional culture and the Law both rested<sup>2</sup>.

1. McCorry (2007: p.60) describes (albeit 20 years and 1000 km distant) how the young Idumduma might have grown up in the cattle station environment: "The next day, after a good breakfast of steak and onions, the stockmen and all the Aboriginal kids headed towards the old wooden cattle yards to give McCorry a hand with the drafting". The present book's Menngen 2007 DVDs suggest that Aboriginal bush-station children have not changed, as the young boys and girls happily found the horses, broke them in and rode them, soon after daybreak.
2. David Unaipon wrote: "Since coming to Australia thousands of years ago, there has been little or no change in the habits and the customs of my people. They have kept the balance of nature. For centuries they have neither advanced nor retrogressed. Our tribal laws and customs are fixed and unchangeable. Generation after generation has gone through the same rigid tribal training. Every race has had its very traditional leader and law giver who has given the race its first moral training as well as its social and tribal customs. Narrundarri was our great traditional leader. The laws of Narrundarri are taught to the children in their infancy. Hunting grounds were given out to the different families and tribes by Narrundarri..." Quoted in Heiss & Minter (eds.), 2008. *Macquarrie Pen Anthology of Aboriginal Literature*. Sydney: Allen & Unwin, page 19.

*Before initiation there were years when I was learning the Law. Looking back, it was a long initiation education, informal much of it, out in the bush. We used to spread ourselves on our swags under the stars, the old men would yarn, tell the stories, we'd all join in with questions. Yeah, they told the stringline of songs across those Yorndorim stars<sup>1</sup>, never forget them, you're reminded every time you see that path, that Milky Way - ones you'd call the planets, that's them, their path too.*

*'You sort of work me up, talking all about this! We used to sit down and talk a lot after they taught us! I forgot, but when we were kids, we were all laying up looking, talking about the stars. They brought all the Law business, stopping people getting out of hand, making sure they behaved. They are the Watchmen: and if they misbehave, they spear them with the Jinjin boning tool! It all starts with Creation Dog and his Bag of Songs! Willy-Wagtail, Bush-Turkey, others - that mob! They trade songs, skills, all that. Security Men check it's all being done right, under the Boss's eye - he sees them! Then there's Catfish my personal totem, all that Law: the place we smoke 'em; and cutting; and the other Law Places. Black-Headed Python, he creates the sea and waters, he's there. And Rainbow! You can see it's all in the night sky, just like in the land, transforming in the spiritual way!'*

This passage from Bill Harney (DVD 1997) is quoted in *Dark Sparklers* (2003-4) to show the full life depicted in the Dreaming. In western philosophical language, Professor Strehlow (who grew up with Aboriginal people in the Hermannsburg Mission where his father was Lutheran pastor) sees the Dreaming as 'that which derives from... the eternal, uncreated, springing out of itself... sprung out of its own eternity'. Elsewhere he makes it clear that ('the eternal') 'he has done it forever... right here and now'. That is, the Spiritual is present in the here-and-now (as in Bonhoeffer and Teilhard), and the Aboriginal mind is not thinking abstract (doctrinal-ecclesiastical!) Metaphysics.

1. These are the Ecliptic's planets/sun/moon path across the sky of the heavenly bodies. It is full of stories in all indigenous societies (see Note 2).
2. Bill Harney's statement in *Dark Sparklers* p.??? sums up so much of this 24-hour world of thought-feeling and intellectual cosmoscape.

*One year - I was 12 - I was with my mother's brothers (my uncles), and suddenly it was a special land. I'd heard there were Law places, overhangs around there especially, but I'd not been there. They took me carefully. It was the Imulun Place at Willeroo, no overhangs in sight! but the Bauhinia tree there made a great shade, and they'd taken me here for the first sign - it was an outward symbol, that's what you say! - and it was my learning Law, first time; and those first cuts were my first Initiation marks, they began my road to the circumcision years, the big one 4 years off.*

When Idumduma Bill Harney became of Waling age, he experienced his first adult Law. The authority in the Elders was now experienced physically in a massive surprise action. What the youngster did not know was that suddenly<sup>1</sup> at the appropriate age and time of year, a major secret unknown to all the boys (and girls in the quite separate Women's Law) – the traditional timetable of ritual and ceremonial events, the organized timing of events decided by the Senior Elders in Council – would starkly reveal itself. Sweeping him up and delivering him into a very special ceremony, ancient Tradition was now going to pour itself into his being physically. The Elders had decided that this fierce first Initiation event would bring Idumduma into a process of ideas, action, understanding, feeling, knowledge. This was Law as LAW! and LAW 'proper' is new world.

Professor Allen Marrett has written a definitive description (Marrett *Songs, Dreamings and Ghosts* 2004 p???) , which in general terms shows the Tradition into which Idumduma was being immersed in the middle 1930s:-

**Songs, dances and ceremonial performances form the core of Aboriginal cultures in Australia. It is through song, dance and associated ceremony that Indigenous people sustain their cultures and maintain the Law and a sense of self within the world. Performance traditions are the foundation of social and personal well-being... one of the highest priorities for Indigenous people.**

Marrett then quotes the ancient Arnhem Land 'Wonnga' song:-

*'Ancient ground, ancient ground, you will look after it, my children.'*

1. *Yolnu Boy* (2003) shows Arnhem Land youngsters absolutely bemused when they find themselves in their very own ceremony. They have not realized that they do not know how deeper realities of Aboriginal life take place for real; and they will be grabbed by the totemic ancestral Elders when they least expect it.



## Idumduma rejoices in becoming full black Aboriginal

*I'd been growing up teenager in Wardaman normal Aboriginal community these (1940-1950) years, working stockman, under the white overseers. In our own traditional lands, but always all under the whites. Now, suddenly, it was our black culture hitting me at the Waling cutting! Actually I was happy it was happening - real happy, that October! I was being made, I was being accepted as one Fully Initiated Black, yeah! Not everybody was, you see; but to me it mattered. Sabu was always sorry he'd missed out<sup>1</sup>. Giving me Initiation showed - what I now know - the Elder's Council was thinking deep, how to remain in our own country.*

What actually happened is that suddenly an Elder grabbed Idumduma, and a hand was clasped over his mouth so that he could not make a sound. The shocked boy was then told in some detail what was going to happen, and before he knew it, he was in The Ring place. Again, hands grasped him, and this was his personal family's men and women Elders. They proceeded to undress him so as to be ready for the new world:- he was going to be Waling, an Adult Man. Then he was left with the men as the ladies walked off (they would stay outside the range of the roaring, engraved clapstick sound, 'a hell of a big noise!'); and the series of ritual events began.

This Customary Law does not aim the individual towards 'power, money, status, wealth' like a white man planning and educating his young, in Aboriginal experience. This Law is 'set from a long time ago' and 'Aboriginal people can't change it at all' (Clancy 1994). So, any changes needed for a restructuring or redirecting taking place in negotiations or accommodations with the western world, with the Australian world' must today go through 'a Committee and a Council' – Canberra cannot just make a law and expect it to be automatically accepted: this would be against all Aboriginal Law.

Instead, as Pat Dodson (a child in Katherine known to Bill Harney as a 'cousin') says in *Kimberley Aboriginal Law and Culture Centre* material (New Legend 2006): the 'multi-faced' groups of Elders are to be 'respected' because these leaders are the 'bosses who have knowledge, ceremony... song... dance, who know the country, who've got the language, who are responsible for admission into that or exclusion out of it, as well as for guidance and direction... personally or collectively'. This 'respect' is precisely what Canberra did not give in the setting-up and dismantling of ATSIC, or in the 2007 Intervention – yet 'That's what Law and Culture is all about'.

1. **Bill's cousin from the Raymond side. See the equestrian statue of Peter Sabu Sing (photo p.) and pp. above: it was Sabu's personal regret that he was never initiated. This famous cousin of Bill's was the fine Aboriginal stockman Sabu Sing whose equestrian statue stands welcoming visitors from the south to Katherine. The book written with him (Pearl 2005) is excellent in its portrayals of the people and their lives 1930s-1990s, including the old photographs, for the use of which I am indebted to the Peter Sing Library???**

## The ceremony's really happening: Cultic reality

*Well! I didn't know what was going to happen. I did know the Law was done for real - I'd been enough around our Joe Jomorrnji to realise this! - but this day we were told enough not to be afraid, and I was looking forward to being a Man. But there was all this noise! Bush-Turkey had his voice booming, trumpeting the rhythm; the singing warmed us up as we were being painted with ochres, clays, charcoal; we were given special new clothing. Well, I already knew some of the decorations - we'd seen them around bush camps for years - but now it was all happening to me for myself. Suddenly it was nothing I'd experienced ever before.*

Special clothes appear for Idumduma, and ceremonial decorations (made within the family) come from the totemic ancestors – he was putting on a wondrous set of stories from the Dreaming Ancestors living in our species human mind<sup>1</sup>. Authority from the Dreaming stories gives you your particular totemic identity, to be invested in you. For Idumduma, the loin covering made from Straw and Quail Ancestors with their feathers gives him a sudden different feel to his skin, and his look is transforming into Big Law. The Hairstring Belt – Walimun made from human hair (probably his mother's and later used to stop bleeding if this is necessary) – surrounds his waist; and special Darmun armbands signal the Big Law time for Idumduma. Then a quick inrush of fearsome awe fills his mind... the Binja Winja quartz stone is dropped over his head like a necklace by the Grey Falcon Elder.

Already weighed down by the awe-full strength of Full Tradition and its iconic symbols, he now has the pointed Kajola decoration of the totemic Marabibi Ancestors firmly fixed on his head – the red-ochred 12-year-old Idumduma is embarked on the voyage to adulthood, in this first ceremonial process to become Waling. Wearing the conical headdress made from straw, paperbark and feathers – originally designed by the Bird Ancestors, and in Idumduma's case by Eaglehawk, White Cockatoo and Blue-Crested Pigeon (his parents) – this challenge in the theatre of Wardaman Tradition sets the boy in centre stage. This happened at his birth, but now he is in a lengthier gestation process where the result will be – years hence – a Man, indeed the full Wardaman adult of the tradition of the Spirituals who are in and behind and above everything<sup>2</sup> he experiences in life, whose Law he is to follow. Now, in the ceremony, you may be fearful at what you see, hear, feel, and fearing the unknown may well take you. But you are in awe of the Ancestral Totemic People, your own people now carrying out the Law – you recognize your own family – larger now, in the spiritual way – but you can trust their process, and patiently await a mystery. Major Law of life-threatening meaning and importance is immersing Idumduma in his Spiritual ancestry.

1. **Growing up with Jesus stories at home may provide some parallel: Jesus as the Christian Totemic Ancestor.**

2. **Spiritual 'children's theatre' is set to become adult 'pan-en-theism' (Birch 2008) akin to life in a quantum/multidimensional world of mystery.**

***Suddenly an Elder took the Binja Winja off my neck - that's the totem quartz on its Hair String - and this gave me a worry. But then came a thrill - I'd learn something more, and I remember the quartz pointed like a straight finger at the red-ochred men near us. Then suddenly I knew it was me, going to be me! It was extraordinary because all of them decorated, I knew. But now I knew I was the Little Boy - our Creation Story Boy! I was decorated the same, yeah! I just knew it. Then they started to dance for me, they were dressed and decorated exactly like me, yeah, they were dancing for The Boy - and that was me!***

With their red ochre matching that of the Creation Story Boy (as portrayed at times in the rock paintings) we can see that the art and music integrate with the storied ritual and ceremonial Tradition. This is Cultic Reality. When, decorated and dressed up for the ceremony, we hear the rhythmic force of the clapsticks and songs begin, we can see the picture unfolding before us as the hitherto-unknown Imulun Place begins to provide an environmental feeling of mystery and awe, where, now filled with the human arts, it is able to meet real psycho-social needs for these people's living today. Merging with and corresponding to practical elements in the overall Law Tradition, the ceremony in this special place is now giving an intellectual-spiritual underpinning to ways of life in this Wardaman group, just as the intellectual-spiritual Law is informing the ceremony and the overall story.

Bill Harney today wishes the ceremonial continuum of Law to continue in the new generation precisely because he experienced it as utterly worthwhile, just as Roman Catholics deem the theatrical (Real Presence) Tradition worthwhile, inside their belief-system and their field of stories that marry myth and ritual, ceremony and superstition, the empirical and the intellectually paradoxical.

In Christian Old Testament Scholarship terms<sup>1</sup> this was 'Cultic Reality': when the Great Doors open and the King enters (Psalm xx), it is the Sacral King entering – the real historic king (David or Saul or Solomon) entering the newly built temple building – and this is taken to be the Real-Reality of the Presence of Almighty God (Yahweh/Elohim) entering in, in this world 1000BC. We may call it symbolic action, but it is human mind and body imagining, in emotional vision, the human being tied in – in consciousness – with the Universe's Meaning<sup>2</sup>.

1. See p.13 (below): Johnson, Porter, Hayden Davies. The identity-merging of Idumduma with the Little Boy of Story-Tradition is a mental displacing of concepts within theatrical creativity *par excellence*. The young man 'becomes' Spiritual Little Boy Man as Dog's Ear is cut.
2. Marrett (2004) records music and dance as utterly important for ceremonial Law in its intellectual and spiritual practice. The world of Spiritual Presence in ceremonial theatre is then to do with Totemic Identities inhabited by the Elders, giving the cosmoscape Meaning.

***Once I was the Boy<sup>1</sup> to be circumcised<sup>2</sup> (but not yet!) obviously things started to happen. It was something like a dream to me, out of my control. Men simply took me to a place, put me under watch, kept me there. Well, by then I didn't want to get away because I was 12, and now was the time to begin to be a Man! Where I was I could hear the didjeridu song that began Law-singing for the circumcision, special boomerangs beating each other, snapping out the special rhythms, the clapstick rhythm filling me with noise, mesmerised me.***

***Wasn't long before the men's bodies bobbing up and down in Mordborronggo's special dance - that's Wardaman one<sup>3</sup>. With that I knew for sure it's my own special ceremonial season! just beginning, just for me! That's me, Idumduma Bill Harney fully recognised by the Spirituals in our Tradition! This was beginning, I was real happy! But I did not know becoming a Man would take me 6 more years!***

According to Bill Harney, after this he was taken away to a specially-prepared bush camp for 3 days. As The Boy, he was properly looked after but was not allowed to talk. In this silence, communication was either by whistling, or by the (water-like) sign-language Dugaduga which had been taught him by his mother and her parents in his infancy. Then, on the third evening, he was 'dressed real well', and brought to the Big Ceremonial Ring Place Naralulan. This was where the men and women of the camp had been called together by – he says – the Middle-Aged Law Man. The didjeridu sounds, the songs are sung, a 100-metre procession of specially decorated men and women bunched and expanded, rhythmically crawling along under the control of the ancestral Caterpillar's totemic descendant, with a half-way stop before again processing in its ordered, disciplined way. Finally it reached its destination, Naralulan, and 2 special singers appeared, and broke into the Preliminary Song of the ceremony. At this, everyone joined in the dance; and a huge communal sound – trumpeting and singing– enveloped The Boy while he was being wrapped in a cloth woven from plant fibres that the Bower Bird had made for him.

1. Now we see the link with the Creation Story: the Boy cutting the (Creation) Dog's Ear precedes the World becoming new (see p???)
2. See note on modern circumcision p.13, remembering African, Judaic, Christian, Islamic and post-WWII religio-medical policies.
3. Historic photos exist showing this distinctive dance-step and head-bobbing action (???Spencer&Gillan 19?01).

## The culture skilled in many arts

***Suddenly I found myself close to Joe Jommornji, the full-decorated Eaglehawk Law Man; and near Ludi too, my Diamond Dove Law mother. We all had a good feed then, and the whole lot of them in my family were crying - could be the Spiritual in the didjeridu sound made them cry. Then the women all left - they stayed hiding 200 metres away, I found out - and when I looked around there I was - myself - the only one sitting. I was The Boy at Naralulan and I was going to be a Man, and that made me happy<sup>1</sup>.***

Men with special designs in body-paint and decoration now appear. Later Bill Harney realised that important details are coded in the Wujinga song that now begins. As an introductory item, it set the theme, and the dance was repeated 4 or 5 times before the surprise entrance of a group of special Law women. These were the Keepers-of-Tradition who brought with them the Old Ladies' Bandimi Song and the special Women's dance. What this meant to this pubescent boy became suddenly clear as they released the Young Ancestral Lady Merrerrabinna (a Skin of Earth Mother Dungdung, who prefigured to him – physically and in Spirit – the Woman who would, one day, be 'promised' to him. Specifically for the young boy and his life, this dance included Love.

Graceful as well as physically erotic dancing is in line with normal adolescent dreams, and physical love and love-making was a very normal and non-secret reality to be observed in Aboriginal societies. But traditional Aboriginal morality – Customary Law – was clear on what is right. While the white world of clothes and prudes (present at least since the time of the middle-eastern epic *Gilgamesh* around 4000 years ago) lived with doctrinal and religious ambiguities where words and actions present practical written tradition from urban societies needing to keep order and to preserve hierarchical authorities, the Aboriginal approach was direct, personal and honest (more like today's western openness to sex, but without the manipulative and moneyed aspects of, say, Sydney). The Wardaman traditional reality was an effective Law-world where direct family needs conjure up responsibility; and this personal morality held firm Law on how young men and young women are to behave: so, for their group's survival, Idumduma had strong Caveats placed on him in these 6 years of Adult Education, aimed at leading him to a strong married life, with love.

**1. The self-esteem resounding through such passages in Bill Harney gives westerners food for thought. Certainly the modern Australian school and sports practices of medal-giving are social and psychological parallels, as are ecclesiastical Confirmation rituals and non-religious ceremonies of degree-giving in universities. But the education-initiation years in Aboriginal groups with their multiple ceremonial practices are giving valued long-lasting identity to young men and women in the Traditional era – and this without boosting egos into self-appointed illusion (as can happen to some youngsters in normal western societies where there is no reality-testing extended family tradition).**

## Education as preparation for the real world

***In her dance the girl Merrerrebina<sup>1</sup> really made me think - you'd say my eyes were popping out of my head! But then it was all back to making me an Adult - that 'sex' is only one part of it. Brown Falcon brought up the firesticks he'd prepared; and these were thrown up into the air with a great shouts. I remembered then the steaming of our new-born babies - their 'smoking' - but I tried to be immersed in what was happening to me without wondering about the fire. That was something!***

Brown Falcon is the expert on Fire in the Creation Story (see *Dark Sparklers* [p?](#) and in the Circles Painting [p?](#)). In the ceremony to come, he is the Elder who will dry out the boy's body by heating it, to rid it of possible disease. Fire symbolizes healing power since it stops infection in body, ground and air: but extraordinarily to westerners, another medical preparation is now put into operation. To dehydrate the Boy so that infection is blocked, he now has his legs held open, and the didjeridu is blown between them all the time while dancing continues all night. It is the Ancestral Guyarru Owl's responsibility, stipulated by his Law, that in all the Law Places, this Night Owl has the actors dancing all night and sleeping all day. Wounds can then heal with the day-time's rest in the shade, Thus the Old Elders dance all night so that the boy gets no sleep, the heated body dries out, and healing can properly take place. Nevertheless, imagination and energy emerge during the cool of the night, even while, kept awake by the ceremonial and ritual noise, his heated body dries out.

**1. Sex education of the 12 year old is begun for real, here. The boy will be promised at this or a later ceremony to an old lady (when his testicles have dropped and his first masturbations are beginning); and the erotic dancing of the Dungdung EarthMother (in Skin Shadow in the form of the beautiful young girl Merrerrebina) gives him the idea of heterosexual sexual fulfilment. This aspect of Aboriginal education was misunderstood negatively by Government personnel in 2006 when Drs Hughes, Arnold and Bullen followed Alice Springs social and medical personnel in seeing the 'promised' betrothal as a sexual abuse of a young person being raped by an older person. In their interpretation, falsely generalised from the horrific, fund-deprived shanty towns in or around Alice Springs (realistically portrayed in some aspects in the 2009 film *Samson and Delilah*), the actual Customary Law of Traditional people was not sufficiently researched since the Law Reform Commission Reports (1986); so the misinterpretations continued in rejection of Customary Law by the conservative Senate of Parliament in 2009). The Aboriginal Traditional preparatory education has been denied (by prejudice) or not researched (by will); and the Aboriginal approach to sex has been emphasised negatively – as if 'sex' was the purpose of intimately sexual act. Critics assert an abusive act of violence on an under-age person by old person (male or female) as an act of Customary Law, which it isn't; and viewing a physical sex-act by the youngster in an arranged marriage as male triumphalism, or a personal self-pleasuring at the expense of a suffering female, is too small a view of sex, too hypocritical an approach, and too positive an estimation of research statistics. The overall hypocrisy of negative attacks on Aboriginal culture is plain: the pornographic, sex-industry power-base in Canberra (and other cities) is worthy of destructive moral action – city school-age statistics show carnal knowledge among early-teenage students to be common in the normal white population, and modern technologies, criminal businesses, dysfunctional families affect us all – modern erotic films have little moral beauty/purpose, the Senate knows. Aboriginal Customary Law's music/song/dance/story ceremonies in the less-displaced communities will often be morally superior.**

## The night sky phenomena emphasise the cosmic reality

***After that I got some sleep. Next day, the Elders woke from their short sleep, the birds were singing the new day, and just before dawn broke, there was this great shout of “everybody sing out!” and I knew now, this was the day. The Wanderer was there - planet Venus<sup>1</sup>, you say! - and they were shouting for Millijin the Morning Star giving those changing colours - beautiful. We all watched it, and I knew the only time circumcision happened in Wardaman was when Millijin is shouted! Yes, this was it - big time, but was I glad!***

In the cool morning air, six men carried the 12 year-old, as dawn broke. When they reached the designated traditional place he was thrown up in the air as everyone made a huge loud noise, and, as he came down he was immediately placed horizontally – belly up – on four kneeling men. The other two now held open his legs, and the noise of the boomerangs, clapsticks and totemic voices made a crescendo. Then, without warning, the belly-up boy was suddenly pinioned by a man lying over his chest; and Bill Harney remembers now that his mother’s three brothers-in-laws were among the men lying on top of him or holding his legs. That would be why the Traditional way was personal, acceptable to families, and trusted; and the boy himself knew that this was all part of making him a Man, so the Creation Story images would carry him into the Dreaming world of his people’s integrity and identity; and becoming a part of this extended-family history and Spiritual world gives him a full personality identity, and knowledge<sup>2</sup>.

- 1. The planet Venus is Grasshopper in the cosmic power-world of Bill Idumduma Harney. In 2003 he named his Aboriginal astronomical worldview his ‘Cosmoscape’ (see *Dark Sparklers* pp.). Venus’ final vibrant beauty before sun-up twinkles like an diamond or black opal, and is something watched-for by the old people in the camp, every morning before dawn. This is noted in Jimmy Barker’s ground-breaking *The Two Worlds of Jimmy Barker* (Janet Matthews 1983) where the many-coloured light emanating from the planet (in its reflected sunlight wave-bullets) is described as Murrauware (as in “the fires of Muruwari”). In the Traditional Wardaman country, the observational planning and knowledge made sure that Venus’ 18-month cycle beamed its beauty in October, the main Wardaman ceremonial month; so the timings of ceremonies such as circumcision were decided by observation of planetary ecliptic positions during the preceding months, probably a normal routine remembering empirical night-sky knowledge of the general type through which survival in land and annual seasonal phenomena was traditionally ensured. (Emanuel Kant uses stars to elucidate Morals, as in Parker 2007<sup>8</sup>).**
- 2. The analogy is with the story-telling religions such as Judaism, Christianity, Hinduism and Islam where immersion in the Dreaming narrative with its Spiritual figures develops social and individual integrity and personality, often through hero-stories of famous saints and historical figures with whom groups and individuals may identify, and from whom behaviour spins-off.**

## The fundamental ceremony as extended-family necessity

***I couldn’t move. Red Kangaroo was old Joe Jomornnji, my father<sup>1</sup>, and this was the Law, making me a Man. I might be the Little Boy now, but when the Dogs’s Ear was cut and the whole world stopped, that was my story! Everything was changed in the big story<sup>2</sup> - everyone and every thing became the world of brothers and sisters, all being spiritually transformed. Well, that was the Creation Story and now I was part of it! I knew the cutting by my uncle was coming at me fast, it’d soon be changing me, and I’d be the Adult brother***

When ‘The Doctor’ – Red Kangaroo in this Tradition – bursts into the scene we are in the Creation Story proper. While his huge voice booms, it brings the physical reality with it, the real world of the Idumduma Bill Harney boy as the Initiate lying on his uncles’ knees. One detail in the story reflects an ancient Traditional observation that appears in this people’s totemic ceremonial practice: a kangaroo has a penis that seems (that is, looks to the observer) identical to that of a circumcised human<sup>3</sup>.

This appreciation of a strange similarity appears to have held the Wardaman and their Dreaming to a type of evolutionary perspective. The biochemical realities perceived as biological similarities we now know to be the results of genetic-molecular selective-evolution processes were recognised outside of modern science as meaning that we come from the same cosmos (metaphorically described in the cosmic myth found in the Dreaming Creation Story)... and this foundational reality means that all living beings are brothers and sisters in related families (science might describe it in terms of related species and in family trees metaphor) and thence comes the totemic relation in Skin and Ceremony that is part of the process of Initiation into Adulthood of the young men and women who make up the Wardaman people historically as a distinct people with a knowledge of themselves and a pride in this identity.

- 1. This was Idumduma’s father-in-law, her husband in Ludi’s second (original ‘promised’) marriage.**
- 2. The Wardaman Creation Story.**
- 3. So does a fruit bat in my experience, so it is no surprise to me that we find (in *Dark Sparklers*) the Wardaman initiates actually described totemically as Bats, with their line of stars in the night sky leading them to the Southern Cross where the Initiation Rites and Actors reside in their star stopping-places and resting places as in the symbolic Shadow-stories found in the night sky – they mirror the landscape narratives and sites, in the night story ‘up top’.**

***and sister to everything in the big wide world! I was right, this was it! Geez, it hurt! Maybe my Mum knew it was Joe - maybe lucky, Joe was a good doctor! It was awesome and it wasn't finished! With Garwadi the special boomerang prominent, and Kalumbung on my forehead, the BinjaWinja was danced. Two Bush-turkey-feathered dancers brought the Wonga Law. The Special Sound came from the Ancestral People. The star-people surrounded me.***

No one could hear the boy scream as the Tradition's agent Red Kangaroo cut the foreskin. It was a clean cut by the ultra-sharp edge of a specially gathered and prepared jasper core-stone<sup>1</sup>. There were immediate shouts of 'Yabba'. This was the Call showing publicly that the Boy is now on his way to being a Man. The women can hear this Call from their special place 800 metres away, and though not at the ceremony itself, they know that their boy has been cared for in this Initiation – he has been surrounded by actual family during it, and his mother's brother has actually done the cutting... the boy's blood is at this moment dripping onto Ludi's brothers-in-law<sup>2</sup>.

This Man-making ritual has been used (in emotional argument) against Aboriginal people in Australia. Media reported in 2007 that an Aboriginal man had died from blood loss at a Second Initiation ceremony in the north. Now this sub-incision ritual is a much more severe medical operation, needing very specific measuring and precise skill, and Bill Harney shows some detail of this in *Dark Sparklers* (p???) cf. p. below). From this glimpse into the Traditional expertise, it is clear that the disruption of Arnhem Land Aboriginal culture was what led to the loss of a time-proven surgical skill for ritual use. Straightforward circumcision, on the other hand, is a common practice world-wide. It has a very low record of fatality whether carried out in a modern hospital for urinary-tract or socio-political reasons, or more privately in religious Christian, Jewish or Islamic religious circles, or in Aboriginal society.

1. See p??? in *Dark Sparklers*. The circumcision is deft surgery, joy of new life. Never, in Wardaman, is cutting a (western) 'sacrifice'.
2. Idumduma's blood will continue to be collected for the next half-hour: it will continually drip or be placed on the men's belly-buttons, with special care. No culture wants its young men to die, and in the present case Idumduma Bill's people were fully away of the dangers of surgery and infection. Red Kangaroo had been carefully taught the skill of cutting (as part of his totemic training) and the Boy had been dehydrated and subjected to sensory deprivation for days and nights to reduce the pain of the operation, and then the bleeding. Now, with infection being the target of the Elders' Traditional training, the young Idumduma was laid down, a hand put over his mouth, and scrubbed clean of the red ochre and the blood. Continual banter amongst the Elders was part of the process, and this talking set him at ease (like in a modern operating theatre) and made sure that each operative followed the normal team routines to alleviate any problem and allay any fears.

***Then I remembered all the Shadow paintings at Wulun-Guyan - and nodded my head to say Yes! With that I found myself lifted, taken to the bark shelter at the Imulun Place, my Manju vein opened by the Gindung knife, and its blood running into the bark. Yes, there in the shelter I wasn't allowed to be seen by any woman - I didn't feel like that anyway! though all the noise and singing stopped me from being sorry for myself!***

The famous Wulan Guyan rock shelter has a beautiful painting of the cutting ritual. Two 'cut' Rainbows are in attendance, the Boy is being held down, Red Kangaroo is executing the circumcision. Willy Wagtail, maker and trader of the surgical Stone Knife Gindung, is also depicted, in both natural form and decorated guise. Here, myth and ritual are (as ever) entwined. The knife is returned (Barenit) to this Elder for safe keeping, and the Boy's severed foreskin is buried in the mud, in the creek bed. There, Rainbow – the feared Spiritual who keeps the forces of Life and Death – will keep it safe; and the actualities of real life, its needs and imaginative voice, continue.

The art in this Victoria River region is some of the greatest in the world. We can imagine how young Idumduma was affected in emotion and awoken intellectually when ritual took place in ceremonial fullness is these Altamira-Chartres-like treasure-places of human imaginative Spiritual creativity. From the rock overhangs and natural theatres of his land, the Law paintings of Bill Harney carry aspects of Wardaman rituals, but stay in their public belief-system where the totemic actors are presented in their Creation Story style. The decorations found in the Imulun painting presents concrete Law actions (social in the Meeting circles and personal in the seating mapping and The Threat): while Yirrbarri is the painting that includes geographical locational information, Spiritual Presences, and practical items. Since it was painted for the Land Rights Tribunal, Yirrbarri (p???) remains a central piece: it welds together the cultic realities, individuals and groups concerned in the ceremonies, with the Spiritual underpinnings of the whole Wardaman way of life.

1. In western scholarship the 'Myth and Ritual' school of (mainly) archaeological researchers on the Middle East – I remember S.H. Hooke lecturing us in Oxford in 1957-8 – were looking at the Old Testament in relation to imaginative stories that related to real-life actions and events that took place in tribal and urban societies. Aubrey Johnson (1959) for instance looked at Psalm 22, and realized that when the call goes out, 'Open, ye gates, ye everlasting doors', the rendering in church hymnary fails to understand, let alone communicate that these glorious words were not then sublime poetry but an actual 'Shout' and ritual order at the Gates of the Jerusalem Temple. It meant specifically that the gates must now be opened to allow the King (probably David) to enter as Sacral King... 'The King of Glory' will enter into the Abode of the Lord God, into the 'Presence of the Lord Most High', the inner sanctum where the Ark of the Covenant still stood with the 'Invisible God' enthroned upon it (cf. Isaiah 6), and where the '10 tablets' of the Ten Commandments of the Hebrew Semitic tribes were kept in their 'sacred place'.

***They put me down in there for an hour 'to dry out', for the bleeding to stop. Then there was the singing of the Buran Boomerang song led by Buraniman the Blue-Tongue Lizard who invented it; and painting, and the careful crafting of Emu Gumerinji's totemic designs - all that. All the time, Joe Jomornji, my Eaglehawk dad, controlled the gathering, circling the group like an eagle, checking only the correct individuals were there. Old Burariman used his Hook Boomerang to help him in this - he'd invented this too - and we needed***

The didjeridu songline<sup>1</sup> with its singing and clapstick music now accompany his departure from the special bark shelter at Imulun. It marks his Clearance from Wongga Law and Wujinga Law, and now he must be absolutely silent as he is taken to the clear running water of the creek. The new October rains have filled this. The didjeridu sounds, and Man (two Elders) and Boy (Idumduma) jump into the water. The Boy's head is held under while he is washed (helped by the two men) and cleaned of the red ochre. The special didjeridu is also cleaned in the water. All through this cleansing ritual he must not utter a word: it is to do with Rainbow.

There is a Spiritual-medical story running through hygiene practices here. Running water is of utmost importance. The Boy is washed by the Power – Rain Rainbow – that makes earthquakes, landslides, rains, waterfalls, floods, rivers, cyclones, seas. To be in the actual vicinity of this Cosmic Power is taken as awesome and dangerous. So the Law of Rainbow in the Wardaman calls for all and everything to have Clearance after the ceremony. This 'Clearance' is needed for protection from retribution (for the ritual not being followed): so the Boy's Clearance by following the Water-Cleansing ritual means that he knows he will always be safe in running water, from now on. Careful memory of young lives wasted by drowning will lie behind this language and ritual; and the Spiritual's Law – to be obeyed in this action – brings the future survival of these youngsters from the firm cognitive mapping involved into the realm of probability by action.

1. The musical realities of northern Australia are recorded in print and CD, in Allen Marrett's *Songs, Dreamings, and Ghosts* (2004). This simply excellent book portrays mainly Arnhem Land people and their music and dances and songs. But the Wanngga traditions carry on south-west into Wardaman country, and Bill Harney will sing and play them to you, in a recognisably similar musical form. Professor Marrett is continuing his research, recording the changes that occur as the songline moves out of Arnhem Land (where Wardaman have relatives).

***all the noise and loud singing, they said, to make sure the special songs kept Unwanted Spirituals away from me - they mustn't get into The Boy's body, they said. Well, it took a week for all this to happen: everything finished then. They looked after me - men only - after the ceremonies, so this made me feel I was one of them, and I was free! When it was ended they had made me free, they'd given me Clearance, you see. I was no longer The Boy, The Little Boy: I was no longer a boy at all, I was an adult, grown up, I was a Man.***

The whole Initiation Ceremony gained its own 'Clearance' when, a week later, at a final special ceremony, the didjeridu sounded again to the rhythm of the clapstick boomerangs, and the Wongga song was sung with the Boy sitting in the middle of the circle of Elders. Echidna rubbed his fat onto the Boy's forehead, tapped his head a few times, and then the Boy threw his voice into the air with a special-sounding shout. It was now that Idumduma ceased to be the Little Boy of the Creation saga-sequence: he had become (in his own word) 'free!' Now he was able to talk, walk around, laugh. Everyone was happy that the Law had been carried out properly. The Old People – Nardi, Dungdung and Rainbow were happy – they'd made the Law! When we do right, 'Nardi smiles,' Bill says.

This ceremony is Spiritual Law, and this Wujinga Law will look after Idumduma in the recovery processes, after it carries him from the 'horseshoe' Ring to the Waralulum shelter at the Imulun Place. He is being 'transformed in the spiritual way'; and the Creation Story events of Rainbow's death (by Falcon cutting) and subsequent re-emergence to be the Spiritual Power today, shows that the movement from Little Boy to Man was known by the Wardaman as profound and spiritual human transformation<sup>1</sup> – a self-consciousness leap of gigantic proportion.

1. It is no wonder that Bill Harney remembers it all so well. Durkheim (see Linqvist 2006) showed how one aspect of religion is *per se* the group phenomenon when the individual's senses are overpowered by the sounds and smells and sights and actions and awed emotions that group ritual can engender. The expert on WWII brainwashing, W.E. Sargent (1956. *Straight and Crooked Thinking*), gives an account the de-personalizing and re-orienting of a person that is possible from sensory deprivation and so on; and this appears in Pears Encyclopaedia in relation to all religions. That Roman Catholic 'Confirmation' rites, with their incense, artistic robing, chanting and ritual actions normally occur before or at puberty, may place that Christian Tradition within the ancient indigenous realities, and help to explain how such religious traditions can intertwine, as has happened in some Australian 'outreach' examples. (For the question of 'truth' in religion vis-à-vis sciences – Science being the necessity for sensible real life in the 21st century, see Charles Birch, *Search for Soul*, 2008, and most recently the spectrum of religion in *Ego and Soul* by John Connor (2010). Much stems from Levi-Strauss' work in the 1950s.

***I look back. I remember the Elders<sup>1</sup> that day. Over thirty of them, different Wardaman families and groups. Most at the Law ceremonies next 10 years or so, I was going through the Law. They all had their different roles, educating me, all had inside them, in the spiritual way, their Ancestors - carried out their totemic roles in the Law. They acted it all out in ceremonies, in special times of teaching, got to fulfil the Imulun, see? They're all gone now 'cept my own brother PeeWee. That's sad. But that's how it was.***

Who were the individuals who taught young Idumduma Bill Harney the Imulun Law? What Law did you actually learn at what sites? Were you told – I asked at the *Four Circles* site in 2006 – what the circles, etched in the rock in front of us, actually mean? Without a pause he replied:- the Law was brought to him by eight or nine people, particularly Grasshopper Leader, Black-and-White Catfish, Diver Duck; and the main Imulun Place where learning happened was Baranga. He continued: what he learned in the Law was practical: the beautiful circles painstakingly engraved in the rock covey Imulun Law; and every Wardaman perceiving them will be 'reading', and will find the information practical, relevant to what they actually do in life, spiritual signs written in Law. The four circles are a totality of Law, indeed the totality of Law for men and for women (including Merrerrebina Law); and the Dingaree Law and the Kanin Law both for men and for women.

Bill Harney's brother PeeWee was Joe Jomornji's son, and Ludi's; and four years younger. Sub-incised in the years following Idumduma's own circumcision, he does not share his sub-incision inner world with non-Wardaman outsiders. Nor does Bill Harney tell us what his brother says should not be shared; but he does warn against 'humbug' defined as 'keeping hassling, making the gap bigger and bigger, wasting time and back-talking'; and wants mutual understanding, above all else.

1. It was important in the research for this book to get details of Bill's family-group and ceremonial actors, in the bush, to authenticate his learning of and increasingly knowing the traditional Law. In this way, from the lists, we know we are seeing the old Tradition. But we need to remember that Ludi his mother had been singing Law, and the information presented in story and song, all through his childhood: 'if you need healing or curing' (as it were), 'this song will stop pain, tell you to use the wild onion' (so rub it in!); and if it's snakebite, get the congaberry quickly! With 365 nights a year round the campfire or with a ceremony, such information was flowing into young and old continually.

***My grandfather Pluto was there, and Joe Jomornji was the Senior Elder. He had three brothers, Charlie, Peter Bulbu and Gamba; so they had their special places - sites you call them - and all the Law at those sites - to teach us. But when the cattle season was in full swing and we lived by the station house, I soon found there were things we had to learn to do and not do... or else the white man's Law<sup>1</sup> would get us - get us into trouble quickly, painfully if we broke it. You see, they didn't know our language, so they could never ask***

***They had us as foreign slaves - white man's word! - really, and we just had to take their punishments, not complain to them. Most of us could properly talk in our own language, but, like today, not in whites' one properly.***

It was one of the tragedies of the 2007 Intervention that no (or almost no) interpreters were to be used as the intruding force took up its positions. There are few language-speakers in the white or government numbers anyway, the result of removing funds from universities and other research and aid agencies, and before that, of forcing the Church Missions to close or move; so that there have been, since the 1970s, few dedicated workers able to devote their lives (as the Strehlows did) to helping tribal people to understand the new white world – only one or two whites speak a little Wardaman or Pidgin<sup>2</sup>.

1. Professor T.E.H. Strehlow was able to abort a massive miscarriage of justice in the Stuart Case in Adelaide in 1967, when he was able to demonstrate that the accused could not have spoken, let alone written the confession forced by immoral and/or amoral policemen (cf. 2008 TV documentary on the Stuart Case). This was also more than 100 years after developing Equity Law would have questioned the processes used in case and courtroom, in the interests both of Justice and Humanity.

An interesting analogy is seen in the Nuremberg message that the atrocities in Nazi Germany began with the very first Judge who found an innocent Gypsy, Trade Unionist, Communist or Jew guilty when the data adduced by the Prosecution did not show the person guilty and the legal Precedents did not show that a guilty verdict was required; and yet the Guilty Verdict was given. With Aboriginal people this atrocious misapplication of Law began to be served on them in 1788... but it was already the Law brought from Britain, so they were not special cases.

2. The Sabu Sing book (Ogden 19975) is enlightening in all this because he could never understand why he was never given the higher job. Was it racism? He was 'one of the best in the field' (as is symbolised by the statue on the Stuart Highway entrance to Katherine: see p275).

## The Elders in the council in the law

***what really happened, or how things really were with us. What men they were, those Elders, those days! The feet drumming the sand, voices bringing the song from high to low, boomerangs clapping, the special steps of the dancing - I can hear it and smell it and feel it all today! Most of the Elders who put me through the Law were well known to me. Joe and his brothers - and Ludi's - taught me most, showed me it all really, in my mind, each one - face, form, voice - I see them now.***

The two Lightning Brothers over these years – they were half of ‘The Boss’ group who choose the Council of Elders – included Idumduma’s grandfather Pluto, Kengbannana, Toby, Koby Jack, and Tamba. Relationship in this case was that their mothers were all sisters. Relation to the father’s family was quite different because of the normal sequential marriage system (as with the modern western realities of sequential relationships and multiple marriages after divorce). The situation of children in western urban and Aboriginal families is different (as discussed below): but Australian Family Law seems inferior with neither extended family in place, nor (in at least a quarter of cases) sensible arrangements for both parents to be properly with children. The Aboriginal community is more real and fruitful in this.

We have Bill Harney’s lists of the Elders who took part in his Law ceremonies. You can see them in 1930s photographs, and some of them appear as the elderly 1970s stockmen (for instance in the Sabu book) whose laid-back attitude stems from years of disciplined training, skill and experience both in deep indigenous Law Tradition, and in the cattle station life in northern Australia. Even after those years when their removal from the land placed them unhappily in the urban world, they retained their dignity and noble bearing. The young ones of that era of Elders, some of whom (like Paddy Bennett who taught young Bill Tapp to ride) I have met in recent years, are often (like him) quietly humorous, profoundly patient, roundly thoughtful, deeply spiritual, not the rough masters of the prison, stick or whip.

We find in this list the men with whom Bill Idumduma Harney worked, rubbed shoulders, laughed, and smiled in the midst of cattle work and campfire fun, the centipedes and snakes and running around after them with the firesticks, and swag-sleep dreaming. But then there were periods of pain in the community. So he would see these men regularly, in the Wonga informal dancing back home in the rainy overhang, and amongst the story talk at the humpy’s fire. Their life, attitudes, feelings and behaviours pervaded the cultural environment during these adolescent years. They had country for which they had special totemic responsibility, and their major interiorised Law Dreamings emerged daily in their personal behaviours, role duties, priorities, and language of their spirit.

Gardarla (Pluto’s father)	Black Head Python	Hayward’s Creek, Jabul-ya
Pluto (Ludi’s father)	Jabarinjai Lightning Bro.	Jabula Delamere
Pluto	Hook Boomerang	Horse Spring Yillarlabey
Kumai Barney (P. brother)	Black Whipsnake	Wirrulun Victoria River
Lungmirra (P. brother)	Black Whipsnake	Wirrulun Victoria River
Norni (Pluto’s son)	White Cockatoo	Menngen
Norni	Jagagbula	Delamere
Gambal (JJ’s Uncle)	Budgerigar	Romulus Knob Delamere
Joe Jomornnji (Ludi’s husband)	Bulyan Eagle Law	Yubulyan Imulun
Joe Jomornnji	Bush Turkey	Mount Hogarth
Joe Jomornnji	Watchman Law	Yubulyan Imulun
Joe Jomornnji	Catfish Law	Kanda
Joe Jomornnji	Grasshopper	KongKongMaya
Joe Jomornnji	BinjaWinja	Hayward’s Creek
Charlie (JJ’s Brother)	Catfish Law	Kanda
Peter Bulbu (JJ’s Brother)	Giarru Owl	Wigarra
Smiler	Jabarinnji	EE-wa-la-lay, Delamere
Bunigan	Jagagbula	Delamere
Bunigan	Whistling Kite	Nimji, Ingalladi
Godja Mamow	Bush Turkey	Mount Hogarth
Jack Jaray.bidi	Willy Wagtail	Jarla Flora River
Toby	Budgerigar	Wu-roo-la Romulan’s Knob
Toby	Grey Falcon	Mount Gregory
Tarpot (Toby’s brother)	Grey Falcon	Mount Gregory
Blutcher (Toby’s son)	Blue Tongue	Nelly’s Hole
Billican	Echidna	Guludin + Ourglennie
Billican	Firestick	Ourglennie
Billican	Grinding Bowl	Guludin + Ourglennie



Billican	Scorpion Mundalla	Horse Springs
Sambo Gigairman	Mordboro	Jigaigan
Kalan Beraman	Scorpion Mundalla	Horse Spring, Bilidij
Blumer	PeeWee	Ingalladi
Wala.oor	Brolga	Ingalladi, Bourg-bung
Bigfoot Kor-jola	Leech Ilgia	Ingalladi
Brumbi	Emu Gumerinji	Garwaiji
Brumbi	Butcher Bird	Bidbungung, Moi Moi
Claud Munbulloo	Geributz LongTail Pheasant	Ganiyangan
Banigan	Kite Hawk	Ingalladi, Garul-Ugalu
Namunu Tarpot	Brown Falcon	Mount Gregory
Claud Gregory Talung-gai	Caterpillar	Wondawul
Nipper Gormo-jung	Clapstick	Ganbija Koor-longRonaS
Kookaburra Gurgornman Banjo	Goojinga Songman	Willeroo, Lallenboum
Sambo Gergern.man	Moon Man	Moon Dreaming, Gornbowija
Sambo Gergern.man	Mordborronggo	Jalukman Moon Dreaming
Jigaigun Bunigan	Sand Goanna	Ingalladi
Jack Gillimri	Kearo	Wuja
Brown	Dingo, Berigumaian	Dry River

With Aboriginal society being 'local' in type, with 250 distinct dialects within 3 main streams of languages over this vast continent, the names and totemic affiliations and geographic locations over Australia will be myriad, with the particular relation of an Elder to totemic land and ceremony having been perceived in Men's and the Women's formal and family discussions. Local individual and group futures and needs had to be matched to the spiritual realities of the person's own personality and identity: and this emphasises the particularity individuals within the particularities of family and extended family. This necessity in these small societies to keep looking at the local reality is not a preferred practice in our modern statistical and bureaucratic political age, where a crisis such as Wild Rivers Cape York 2010 becomes rated in relation to numbers – people, potential wealth, global economic progress – and the particular family, home and individual person are lost.

## Life as a practical working man



*Bill Harney with people, painting didjeridu – and as cattleman like cousin Sabu (pictured). Careful Work, the Arts, and Science – all the creativities involved in understanding the practical, spiritual and reality-testing depths of each of these, and what it takes to confirm and carry them out – were and are major intelligent parts of and necessities in Aboriginal culture. Bill Harney the Elder, in his person, exemplifies these.*

1921 with Grandfather Pluto: the pretences of Australian Governments  
laid bare in 'Crown Law' and the Royal joke



*Billycan, Pluto and Gijigban on Willeroo cattle Station on 26 June 1921. In white (travesty)description, Gijigban (wearing the Chest Plate) was 'King' of the Wardaman tribe. He lived to about 90, dying on Delamere station c1947. He was the first husband of Elsie when she was very young. (Australian Investment Agency Collection, NT University Library, Darwin).*

This 1921 photo taken on the Wardaman land of Willeroo Station, shows Pluto, Bill Harney's maternal Grandfather, with two sons. One of them, Giligban, was pronounced by the Government to be their 'King'. This was the 'conquistador' tradition in which colonial authorities 'chose their own man' as spokesman-leader of a defeated tribe. In this case, after 1901, it was not 'colonial authority' but Australian Administrative Law functionaries who simply continued following traditional imperial process. Giligban was not a Senior Wuna Elder: but bureaucratic Government needs agreeable conduits through whom their newly-arrived Crown Law can be dispensed in the new enforced jurisdiction. The photograph shows Wardaman still in their traditional setting: all three men were part of the Initiation-education team Elders who, 20 years later, educated Idumduma in Wardamen Tradition, on his way to becoming a Law Man himself. Later 1930s photographs show them keeping their socio-cognitive integrity. To Bill Harney, it is Pluto his Grandfather and Joe his step-father who were the Old Wuna Tradition *par excellence*.

Bill Idumduma Harney's close family, later fellow Elders: subjugation of  
fine people takes laws, guns, poison, prison



*Wardaman men (late 1930s?). L to R: Little Tommy, horsebreaker, Manbulloo; Charlie, Joe Jomornji's brother, later killed in fall from horse, Delamere; Toby, Blucher's brother; Smiler, who had same mother as Billycan; Albert, Ruby's husband and Tarpot's brother; Jack; Joe Jomornji, who married Ludi and became step-father to Billy Harney (Jr) (Bill Idumduma Harney); Pannikan.  
(Photo: believed to be by Tom Fisher, Peter Sing Collection)*

The photographs in these pages tell some of the story of the Wardaman from the early 1920s to the 1960s. The sturdy potential warriors who headed the 31 clan-tribes of the southern Kimberly and Victoria River regions became subject to gun, flour, tobacco, and then to Australian Law and prison, before WW2. During this many Wardaman men and women worked as virtual slaves for the Allies. As respected cattlemen Sabu and Bill worked for Vestey's and other cattle companies, indeed every type of work, during this war when they were young teenagers: but even Sabu found the 'Glass Ceiling' restricted his enterprise; and not being initiated, his place in his own culture lessened. Bill Harney has remained a Living Legend as a man proficient in work and in understanding the 2 Cultures.

**These and the photographs overleaf are found in *From Humpty To Homestead* by Peter Sing and Pearl Ogden and are kindly permitted to be printed here by the Peter Sing Collection and the Northern Territory University Library.**

Women in the two cultures - 1940s war work, and the pressure to urbanise  
(with steel knife, social photography, and bikini)



Aboriginal women (unidentified) working in Army abattoirs on Manbulloo Stn, during WWII. The woman on the right is sharpening her knife on a steel... The women took the offal home in their dilly bags. (Oscar Crabbe Collection, State Library, Darwin). Mele as a child on either Willeroo or Delamere (c1943). (Peter Sing Collection). Mele Sing Raymond was a child around 1943 when the people were controlled in Station camps.



Mele



Dulcie

No longer in the traditional encamped community of bark humpies where they wanted to be, a few hundred metres from the Station House of the Manager – the women of the Wardaman tribe were (in WWII) now often in live-in domestic service, though still on Willeroo, Delamere, Manbulloo, Delinya or Innisvale, the main Cattle Stations on traditional Wardaman lands. But their men were becoming more dispersed, often working in concert with the army personnel in Katherine or on the supply-line to Darwin from Alice Springs, or in the army itself. Time passed, of course. In 1988, my wife Hilary and myself, in the Australian Rock Art Association's Tour from Arnhemland to Dampier (led by Robert Bednarik with Paul Bahn, George Chaloupka and Paul Tacon) were guided to Wardaman rock art sites by Elsie Raymond, then the Senior Wardaman custodian (Bill Harney was in hospital with a broken back). I remember this fine woman well – a noble, humorous person living successfully in the Two Worlds. In her case, living in the Station House had given her a large understanding of the white world (see the film *Australia* for insights into her generation's challenges); but she retained knowledge of the engravings, for instance 'many of them to do with 'counting'. (in the 1980s we found more astronomical (monthly) counts (cf.p.xx)..

Marks of civilisation: exploitation of workers, and the intrusions of war



Blacks camp, Willeroo (July 1932), Humpies made out of flattened tins (Australian Investment Agency Collection, NTU Library, Darwin). As an example of western 'Civilisation' coming to Aborigines, this photograph explains the joke.



The Delamere country where the Rainbow and Lightning Brothers stories on Marriage loyalty and proper processes, and the world-famous sites and paintings are located. The terrain is very difficult, but modern world reality finds the major area a valuable Bombing Range, land-taken with Agreement for Non-Live ammunition only to be used.

One 'Lightning Brothers' law is that of 'adultery' with family in-laws is wrong: it causes massive trouble and the Ilulun rejects it. What the Imulun says about Marriage gives the long-term view, but unlike the normal ecclesiastical and Jewish faith, it sees marriage not in sexual terms' but within the context of normal human sexuality which is to do with happy companionship and the production of children. Leaving 'the swooning' of 'falling-in-love' as a fairly temporal (but often permanent) Gestalt-type phenomenon, Wardaman Law concentrates on the long-term welfare of the man and the woman, and the children; and if this means there is to be separation, then this can take place within the extraordinary and extraordinarily effective of the 'line-in-the-sand' literal community action; and Marriage then becomes like a 'serial' and 'sequential' set of companionships, rather like modern Divorce-prone western society. The total difference with the latter, though, is its material basis of 'property', 'inheritance' and 'money'; so its 'civilisation' is a joke and non-spiritual.

## Note in concluding Chapter 2

Before being forced into Katherine during the 1960s, the western-urban skills of Writing and Reading were gathered Stations by only a few Aboriginal people through the Station wife or governess, or in the putative schools in Government Welfare orphanages. Before this the method of 'information-gathering' was from the story-telling which had much of its bases proceeding from the traditional art of the time, or from earlier generations.

For rock art, no better overview exists than the material in Noelene Cole's *Rock Paintings are Stories* (Rock Art Research 2011 - Vo.28, No.1, pp 107-116). As "the traditional Aboriginal way of teaching and learning is based on observation and experience rather than on explanation (Rigsby 1999)" and "... Stories are at the heart of symbolic systems such as rock art", the "precise interpretations of particular motifs, sites, techniques and so on" are not usually relevant to Aboriginal people – "they learned to wait until their old people told them to do whatever and not to question them or ask them why" ... "the Story beings 'fashion the material world as it is (and) instituted law and custom which stipulate how people should live their lives'" (Cole op.cit. p114; Rigsby 1999:967). This means that the 'set of customary rules' is a 'flexible aspect of the system' (so that inheritance of land can be adjusted if a clan dies out, and 'exclusive and shared land rights – their 'estate' which includes 'their own languages, totems, songs, dances and designs which connect them with their lands and Stories' – survives because 'the Spirits of the ancestors (the Stories) and The Old People (who include the recently dead) still live on in their own places' ('when Aboriginal people die, their spirits return to their homelands'). In 'this way, Aboriginal people, through their knowledge systems, have a dual relationship with the spirit and the material worlds' (Cole 112, 114; Rigsby 1999), 2002 cf. P.Sutton and B.Rigsby 1979, 1982).

This exposition of traditional Aboriginal life by Percy Trezise's student-researcher (now Professor) Noeline Cole, is an exquisite presentation that illuminates what Bill Harney experienced and learned, and underlines what has largely been lost in post-1788 Australia. The spiritual cosmoscape that marries Aboriginal scientific curiosity with Story, and with artistic-intellectual ceremonial ways of wide-ranging and environmentally intelligent 'Human Being', never deserved the prejudices that have flown from the many incomers of every generation, whose ignorance of the Original People did no one any Good. When Bill Harney coined the word 'cosmoscape', he presented to every religion today the challenge to develop their spiritual Story within Modern Science, to bring true humility and cosmic understanding to Earth's peoples.

# Chapter Three - Part One

## Marks in Wardaman Creation Story country

***Those years before becoming teenager getting my circumcision, I'd been learning Law, getting out with the stock, working the yards - as a 9-year-old I was learning both Laws, keeping the Boss's rules in the saddle, then finding the stockmen Elders'd been in the ceremony with me last year! That way, I was in our country getting Sky Boss Nardi and his Bag of Law for our land, people, all the places we mustered over - and other way, we got Tom Fisher the Boss with the whip, and I learned that white way with its rules!***

Self-discipline learned under the Law, and through it, gave understanding and strengths to individual personality. It helped traditional stockmen to adjust to bitter changes – the really terrible new world of destructive urban reality that hit Aboriginal life in the later 1960s, 1970s and 1980s<sup>1</sup>. Remembering a world before walk-offs, Paddy Bennett is full of happy memories. Working in the white-and-black station communities, horse-work was wonderful; the lady-of-the-house (often the station-owner's wife) provided food and medical care for black and white in the stockmen's huts and bush-camp; and she taught all the young together. The owner and manager exerted proper (albeit harsh) discipline to make sure work was properly done, as though Big-voiced Red Kangaroo, Eaglehawk and Bush Turkey (and the other totemic Elders) were transmuted into Big-voiced Tom Fisher at the station. Used to massive authority in their Elders, who 'had knowledge, must be obeyed', the Aboriginal stockmen/yardmen obeyed the Manager exactly, not because of the much-used stockwhip: his authority was based on real knowledge of what was needed for the new white world. Taught obedience with severity in both cultures, young Paddy and young Bill could survive now in both. Far-off business was beyond experience: but the young Bill Harney was already recognising that every proper adult human educated into valuable knowledge is equal, due proper respect whether black or white, whether the knowledge is black or white. The 2007 Intervention's reality<sup>2</sup> was different to those days experienced by Idumduma: then, both Laws were recognized with mutual respect, to neither's detriment: that's what he expects today – Proper Law.

- 1. It's a sad commentary on Australia that the fate of black stockmen and their families, in the politics of those days, was that they had neither their own Law's harmony, nor any 'luck of the draw', nor a place in the religious white man's Providence. Nor was Science envisaging any future for them. Scientific schemes for the world's progress had no positive place for indigenous peoples until The Environment and humanity's need of a 'Change of Heart', were developed by Carson (1962), Birch (1993), and UN Charter research. The real world is still waiting. In Australia the fundamentalistic rejection of Science, and rightist political spoiling, beckon us to a myopic future that is separating, instead of joining.**
- 2. The Intervention in its first phase (but there are individual exceptions) did not listen with respect, did not listen in language, did not care for the real people, did not do what it said it would do, did much wrong. Bureaucratic statistics fail as morality, and can abuse the people.**

***In the rainy season - November to April - there'd be little or no stock work. We'd all go back to our family, all the family places - that was where normal learning for life went on, where the grannies held sway! In the overhangs, round the campfires, people prepared food that all of us had been out finding. Women dug the tubers, collected fruits they knew medically, understood well, and they fished. Men go after animals, goannas, tasty fat birds - we watch for good tucker! we learn to predict our food's behaviour, then get it!***

Aboriginal observation of the natural world – for gathering all types of food, hunting, safety in general – underlies the art of ‘totemic mimicry’ seen in Wardaman dance, ceremonial theatre, storyies that inform acted-out Law contained in, and deriving from the Wardaman Creation Story. Carefully prepared food is cooked in the ground oven. Women’s expertise sees herbs, textures of meat, bush vegetables; so different tastes are produced in aromatic bark – gourmet food from Law custom. Informal learning processes of normal life-survival led to Bill Harney harnessing Idumduma’s knowledge and ability, even now finding food/water, and preparing all his visitors’ meals<sup>1</sup>.

In the 1930’s rainy seasons in the bush, the station work on Willeroo continued with the 2 cultures running parallel. The ceremonial world had been respected by Station Boss Tom Fisher, so that the Aboriginal people could ‘go walkabout’ to their learning sites, all over their land; while the necessities of Station work was carried out by means of respectful agreement. In this way, the 2 communities of Station House and Aboriginal Camp (*Black camp, Willeroo (July 1932). Humpies made out of flattened tins. Australian Investment Agency Collection NTU Library, Darwin*) lived and worked together. We hear no negative comment or story from Bill Harney in this regard.

During these years, into the 1950s, he became a good worker, and gradually found himself managing cattle properties; and it was here that he found the Aboriginal Imulun rules excellent for whites, and white rules really good for the work. One reason for this was that the strict regime of those days, in the pastoral and land-working white world, still had a strict Victorian morality which adjusted well to the moral strictures of the Aboriginal communities and their Imulun Law. Compare the morality remembered from that white culture and its laws, to today’s, which does not follow what he learned and experienced from the old white Victorian culture: his Station mentors like Tom Fisher, and his Law-peers like Joe Jomornnji and Pluto, followed the white morality described below (p.??), and it is easy to see how it gelled with Aboriginal values because it is not self-centred and materialistic, and respecting all other people thoroughly. But this disciplined, old, white morality disappeared from normal Australian society in the 1960s:

1. **In 2006, when Barramundi and Wild Goose were brought from Arnhem Land to feed Ranger Trainees and other Guests at the field-exploration conference at Menngen, more food was needed. Bill Harney matter-of-factly fetched kangaroo and ‘killer’ (cow to be eaten), spent hours preparing it then fed the 200... who then experienced corroboree under the night sky, young Aboriginal kids dancing, grandson Leon leading, Elder Smiler storytelling, Eric playing didj, Bill singing, Charlton dancing among the Elders, in ‘the Special Dance’. Full responsibility completed.**

***These years we heard more of the stories of the Creation Times. I’d been hearing it probably before I was born, Ludi’d tell bits of it, and Joe round the campfire - we could dream when we were hearing them in the daytime too! We could sleep at night hearing and seeing them, living with them without being afraid! Then we’d wake up - we’d be here with Ludi and Joe, our brothers and sisters, or in with the aunties, and no one’s afraid. Well now: when we were young, sitting at the back, the ceremony happening, we saw those Creation Ones ... it’s the theatre (you say!) but its the real story, and we’ve all got those Spirituals working in us, that’s who we are.***

values so similar are they to that taught by white mentors and bosses, and still instilled into Mick Pearce’s father in the 1950s. They are very comparable to the Imulun Law revered by the traditional Wardaman community, and taught by Bill Harney as he remembers and re-states Joe Jomornnji’s moral world and its perceptions. That means, let us listen to the white morality Bill Harney still accepts as valid, because remembering this sets the scene for his more recent experiences and realisations that are negative in relation especially to what Wardaman have experienced from the 2007 Intervention, and before that in the Clearance years following the Walk-offs of the 1950s. We need to listen to the white morality that is one basis for Bill Harney believing that white and black can live together well: then we can in 2012 aww clearly that today the whites do not follow what he learned and experienced from the old white Victorian culture, and his mentors like Tom Fisher, and his peers like Joe Jomornnji and Pluto. ‘That Real Law ... is real people’, providing food for everyone.

The Pearce father’s list of white morality is the old white morality that disappeared from normal Australian society in the 1960s, and that I grew up with in Oxford until the 1960s. Only the moral few in Britain’s and Australia’s parliaments set to work again, then, to regain the Equity both Aboriginal people here, and all workers there, needed in the developing world; but in Australia the formal recognition of this Equity had to wait, in practice, till Mabo in 1992-3, 35 years after the 1967 Referendum gave them the full Rights of Citizenship.

Looking back at Bill Harney and his cattle station bosses, it is easy to see how their work-ethic and practices gelled with Aboriginal values: they were not grossly self-centred and materialistic as western society is today, especially in Australia; they respected other people through and through (although always according to their ‘station’ in life); and they recognised Good people in both black and white communities, and treated Wrong-doers harshly. But in this situation, where Capital Punishment was the norm all over the world, police and the law did not respect the indigenous people, and abused<sup>1</sup> them, even though they always depended on Aboriginal trackers.

1. ???

***Geez! it jolted you! But you learned and learned, and one day you'd be learning the ways of make-up to be in the ceremony yourself - well, that's what it seemed to be, anyway. Here! listen to Paul telling you the Creation Story, what he's heard it, doing the recordings. You know it, but he puts it into my English! So: right now, see if you can follow me with the story: it's the old one - old story - with the young white one - Paul - telling it!***

Now we whites may begin to recollect our own Creation stories. Perhaps we first hear Genesis 1-3 in Church, or in school: but the Grace at meal-times, or evening prayers by our bedside (at Boarding School) may be our familiar memories of how 'God' or 'The Almighty' or 'The Lord' were first given to us, as important stories. Later they may have become 'Doctrine' in an ecclesiastical setting: but the idea that the world we experience comes from 'God' who is 'Lord of our lives', and 'personal' to us as individuals, is the common western-white religious faith; and (if pursued) this becomes memory and experience within our mind ... and (if 'x' is taken as 'y' not 'z') a relative certainty for being a valuable pathway that we may choose for our life and work, because it will bring (we have faith in this) Good for us.

When we sing 'Lord of All Being, throned afar' (to rhyme with 'star'), we are close to the mystical story – we call it Worship (from 'worth') – that enjoys the real experienced natural world by means of human voice and music, and the celebration of natural life as in the indigenous societies. In this case we can feel the humility that goes with the mystery, and the human arts genius that brings a morality of empathy and joy in living and in the other people round us, that is a mark of indigenous societies in their natural state. This differs so greatly from the western traditions of Judaism and Christianity where the centrality of human sexuality sets the scene for the 'crime against God' committed in the Garden of Eden, which prejudiced these religions against Women (as in the pseudo-accusation that Eve was 'to blame' for the 'disobedience' of the man), and which pretended that the 'Original Innocence' took place in the Farming Economy of Empire – well after the subversions of the indigenous communities, and analogously to what happened to our Aborigines).

There is no Guilt in Wardaman story, and no need for Redemption and Salvation, because Life is Whole. Only when urban-imperial impersonal values set in, as Town trade and Commercial trickery entered human existence (as shown in the Gilgamesh Epic) is there a human-perceived need for the sacrifices and pseudo-panaceas that bedevil the history of 'organised' religion and the imperial cultures in which they are used, to 'civilise' the populace. By such colonial control-mechanisms with their bureaucratic Law, the lives and histories of indigenous peoples world-wide have been forever compromised.

Idumduma's Creation Story recorded and transcribed by Paul Taylor,  
Wardaman Dreaming Project

***"For me to know about the Creation history, story of the history and the ceremony laws, understanding all the different plants, soil and everything, it was when I grown up in this country in the bush 'n field, recognizing country proper. Now I'm doing this, running a culture education: I take the kids out, tell all the different story, all the ceremony, all this - that what I do.***

***Now first, in this country there was no tree, no grass, no rocks: everything was bare, nothing around here, in this country. Later on, the Creation people to put all the story and songs together, made up in a big song line. But first when everything was empty, there was no rocks at all, no tree, no bird, no kangaroo, nothing.***

***The first three people in this country, one is old Rainbow, we call him Gorrondolomi: he's the one made the water, sea 'n all. Then there's the Frog Lady (it's called a Dung Dung) he comes out the side of the earth and look around - saw old Rainbow floating. Dung Dung went across to talk to the old Rainbow, they got mated up. Between a Rainbow and a Dung Dung, they made many children, all under water. Later Dung Dung walked out on land to dry itself, and an old bloke Nardia come down from the sky, landed right next to Dung Dung who saw him an' asked: "Where you come from?" He said "I come from up top", and then the Nardia asked him, "Where your original home?" "I come from out the side of the earth." "Oh" he said, and then they sat down and talked, took a liking to one another.***

***So Old Dung Dung finish up with two husband, Old Rainbow and Nardia, and while they were together they made up all the different song, all the song about making all the different pigments, red ochre, white, and all that, with a song and the earth - many songs, and they made all the laws and rules. They put it all together, talk about all these initiation, mark, all around, together.***

*Same time, they had some children - many children, part of the Lightning People. These are the one struck the land in this country. When they were around here, Nardia was teaching all the male, Dung Dung all the female; and they made up all the songs together, they taught them how to dance, all this - that's what they made. They used to teach them how to dance, all that, all the different design they put on, all the different head dresses they made all round, put them on, what's meant to be on when you go to a ceremony - like you got to wear this when you go to the law, take them out when you come out of the law place ... some of this very restrictive law they made, but some very normal law they made. They were happy making all this law, doing lots of singing, and they made great big song making a hell of a lot of noise."*

Here follows (in present ceremonial terms) the *Yarrindi* song-cycle of geophysical Creation. The story shows a tug between Dungdung and Rainbow, and the massive rains and sea-surges produced. The eventual calm-down of water-phenomena into today's solid land was the result (in the continuing story) of brave, sensible, intelligent actions by the Lightnings *Jabarinji*, *Willy Wagtail*, *Brown* and *Grey Falcons*, and the *Little Boy*. Their footprints can be seen from those days in rock in the hills; and the killing and restoring of *Rainbow* is immortalised (Dreaming-wise) in the *Wirlin-Gunyan* rock shelter, in the Initiation panel full of the Shadow Presences where they went into the rock. Meanwhile Sky Boss *Nardi* helps all the children reach high ground, and some jump out of his *Dilly-Bag* basket 'up top' - 'trapped to become a star' - while others are lowered up and down, to get food. The story continues with the *Creation Dog* *Mudborongo* *Mordborongo*, the *Kangaroos* - the *Kangaroo People* - and the *Little Boy*.

*There was a huge number of Creation Dog in this country, some of the first family for the Mudborongo. They was walking around, and when they saw these (other) people walking around they said "Well, we don't want anybody around here - we might chase them all away, get rid of them." So they start*

*chasing lots of Kangaroo people, chase them from the western side, right through this country, through the desert till they finished up in the other end of the salt water. At the same time the Creation Dog people made a Songline about that Kangaroo getting chased by the Dog all the way along. But other people, who went along down to the sea level, sang that water, not to come inland anymore; and they stopped the water from coming up (that's why the sea's where it is today).*

*Meanwhile, one of the other Kangaroo was chased by this other Dog - flat out because he'd found this Dog behind him. Now the Kangaroo saw ahead all these other Lightning sitting up on top, looking at all these other Kangaroo People getting chased by this Dog. So one of them said: "I must head straight for those Little Kangaroo Lightning now, might scare the Dog (group) off". But they got very scared of the Dogs chasing straight for them, and went up higher (leaving many foot prints in the mud).*

*So the Kangaroo that being chased said to himself "I'm must swing off to try to beat the Dog in that other place"; and he did this flat out, seeing this hole in the high mount. But going flat out he jumped right over the hole in the cliff and frightened old Merrebenna (we call him a 'debil' lady) who was sleeping there when he hit the side of the rock - she got up to have a look what was going on! It was the Kangaroo People keeping going, continuing on. Then she heard more noise, looked over, saw another Kangaroo getting chased by the Dog, and said to herself: "if that Kangaroo come straight for me, I'll squat down and wait here - might get one of 'em!"*

*Well, she waited. The Kangaroo came flat out, straight for the hole, but jumped right over this hole when he saw old Merrebenna, the old 'debil' lady; and while she was getting up, she went singing the whole earth, to make it come up very fast, to stop the Dog from jumping over. Well! she jump on the Kangaroo's back and rode him all the way, with the words: "I'll sing you two legs, give you all the strength you can go faster, so he won't catch us up"! That's what she did - was singing all the way, and they was going flat-strapping!*



*Watching them was a Little Boy called Jerrajerramun, a Little Lightning Boy sitting up on top of the high mount when all these Kangaroo were getting chased by the Dog. The Little Boy said to himself: "I might jump off and follow this Dog trail - the Kangaroo might be killed, along the road."*

*Jumping up, he was following this Dog trail, and the Kangaroo, when he got right up to the place where the Kangaroo went right over the hole in the mountainside. Now he saw the Dog trail swung off, so "I'll stick to the Dog trail" he said to himself: "he might have picked up all the Kangaroo on the other side and killed them all." But at the same time the Black Headed Python come along straight past the Little Boy, heading across to the two old Lightning People Jabarringi and Yagjagbula sitting there.*

*"Look" he said: "when you make rain next, the water will come down, disappear like the rest of the water went; so we must have something here to stop the water from getting away - how we gonna do it?" "Wow!" the Blacked Head Python said: "me and my sister got two digging sticks and we can make river!" So a Blacked Headed Python and a Water Python made up the big Song, create the rivers, cut up the big gorges, made many channel, all over the world; and after they finish, everything's already open. But it was empty - no water - and the old Lightning said to them: "there's all the river empty, needs to be filled". So old Blackhead Lightning said: "Okay. I'll go ahead and make it rain", and he dug a hole in the ground, and started to sing. But a Little Grasshopper come along, said to the Lightning: "Look, when you going to sing them rain, make himself into a big cloud over there - how you going to move them?"*

*Well. When the Lightning said "I don't know", the Grasshopper said "I got a Song, make big whirly wind!"; so the Lightning replied: "Okay, we'll both sing together". Lightning then went on ahead, started singing; and the spit from his mouth went into the hole while he was singing, and it changed to become a little hail stone, like ice; and as they continue singing, the ice starts to smoke, the smoke's up in the sky, and they form into a big cloud. Wow! with the Lightnings continue singing,*

*and the cloud getting bigger and bigger, the Grasshopper now sang a big whirly-wind across up top - and he picked up all the cloud, and spread it all over the country ... the cloud got bigger, Lightning's singing away, he picks up his muddy boomerang, an' threw it up in the air, hitting the cloud with a big thunder-wind... down comes the rain! soon there's a big flood ... and all the water was full in the river!*

*Now. Blacked Head Python went across, said to the old Lightning: "There you are, you done a good job to give us water, an' look at what I did, stopped the water from getting away! Yeah, everybody can go down and have a drink." And they were happy about it, everyone all talking, and happy the water was there.*

*Well, they continue talking, and the Little Boy, following this Dog trail to pick up any Kangaroo killed on that side, saw this big Dog laying down in the side of the soft high mount. Thinking the Dog was dead, he came across and sang out to the Dog: but the Dog never moved. Then all these Little Lightnings yelling out to this Little Boy not to get close: "The Dog will kill you!" they yelled. But the Little Boy taking no notice, looked down on the ground, saw many flints laying around, picked up one of these flints, looked at it and said: "Might be the way I go, try to dig that Dog in the side". But before he dig the Dog in the side, they yell: "It's the Creation Dog Mudborrongo! that one with the most powerful Spiritual Song in his body! if people throwing the spear at him, his Spirit will remove it out! spears landing beside him all around, he was just spreading them out - that's why he has the most Spiritual Song over his body".*

*But the Little Boy said: "Well, I will try all right digging him", and at first he sang out to the Dog. When the Dog never moved, the Little Boy said: "Well, he must be dead all right, but I will try go down and cut his ears." So he went up close by to sing him.*

*This now is coming to the denouement of the Story. It may denote a rise in self-consciousness (as per Jung) by technologically-developing human beings. The environment changes as they travel, and new challenges have to be met, thus again increasing intellectual understanding and sensitivity as to Humanity's 'place in the world'. But the Story also refuses to distance human beings from all other Creation: we are all together in the natural world, in the cosmos.*

*Now, before he sang out to the Dog, what happened in this country was there was no trees, no rocks, no grass, just bare land. But soon as the Little Boy split the Dog's ear trying to wake him up, it was the Dog that sang out! ... an' because he has the most strong Spiritual Song in his body, he made everything come to "still" in this country<sup>1</sup> - changed the whole country up, made the soft high mount became a rock, every people there walking around in this country stood up become trees ... all that.*

*So when the Little Boy split the Dog's ear, the People walking around, their Shadow went into the hole of the rock; and same time, everybody change to become their different one: bird, insect - everything you can think of!*

*Everything's through that Creation Time - that's what we say! The Buwarradja change them all, all over, in this country: "Buwarradja put him in there"! That's right back from the beginning of the Creation. That's the way it happened, that's why all these rock painting all around - all the tribal mark that all the Lightning People had, come off their body, went into all these rocks too - you can see all those engravings, so many of them all over, no one could go along and cut them up. There is many footprints you see, human footprints, kangaroo footprints, everything - it's when they change, all at the same time ... nobody engraved them! They walked around in the mud in this country, that's why you can see so many ... a neat footprint, he's been put his foot in the mud and he went away - that's his footprints there!*

This is the Ecological-Environmental Creation Story. The sudden Self-Consciousness of Humanity is 'step-up' (with Jung), not 'fall' (with Genesis). The world remains exactly the same, but now Humans know they are 'Brothers' and 'Sisters' to everything – rock, star, cloud, every living thing. Being 'reflexive thinkers' we Humans must now do right within our arts – language, science, music, painting, theatre, dance, medicine, administration, morality, spirituality – responding to the Creators' Law by Following Rules, encouraging Harmony in the Family of Universal Creation, making the Good World. This is The Law. Nardi smiles. Wardaman will follow this, always.

*What happened then? after that? They all sat down and made all the Law, these old people. There was Jabarringi, Yagjagbula, Gudjarri, Dung Dung, Nardia. They made the Law, that's the Old Ones. When they was all together, they said: "Alright, what we got to do's make all this big Law", and they made two strong Law. They said first: "One's for Woman's Law, no men go to that Woman Law place, they got to stay right away, and only teach all the young girl grown up, to become a Law Lady"; and then: "Got to be all one Men's Law place, put a site over there, there's no woman go over there. They stay apart too, no one can go there."*

*Then those Old Wuna Lightnings said: "if they break the Law, they got to come through this big Initiation or Punishment place, there for them. The Punishment place, that's the Detention as well as Attention place; and everything is like rules - if anyone break the Law they have to sit them in a place with not much shade and they have to spend (like what I was telling you about) you know, giving them very little water, very little food. That's digging them real hard, to give 'em understand, making them know, recognize all the negative things they made all these Law to stop.*

*Anyway, there's sort of laws that they put together, in place now, in this country. Those laws and all the songs, we still have that song today, a great big Songline put in, in the Creation Time; and we still got that. All these here, all the different rock, the outcrop rock, where the Creation named it, we still got that - it's in that Creation Song, that big Songline; and that's what it is now, all around - that's what we teaching the young one today."*

#### **Bill Harney's Wardaman Creation Story**

**This version by Paul Taylor (2008: edited by Hugh Cairns 2009) is gathered from 18 years research by Paul with Bill Harney at Wardaman art sites. It includes material from 2005-9 digital film/video recordings for the Wardaman Dreamtime Project (2003-10) directed and produced by Paul Taylor and filmed by Len Glasser (Lensvision) who also helped stabilise the tape and video recordings made by Hugh Cairns from 1997-2011.**

Rock Art glory and Spirituals in the Creation Story, and in the night sky Cosmos



*Bill Harney and his grandchild with the Lightning Falcons in the early 1990s.*



*Above: An example of the Wardaman skymaps produced for Dark Sparklers 2003*

Here the constellation Leo finds Creation Dog emerging from his den in Leo, to carry Sky Boss's Bag of Songs east, round to the Southern Cross in April, dropping off the Law realities and rules to the Spiritual Lightning Children, on the way, ready for the ceremonial laws of Imulun to be practiced by Wardaman, throughout the year.

The greatest ceremonial site



*Red Kangaroo (the Senior Elder), Catfish (with his spine-and-shoulders bones-cross), Willy-Wagtail (with the Stone Knife), and the Little Boy, at the Wirlin-Gunyan beautiful art site that conveys ritual as well as personnel, in deepest ceremonial reality (and subincision as well as circumcision).*

*Well, that's the story of the Spirituals - they're here now, y'know, their Shadows in the night, you can see them, Shadows in the rock too; you call them our Spiritual Presences - that's us, we think that too. That way, that Creation, that Dung Dung made Law with those husbands, that Law equal men and women - that's both them got Detention, got Punishment, that Law! I remember being told about the engravings we found*



***'Watch out, this is Rain-Rainbow, the Dungdung's First Husband's country, and their Law. Learn it all, mark your mind with it, respect it, teach your young The Law'.***

Footprints (above right) show Cosmic Emu and Sky Boss Nardi in the original Mud-Earth as in the Creation Story (Paul Taylor's version from Bill Harney's direct speech) above. Recordings since 1985 (first on tape then on digital video with Len Glasser) provided Paul Taylor with 'The Foundation Story' of Bill Harney's childhood memory developed over 70 years of Wardaman Law learning. Different parts of the story relate to who the 'visitors' are to whom the rock paintings and country are being explained. Readers may compare it with *Dark Sparklers* (2003-4: p?), and with the material presented in parts of Bill Harney's *Born Under the Paperbark Tree* (1993 with Jan Wositsky). It is also relevant that many 'Creation' stories exist around the world, often in different versions. Two different ones are present in *The Book of Genesis*: Chapter 1 reflects the hand of Jerusalem priests; Chapters 2-3 come via Babylon in an early story where the Creator is 'The Lord' 'Elohim' (a word syntactically plural as in Wardaman). Bill Harney's 'Creation' is a 'Whole World' story-picture with no cognitive or spacial gap between Heaven and Earth. In this it relates to modern sciences – epigenetics/biochemistry/neurophysics/astrophysics – it is cosmic curiosity and reflection that does not pretend to a 'real' physics story reified in 'doctrine' and 'ideology'. As we see through ... and by means of ... metaphor, the story focuses, expands our world.

*in the shelters. We'd go into the overhang and they'd make me listen: "Look at these marks!" they'd say! "These drill holes are marks from the Dreaming, this big cutting to do with Red Kangaroo, those Big Law engravings to do with Wavy-hand Kalamungan Lizard - watch-out those Women's Law!" they'd say "this straight-skin<sup>1</sup> Law - they cut it, those Big Ones, they cut it!".*

The Elders teaching young Bill Idumduma made his curious, observant mind think about what it was seeing, touching, doing, imagining. Some engravings he remembers as part of ritual, as well as story. The large stone tools found at one site he remembers exactly as the type used on himself: Red Kangaroo's 'big cutter' is Kalbung Stone Axe (described in *Dark Sparklers* p. ??); and scrapers (like the one in use in the film *Ten Canoes*) take the honey from the hollow tree. The making of these implements in stone was Willy Wagtail's Law: so Bill Harney sees Elder Jack Jarabidi in his mind's eye, Willy Wagtail in those days, as he carries within mind and skill the interiorised ancient story. As the story-tellers in every generation change and transform the story, it encompasses more and different skills needed to meet new situations: old forms cease to mean what they did, and cease to be used when the Elder sees the story in a new, creative way.

Practical, detailed observation of marks at sites tell of ancient Law practices presented as educational markers for the present. Valuable in the past knowledge is rebuilt during each 4-year initiation-education program, as the Creation Story is enunciated anew by real-life Elders who renew it in evolving new circumstances. In the pre-puberty 1940s young man, imagination is fired: the oft-heard children's story becomes a way to keep spiritual and intellectual integrity in changing, stress-filled times. How to keep your integrity? The young man's now has an unconscious practical understanding when he sees *Marben*-cut skin in the men round him: identity and solid social integrity are signposts in skin and rock, to a conscious cognitive map. Idumduma now realises what will happen to him as an individual. The next stage in becoming a Man in the land of Ludi and Joe Jomorrnji will confirm his Skin integrity, in Personhood as Custodian.

When *Marben* engravings are viewed, many of them are likely to relate to Skin Law. Claire Smith (*Country, Kin and Culture* 2004: pp. 8-10) relates how the Barunga (just east of Wardaman country) cement reciprocal relations in two interweaving 'skin' 'circles'. Mutual responsibilities of 'owners' and 'custodians' provide a fail-safe method of caring for land; and obligations set out in Law for Promised Marriage relations ensure the non-presence of incest. Bill Harney's people and Aboriginal people generally mark out similar Law concepts in their *Marben* engravings, thereby fixing in stone (Law) the biological taboo; and cementing in place kinship relation, social interaction, tribal justice, basic closeness of a child and its mother, and land/country responsibilities men and women (both equal in this 'society formed in Skin System').

## The Creation Story brings happiness to the Wardaman people

***Then they'd sing that Law, dance it, and the boomerangs beat. That's what we do: sing the land to make it happy - sing the Law, make us properly!***

The Wardaman 'Creation Story' takes different forms, but the word 'story' does not present its full significance. Fundamentalist versions of Genesis 1-3 give some realities to people of that faith, but meanings change when written down and developed by institutions. Below is how Paul Taylor illuminates this ancient Aboriginal story, and interprets it according to how he hears Bill Harney today:-

Using all the major art forms in theatrical ceremony, Aboriginal people sing, dance and paint the landscape: the plants, birds, animals, insects, rain, soils, everything is set to continue in abundance, with such ceremony. As Yidumduma constantly reminds us, "We sing the land to make it happy." Ceremony is therefore very, very serious business for the Wardaman and Aboriginal people. It is survival. Acting out their Creation Story affirms their belief in the connectedness of all the natural world; and the sense of 'happiness' is not a 'Nirvana' of human self-centred narcissism, but an environmental joy within the Law passed on from the Great Spirit Ancestors in the Creation Time Buwarraja. This Law, passed on from the Ancestors to present day people in forms of art, song, dance, story, painting, was set in stone for all time in the multitude of magnificent art galleries that adorn Wardaman country and the whole continent. This Creation Story Law is fundamentally spiritual and theatrical: the 'script' of the play and its ceremonies re-enact the Dreamtime drama to reconnect the people to ancestral spirit – the essence of life being spirit with its building blocks of matter encompassing everything in the natural world.

This story rings through all traditional Wardaman cultural life. In the beginning everything was Spirit. The Spirit Ancestors gave birth to the land, the people, all living things: it was these three Great Ancestors, Gorrondolmi-Rain-Rainbow, Dungdung-Froglady, Nardi-Sky-Boss, whose two great marriages brought life to the world. Rainbow (Water) and Froglady (Earth) set the scene for Froglady (Earth) and Sky-Boss (Sky) to have the fecund marriage that brought the first life onto the land. It is a naturally-observant imagination's story, but its importance is that it helped develop an Aboriginal way of life in Wardaman country that was satisfying in personal terms and for community needs. In the Gujingga ceremonial songline one hundred men sit in a line together. Giant boomerangs are beaten in a heart-beat rhythm to the song and dance. This rhythm sings the soils, the cosmic landscape of Dungdung the Earth Mother. Boomerang rattling intensifies: this puts the song up in the sky with Nardi: according to Yidumduma, the intention here is to get Spiritual connection between land and sky, thus marrying Dungdung and Nardi, to bring life and "happiness" to the land. The marriage ensures "we get the right amount of rain" with Rainbow, so the land will be abundant with life, for Wardaman to care for and nourish, and enjoy.

**Paul Taylor** (from *Theatre in Culture* 2009)

## Law information in the body-art

***You know that Willy Wagtail invented the Kalbung Stone Knife: well, he made the stone knives that make the grooves in the rock, and they make the grooves cut into your skin. "Everyone should have 'em" says Willy Wagtail - yes, old Jack Jarabildi, he used to say that! and 'Cuts are our Law' he said.***

'Cuts are our Law'. Marben markings on chest, belly or shoulder of a Wardaman man or woman used to accompany the hole-in-the-nose still seen to the north (New Guinea). Other cutting ceremonies come before or after circumcision, even after subincision. Reasons for delays in ceremonial or other cuttings include an individual not being available (if white constraints are present), or someone not being ready for the next stage in the process in the view of the Elders' discussions in Council: 'our Law's no one's to be with a girl before circumcision. Increasingly, as whites took over the land, the question of 'the right situation' arose: in Idumduma Bill Harney's case, the visibility of *Marben* cuts, and the sub-incision phenomenon, would immediately draw the attention of the Welfare police: he'd be taken away<sup>1</sup>. But also the Wardaman wanted some of their men to understand the incomers by living and working properly in the two worlds, in white and black culture: so the Elders decided the gifted Idumduma must not be taken away from their country and people; so he was not sub-incised or outwardly marked by skin-wheal cuts. Today he affirms circumcision: 'you don't get aids without the foreskin; syphilis or gonorrhoea! but if you're circumcised, circumcision and subincision have to be done properly or you bleed to death!' Welfare's government medical doctors used to be looking for leprosy: but, though circumcision was not unusual in white stockmen<sup>2</sup>, seeing *Marben* they used to say: 'that's Debil, you'll ruin yourself, your skin's ruined!' – the *Marben*, this Law was simply not understood.

- 1. Bill Harney wasn't subincised: so he could safely live in both worlds. For 'Welfare's 'stealing'; see the film *Australia* (2009); and read *Poor Fellow My Country* (1975) In this, the young half-caste hero, Prindy, was faced with these same problems; and Welfare did take his family to government concentration camps, with appalling results. Those disrupted, spoilt lives and deaths reveal the sad, real history of many individuals and groups in 20th century Aboriginal Australia. Xavier Herbert had been a 'Protector of Aborigines': he knew, and wrote it up.**
- 2. Cf. *Dark Sparklers* p. for a glimpse into subincision. For the question of penile cutting in general, Cawte (1974 eg. p.123) gives a wide-ranging look at traditions round the world cultures (because they are widespread) and he lists reasons as 'custom', 'hygiene', 'initiation', 'blood drawing', 'sexual', 'urinary', 'contraception' and 'simulation of women'. Bill Harney is conversant with all these; and it may also be relevant (since Cawte notes the subincised-looking kangaroo penis) that the Wardaman tradition of Red Kangaroo as the cutter at circumcision and subincision may relate to the idea of ancestral mimicry – that is, to an identification at Initiation with an original Kangaroo Tribal Group whose speciality was the cutting of the body for Rites of Passage and the New World that Manhood brings to the Human Being.**

***I knew about the Marben cutting, right from the beginning - saw them all over the place, in the rock cuts in the men's and women's bodies. That's how you knew the people, who to respect in the normal way, who were the people doing the proper Law: I'd known all that since circumcision, years ago.***

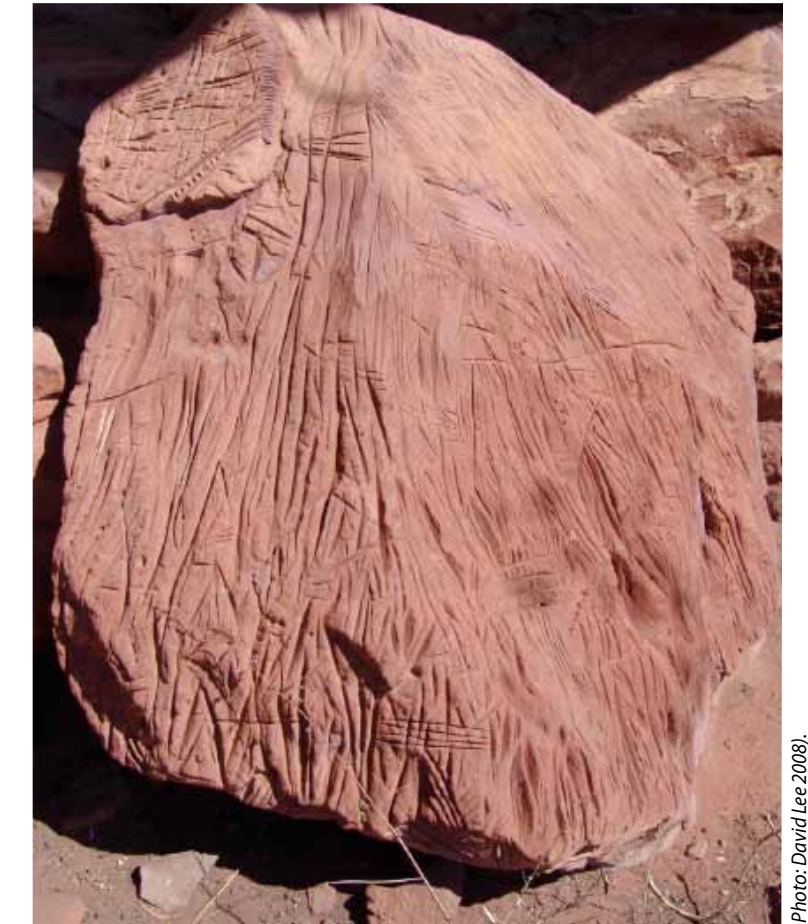
At sites and in general stories they had talked of Spirituals and Law, and, in these initiation-education years, they taught the *Marben*. Bill Harney was able to participate fully in his mother's black culture because he knew all the individuals who participated in the tribal events and gatherings: here was there and he tells us who the participants were, in part of the String Line Trail<sup>1</sup>. It was the *Goojinga* circumcision travelling that Bill Harney remembers: the Spirituals were doing the ritual travelling for the ceremony, and the Rainbow *Walijubi* – the Black Head Python of Hayward's Creek – was acted out by Gardarla, Ludi's grandfather, together with Pluto, her father. Together they sang the Song, the Emu *Gumerinji* (an Elder from Barunga) did the special Dance and made the Big Voice Sound; and *Gurgurnman* from Willeroo country was Red Back Kangaroo – he did the cutting.

All the ritual events, all the Totemic Ancestors involved are marked out in the original Creation Law: so the storyteller presents this world while the real world – behind the story and its Law – is the cultic reality of the Law, the actual individual men acting it out. Since Bill Idumduma Harney knew exactly who they were 'in real life', he knew – as an adult – the reality behind the 'Myth and Ritual' forms. So when the ceremony actually took place, Bill recognized the major participants *as they became* the Ancestral Beings of the totemic stories – and in this recognition, he was able to foresee himself being a full part of this Law, one day. Yet in recognising the social reality that lay behind the dramatic, theatrical illusion, he could feel the Spiritual form behind it; and this was as real as the Eucharist is to a Christian (the form/substance metaphor being an entrance into the Spiritual World), or as real as Hamlet's psycho-spiritual identity-crisis is to the fully-immersed theatre-goer when individual inner-being is reached by visual and verbal form and beauty, in our deepest human spirit.

**Bruce Chatwin called the set of songs and ceremonies (and stories that link them) a 'songline' (Songlines 19783), and sometimes Bill Harney uses this word. But when he makes a 'string' figure to teach a youngster (or visitor!) what he means, he often uses the clear visual metaphor of 'points on a string' or the visible 'set' in which you can view a specific object like a place in the land, or the stages of specific rituals in the line of ceremonies. In the 'string' picture, you see formal and detailed education taking place – they show what Ancestors and Totemic Elders taught must be done. Bill's 'string lines' bring the 'songlines' down to earth because they are practical duty, practical skills and Law-in-action.**



*Milky Way 'Shadow' of Froglady Spiritual Ancestor Creator Dungdung by Crux. The night sky Emu is 6 constellations wide.*



*Wardaman Law Stone*

Photo: David Lee 2008.



*The ceremonial moon count, with 4 nights in the Full Moon Season, at the site just west of Wardaman land.*

***Four years later I was 16 and found myself in Imulun again! I'd been in white man's Law for some time, now I was back in black! I was ready - Geez! - but it was my brother PeeWee who experienced the Kalbung Stone Knife subincision. We'd been circumcised some years before, expecting to be married; an' ideas of 'skin' and 'promise' meant there'd be 'ceremony' in preparation for this - but now we were lucky Jack Liddell respected***

Without Marben cuts, the circumcision cut that many white men had allowed this stockman teenager to be normal in physical appearance in both worlds; and 'you were a 'clean man all the way, with circumcision'. The sub-incision rituals his brother PeeWee underwent were the Second Initiation still regular in the 1940s. This 'Bigger Law' for 'Boy now a Man', took place during or after age 16-18, and the changed lingam-penis was 'good for marriage'. Bill Harney remembers younger age-group subincisions, and his brother PeeWee's ceremony particularly. He himself by this time was out on various cattle-stations, years into working as a stockman, far away from family, often learning western ways from Scots station-managers. He was not – in the mind of the Elders – living in the one black world with his brother who underwent the rite, of necessity. With subincision as a normal tradition already ceasing, the war disruptions and later the new post-war era, combined to form a new, truncated Aboriginal world where few ceremonies were performed. But already in the 1930s the old Wardaman culture was being suppressed<sup>1</sup>. With Gargarla and then Pluto gone, Big Law Men like Joe Jomornnji were not able to plan and make traditional Wardaman ceremonies take place like they used to. Much land was no longer open to them, many Elders and their peoples were pressed to amalgamate with other tribes, forced together, young even in boarding schools, and Welfare camps meaning many adults are moving into the shadows of towns. Law and languages, then cultures seemed to be disintegrating.

**It is with astonishment that most Australians will respond to stories of Aboriginal experience of white laws, since 1788. But remember (in the words of American lawyer John Adams as he struggled with Independence from Britain in 1770) it was believed by British incomers that 'the Crown may be misguided but not despotic', that the new country was set up as 'a colony governed by Law', and that 'office under the Crown' was paramount – 'the man and the Office' being 'one and the same'. Well: in Australia, the massive bureaucratic authority-system with its buttress of armed military and police meant that, by Bill Harney's childhood, the Station Boss's rules were 'taken as read', non-negotiable, because of 'Property under Crown Law'. So John Adam's position had been little heard in Australia, certainly not his calling out (as a barrister) that 'counsel is the last thing an accused man should be deprived of', his belief (as a political figure) that Crown Acts from overseas 'strip us of our rights', and his certainty (as a legislator and human being), that the 'poorest and meanest of the people' are given 'rights and liberty' by 'God and Nature', because 'many of our rights are given by our Maker'. At times, such sentiments appeared in Australian authorities and Parliaments: but Aboriginal people in Australia have, in general, suffered much from their absence here. Certainly the story of the Wardaman since the Telegraph trail of the 1850s shows Bill Harney's people suffered from the absence of a free society's democratic laws.**

***us and our Law, 'cos this day, suddenly, PeeWee found the quartz Binjawinja pointed at him, and Little Bush Whip was telling him he was going to the Imulun Law Place! Again there were 6 men running<sup>1</sup> with him, and after th' one-mile run directly there, he found himself having to dodge boomerangs flicked at his legs, then forced to run a small gap formed by the men, till he was stopped, brought to a stand-still, amongst them.***

Called ritually like this meant he was now Malu. The next stage in the initiation-education process was therefore upon him. Under the shade of the special dark bush-tree he was fitted out with the special Kulumbung head-dress with its trail of emu-feathers. Again the Hair Belt was put on him, and – a big difference from the circumcision process – he was made to sit down and start learning the special Malu songs. He then had to sing them out loud, with the others checking. Special totemic dancing took place with the Ancestral Spirituals moving in their proper ways, in the Imulun Law Place, and there were no clothes worn; no joking or laughing, either. This was serious ceremonial Law, and an information time when the new Malu must learn more the adult necessities for life.

The passage above exemplifies the age-long reality that the purpose of what happened in Malu type ceremony sequences was – evolutionarily speaking – basic education in necessities needed for these humans' survival. The man is made to respect those who have gone before him; he is checked for courage, disciplined to learn; and his ability to retain knowledge in song and story is tested by the group that needs survival as a whole, that is, tribal survival beyond the individual.

**What follows is a ritual sequence not open to outsiders to know. The 'sacredness' of the Circumcision Ceremony meetings at the special Law places is warmly described in Bell's *Men's Business Women's Business* (1998: p.72). This details Ngarinyan (Kunmunya) Kimberley traditions still extant, and some are not unlike Wardaman. But the 'birth' of New Men is described at First Circumcision as 'a sacrifice in sacred consecration of the place where they belong, the renewal of the tribe in the land to which they are now biologically joined' – that is, by the youth's 'flesh and blood spilling into the earth'. Now. I have not heard mention of the word 'sacrifice', or the idea of 'sacrifice' from Bill Harney or his people. Ever. This accords with Stanner, so I think that there is a western overlay, here, coming from Mission-educated Mowaltjari. This is very important. Without the concept of 'sacrifice', the Aboriginal world reverts to one filled with the universe's natural dynamic, multi-dimensional set of cosmic forces such as gravitation, biotic evolution, magnetism, photon wave-particles, all this in accord with the discoveries of Modern Sciences. The reified metaphors positing Mithraic/Christian sacrificial sacrifices that put guilt into Aboriginal minds are not Aboriginal Law.**

***Many of the same things happened to me when I became Malu happened to both of us. We were taken into the bush to find Bimbali, made its oil Wulinyan - extracted from the figs, then smoothed all round our body, you smell like shampoo with this! Then you've then got to stay absolutely silent while you're taken back and placed on an ant's nest! You mustn't move when you're lying there, either. It's what PeeWee said. This time he didn't make a sound with all those threatening spears standing around ... and him on the anthill! Well, PeeWee was kept in the Imulun Place for two weeks. The red-ochre Doctor Man was careful, checked the***

Testing for response to pain and danger, and examples of self-control are widespread round the world, in many cultures, not just the traditional cultures of indigenous people. Here we see the local variant of the (Pict-Viking) Hebridean Islanders' Marriage Test on the massively savage seas lashing onto the rock-pinnacle of St Kilda, off the north-west coast of Scotland. In that test, to check that the young man has the physique and temperament to get food for his family by fishing and egg-hunting, many perished in the sub-test of the climbing of this rock – survival only of the fittest. Though not so dangerous, but more excruciating, perhaps the ant's nest trial tested the pain of starvation, thirst and bodily discomfort in desert land, quite well; but the Initiation challenges as a whole, over 4 years, remind me of the island of Saint Kilda, whose rock pinnacle needed to be climbed before marriage could take place: the birdnest and food aim of this climb could result in death; but for the survival of the clan, this Test needed to be undertaken (so different from today's western norm where that type of companionship-helpmeet marriage is deemed 'so nineteen fifties', and the new 'non-marriages' may yet become a threat to young and old as society disintegrates in this area of family life. (We have seen this in alcohol-destroyed Aboriginal communities where no work means no stable staying-around, no good health, no Spiritual Dreaming, no caring for young and old, nor indeed for the parents – and much white society in Australia seems to be following in this non-race, inhuman delinquency).

The teaching that took place between the songs included the learning and gathering of special plants, details of decorations, the precisions of ritual behaviour, the outline of the ceremonial contexts – the pattern of education has emerged clearly. Now the initiate is taken into the confidence of the Elders in their capacity as Guardians of the Ancient Law. He must listen and learn as the Elders teach him the Imulun Law Places, their practical uses, the ritual stories, and the meanings in and implications and practices of the ancestral Imulun Law. As a token – it seems – of gaining entrance into this inner sanctum of knowledge, he is given the bull-roarer Bilibili – the one that when it is swung round whirrs loudly and makes all the women duck their head, and hide immediately. Then, in the non-symbolic practical reality, he learns to swing it himself, is taught its Law and dances, and later will use it correctly, as the Imulun demands.

***wound regularly, made sure it was healing properly. But PeeWee knew that - once healed - he would be made a Proper Man! ... a new penis' look and he knew he'd be a happy man for his happy new bride! It was tradition, made everyone respectful: they respected he was properly in it, made real tough, that's tradition, and the girls love it! Also, now initiated Blue-Crested Pigeon, he wears the Neeree-netted Kalimbung wig over his hair at particular times and ceremonies. Now of course - at last! - he was allowed to talk! but he was not allowed to go to the Women's Camp for another two years.***

They do this well, says Idumduma: but you've got to have the right people – it took the Council of Elders a long time, always, to do the choosing. It could be months before right skin, right ability, right totemic ancestor, right person was found and agreed on, for the task.

Now. Bill Harney says that it was two days after the major training-education sessions (in this case) that PeeWee's subincision ceremony took place. It began rather like the earlier cutting ritual of circumcision. Six men carried him, the shouts were similar, again it was one particular person's duty to care for him. But details were different, and the pain from the subincision was much more intense. The cut – this time along the penis not round it – is longer and deeper than circumcision, so the pain lasts longer. But there's also a very specific surgical method: the operation's instruments include a special piece of worked bone that is used for exact measurement: it produces a time-honoured (that is, long-proven) exactly-measured accuracy, for the cutting operation<sup>1</sup>. For pain-killing there is a difference too. Antibiotic treatment includes a piece of flat rock heated in the fire and sprayed well with urine. This is placed against the wound, and the heat and steam generated – together with the smoke from the fire – act as agents for cleaning the wound, and healing it.

It may have been failure to keep the old traditional hygienic methods and proper surgical method (noted in *Dark Sparklers* 2004 in relation to the bone measuring and guiding tool) that resulted in 2007 in a subincision fatality in Arnhem Land. Surgical detail would have always been crucial: without the special-quartz stone, the bone doctor and all the hygiene knowledge gathered over millennia, this operation will be dangerous in modern times; so the traditional Law needs to be strictly adhered to. Modern surgical knives are not sharp enough, 'a little knowledge is a dangerous thing', and, if the operation were tried in some attempt at a mixture of cultural and scientific knowledge, it might well fail. Better the ancient culture that works than a modern hubris that doesn't.



*It was a long subincision ceremonial learning-time. My brother learned to understand the songs, know the stories, do the special dances. I'd known these for three years, but now I saw PeeWee carrying out the Law Man Law, able to punish wrong. Well, I was qualified too, could do this, an' I was glad seeing David McGarry - that's Skeeta - doing the same, that same Law Man Law, with PeeWee. PeeWee now danced the proper head-dresses 'n dance-designs - that's Joe Jomorrnji's ones - and had the Spinifex Pigeon head-dress, carrying out bobbing dance-movements we call 'head-bobbing arse-up' Law! - he's the dancer not the singer, today.*

Marriage<sup>1</sup> in the Wardaman culture was part of Imulun Law after the age of 18 (but applied differently with Idumduma since he was not subincised with PeeWee). The rule is that, at that age, he is promised to a middle-aged lady (and a girl to an old man). Marriage later then is widower to a younger woman, often as a love-match; and when old, to a young girl. This old cultural tradition protects and cares for an old woman and old man, and releases the youngster into the knowledge, feeling, experience and tradition of the old person – but will produce major trouble if not carried out properly – parents can put wrong-doing young into the Dingaree punishment camp. Now, even if promised to a man, there can be no touching of the girl by the man until she has been through Mudu and Bandimi Law: so rape is wrong – the rapist gets the harshest Imulun Law: Silence Law, and the Yanduji Law Place for some years. In all, inter-family discussion strong Law action brings puberty, premarital, marital problems into a sensible frame, in the interest of parties and community.

**See Hannah Rachel Bell (1998) for major insights into the Aboriginal culture of Promised Marriage; also this present book, *passim*.**

**We whites today simply don't understand:- 'Surely it's all about sex?' we think. Then we shout 'child abuse!' and this shows how far we are from the real, natural world. We allow sex prostitution businesses on a massive scale not far from our national Parliament. Then we put old people into hospital businesses on a massive scale. The developing young we put into very controlling education businesses. We pretend all these (and so many other ways of life (like pokies, sports betting, offshore processing in 2011) are morally better than the ancient, time-honoured Aboriginal way, forgetting, in reality, that the original-Jesus, Jewish, Buddhist, Sikh, Hindu, Islamic (and plenty of other religious groups') thought and practice invited (and still do invite) good humans to 'Honour thy father and thy mother'. Western governments and societies today are essentially hypocritical, pointing the finger at indigenous families, at extended tribal families, and at communities who keep the old ways because they think they are better. Attacks against Aboriginal people normally include sex questions without acknowledgement of the actual western realities. The most recent government and media attacks started in Alice Springs in relation to Child Sexual Abuse. This is still an emotional issue in 2007. I heard last week a Liberal Senator emotionally quoting an anecdotal story of alleged child-to-child sodomy, using the pretence of the 'morality' in Australian Law, and moving from anecdote to statistics. 'Rules of Evidence' are absent in such exchanges, and little or no evidence sufficient for Charges to be laid have eventuated, showing that other considerations are behind such emotional appeal, such as party politics or pseudo-Jewish/pseudo-Christian pretences at morality visible. Political bias is often manifestly paramount in such examples where lack of government morality and action – or actual immorality such as in the Children Overboard and recent Immigration policies in general – show that 'National Interest' is the determinant in social policies against persons questioning them. Where is Justice's 'Reasonable Doubt' in this, anyway?**

*But he's now initiated into Blue-Crested Pigeon, wearing the Neeree-netted Kalimbung wig over his hair - that's the particular times and ceremonies - and now - at last! - he was allowed to talk!!! But PeeWee was not allowed to go to the Women's Camp for another two years, and we went on learning Law, PeeWee and I. We didn't think about it much, but things we didn't know, well, we now recognised the Spiritual, an' they stay with us, they're still here. I'm curious about things, you see, I ask questions. I asked you about your night sky, remember? I put your stories and my stories - our stories - side by side; and we all listen<sup>1</sup>.*

Bill Harney is talking about what I call cosmic-spiritual feelings and intellectual questionings, in our two quite different thought-worlds and lived-in worlds. 'You go on about Mystery!' he says; and what I find is that he is always ready to listen to whatever I or anyone else says (until normal fatigue sets in). He wants to understand white worlds because they are here to stay; and as survivors, he and his Wardaman people are here to stay too – so there is two worlds to be understood if all are to survive. This realism I first read about in Thornton (1967?), where C.H.Elkin notes that his Aboriginal informants are 'philosophers'. I would say – in my personal experience of Wanjuk Marika, David Mowaltjari, Dick Roughsey, Charles Perkins, Paddy Bennett, Bill Harney (and an equal number of very fine intelligent strong Women Elders) – that this word 'philosophers' is the correct word for many Aboriginal people: look at the San-Bushman-Skin Nelson Mandela in Africa too ... these wise older indigenous Elders, who were and are in the spiritual and intellectual mould of Charles Darwin, actually full of curiosity and wishing to learn realities, and spending much of their time and life 'thinking unto mystery' (like him). Aboriginal people, in their own land, observe the natural environment continually, awed by its mysteries today, like scientists.

**What is not declared in the media, or properly recognised in white Law, is that 'Child Abuse' is often defined in relation to sexual age of Consent without taking into consideration the careful restrictions on sexuality that pervade Aboriginal Promised Marriage, part of the set of ideas gradual opening up sexuality within the Initiation System. Violation of a youngster, let alone a little child or infant, is an abomination to Bill Harney and the Imulun; and the above passage shows the reality of restrictions to and control of sexuality as necessity within overall processes developed for the survival of the family-clan group. Claire Smith (2004 p.18) puts the political situation of today bluntly, but in relation to yesterday: "The administrative veiling of European violence against Indigenous peoples was normal procedure during the early years of white settlement in northern Australia. The lives of Aboriginal people were not thought to be valuable". Indeed a 'conspiracy of silence' by which administrators 'intentionally masked the violence inflicted on Aboriginal groups' is noted in land bordering the Wardaman; and this violence was hidden so that 'southerners' would not interfere while the 'autonomous' N.T. administration took root. That may have been so: but now we have to view Canberra's 2007 Intervention as a similar violence, conveniently masked but bearing more than a passing resemblance to yet another attempt at 'cultural genocide' – one indeed recognised as such by the U.N. under its Charter of Human Rights. Sadly, accusations such as sexual misconduct (in any field) are treasured ammunition in political life; and ruthless politicians who desire the 'empty north' for Mining, Defence, Agriculture, Waster, Immigration Detention Centres, Tourism and Overseas Trade regularly use what dynamite they can 'in the National Interest'; and exploding it under trenches of Human Rights victims has been a violent game here for years.**

## Wardaman community and the Creation Story

The Wardaman Creation Story has aspects that are uniquely different to Western religion's main story-area: the Old and New Testaments. First there is no 'Fall': all humans are Family – Brothers and Sisters to all of earth's 'created' realities. There is then no 'inferiority' or 'superiority' or hierarchical 'difference' in Creation. Second, the 'Jump-up' when the Creation Dog's Ear is cut is played out theatrically when consciousness is spurred in every being to recognise they are all Family; and to live together with respect, empathy and lovingkindness is what the Spirituals wish, and will make them happy. The laws of life that they enact in their Council meeting are then for everyone, and humans in their place are to respect humanity in every part of the world-earth environment, as well as in themselves. Note there is no settled village here, not money or trade, or grotesque behaviour: this does not come from Babylon City.

### Theatre in Culture

*(Note by Wardaman Dreaming Project Principal Paul Taylor)*

All my experience of life – growing up and working (with Midnight Oil) in Australia, learning and working in the U.K. (including RADA), and now living and working in many schools, colleges and universities in the U.S.A. – show me this (anonymous) saying to be true: "The power of art can never be underestimated." With my speciality being the theatre as art, and therefore necessary to authentic human existence, I have been documenting the Wardaman people, through Bill Harney, as the practice of 'theatre with the land': they are continually acting out their Creation Story, and finding it leads to a passion and serenity in life, which I call an ultimate spirituality. As a social worker visiting Bathurst Island in 1980, I witnessed a most dramatic event. It was Easter: the local Islanders were acting out the Crucifixion on Good Friday, in front of a public gallery agog with the experience. It was magnificent to watch the singing, clap sticks, didgeridoo-pulsating melody, and painted dancers acting out the Stations of the Cross; and this was far more entertaining (and therefore meaningful to me) than the Roman Catholic ceremony I attended in my youth.

But the next day I awoke early, to find the community deserted, except for the local missionaries. When I enquired, I was told: "They're out bush doing Business"; and this turned out to be "singing up the bush potatoes" in those 'increase' ceremonies. From our western perspective, this story clearly highlights the deep sense of theatre in Islander culture: but it is true for the mainland Wardaman and (I expect) for all Aboriginal groups throughout Australia. Using all the major art forms in theatrical ceremony, Aboriginal people sing, dance, paint the landscape: and the plants, birds, animals, insects, rain, soils, everything are set to continue in abundance, with such ceremony. As Yidumduma constantly reminds us, "We sing the land to make it happy".

Ceremony is very serious business for Wardaman and Aboriginal people: it is survival. Acting out their Creation Story affirms belief in the connectedness of all the natural world; and the sense of 'happiness' is not a 'Nirvana' of human self-centred narcissism, but an environmental joy within Law passed on from the Great Spirit Ancestors in the Creation Time *Buwarraja*. This Law, passed on from the Ancestors to present day people in forms of art, song, dance, story and painting, was set in stone for all time in the multitude of magnificent art galleries adorning Wardaman country and the whole continent; and this Creation Story Law is fundamentally spiritual and theatrical ... the 'script', indeed, of the play and its ceremonies, it re-enacts the Dreamtime drama, and reconnects the people to ancestral spirit, the essence of life ... spirit with its building blocks of matter encompassing everything in the natural world.

Creation Dog traverses the landscape, chasing the kangaroos, but has his Ear cut by the Little Boy, when he is sleeping, Everything changed then, and we are all totemic descendents, with ceremonies in our spiritual land – our's to care for, according to Sky Boss' Nardi's laws for us – and he brought these in his Dilly-Bag, from the Mud-Rock Law that is Imulun.

'Re-Member' is the Wardaman Creation Story narrative painted by Samantha Wortelhock in 1999, in naive-primitive style. It has the World as Ancestral-Spiritual, their Shadows in the Cosmos'



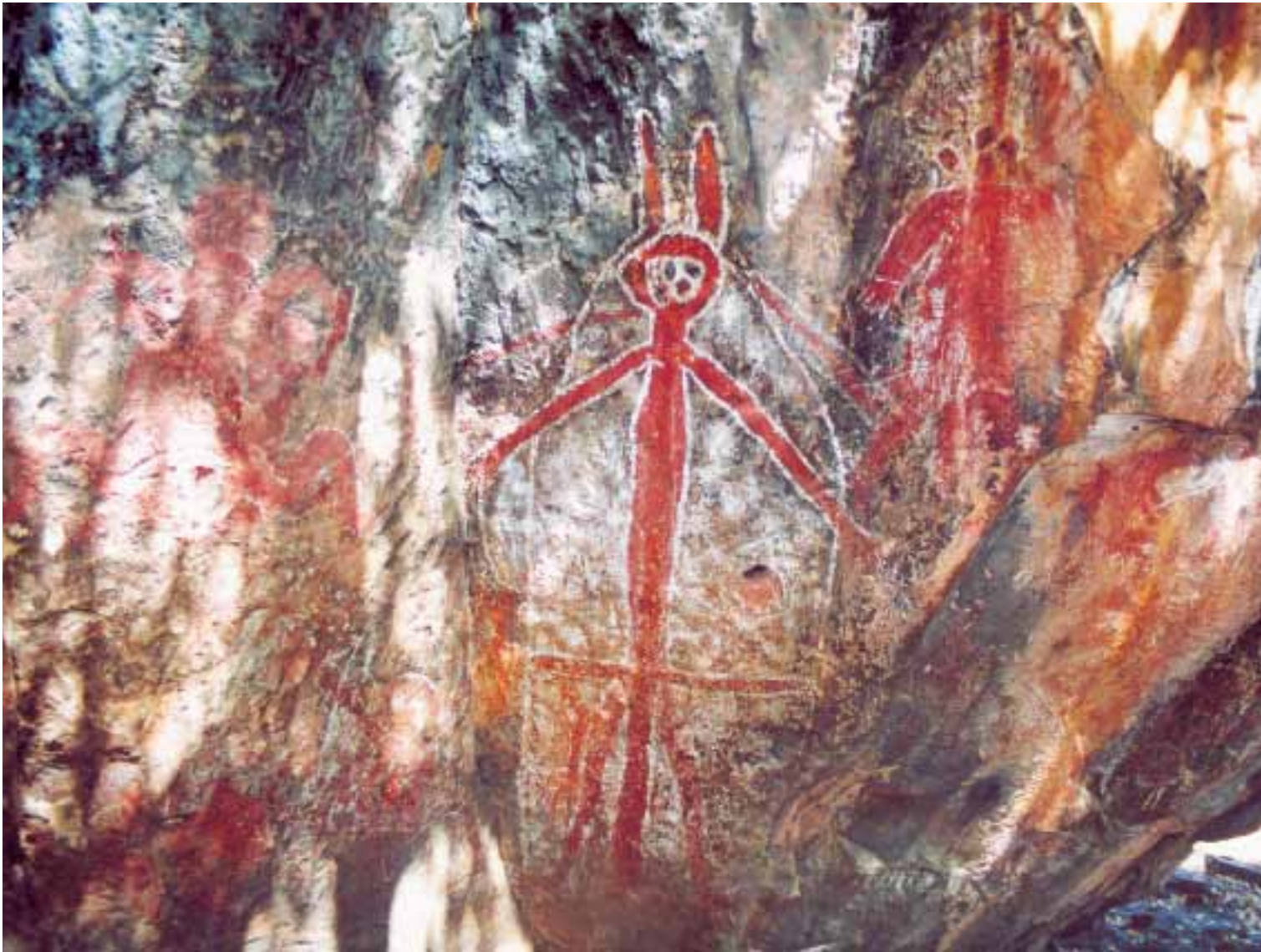
The story rings through all traditional Wardaman cultural life. In the beginning everything was Spirit: the Spirit Ancestors gave birth to the land, the people, all living things; and Rainbow and Froglady set the scene for Froglady (Earth) and Sky-Boss (Sky) to have the fecund marriage that brought the first life onto the land. It is a naturally-observant imagination's story, to get Spiritual connection between land and sky: the marrying of Dungdung and Nardi brings life and "happiness" to the land; and the marriage ensures "we get the right amount of rain" with Rainbow, so the land will be abundant with life, for Wardaman to care for and nourish, and enjoy. In the Wangga ceremony, boys stamp the earth, kicking up the dust, and this puts the song in the ground, thus recharging the (Dungdung's) earth; and at the same time, girls swing their hips, holding red river-gum, and promising increase.

In over 25 years of theatre practice, I have witnessed the transformative power of this theatre. When all the art forms come together – play-story, acting-singing, music, dancing, painting of set and body, costume and stage design and decoration – "magic" can indeed happen in and with those present. When ego-pulse is dropped, everyone is in unconscious synchronicity with the unfolding story. Transformation of human spirit is experienced in that space, and the focus of art forms in and around the telling of stories is very powerful. In the Aboriginal ceremony, in particular, this art focus is intensified, directed to the very place where it is being performed: 'That Place, Your Land'. This theatrical power, personalized and intensified to Place, adds a spiritual dimension recognised in many spiritual practices and religions world-wide. It is – I believe – immeasurable, and often (I say this in humility) good.

That Aboriginal people practiced this in and with the land for many millennia, focusing theatrical spiritual ritual for good, is clear; and history shows they were successful in harnessing this power – the land of Australia was "happy" for a very, very long time.

**Paul Taylor** (from *Theatre in Culture* 2009).

Exquisite Art: Froglady, Skyboss and their Lightning Descendant at Ngard-ya





## The Natural World of Fertility and Birth

The world of Dungdung in fertility and birth, and in the living cultic reality especially in the private-secret sacred ceremonial world of women under the Women Elders.



*Far Left: Bill Harney's original 2008 Fertility painting that does not come from Women's lore.*



*Upper Left: The Birth Canal emphasised in the Womb area, and superimposed on the Ancestral Figure of that specific Women's Law.*



*Lower Left: The Women's Law circle Mudu that is the fourth circle at the Men's site (so as not to be seen by the uninitiated male) but is prominent and beautiful at the Women's site.*

The painting by Bill Idumduma Harney in 2009 (above left) is theatrical in its art and dramatic action in ceremony, and for this book can be seen as Living Law. Theatre is intellectually enlivening as it leaves space for cognitive curiosity, and wisdom. Seen within the body-paint art and mimicry of dramatis personae, the western legal system with its ceremonial garb of robes, wigs and histrionic inquiry juxtaposed with Authority's wisdom, is analogous to Wardaman traditions of Law because the intellectual levels of normal Court interests apply in both. Both have room for adjustments that are always needed to develop more realistic laws and rules, and the people need to be swayed as to the Court's' and Law's efficacy. A difference vis-a-vis the latter is simply that with Wardaman the Court members are all known personally, trusted as to truth, and known in the spiritual ways that attest to Ultimate Concern – whereas the law officers in a city and nation are anonymous for bureaucratic reasons, parts of which relate to *realpolitik* where smoke-and-mirrors hide the higher powers which, unlike the Wardaman processes, are not spiritual but very material-concrete, manipulating with force hiding statistics.

## Chapter Four - Part One

10 years of adult learning: the stockman in his country



*Bill Harney and Leon were photographed in 2008 by Euan Hills of ArtMob. The Burial painting's motif is cosmic: ancient tradition includes the journey to the campfires we see in the night sky, and the tunnel in Lyra. stars.*



*The 2010 photograph taken by Roz Cairns at the IATSIS Aboriginal Astronomy conference in Canberra where the stories across the Ecliptic stars and planets cover the Law and the annual ceremonial proceedings that flow from it.*

Bill Harney, with his grandson Leon – his Dingaree Law helper carrying out his 'Silence Punishment' – shows the Bunya Burial Bark which had been Runner-up in the Telstra Award Prize in Darwin. This beautiful and significant art-work is now in the Tasmanian Technical College; and the Imulun painting central to this book was originally destined for the Law School in Hobart, where Euan Hills arranged for its painting. In his painting career, Bill Harney has spent time at Bond University on the Gold Coast, and in the United States (where Paul Taylor has helped foster the self-help that Imulun demands of its followers). The 2010 photograph above shows him with the Rock Art expert in the University of Sydney, John Clegg, the colleague-friend of 40 years whose study of ancient art makes him a world expert on the Aesthetics of Art, and whose fieldwork with students in the Sturts Meadows sites, in Western New South Wales near the very ancient Panaramittee rock engravings, is legendary.

*I learned a lot during the 10 years after joining the stock camp, but we began to understand the world of our Elders the Greyhairs, as well as the whites'. Whenever I was with them, I was learning: we used to listen a lot to Red Kangaroo Unumburggu - he was my father! (that's Joe). Now I learned properly what our Punishment System was, 'cos he himself used to go out and catch trouble-makers: people who broke the Law, they'd be put in the Yinagi Law Place. We'd sort of 'aim off' from that land, but knew it was there.*

During these years there was teaching of ideas and skills by the Elders – in Idumduma's case by the men who appear in the list. Once you were initiated and part of the adult ceremonial world, you would recognize these men in your normal daily life as having the secret totemic and ritual business, as Keepers of the Law. They may not be painted up, but their body markings give them hidden authority, that extra respect that included awe at their learning and spiritual recognition. If you suddenly saw Big Red Kangaroo coming, you immediately thought of circumcision, marben or sub-incision; and you knew very well that Big Red controlled practicalities of ceremony; that in DreamTime travels, he made Law concerning red pigment (red oxide) 'leewin' – never to be used dry, this must (in Yabarinji Law) be mixed with water; and for Law purposes, is to be picked up in a ceremony place only, under his command. As boss of the food Law Yinagi, he also made sure that, after circumcision, the right bird was killed and buried in the ground – if fat or raw meat was given out from the wrong bird, very serious penalties ensued.

There was good reason for many of these food laws. In this case, if you eat fat or raw meat with swamp lily, or eat it dry, then actual boils and pus will erupt on your body. If this happens today, we have to think of the cost to the community of an infected individual, but we probably think of it in financial terms. For the traditional Wardaman, the cost of infection would be too high on 2 counts: first, every able person was needed for food-work, for the group to survive; then later, after pastoral incursion, white managers would not retain you if they thought you were 'idle', and might use any excuse to make a change, if they wanted this. Second, losing a Law Man would be losing large (and by the 1940s irreplaceable) traditional knowledge; and, more fundamentally, losing a young person or child was putting all the future of the traditional family, and skin-system family structure, at risk. Aboriginal people had, in other words, learned to survive physically and culturally; and they interiorised basic survival knowledge in story, and so in Law. To Bill Harney, this is still much needed.

*Joe Jomorrnji was also the man in charge of overseeing other Law - of Crocodile, Quail, Blackheaded Python and the like. For instance, after circumcision we all knew - mutual agreement with Red Kangaroo - that Warija Crocodile would keep checking on you - if you saw him, he would test you on your knowledge of the country, how well you knew it. This was because, in the Dreaming, he continued naming everything, the earth, the swamp, so on. Or if you saw Taipan, you remember he made the outcrops, knobs on hills, all that; and he did Guangara Law as well, so if you met him, he'd check you keep learning the country properly.*

This where we see the Law in a deep education discipline, in this Wardaman group. They had 12 different sets of people<sup>1</sup>, and four languages to be learned, six if you include Pidgin and English. They had almost 2000 km of land to know well for its uses and their survival, if you worked the circumference of their country. They had rivers and waterholes, desert and wooded hills, land near tribal trade-routes and inaccessible places. They had engravings and rock paintings, songs and music – there was so much to learn, in simple survival-mode; and the totemic Elder system, with its Dreaming ceremonial basis, was how the education was managed. So these Elders kept its discipline, checked with each other in personal discussion and in the Elders Council, had educational care of all their young, did the mentoring of their students, and generally embodied the values of specific responsibility and duty-of-care, in this careful culture of multi-levelled survival education within its Spiritual genre.

Underneath all this was always the Creation Story Law. In the Imulun painting (see Part 2 below) there are the circles of participants in the educational, justice and ceremonial locations, in separate areas for the males and for the females. But the Creation Story is subsumed in the story-metaphored, iconic symbolism of the 'Crowned Law' figure, in this painting.

Meanwhile the white's (Australian) Law was being learned informally through the white manager-mentors who looked out for him. Possibly Old Bill had asked them to do this, but probably the Scots emigres far from home enjoyed teaching this fresh, canny boy. What they gave him (anyway in Tom Fisher's case) was the strict white discipline coming from the old Scots ethic (via John Calvin and in Australia good men like John Dunmore Lang); and I believe that Old Man Pearce's Way of Life (taught to Mick Pearce in the 1960s) shows this original Outback Ethic to us, when it is set out as page... below, in Part 3.

**1. The Skin System. The eleven family-clan groups have inter-marriage and inter-cultural relationships in Imulun Law, and there is another one into which an individual outsider or outsider group may enter the system for marriage, knowledge, cultural or practical-survival and solidarity purposes.**

*Seeing these Elders at home and work on stations, their Law always in my mind. Memory always at work too: even today I remember the detail, people amazed I get it like it's today! Well, I found the Elders giving me what's right, what's wrong - and the Law story and the song, decoration too and dance, practical skills - and what we should do and not do - all intertwined, Law and skills. What'd you think if you met an Ancestor, one of the Elder you knew at home, say Jigaigun Bunigan? he was Stripey-Forehead Lizard Mandoraji who'd invented the headband Kulumba. Well, he'd taught us make it properly, then warned us to respect it, an' we*

Bill Harney went through individual after individual when we were recording this book. Willy-Wagtail taught him tool-making for normal usage and ceremony. Creation Dog carried the ceremonial tools, especially the Stone Knife, expressing this Law in his song. BlueTongue Lizard told Jabarinji that the Coolamon Yigari must be engraved with 'minunga' lines on the coolamon, to make sure things are right with the red oxide Leewin Law. Emu Gumerinji lets out a big voice-sound with the bullroarer whirr, and does his special dancing – but then again is a special teacher to make sure the young can properly understand the Law, to be able to sing his special Law. Then the initiated man is sung with Brolga's normal happy-go-lucky Wolga Song with his special dance the sign of it.

Now, Bush Turkey was Peter Bulbu in Bill Harney's memory, so important as the songman-singer with the String of Songs. Wardaman had the 'string-line' that carried their Tradition, and this implied a more zig-zaggingly geographical picture of sites across the country – knotted with many-a-snaky-loop on a rope – rather different from the 'song-line' metaphor noted so warmly in Bruce Chatwin (1993). The String of Songs was the symbolic description linking the geography of the myriad ceremonial sites across Wardaman country.

But Peter Bulbu was a main part of the Wardaman Justice<sup>1</sup> System's 'punishment' team, not just the 'booming' voice at ceremony. Wrongdoers were taken to the special area used for detention, with this bush-turkey 'thumping' sound booming (like the miscreant's booming heart beat). This Yanduji detention-centre was where he used to teach the Guanaga ceremonial song, how to sing it properly, what the words mean in this Law, for – it may surprise the reader – this detention place was a practical work area, and the song relates to working wood engraving. Special wood-engraving skills were needed (in Big Law) for gouging the grooves called 'Minunga' into every 'Buran' boomerang. Burariman the Lizard had specified these grooves with exactness ... deep meanings must be etched into the wood of the Hook Boomerang, and into the very sacred object such as the 'Juringal' bull-roaring tjuringas of Big Law.

**1. Major similarities in legal process probably led to what looked like Aboriginal subservience to the new laws. But normal resentment was to follow as inadequacies in investigation and Tort, and sheer injustices in process, finding and sentence showed that 'the king had no clothes'.**

*never forget this: so when you meet him you respect it, he's strong in Kulumba Law! That's, we all had to wear it - all men must - at the Imulun Place; so it's a Big Law - means, while you're there you're wearing it and not allowed to leave the place ... you can't just disappear and go off with women! Watch Out, then, it means there's to be proper respect for the Law, proper focus: ceremony needs proper preparation. Or meet Bulyan? anyone caught doing things wrong's taken by Eaglehawk to Imulun Law Place, then getting punished in the Yandiji Law Place (your girl's in Mudu Law in the Mudu Place!). So: meet=remember=respect!*

Doing practical ritual or ceremonial wrong – for instance if bush leaves used in the Law dances or for ground decoration are broken or the grass burnt – brings consequences: the quartz BinjaWinja is used by Eaglehawk Bulyan to find the culprit. Within the ceremony is therefore a more general moral teaching: survival is compromised by actions that are not preceded by thought – burning off grasses in the wrong way is dangerous... wrong spiritually (wrecking SkyBoss/EarthMother/Rainbow ceremonial program) and wrong practically (planning must be careful and by Elders only): so Dreamtime necessities for bush life and cultural events must be prepared and performed perfectly – and therefore under Imulun Law, at the Imulun Place, by the Imulun Elders, in the Presence of the Imulun Spirituals.

If there has been a Wrong-Skin relationship, for instance, the whole cultural system of the many-thousand-year Tradition is under threat. So, once caught and taken to the Imulun Place for discussion-interrogation, surrounded by Men and Women Elders in Council, and then for Verdict, the miscreant(s) might get a Sentence of six moon-months in the Dingaree Law Place, if found Guilty; or it might be up to a year of forced-stay with neighbouring people. Then, in another case, you might get a year of exile if you broke the Law in the way you danced, but there were 'good behaviour' provisions; and the clue is in the Aboriginal community's own self-knowledge including its knowledge of the individual(s) concerned. So: still in the Imulun Law Place, the Elders might tell you that if you start learning Law better, and if you then do well, getting proper practical skills and being remorseful, you will be able to return to the Imulun Law Place again, this time to argue your case ... on Appeal, as it were ... but not on 'the facts of the case' or 'the Law'<sup>1</sup> – or before a Review Tribunal. If they believe in you, now, that you are remorseful and have shown this in your practical work in the Dingaree 'education-centre', they may then decide to remit your sentence. But: Be Warned! you must not re-offend, or else... Finally, after serving the Penalty Time, the man or woman is totally free. No stigma attaches to them. They have paid the price. They return to full, normal life.

**1. This is a fundamental difference with Australian Law, in which the common law is all written memory, so that a normal Appeal refers to historical Precedent as well as the local facts, and which operates under the Parliamentary Statutes containing centuries of experience.**

## Mentors of Totemic Law and Landscape

*Same again, if I saw Smiler or Bunigan - I see them in the Spiritual way, remember them as the Lightning Brothers - it was Yagagbulla said 'in trouble put on red ochre'; but the other brother Yabarinji was quite different. That brother make the Lightning Troublemaker; an' he's Danger when the Ligari Coolamon's with him 'cos that's the bowl of water with the slate-like glassy quartz in it - the Jagayayi Rainstone with its layers like squares.*

*At other times that Jagayayi's special when it's carrying the Balwarra to the Law Place - all the special tools, pigments, food going to special preparation, all the ceremony to take place proper.*

*Or you see White Cockatoo Old Norni my uncle travelling country, watching everything, making sure things all being done right - that Watchman! notify other Elders everywhere what's done, happening - an' if you seen doing wrong, you hear straight from him! Then up comes a Kanin Law Man, you were in real trouble! My father Joe was one fearsome Law Man, charge of the bush prison, or in the Dingaree Law Place like a warder, a screw. You in the 'hot sun' place, a week with almost no water, food, shade!? you survive, but Kanin Law Men have the quartz held on the neck by wax hair string belt, rests on their chest - you gave them respect!*

## Don't break the law

***We knew right and wrong well, after this, so we had to watch out now. Because we knowing the Law properly now, if we broke that Law, we knew - now - we'd get punished, put in the bush prison with those Kanin guards! Yeah, they were scary, those ones, teachers, those years in that Law! but they never abused us, just made us learn. We knew not to break it, that Imulun Law ... or else! What I'd learnt wasn't really going to change now, but I did go on learning and finding out; I had been good - a good student you'd say!***

In Bilidumduma's early life, his father-in-law Joe Jomornnji was the EagleHawk Watchman, as Joe's father Gargarla had been before him. Wearing the BinjaWinja, he had only to show it to the guilty man (when he had found him) for the man to immediately recognize what Bill Harney calls the 'shaming penalty' – he was going to be punished. It would be pointed at him, he would nod (if he was both guilty and sensible), and this admission of guilt was to his benefit. The point is: if he did not admit guilt after detective Taipan found good reason to bring him to Imulun – the Wardaman Court – that is, after BinjaWinja was pointed at him, the man (in Mudu Law the woman) would be speared... to refuse to go before the Elders to hear charges and evidence – the 'shaming' – was, in other words, taken to be an admission of guilt (as in much western history)<sup>1</sup>.

Taipan Jarrimumbu's Guangara Law covers the area of crime and punishment. This Creation Story Spiritual taught the skills of observation, detailing of information, and necessary procedures needed to unravel a crime, fix penalty and punishment, and the various rehabilitating processes and restitution. It can be seen that, although there are resemblances to the incoming British laws and practices, the latter, developed for the large urban numbers and non-family societies of Europe, were unable to take cognisance of individuals whom the authorities could not understand in language or behaviour. By today's standards, the white lynching-law type practices were despicable: but 'today's standards' now include (as in the Thompson case of 2012) party-political and media 'kangaroo-court' frenzies where Internet accusations on Facebook and other (including 'hacked') sources allow slanderous/libellous materials to spill out into public, with no 'Rules of Evidence' or 'Natural Justice' taking anyone to court, and in contravention of 'legal process'. (Nothing Changes).

**1. Historically this area has been full of crucial contention. After Aboriginal Law was subsumed under Australian Law (around 1840s) the indigenous behaviour pattern of honestly accepting 'shame' had led to 'Guilty m'Lud' coming too easily in the 20-minute hearings; and the Court's lack of interpreter and language-and-culture knowledge led to many unlawful as well as inhumane judicial Findings. With 'laws of evidence' in their infancy, and 'character-knowledge' being hearsay among the propertied elite (yet the main judicial motivator in both Fnding and Sentencing), many failures of the essentially British Judicial System were evident to Aboriginal people even in this 21st century.**



***We also saw Law operating in the general way - Law for everyday - so we often don't be getting all the more ordinary things wrong! One of these not to get wrong are paintings and designs: Rainbow gave you your own Totemic Ancestor, therefore your own design. But this is only to you yourself - you can't paint another person's design on your body, or on a boomerang; and you can't trade this special design of your's, over to any other person! It's your identity, see; that's who you are, you don't give that away.***

The Spiritual background of Aboriginal art is given practical detail by Bill Harney. In relation to the arts and designs of other clans, there is clear respect, rule and Law, against cultural stealing. Wardaman can only use a small numbers of 'dots' because 'dot painting' is owned by the people of the south. Northern tribes have major cross-hatching techniques and designs: it's their trade-mark. To the west, blank spaces are used, but can only be used in small amounts. Bill Harney's people, in the middle, concentrate on line-form: lines and figurative sketching – you see this in the Lightning Brothers figures at Delamere, Wulan Gunyan and Moon Dreaming. But colour materials can be traded, and Wardaman Law trades red oxide Leewen, white pigment Bunigan and yellow ochre Gillingga quite normally. The oily red-oxide ochre demanded by the Law for the Ceremonial Boomerang only comes from the south-east, however; and this involves a major, ritualistic trade-off, to be undertaken only in absolute silence – part of the Dingaree Silence Law, invoked carefully, on pain of death.

Eagle and Lizard alone can use the Boomerangs that are part of this Ceremony. No one else is allowed to touch them; and Emu Gumerinji and Redback Kangaroo Unumburrngu are the only people who can work to make replacements. The safe keeping of such ceremonially sacred items is also a very specific and spiritual duty: in this case, only Bush Turkey (Doja Mamau of Hayward's Creek) can guard them; indeed, only these totemic actor-agents can be involved with them. So, if the Boomerang is taken by an outsider, Law rockets in with immediate practical processes based in extreme spiritual underpinning<sup>1</sup>.

1. **Now we are coming to the Law as we understand it in the west – the realities of Law and Order. We have to remember that Hebrews and other desert peoples, and Rome and the Calvinists at least, held Law as based in Sacred Story, and ecclesiastical laws derived from it. This becomes a matter of extreme (but normally negative) conscience for western researchers, museums and antique dealers: their actions would often be dealt with as Blasphemy or some other criminal Law, if they were to have engaged in analogous behaviour in their own home culture – for instance if a Chalice or Special Vessel was taken from a cathedral or mosque in Canterbury, Rome or Tehran. (It is an ignorant prejudice to think that the written faiths of urban institutions, based in out-of-date philosophies and sciences, are in some way 'superior').**

***All this how I learned so much even before I became a Law Man! It was all our education system. My mother and her brothers, my (step-) father and his brothers, the Grannies an' my larger family - all these Elders I knew in our normal life, they gave me the feelings in the stories and the songs, and many understandings in the Law. Daily life in the bush an' the station, we experienced Tradition Law, sensible normal, good thinking, doing things right in life. Discipline in bush school and initiation-education, we had all that too: but now I was to take new responsibility become an Elder. Good luck! I proved good and sensible at this, too.***

This is the practical Bill Harney. The same curiosity and humility in relation to cosmos and mystery continues to permeate his thought and interests today. Like many in western and middle-eastern institutional religions today, he is capable of wondering if the Spirituals are not active in the catastrophes of the modern world<sup>1</sup>. Floods and tsunamis might be Rainbow lifting water up because the world's gone 'mad', maybe Dungdung and Rainbow and Nardi are fed up watching what's happening. Trees are being cut down when the Spirits are there; bulldozers are wrecking the bush, the farms, the hills; cars have pollution scarring the atmosphere; grasses are burned so the wrens and snakes and lizards are gone – to Bill Harney it's the animals disappearing and Creation gone ... we are having salt water where it shouldn't be, and less water where we need it, so how is the supposed<sup>2</sup> superiority of moderns looking after the earth?<sup>3</sup>

How was it better 'in the old days'? There was a quietness in the land. Men went off for days at a time to find the elusive red-meat animals for a good feed once or twice a week; while the women caught the white-meet fish and maybe bush turkeys, and with digging up bush tuber yams and collecting fruit as they walked, provided the staple diet for all the family gathered round them. With the regular meeting-up of family-clans for festivity and ceremony, sometimes being joined by other related tribes, this was a good life – better food and life-style, and more fun, than being on the lowest rung of the employment ladder in a modern industrial-commercial 'society'.

1. **However, though 'Indigenous Science' shows an ancient tradition of acute observation memorised in story and art, with practical repercussions again informing the culture, there has been no 'scientific' 'institution' set up to engage separately in 'modern science' (today the internet site The Indigenous Science Network seeks to engage debate and information in this area). Most institutional religions also eschew modern scientific findings and theory-facts: so scientists such as Richard Dawkins have to 'despise' them. By the same token, though, the oral cultures are not to be despised because they do not claim 'ultimate reality' in their stories.**
2. **The work of Charles Birch epitomises the more recent view that humans need 'a change of heart' if our Planet Earth is to survive.**
3. **Bill Harney does not spend much time being negative about modern technology and the industrial-trade culture of the 20th-21st century. But he notices the destruction of barramundi breeding areas when road teams explode the river for their fish meals, and the rock falls and destruction of rock art that seemingly coincide with military exercises with sound-barrier bursts and bombing-range attacks.**

***There came the day when the Elders decided it was time to make me a fully-fledged Senior Law Man! I had no idea it was going to happen, I was working all over, learning black - and white - culture on the big cattle station runs from Hall's Creek, Victoria River, the Kimberley, over to Borrooloola on the Gulf. I was expert on horses, saddled up for work every day, cooked good tucker! and drink, gambling, fighting, I was big too! Married in the Law too - Skin Law Promise- and never been bad. Well, Aboriginal Law Men found me!***

Bill Harney took me to the place – Imulun – in 2006. He wanted to record what happened here, but it started sadly. Bent corrugated iron lay in the tree fork where in October 1949 the ceremonial Stone Axe had been laid out flat on the specially-painted paperbark Coolamon. Now the shady green bauhinia tree with its good fruit and medicine had disappeared, the Stone Axe and Coolamon had gone, and a rusty metal axe lay in a rusted iron piece forced into the fork of a lonely, brown eucalypt. Bill had last been here in 1957 when they were still happy times and all was well. Everyone was happy then at the Imulun Place: Nardi was smiling, the Law was being done, Idumduma felt good; and he was to go through the Traditional Processes, to become a leader in the Wardaman community.

The Stone Axe missing at Imulun places the story of Bill Harney Idumduma in the sorry history of Australia<sup>1</sup>. Aboriginal people put up with wrong use of Sydney's (white-named) Tank Stream in 1788: ceremonial and sacrilegious abuses have racked their history since. Even today (under white Law) treasure-hunters, researchers, government officers, antique dealers, museums, other institutions and commercial interests gain, for their own ends, indigenous material that is culturally, spiritually and intellectually important. Powerless, under-informed, sometimes-absent owners lose such cultural possessions without permission (let alone payment) – and miss it.

1. **The Wardaman Stone Axe was taken without permission off this private land, we might say 'by thieves'. Such unwitnessed, essentially illegal, surely dishonourable, definitely unconscionable behaviour has not been uncommon over the continent (and on other continents where defenceless indigenous people fall prey to the 'cultured' 'civilisations' that have often (dis)graced this planet for 4000 years). Nowadays a university team gathering material for long-term geological research does not have complete freedom to gather data: permission given, it must, in time, return all gathered items in accordance with Aboriginal community wishes. The theft of special items from sacred ground is, further, a strict violation of Imulun Law, a sacrilegious act analogous to taking a Saint's relic, an Orthodox icon, a Bible or a Koran, but it has never been viewed this way in Australia. The view that indigenous people were 'pagan' or 'heathen' were concepts placed in historic western times when new urban civilisations viewed bush people everywhere as 'not able to be citizens'. This became part of urban religious myth in which the premise of 'One God' joined the premise of 'One Central Power of City and Empire'. So when the City-Empire-Christianity power-bloc of British invasion or occupancy took place in 1788, indigenous people were placed conceptually in the pagan camp, never given spiritual authority, never valued in Law, and the real world for black people changed as urban force led to cattle camp, fences, white language enclosure, new Law. Immoral newcomers could easily disregard (as today) most of their own Law (tort) and ancestral religion.**

***This was a big surprise - best thing actually 'cos I know they knew I was understanding all the Aboriginal side, remembering the black world through Ludi and Joe, but also learning white man culture - their Law too. At that time I'd been learning so much from David Liddell, white ways to behave, some reading and writing too - he was from Scotland - so I understood what whites were on about. But I found myself speaking up for whites at the camp, and blacks with Mr Liddell - not always had to, but I understood them all!***

Tom Fisher also taught Bill Harney white cattle station reality, treating him (like Peter Sabu) as a protégé. Like many other station owner/managers he often used the horse-whip on the black station hands. Men who refused to work – or (in his eyes) otherwise misbehaved – were trundled round in neck-irons and made to work for nothing; while whites were able to rape black women, against all white Law, with impunity. But Bill Harney did not follow this way. Clarrie Wilkinson treated him as 'you excellent top (bloke)', and encouraged him to 'be very kind, not too much push' with the other stockmen, because 'you are good, really good organiser'. So today he is the first to show the youngsters (and old fellers) what to do, how to do it: 'I'll give 'em a hand, go and help 'em'. He says this comes from the Law that Joe Jomornji and Pluto taught him: 'Just the same – be very kindly, not cranky, not nasty!'; but like them (and the station manager) he could also give 'the Big Voice' and 'make 'em move, make 'em work' just like today!

1. **Diane Bell in *Aboriginal Women and the Religious Experience* (1982) notes how even the best-meaning white people completely missed profound aspects of black culture, including religion, and quotes Professor W.E. Stanner thus:- 'It should not be supposed that they lacked information, learning or humanism. for the most part they were knowledgeable, serious-minded men ... but they were very sure of their vision. They were genuinely unable to see, let alone credit, the facts that have convinced modern anthropologists that Aborigines are a deeply religious people. That blindness is an important part of our study. It profoundly affected European conduct towards Aborigines'. (W.E.H. Stanner *White Man Got No Dreaming*, 1979). Maybe Mr Liddell understood more than most because (Scots) managers like him accepted the community reality of his stockmen and their families, their need for periodic walkabouts for ceremonial meetings (it would remind him of home: Christian Communion was a 3-day event in the Highlands till recently). Ken Maddock (1972: quoted in Bell op.cit.) notes that '... men's cults, despite their secret core, require the active participation of the community at large ... (and) express broad cohesive and impersonal themes such as fertility and continuity of nature, the regularity of society and the creation of the world'; and he thinks that male domination produced visible religion of 'greater scale and more elaborate symbolism' than women's, more personal with needs for 'love-magic' and 'reactions to physiological crises' which (he thinks) produces a narrower and more 'divisive' religion. But in Wardaman country Julie Drew (2005-10) follows Diane Bell, positing no loss of spirituality and cultic religion in women's lives, with their secret business in egalitarian society.**

They called out: Come to the Big Law Place!

*Becoming a Law Man happened when they just came one day to collect me! They were decorated, prepared for ritual, ceremonies, and they called out our Tradition - they called out "Come to the Big Law Place!" Waiting for me were old Sambo Gigairman, Blutch - he was my own age - and the Elders of my own family. They were all there. They'd been telling me the Creation history for years, regularly, including the story of the Spirituals creating Imulun Law: so when they shouted 'Imulun!', I could see, visualise, the mud-form of*

At the Imulun Place for these educational weeks of that Law-season, there were many Big Law Men: Willy Wagtail, Blue Tongue, Echidna, Creation Dog Mordboronggo, the Lightning Brothers Jabarinji and Jagagbula, and perhaps another 20 other men as well. They all brought specific totemic Law and cultic reality with them: their talk, decoration, song, dance, cutting – this was ancient reality calling. It turned out that a number of young men from the 11 Wardaman clans had been scheduled to become Law Men, without them knowing beforehand: they were each and every man to be a Law Man, authorized to teach Law, dedicated to keeping and upholding it, always.

This was in fact the 18-20 year-old Idumduma's completion of the normal 10-year traditional tribal schooling. But he was marked out, now, as special. The outstanding dux, he was necessary to the Wardaman future, and the Council of Elders had chosen particularly well.

What happened over the next few days, and then months, he now calls his 'bush university' term<sup>1</sup>; but it was actually the third part of this particular Aboriginal people's basic Law-education system. Bill Harney remembers vividly the day when he was taken. Sambo, Blucher and others suddenly grabbed him, telling him that they were all were going to the Big Law Place at Willeroo. This was the practical reality flowing – they said – from the Spirituals' Creation Story handed on from the Wuna who were the Real Old People, the First Lightning Ancestors of All. These 'kidnapped' young men were destined for the Spirituals' Imulun Law: being taken to the special Imulun Law Place meant that there – he was told – they would all become proper 'Law Men'.

1. I first heard this term from David Mowaltjari in 1988, and the Bush University in the Kimberley produced by Susan Bradley has become well-known. But Bill Harney is more in line with Nicholas Rothwell's 2010 view that independent schools for Aboriginal students become the norm in the Northern Territory: and he echoes what he heard from his earliest days, 'Why can't we have the freedom to manage it ourselves?' This cry from such as David Unaiapon brings him to Why not a Black Elder and black teaching staff to run our own university (or school)? The reason of course will be psychologically sort-of racist, politically financial-economic, managerially to do with know-how, and basically a matter of 'national interest'. But is this really true in 2010? Probably not: maybe in 20 years, Aboriginal academics will pursue this successfully.

A good year for new Elders: 1948

*the great ball made hard as rock - never to be broken. I knew what it was all about! This was the Mud-law Law Man calling us up to Busboro Law Place where the Baranga Law Men were all sitting! 5 of us collected that day, went through Law Man education testing together. We got served there, our education Sentence was get rigged up in all the gear, Hair Belt, Kalumba round our neck. We call it 'punished' but it's discipline teaching there for months - all good, kindly<sup>1</sup>. We were the 'forty-eight' year: Blutch Jilai, Morgan Gerinja, myself (Billy), Billycan Delamere, Jabrit. Yes, 1948, that's becoming Law Men. I remember who they all were!*

Bill Harney recollects with precision the names of the Elders who were with him, and those in charge of them. Many days followed during which teaching, ceremony, testing and exercises enlarged and probed their knowledge and skills. The instructing Elders were known as individuals with totemic ancestry. Their totemic identity both identified, and taught, their very own skills; and they typified and epitomised Ancestral responsibilities. These men were impressive men, known by life and work, respected for their practical skills, experience, and customary morality: now they were taking responsibility, under the Council, to make the five new Wardaman Law Men, and the others from the other clans and tribes, good and proper Elders, to see through the Wardaman for the next generation.

Bill Harney specifies these Elders' works and places of responsibility. In 2007 they still reminded him of their teachings – they are like pegs on which their experience and person are caught forever in his mind. Their stories continually evoke the totemic Presences that mentally and spiritually inhabit the special songs and story-lines, the arts and the ceremonies that make up the traditional Wardaman world into which he was born.

In 1948 the white world was still the old 'pioneer' cattle world, but already, after the experiences of war, including the rejection of Aboriginal ex-soldiers, there was the call for proper wages (experienced but even in 2012 not yet paid to servicemen. Unions were following the British Labour push to move 'class warfare' out of the coming new world: Menzies' 1948 speech accepted this reality.

1. No doubt it should be remembered that young boys do rough-and-tumble fighting the world o'er; and Bill Harney's fighting prowess later was honed into an accurate weapon when the black and white patrons of the outback pubs would have alcohol fuelling anything from petty jealousies to property, from the look in your eye for the wrong person, to split-second Aboriginal resentment at a policeman's behaviour towards a black man or women. The alcohol involved in city and outback – Alice Springs whites have higher rates statistically for alcoholic illness – is debilitating everywhere.; and it is well known that alcoholic gambling has made huge cattle stations change hands overnight, as the debt is called in (Bill Harney remembers this).

Discipline: the education system starts with teaching the teachers

*I was becoming aware of my Idumduma ancestry totems now - they were being confirmed.*

*I was Idumduma Bulyan the Eaglehawk with special responsibility for KongKongMaya.*

*I was Idumduma Catfish with the Top Flora places and stories.*

*I was Idumduma Grasshopper there; and at Geladji I was Idumduma BarrakBarrak, the*

*Diver Duck Kidney Fat Man who'd do the frightening stuff to stop people getting out of hand.*

*They made me know all this, and everything else!*

*We learned and learned and learned, and they tested it all.*

*We stood up and told the stories. We painted our Law. We sang the songs. We had to do it.*

*We had to answer all these questions to be Law Men. We had to start talking, giving the songlines, trade routes, different songs and foods.*

*Then the Law not to destroy anything, and to pass knowledge on to your children, and keep everything in peace and silence.*

*All that! and then keep your ears open, respect blind people, and respect the old lady.*

*All that! Do it! That's what!*

*Note: as paraphrased from the Bill Harney video-tape 2006.*

***We had to do it all alone as an individual, and when we did it wrong they put us right! at Busboro Law Place, that's a big university Law Place; so we did it all, went through all this, to be Law Men. We knew it all, and that's how we know it all today! It was Bush Schooling. I always think of our Imulun Place on Willaroo as 'the history place'. It's the real Wardaman country called 'Idumdumi', that's 'speaking for the Old People', my own initiation place. I learned the Law here, we sat under the shady Bauhinia tree now gone, we did the Big Ring Dancing, and the Ceremony took place here. Yes all that! But it's also where you were brought if***

Each Elder had select responsibilities (see table? below). Toby and his helpers taught how to check out the Imulun Place itself. Midangumbah's duty was to plan, and to ready things and people for the ceremony. Sambo rehearsed the song-story cycle, and dancing. Bilican did the timing, and prepared for the making of the fire and the rituals surrounding the fire. Alan Young recited the crucial elements of the Mud Law Story, re-enacting this central purpose of all Law gatherings. All the Elders below attended to their totemic duties, and this points to Wardaman Law being careful work – a time of profound happiness based in Law-abiding attention to detail.

Preparations and procedures for ceremonial events were based in Law, had been pondered over, and set out in song and ritual. No sound came from the storyteller until the Law Place was reached. Trails to Wiluri Imulun were followed in complete silence: no word spoken. At the site, quietness become reverence. Presences of ancient Law in mind, and then music, song, ritual, theatre and scenes of artistic Spiritual worlds create group interactions that distil an objective social presence of the Imulun. The visions of the Wardaman need no spoken/written words, yet paint models of the spiritual as artistic needs erupt. Spiritual Law, the child of human creativity, empathy and imagination is linguistic genius – human word, real, moral, true; giving meaning and the joy of living now, to all involved.

When going to a special site today, Idumduma will go on ahead, and be very quiet as he comes to the overhang, rock face, or clearing. with its trees. Sometimes he calls out as if the Spiritual Presences are there: at night he can see their 'Shadows' in the black spaces of the Milky Way. When he tells the story or plays the didjeridu his voice may 'intone' more like a poet than a priest. He tells it as he feels it.

**With the word 'individual' I have conceptualised Bill Harney's language in my paraphrase. On the other hand, 'Bush University' has been a common concept since at least David Mopwaltjari, and is something Bill Harney believes in with all his heart, for his people and for the nation of Australia. The next sentences show adequately the lived-in concreteness of real totemic identity – specifics in stories, rules, procedures, actions demanded by Law; and in practice it meant that for 8 years at least the 'growing-up' took place all through Wardaman Country, so they know it.**

*you'd broken the Law, so it's where all our Law stuff is centred - it's our court-room, it's our judging place. We were told to keep quiet about the sites where the Law ceremonies and teaching took place. They were so special. We still respect them today. 'Do not tell whites about the Imulun and the other places' - that was what was said: 'It's a special place, keep it quiet!' Well, we do that still. That's because, first day, when we arrived, it was all total silence - then suddenly the Word Spiller appeared like an apparition! full dressed, decorated, painted with all the right stuff, headdress, all that - it was very special! So it is today.*

These are the totemic actors Bill Harney remembers as educating him in the mixture of lecture, philosophy, art, song, judgment, chorus, cathedral ceremony and theatre that he remembers as his Law man education, in the particular time in which he became a Law Man.

Joe Jomorrnji	Wedge-tailed Eagle	
Bob Ujalan	Flying Fox	Gimulun Fitzmaurice
Gunungnan Potato	2 Lightning Brothers	Wawarallai Delamere
Ugulu	Bananga Falcon	Banangaia Mt Gregory
Sambo	Mordborongo Creation Dog	Jugaiga West Innisvale
Gagernmn Bunugan	Sand Goanna	Ingalladi
Gilimri Jack	Qearo Night Owl	Wujara N-W Innisvale
Gillingillin Barni Gumaya	Blue-tongue Lizard	WirralonVictoria River
U-bul-yawan Gadala (JJ.)	Wedge-tail Eagle	Ubulyah Flora River
Midan-gumbah	Red-back Kangaroo	UngajowanScott Creek
Dingo Berigum-mayan Brown	Dingo	DryRiver East Willeroo
Bowla White	Curlew	Delinya (S-E Willeroo)
Brumbi Booran	Long-tailed Pheasant	MoyMoy Willeroo
Bunigan	Whistling Kite	Mamundagari Ingalladi
Toby EdeBowen	Budgerigar	Imul.LPRomulans Knob
Bilican Gimeyan	Firestick (ceremonial)	Ourglennie
Alan Young	Grinding bowl (Lorda preparation)	Oolordowan

*My brother PeeWee makes us all keep quiet about it, but I can tell you what happened to me myself: that's what I'm showing you, today, for putting in the book! It's sharing my Law and culture, to keep it live - so the Government can see! Well, then it was at Imulun that I first had to tell the Creation Story in public. I had to do it as a formal story, that's how they tested me. They had me telling it out to them time and time again! Then they did the same with me again, this time the Mud Law story, how our Wardaman Law began, it's the Song all to do with the Spirituals, all to do with the trees and rocks, the Mud-rocks and the Law.*

Arrayed in the Ancestral Decorations, in cultic reality, the main actor 'is' the Ancestral Word-man as he begins to present the Law in the Imulun Place. As the 'word-spiller' he utters the deep, ancient Aboriginal tradition transmitted into future generations. Respecting these people and their authentic culture, the co-writer cannot hear what is hidden, even without normal white hubris. I can sense some of it: but Bill Harney's sub-incised brother PeeWee was chosen to keep the black world in proper order, all those years ago, and he has not been given to me to interview and listen to, or even meet. So, though some special things of the Law must not be spoken in this book, we can listen to his brother and to some age-old Tradition nevertheless; and we can surely learn from this.

With thorough education in the Tradition, Bill Harney today begins talk of Customary Law by explaining it all comes from the Spirituals. They are the Old Ones, the Wuna; and the Human Law traditions come from their Children who are called the Lightnings. Remember that before the world stopped and changed (Creation Dog's ear and the Little Boy) everything-everyone was Human? now the Lightnings transfer the details of the Law to all Creation. The Law itself was set up by the Wuna Creators – Earthmother Froglady Dungdung, her two husbands Rainbow and Nardi (and in other country, Emu Gumerinji): but for us biological humans Sky Boss Nardi prepared the Bag of Songs for us to trade – and it's the same Law as exists throughout the depths and heights of land, sea, sky; so humanity is veritably part of the cosmos being discovered by modern science<sup>1</sup>, and not some 'special creation', let alone a confused hybrid 'in the image of God'.

**1. The handing out of the Law Song by the Creators is crucial to how humans and all other living beings in Creation are to carry out their lives. It is the Spiritual underpinning/superstructure for Humanity in general, so the Creation Story and its correlate – the Mud Law story – form the basic psycho-spiritual ground for Wardaman, and the authority of their Law. Parallels in ancient Ugaritic and Semitic stories will be discussed below: the most crucial aspect to their differences is simply that the latter are written down, and therefore change over time via urban/imperial elite decision.**

***Ever since, I've been able to 'spill out the word' - that's what we say! - and I've been called to do this often, not only for the tours! It's the Big Song begins with Rain forming the land, making our country, pulling and pushing out rivers and floods, billabongs, waterfalls, springs, creeks, tides and sea. At times he used earthquakes and rock falls, all the time he was transforming himself in his spiritual way in his own skin in our Black Head Python Walajubi, making our gullies, cliffs, waterholes, in Wardaman lands. But Rain had to stop - everyone was being killed! - so Stone Knife got him killed, and we got our land, properly like it is.***

We heard the public Wardaman Creation Story, the version children learn at mother's knee or when mesmerised by artistry of aunts and uncles in close family. But cosmic realities underlined in the night sky include, even today, mysteries, and feelings of presences of creative forces and cosmos lift many imaginations into wonder. Science Fiction stories in film mark us similarly with spiritual imagination, not just novelistic drama<sup>1</sup>, so that when, to stop the murderous floods, Rainbow had to be killed, this Rain cosmic force whose Shadow you see on starry nights dark in the Milky Way is a Spiritual force engulfing the world, by our imagination one that cannot be killed. All this is metaphor, in reality. Falcon used Willy Wagtail's Stone Knife to kill Rain, so watery destruction stopped, which let people come back. But Rain returned to life, and this dangerous Rainbow Serpent coming back became a Wardaman metaphor for the whole of human-experienced life. In many cultures, a snake skin sloughs off, and a new one gleams underneath, and becomes analogy. So in the Wardaman mind, this regeneration is strongly linked to what is observed in the creeks: bones sink in water, fall to the bottom, and then eggs appear, to become little fish. Like Little Fish in the Pleiade becoming human initiates, humans' regeneration continues through death, by analogy in the Wardaman metaphoric mind. Normal observation makes a homely, understandable, non-abstract world, linguistically perceived; and this linguistic structure is home to the culture itself. Seeming regeneration of life lives by analogy.

1. **Sir Peter Medawar 1971 did dramatic disservice to genuine spirituality in dismissing Teilhard as 'pietistic prose', forcing religious institutions into a flight-from-science, and individuals into way-out illusions. This mystical palaeontologist tried to listen to the cosmos for a divine whisper; and, albeit with a reified pattern of religious concepts like Christ-Kosmos, this inquiring mind kept an open spirit. So it was not helpful to human imagination-in-spirituality for Medawar to force modern humans into a meaningless, multidimensional, quarkian cosmos and disintegrative evolution, stopping western religion from immersing itself in modern understandings of the universes known to science. Without this, they become sources of misinformation, far from the real world. Interestingly, Philip Pullman recently put the historic figure of Jesus into a totemic-like picture, and his criticism of institutional bureaucracies is similar to what is developed in this book: because, simply, an egoistic Medawar failed to give human imaginative spirituality its due, so some less positivist, more agnostic Cambridge neuro-scientists such as John Bowker develop a more open-minded science-and-spirituality model. The Oxford Science-and-Theology group, following Austin Farrer's transcendental theology, also work with an 'empirico-critico' methodology, keeping the Spiritual alive; and Australian Professor Charles Birch, writing within Process thought, ventures to keep the human spirit. All of these are better than Medawar for today's searching.**

***These were the times - it was the Dreamtime - when we were all human - everything was human! All the animals, birds, trees, everyone was human! but they were all painted up and the story goes on like this:- After Rainbow was killed, all the Kangaroos were galloping back as the floods receded. But they were being chased over and through this country by a group of Creation Dogs - but there was this Little Boy coming on behind them, chasing the Creation Dog Mordborronggo, trying to catch him (the Dogs were killing the Kangaroos). Well! the Creation Dogs were very weary, and lay down to sleep, so the Little Boy crept right up***

The normal humans – painted up as Creation Dog, Kangaroo, Falcon, Willy Wagtail, and others – included Little Boy. Following the Creation Story, all beings are fellow creatures (the Bible does not say this even in the Ark story). All sub-quarkian 'inimate' physico-chemical and neuro-physiological realities are brothers and sisters. The whole natural string-dimension environment consists of fellow beings, so that empathy and fellow-feeling is to be our basic human gift for all Creation – birds, animals, fish, insects *et.al.* (even rocks) feel, think, behave, need, act (and so on) like us *Homo sapiens sapiens*; and we all ought to live together in all this universe.

This story is – by analogy – the 'Genesis 2-11' of Wardaman spirituality, social identity and cultural reality<sup>1</sup>. Its importance cannot be overstated. It is these people's basic human spiritual belief, underlying their personal and cultural belief-system – much as Islam and Christianity underlie groups of peoples educated consciously and unconsciously in their geographical areas on the planet. It is a belief-system present in other indigenous cultures in Australia, and its differences from western traditions show the massive cognitive divide<sup>2</sup>.

1. **In the same way that the story of Adam and Eve and the Serpent is at the heart of later Hebrew and then Jewish theology, and then at the heart of the Sin/Fall/Redemption/Restoration theologies of Irenaeus and the Church Fathers, then the great theologians from Anselm to Calvin and Barth (and hundreds in between), and the main Fundamentalist churches today. All Christianity (but not Jesus himself) is based in such abstracted theological ideas, rather than the empirical observations that are central to the Wardaman. To them the affinity of other living creatures to human beings is obvious – self-evident – and so we are all tied in together in what makes up the world, and indeed the universe. The modern scientific world is most interesting to Bill Harney – he listens and acknowledges every word of biological-environmental data, and his curiosity abounds. But an idea of a Fall? he feels there are devilish forces, and 'Beware of what can Happen!' is a matter of empirical event. But his Creation Story reflects the normal world he experiences – people marauding, chasing, applying force ... it's just like a Land Council or a Government agency; or the Welfare office and the accidents that just happen out-of-the-blue. The Wardaman Creation Story is very normal if you see its happenings to be like what humans do: everything-everyone was human in the Dreamtime. There may be an historic content here: but what may reflect migration is also psychologically what is parallel to understandings in sciences (Birch 2008), where human Climate change ideals have something of ecological-environmental observation and concern of this myth: keep a 'whole' world together.**

**to the sleeping Mudboronggo with the Stone Knife Willy Wagtail had traded. Well, he cut off the Dog's ear, nearly sliced it off, but Little Boy got the surprise of his life! Creation Dog jumped up, howled and howled, and - this was the amazing surprise! - everything changed! At that very moment it all changed! It changed into a new world, our world, the world we live in now! See? everything had become hard, like they are now - you see your body like that old one, you see those dingoes got Creation Dog in them; those dogs, they're very spiritual, you know - they feel things, know poison without taking it - very intelligent, Spiritual dogs.**



In the story, the Falcon Lightning has cut off the head of the Rain Snake. So here, in this present land, the Totemic Elder – once a Little Boy himself – is ceremonially carrying out the circumcision in a metaphor-picture of ‘cutting’. The youngster will soon be dancing in red ochre as a Man; but Creation’s Rainbow’s dual Presence will stay with him for ever..

The story’s Lightning Falcon killed Rainbow, but Wulun-Gunyan’s Rain-Rainbow’s body, cut and killed with the Stone Knife will live. In the rock wall, Red Kangaroo Unumburgu in ritual Human Ancestral Form, has the Little Boy to the lower left (cf ceremony [p.mmm](#)).

Evolutionary-genetic correspondence is noticed here (but not the science). In this rock art, Red Kangaroo is human ritual Actor, Little Boy the Object before circumcision, and Rainbow the Spiritual relation and Presence. The Lightning is Falcon with the Stone Knife for killing Rainbow, or Willy Wagtail who brought it for the circumcision ceremony. This is Men’s Law. No female circumcision exists in Wardaman Imulun Women’s Mudu Law. Possibly a meaning for male sub-incision relates to females since the result of the operation mimics female genitalia. But male circumcision also mimics: the kangaroo and fruit-bat penis’ forms are identical. Ideas of totemic identity/ancestry may underlie such mimicry, but no female circumcision (or female genital mutilation follows in Wardaman land or Law. Male sub-incision originally may have been mimicry in an attempt to gain ‘equality’ in the evident mysteries of fertility: but non-women know that giving (actual) birth is the real equivalent of Man-Making. Female clapstick/song-filled, kind-talking, red-ochred female birthing rituals give the woman a natural pain-killer within joyful sensualities of spiritual humanity. Happily, the new child is a new formation men can love in mutuality. (See Hannah Rachel Bell’s *Men’s Business Women’s Business*, and Diane Bell, who trace ceremonial/customary patterns of living with peoples west of Wardaman. They treat Aboriginal people and customs with a wholeness of mind, spirituality and loving-kindness that is at times omitted in formal scholarly work expressed under academic professional rules).

***This Creation Story of our old people is in the night sky! Black-shadowed Wuna are there every night, the Song Trail - Little Boy and all that! - along the stars all year. Sky Boss Nardi’s Shadow is the big one by the slim one, they’re both together by the Catfish Lightning (you’d say at the side of the Southern Cross). That slim one’s Frog Lady Dungkung - she’s the Merrebinna, stands up straight, next to him; she’s beautiful! Then Rainbow is in his Black Head Python skin - see his special head - and you see the three of them together in the***

The great Spiritual Presences press visually upon Wardaman people by day in the Song-filled art, sites and landscape, and in the Song-filled expanses of mesmerising cosmos by night. The Shadows of the Spirituals permeate experienced human life. The Dreaming is experienced in their land and their night sky.

Actually the great black spaces in the Milky Way are the massive gas-dust nebulae from cosmic explosions<sup>1</sup>, but it is interesting that – like the southern African San Bushmen – the Wardaman perceive these black-space clouds as formed ‘shadows’ in clearly-defined Gestalten-shapes that are a major basis for the metaphor-based linguistic cognitive mappings of their people. Seeing forms in the majestic outback night sky they are aware of the immensity and mystery of Kosmos, and can tell the stories in the wondering silence of every clear bright night – the Australian bush landscape gives us feelings of awe, so does the night sky. Story-telling at campfire is human theatre (like religious ceremony) acting as one more social womb for birthing ‘mystery’ feelings. But story remains local: Bill Harney does not mention Cosmic Emu, largest of black cosmic figures, the Big Dreaming in nearby people (see *Dark Sparklers* 2004).

Some readers may find this ‘night sky’ mystery of ‘Presences’ rather out-of-date. But remember they are not ‘reified’ as in today’s ‘fundamentalist’ religions of ‘heaven’ and ‘earth’ and ‘coming-down/going-up’ apparitions or incarnations. The Wardaman realisation that actually ‘dreaming’ story-figures means they are ‘shadows’ of ‘perhaps a great fundamental story’ is a healthier cognitive mapping.

In Part Two we will see how the basic Creation Story and the Law have been operating for many thousands of years in both artistic and linguistic forms, and how Bill Harney welds them together in his contemporary expressions with his music, his painting and his story-telling as the ancient Word-spiller and Diver-Duck Bulyan Elder who is Senior Elder in the Wardaman extended-family group community.

**1. See further notes on religion in this book and in *Dark Sparklers* (2003-4: *passim*). Also the Action Research methodology in the Appendix.**

*black spaces by the Cross in that Milky Way - they turn round every night, all through the year, we see them all year, these Wuna and the Lightnings. We see these Shadows and we know they're all around, they'll be watching us! Well, that Rainbow was killed: it stopped the flooding. But they're here, Shadows in the sky all right, but here in the Flora waterfalls, and you've got them in Law, Male and Female Rain-Rainbow. That's the Law when we born, and when we die. Right-proper Law, that is: do it right here all the time!*

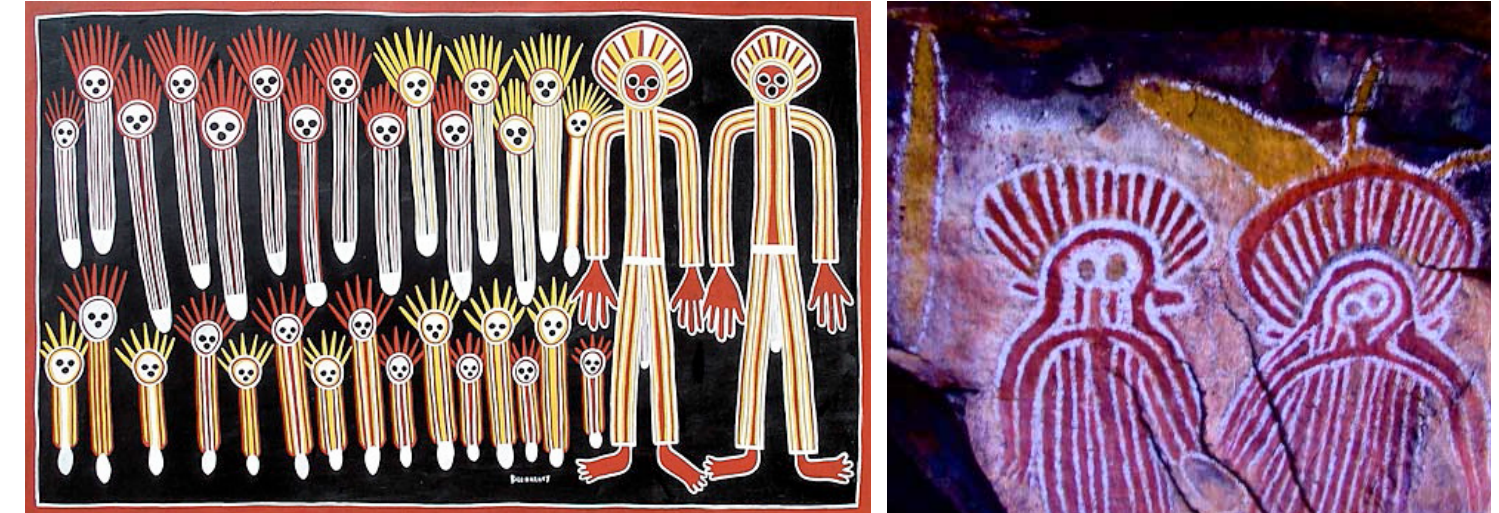
What happened was that the young Wardaman painted up as Little Boy had woken up the Creation Dog: with Mordborronggo's yelping howl, the whole world had been woken up – a mind-opening, consciousness-raising, spirit-perceiving, cognitive world of human reality and the need for an ordering Law in our world's life today.

In this story, the cutting of Creation Dog's ear made everything suddenly stop. It changed like this:

*If you were dressed up, painted-up, acting and behaving as a Bird at that special moment, then that's what you stayed... and that's what you are today! That's why we are actual brothers and sisters to every other living thing in this world. It means that you and me - everyone, whitefella, blackfella, yellerfella - we're all in life together! That tree, that creek, that hawk up there, we all live together - and that's the Law! That's our Law in the Wardaman, yes! and if we do it properly we'll have that old Nardi Sky Boss smiling!*

Now everything remains just as it was immediately the Dog's ear was cut; the Dream Time, the Spirituals their Lightning children are directly related to real life today – it's almost an inner mind in you, if you have that story<sup>1</sup>. Shadows of Dungdung, Nardi, Rainbow remain in the cosmos for everyone to see: while everything's changed, 'that's how it all is today' means Cosmic Spiritual forces remain in place.

1. To remain within the type of faith involved here is not unlike that of a believer within the western religions: the ancient Semitic Desert Sky God, the doctrinal Cosmic Word, the Mithraic Unseen Power, all suggest the Ultimate Concern and Authentic Being in and beyond the Universe. Paul Tillich attempted to de-metaphor this in the demythologising intellectual world of the mid-20th century. Does Bill Harney reify his story's metaphors, on the lines of – say – a Totemic Jesus? Perhaps he could (if he were from a modern urban world as the empire demands) but he does not. Why exactly is his 'religion' (if that is what it is) so balanced with real realities? One point is that his Dreaming story relates to what is not 'make-believe': but ecological-environmental-physical wholeness perceived in the real evolutionary world of us humans.



Recent Ancestral Totemic paintings by Bill Idumduma Harney (above), with prehistoric totemic rock art of Rainbow Cosmic Power Creator (top left) and The Lightning Brothers with Ceremionil item. The story-telling Spiritual Elder, Wuna Idumduma Bilarni, has imagination flowing as he ponders what the visitors need to know, and how the Spirituals' 'Shadows' left in the rock are Cosmic Spiritual Reality today.



*We have our old customs when one of us dies: well, that's right. We've got the old Law customs for the burial, it's one of our things: we respect old people when they're alive and we respect them when they die and long after that. They're called the 'real old bone', and that word comes from the Wuna Law that tells us about fossils, where they were made, all that! It's in the Creation Story - it's them, the Wuna People - the Old Bone Wuna People - who made the rules about Death and Ceremony in the Customary Law.*

For the Telstra Art Awards in Darwin, in 2005, Bill Harney produced the composite art work of the Bunya Bark Coffin (next page)<sup>1</sup>. Bush Turkey Jegban's fluffed feathers are attached and painted; the other materials used on the large paperbark sheet have been gathered in Wardaman land as remembered Tradition demands. Wardaman ceremony for Burial emerges today in a composite ceremony, in the white law place, the mainly Christian cemetery in Katherine. In 2006 this Bunya presentation was a 'sister' artwork to the Customary Law Imulun painting Imulun. It is now in the Hobart Technical College, and Bill Harney showed it in the public area outside the ArtMob gallery, as he painted Imulun. We reproduce it to fill-in the word-pictures that depict the 1950 burial ceremony that the painter remembers well.

Bill Harney ponders worked stone, flints and Stone Axe may be six thousand years old; but in type, ceremonies with more ancient cultural behaviours (from 30,000) are found in paintings across northern Australia. Idumduma painted (in 2005) Buwariga Dreaming, the Great Lizard Ancestral Law. It hangs in the Court House in Katherine to remind the Australian Justice System, and the Traditional People, that Law is to be respected for the Good of the nation and all its peoples. The Wuna-Burunga Elders are to continue to carry out the Proper Ways of the Wardaman: the Spirituals say this, in the Imulun Law; and the Elders mean it well, today.

1. **When Leon's brother died in the 2005 car crash on the bush road to Menngen, the grieving family were cared for in the traditional ways slightly adjusted for today. The night before burial the camp came together in the depth of the traditional songs, music, and dreaming movements of dance; and as the coffin rested by the grave, everyone told their story, touched the coffin with (their and his) regular gear and other stuff, there were (or were not) white man prayers on the coffin, the music began again, with the singing-voice, and dance. It was what Bill Harney remembers at Ullurrin Law Burial Place on Willaroo; and the process gives proper place for empathic, sympathetic and remorseful actions and feelings at a sad death. The places of traditional burial have not been meant to be visited by whites, so no outsider has been taken to the Imulun or Mudu special Law Places since 1957, according to Bill Harney. It was intended (in 2007) to place them on the Northern Territory Sacred Sites map, but basically it is hoped they have not been secretly visited without permission. They should always remain intact. Bill Harney and his brother PeeWee were taught the Funeral Law by his step-father Joe Jomorrnji, and they are special to these individuals. But in 2006 (according to his brother) all the tools and items left there in 1957 were still there, in situ at the Burial Law Places on Menngen-Innisvale-Willeroo. So it is to be hoped that the Sacred Sites Authority of Government will always respect these indigenous people, just as ancient tombs in churchyards are always respected.**

*The Big Sorry Ceremony is led by Kangaroo, Unumburgu - that was my dad in those early days. It starts as soon as the old man dies. We move him from the area at once, everyone's meeting, crying, sorry. We put him in the hole that night, packed in paperbark so he can breathe, we pull his hair off too, once we've looked, discussed, thought about it, his totem, all that. We put things separately in a bag, a tin nowadays - fine hair'll keep 500 years before it's sawdust! Later put in paperbark dillybag engraved Bumunggarra, an' store in the cave or on the ledge outside, or in a hole - not with the body or bones. Turtle painted here .*

The Winboro overhang in which Bill Harney is speaking in 2006 has non-special rock art in it, particularly a group of horsemen with a cow amongst them. Either whoever painted this was from another place – it may have been Gregory or Campbell – or a hostile tribe: for that graffiti does not honour the dead of this place. Perhaps it was a sign within the art, that cattle men have arrived in the area and Aboriginal people are dying because of this. There were massacres of Aboriginal people (Windschuttle notwithstanding) following many in the 100 years before pioneer pastoralists in this country. The Myall Lake massacres in NSW had the first trial of white killers in 1838; but their hanging led to white silences ('not to be found out'); and anecdotal white reminiscence shows that – not far from the Wardaman in Bill Harney's time – there was more than one way for Aboriginal sudden-deaths to take place without justice being pursued, with the actions of white individuals not Government being whitewashed, in post-WWII years. In 2007 when Bill Harney was discussing this, however, he remembered the white people he knew: he is adamant that many were not in any way bad: Peter Hogg had come from Scotland to work for Lord Vestey: he died in Sydney Hospital in 1942 aged 40, from a wound infected by being dashed against a sharp rock: but he had taught Bill some reading and writing, and showed him in himself a white way of working the world that he reveres still today (see Tom Fisher also, and Mick Pearce's father's Way of responsibility taught to his children in the 1960s cf. [pmmm](#)).

1. ***Diamonds and Dust* 2007. Also, Sheila Miller (2006 pers.comm.) affirms this from her childhood in Wardaman land. (But see further, *Born Under the Paperbark Tree p.ddd* ). The 2008 Myall Creek recognition of the massacre by Government was a reconciliatory act, an action that is spiritual according to Humanity and the Charter of Human Rights. As a 1:0 truth-symbol, it would have demanded a Truth and Justice Commission in the 19th century, for the realities to have been put right in Australia.**

## The spirituals and the totemic paperbark coffin



*Bill Harney's Bunya-Burial Coffin Law painted after the fatal car crash of Leon's Twin Brother in 2005. Bottom left is to the (4 vertical cuts) etched Body-Law painted with other of deeply etched symbols for the Imulun painting, and the Ceremonial Board without which the cognitive understanding of the Law. and its sculptured signs of bodily commitment and identification lose present theatrical potency as well as actual practical immediacy.*

Crematoria in western cities give little conceptual meaning and lack emotional help to grieving family. Rock art settings are superior. 'Resurrection' beliefs suffice in quick-getaway urban environments where time is money, short-term thinking the norm and generations of family split. But dogmatic beliefs and practices often lack real world. Red Kangaroo on the other hand from a society not dominated by time and financial cost. As the totemic Ceremonial Officer bringing the Youth into Manhood, and singing the Old Barunga Wuna into mature's after-life, which becomes Re-Birth; and the extensive care taken by the community to nourish the emotional and practical life of the widow (in this case) gives a picture of psychological health which does not include the illusions of a non-scientific approach to the science-known cosmos and its mystery (by a reified 'pre-emptive' faith).

## Practical matters: Meeting bones unafraid

***There's a little Creation Dog, Longneck Turtle, Snake and Warija Crocodile to be painted! What'd happen is - when we have the Big Ceremony, well, before that, about three months - Imulun Law says we leave the young boys here to sleep the proper way, an' we do that to let the Spirits know family's looking after the old man's bones properly. We say this in language - not in Pidgin/Creole or English! - to make sure the Spirits know not to disturb the youngsters with nightmares, or even annoy them. We always do the special smoking ceremony for these young boys: their mother's smoked too to keep any Bad Spirits away from the body, for good.***

The presence of the Red Kangaroo Elder bearing Primal Ancestral Presence in his person, is very symbolic. The importance attached to a person's dying is highlighted because, in the Dreaming, in Men's Law, this same man is the Totemic Ancestor who carries out the initiation's normal male circumcision – Making the Man. Moreover, later this same agent performs the male sub-incision, to bring the normal Ancestral Man of Tradition. So, now, at the man's death, the same Ancestral Wuna Elder is carrying out the ceremony for the final departure of the Old Initiated Man – now a new Wuna indeed.

It is today Bill Harney's normal mind and practice to listen, be curious, reflect, laugh and smile and exercise humility in the face of the real world he experiences and others describe. When his higher neuro-biological being is in operation, he is kind and open and generous and practical and self-critically thoughtful without even his Creation Story ideology coming into play. This is 'spiritual' in a western sense at least, and quite 'Buddhistic' – quite normal actually; and certainly not 'inferior' in any way to normal global realities in the more monotheistic peoples on the planet. To call him 'polytheistic' is incorrect, just as his marriage-system would be wrongly labelled 'polygamy' (modern serial divorce/remarriage likewise). So I think we can just let him remain 'Spiritual' with his 'Spirituals' whether we are religious, agnostic or atheist; and give him respect as another human being, thinking unto mystery with curiosity: an honest person, open, courageous; no saint but a man who thinks a lot, practices what he preaches, and loves people.

**The Wardaman understanding of the extraordinary cycle of existence of living entities they observed, well symbolised in Wortelhock's 2002 painting in *Dark Sparklers*. In Aboriginal thought and Law, the ideas and stories expressed in relation to Death, Conception and Life begin with specific visual observations and mulled-over reflections. Metaphorical, visual-picture imagination produces story-hypotheses which have social value, over time: so these become people-tested theories acceptable to the long-term Tradition. Here the Frog lady's Lightning Frog-children's descendant amphibians have an earth-home, a water life where egg-spawn transforms into new life-forms, and an adult life of work all over the place (they appear everywhere in a multitude of forms and decoration, even climbing high trees and flying in the air). This is an age-old, rural, earth-mother story-picture (cf. Jones, *Ochre and Rust*, 2007), a theory where concept-clusters develop interpretative power for Death, Birth and Life. A bio-zoological picture, it's no more, no less meaningful, true or scientifically accurate than notions that appear in many religions.**

***People say - whites say!<sup>1</sup> - we make a big deal of our 'Sorry Business', mope around sad for ourselves! Well, it may not fit into plans made for us by others, employers want town business clocks' control!. But we respect our people, not just our old who die. Our 'Sorry' is really 'Respect Business'. We're sad someone goes, whoever. We remember them as they go on, we expect them to be back, so we look out for them! When they die, we men and the women go together, no separation, Baradi's between Mudu and Imulun. So we take the body there, place it on the forked stick, light the fire - it burns, the ashes fall under - very important!***

If there are marks or signs that an outsider or stranger has moved the ashes, this is a very serious trespass crime with the potential for capital punishment. The local Boundary-Watcher, Eagle Hawk and Kidney-Fat Man investigate it, and if suspicions are confirmed they will call in the BunganBungan Man. The search is on for the person(s) involved, and suspects are then confronted by this Red-Ochre Law Man whose Law-Threat normally induces truth. If the crime is admitted, a ritual spearing can be a fatal pay-back. But if the Punishment Spears are successfully evaded, the punishment is deemed complete, the prisoner freed. It is an important mark of the Wardaman Tradition that – then – when punishment is finished, absolutely no stigma or special conditions remain. The punished person re-enters the community totally normal, and totally accepted by all members.

This makes Australian Law's periodic detention, or further oversight by outsiders after jail, a hard compromise to many Aboriginal people. Bill Harney believes proper Wardaman Law Men, properly trained as Government police and Law-agents, should be policing their own people: to him, this is the proper, non-colonial and less-injustice-producing solution to their communities.

**1. In recent years, excellent films have made westerners, including most Australians, more receptive to other ways of living life; after all, over 200 different languages and therefore cultures are now living in our continental mass. Perhaps the greatest scientific recorder-of-behaviours is David Attenborough, who in 1957 noticed, when filming his first research in Australia, that when a special painting was in progress for a ceremony, in an Aboriginal (Arnhem Land) community, there were always stories and singing accompanying the many processes that developed into the ritual activities involved. In Niscott's 2007 TV documentary tracing the origins of art, he takes us to this ceremony sequence in Attenborough's 1957 film. One question he asks is: how has a non-narrative painting – what the west calls 'Primitive' and 'Naïve' – any meaning? Even though they are well composed – 'pretty' as their creators often call them – when meaning is not depicted in narrative and motifs/figures/symbols are placed seemingly not in any spacial (or other) order, how can you understand them?**

***We study these ashes early next morning - signs maybe the dead person's spirit-footprint, their Shadow. We respect this Law. Nothing is to interfere - no one! - the Spirit starting its way. That's what we say! Then, the old lady lost her man, must be quiet, silent 2 years, very sorry, sad, never saying a word. But we have sign-language, so she uses it all the time - not sad-sad really! - an' after 2 years we take the bones up, paint them blood-red ochre, put them, place them proper in the new-prepared paperbark coffin we've decorated. What happens? final ceremony, widow gets voice back, final song sorrow, final Wuna Song. Farewell Goodbye!***

The full Wardaman Spiritual Cosmos emerges in this Creation Story description. Spirit People are here, we must look after them: re-birth is coming. Kangaroo and echidna are killed, red ochre painted on their bones, these highly-significant animal bones meaning the Lightning-Creators of the Totemic Ancestral World will guide the man on his new path, in his transformation within a new Spiritual Skin. All Creation is a brother-and-sister arena as all the animals are humans painted up, fixed in their form at the moment Creation Dog's ear was cut. So it does not matter what painted form they have, we have: we are all human. The Creators will smile anyway, so we can be sure that this red ochre ritual will set us properly on our way into this Ultimate Law Mystery.

Bill Harney knows but does not tell where his maternal grandfather Pluto's bones lie: it is a place where long leg bones of the Tall Old People have their red-ochred rest. In 2006 Bill Harney had these sacred sites ready on video for the Shire Council<sup>1</sup> to place in the records of registered Burial Places: but meanwhile, Aboriginal eyes observe their presence in red rock, and keep away.

With informants such as Bill Harney, we can enter in – a little at least – because what we find in the Aboriginal world is meaning expressed existentially in words and music while the painting is proceeding. So you have to have the music and song to understand the art (as Attenborough does of course in his film); and we can say, now, that this is 'Theatre' – and we need to understand Theatre to gain the meaning.

**1. Shire Registration now should at last stop the immoral collectors and unethical archaeologists from thieving from the indigenous heritage realities stored in the Burial sites, and often profiting from such behaviour. The red-ochred animal bones placed with the human have normally been left by experts: but one skull seen in recent years is no longer in its place. Items used by ANU researchers in 1998 were planned to be returned in time for the Wardaman Law gatherings on Bradshaw Station in July 2008.**

## The public funeral processes

*I remember from 1950: the two old ladies Mimui and Daia; Jarragman - and 2 brothers Dinbo and Ongarin - never seen a white man! It was a place we never mustered near, and whites never saw it. Anyway, it's the Gujinga Law Songline ceremony at the special place Yulinguma, and it's October or November. We'd brought many bones, stored them there: now we were preparing all day - food, body-paint, checking paperbark, decoration. We had plenty of food (we'd gone to the stockyard camp the night before, told people what we were doing, collected good beef) and towards sundown it was the Spiritual singing, to do with making the Devil Spirit come out of the cave.*

*There was singing out, all night, waking us up to listen, hear the Spirit People talking! It was moonlight. We heard a loud voice asking the Spirit People to come in. As the song gathers speed, we ran towards the cave, made clouds of dust, and a great rumbling as the Spirituals danced. Suddenly, a big paperbark went up in flames and a rocket-like boomerang-shaped thing came towards us! then it veered towards the Spirituals! all to do with them taking the Spirit of the dead man away. Off out of the cave it went, away from our campsite! This was the Mandem Spiritual taking care of the dead man's Spirit. After that, we had the Spiritual People - Elders - dancing the Law dance! we all danced, all night till the morning!*

*We rested next day. 3pm, all decorated up, we went to punch the large hole in the rock, to put the coffin in, big enough for large paperbark sheets cover the body-bones go in horizontal, leave room for the Spirit breathe in the space. Then we go back down, decorate that paperbark coffin, final form; gather the bones from the ceremony bark dillybag, count them, red-ochre them again, place each carefully in the paperbark. Suddenly our leader's voice filled the air: very loud shouts begin the final part of the Burial! time for Buran Boomerang, two hours DreamTime singing, ceremonial dancing! Then we secured the bones in the paperbark, wrapped it all up for the night, put it back in our temporary rock hole, pegged a sort of rail fencing round it, and had some sleep! Next day was the big one.*

The widow-woman traverses the massive personal and social grieving-duty process, cleansed within group action. For everyone this was catharsis by imagination, empathy, ceremony and personal action. The string round the widow's neck is removed: she can now talk with anyone, her dead husband's family included. Free (and still maybe a teenager) she gains spiritual refreshment and new life from the whole loyal process of community recollection, empathy and renewal. Realities of normal relationship, even new marriage, are possible again. Love and motherhood are strongly valued: now, happily knowing Wardaman Law allows her to marry freely the second time, for love, she symbolises new life after death: the living as well as the deceased live again now, in Imulun's Spiritual Cosmos.

## Personal ceremonial care for the bereaved – and joy

*First we had the special ceremony for the widow lady: the string was removed from her neck, water was poured over her head, and now she was allowed to speak - first time in 2 years! Then the dance, the big ceremony dance began. It was all-night-long. At 4am, long before dawn, 2 Law Men then took the coffin out from its temporary place and, using the lady's special string, dragged it into its end-place in the cave above. We'd red-ochred all the bones again before this, and now they laid the two painted paperbark sheets we'd pressed-together in that rock place, and put heavy stones on top of them to keep them down.*

*Finally put the red Warning mark on top, an' called out to the ghost-like Mandem Spiritual People. What they said was: 'We walked up here, to store his bones here, now we're leaving him here. Look after him - control him!' That was it. Finish! They come down, brush away their footmarks feather-fashion, all the way.*

*Then was the real happy time! People were shouting out, calling, clapping! some proper remembering bones from their own family, some recognising bones, crying their bone family, their own old Wuna, their people all gone. But really singing all the rest of the night! special singing, so happy, 'all these bones singing too' they said: 'keep 'em all happy!'*

*Till midday all this singing, then the call came: 'tell 'em we're going!' The Spiritual People call to everyone not to get hurt, or sick, going home - really trying to look after you, help you.*

*Soon it was all over, people leaving, saying 'keep in peace', 'see you 'nother time', 'we'll come probably, join you then' - and - 'you make happy here!'*

Bill Harney remembers funeral-burial tradition as so very good, so very right, so very proper for all concerned. Wardaman Law compares well with rituals and traditions in other cultures. Mudu Law within the Imulun runs parallel to what was described above (for a man), and has similar processes geared to real refreshment of life. Respect remains for the departed: so while the widower and widow can now move on, the dead person's name cannot be uttered for 10 years; and this keeps the memory alive while not letting the name itself cause trouble. That's to do with being happy in Life and Death, and all this exemplifies cultic reality where ceremonial theatre, multiple meanings, complex levels of associations, produce Gestalt dreaming in vivid pictorial Tradition passed down in visual memory in symbolism as exciting as Elijah's Valley of Dry Bones.

The Cosmoscape's a living Lived-in Model - is that it?

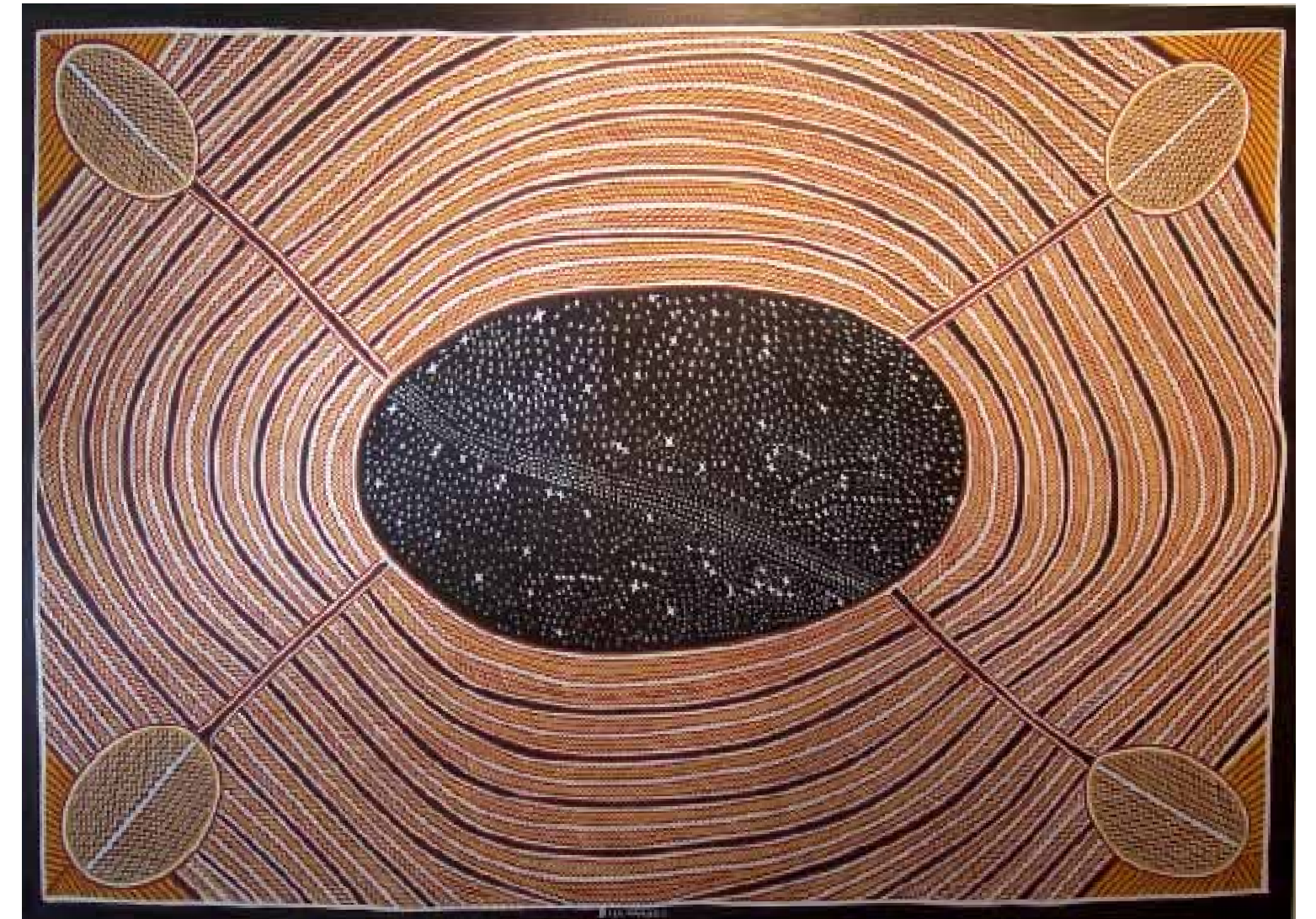
***Get this! Rainbow works for your Spirit to travel to other places, stars - all that! - then Rainbow and Froglady Dungdung get to work. One day you find yourself in the creek! Rock Cod and Water Goanna have got you there in the slimy weed, and you're going to come back human as a human or animal or bird - all the Creation Story you know! Now the Old Catfish's looking after you, calls out, the right woman listening, sung by the Spirituals, and in you go, right into her belly! Love's in that man and woman - that's right! - so Marriage business's right!***



*The main rock face at Ngard-ya with the Cosmic (Scorpius-Crux black spaces) Emu moulded into the twisting rock (above right) and Froglady Dungdung to the left of Sky Boss Nardi, with her birth canal a major visible and engraved cosmic-biological fertility symbol and reality.*

Not easily realised is that the Cosmic Emu Gunerinji is the 4th major figure in this Ngard-ya rock shelter's main face. It continues round the corner, to the lower right of the Lightning. So here the Emu-in-the-Sky takes us mortals into the mysteries of the universe; and after the tree platform and cremation, and maybe burial of bones or placing in the overhang, you go to your Ancestors, finding a home in the stars through the Log Coffin funnel-tunnel in Dmmm, thence you are called by the Spirituals to enter the water Goanna's world, and via the Rock Cod you return again into Earth in whatever form the Spirituals call you and place you, amongst all your Brothers and Sisters again.

Bill Harney's painting of Wume the Night Sky with Grasshopper Dreaming



The Night Sky map-model goes with the Bark Coffin 'hollow log / 'tunnel-funnel' story-picture of the Cosmos that takes place for real in the perceived astronomical formations as per the Dreaming story – the Law can therefore be told every night under the clear sky of Australia. With the didgeridoo showing the eternal cosmic agency that takes the dead through to the Campfires of the Ancestors, the Spirituals will eventually bring them back (as per the Rock Cod saga) to find Mother again – not a 're-incarnation', but a 're-birth' in the new world that is ever-present.

## **Summary of Part 1 The Idumduma who became Bill Harney**

To summarise these chapters (Part 1), remember that Bill Idumduma Harney was born in the 1930s when Aboriginal families lived in their own land, but in both old and new worlds. With his mother learning the white world for her people, he was kept special by the Elders: his linguistic skills developed within the multi-lingual Aboriginal culture, then the English world. Both his parents were senior Law leaders, and ancient traditions held the families, clan and tribes firmly together.

Once his genetic father left in his early infancy, normal traits of openness, trust, goodness, humour and generosity were learned in early childhood from his mother and her family, and from his new father, her original promised husband).

Normal education in thought and skills followed. Knowing land, customs, totemic modelling, spirituality and ceremonial reality was progressively taught under a four-year discipline. Family, clan, tribal practices and individual people were learned at deeper levels over the next years, in the second four-year educational framework. Then the Elders – Male and Female in their separate groups, and together – saw him working successfully in the Cattle Station with white people, as the Wuna-Barunga old people had hoped. Earmarked as someone of value to the whole community, he was understanding black and white worlds, and this vision has been expressed during his life, in work and art, in both communities.

Indeed, by the time he was 16, his life work of reconciling creativities in cultures was set, living in two worlds.

[\(2 picts: Sabu and Bill via Elizaberth in ??? Archives aged 5?\)](#)

## Spirituality and the Wardaman 24-hour Cosmos

The night sky as well as all earth and air and sea is fundamental to Aboriginal knowledge and life – and to their imagination, creativity and spirituality, way of life, and story, art and ceremony, music and soul. Here is the night sky of a myriad of universes painted as the whirlwind-like world of Ancestral Creator Grasshopper with the power-vortices of cosmic fertility, by Bill Harney at Bond University in 2009 for Judge John Newton.



Photo: Hugh Cairns 2007

The ease with which one can misinterpret a painting is a rather challenging discovery. I am indebted to W.E. Sergeant (1957) and John Carroll (2009) for showing how we can allow ourselves to allow our internal mental baggage to obstruct openness to data. The answer to this painting as a 'white' Wardaman night sky is to be found in the sky-mapping found in *Dark Sparklers* (2003-4), in the description of *Wume The Night Sky* as 'the Ecliptic Way'. But I always remember that only the Wardaman Elders in their own language know it really.



*The Bulgoo Bush School – painted by Bill Idumduma Harney 2006. See Appendix for the painter's own interpretation.*

# Chapter Five - Part Two

## Law expressed in art, story and the illuminations of ceremony

### **Problems of interpretation: Ego and ignorance, and soul cf. Ego and Soul by John Carroll 2009)**

To begin with, there is the problem of Interpretation to which the Bulgoo painting can introduce us. When I first saw it and I heard it was titled the Children's Bush School, I found a story in myself; but it was an imaginative guess which was later found to be quite wrong. When Bill Harney gave his interpretation to Paul Taylor (see Appendix), it taught me to listen more, to watch his stillness and to be aware of the selective inattentions that my own mind could get up to, when it lacks proper data – which in this case is the painter's own description (see Appendix for this, recorded by Paul Taylor).

What exactly do we see in Bill Harney's paintings and what Law realities was he taught so we see them in the art? Practical Spiritual Law for the moral world of pre-urban Aborigines is what Bill Harney expresses as his Customary Law. But he thinks this is Law for today, in Australia's modern world, for his people; so he paints the Tradition as it was taught to him. Yet the Imulun paintings of Bulgoo and Yirrbbarri are immersed in the Creation Story, not the modern urban and scientific worlds; and while they provide a visual story permeated with layers of thought developed in levels of disciplined education, are we to imagine that basic spiritualities of human beings emerge in his art, to be valuable? And are his experiences, felt within the awe-inspiring rock art sites of his early childhood, then developing adult knowledge of the Ancestral Presences, cognitively fruitful as they emerge in some way, in his paintings? to them? to us? To understand all this art and this Law, we have to let what is outside ourselves speak to us, and not let our Ego masquerade as 'truth'.

The men who channelled him into being a Law Man for the Wardaman in the late 1940s have almost all passed on. Those who are left talk together (this book MSS will be read out to more than one, to verify its accuracy); but clearly the teaching of the young by means of story, and within the theatre of music and ceremony, is paramount as the painterly gift in Idumduma gathers momentum from his reflections on experiences in his long life. Listening to the great stories coming from the Creation, and to his pondering of meanings in the rock wall Presences in Victoria River and Lightning Brothers country (often in a public mastery of the didgeridoo with its Rainbow Voice immediacy) we feel relation to real worlds of today, surprisingly. But Bill Harney's ancestral identity as Diver Duck with its 'Idumduma' totemic duty to care for and teach the young with protective instinct, carries the artistic flow of the territorial cormorant's behaviour. This is evident in the way he gives the Imulun to young and old alike, on a 'need-to-know' basis: but his art flows throughout the year and is present to people when he himself is not present in person. In art, our spiritualities may intersect, even with Imulun.



## The Unconscious Memory: the Artist and Interpreters

My mistaken description of *Bulgoo* was put forward after 2 years recording Bill Harney on the elements of Imulun Law, and 9 years recording at art sites; and the painter showed my interpretation to be missing one fundamental fact – he was painting it for young children! Adult knowledge – concepts, symbols, practices in the front of his mind for the major Imulun he was teaching me – was not to be conveyed to children, and I had never considered this. With the central circle in *Bulgoo* being the practical work of the Bush School (not the Imulun Place), the practical reality of the Teaching Elders wearing the ceremonial Imulun Hair Belt (it surrounds The Place) was something I could not guess<sup>1</sup>. Like this uniform they wear to teach, the Imulun Law World and its Spirituals, is abstract cosmoscape our mind cannot know without the information specially given – a key consideration being ‘need-to-know’ for the ‘here-and-now’.

With the painter using emblems that convey many concepts, ‘Keep close to Bill’s words!’ (normally video-recorded) is basic advice for his paintings. Like most painters and storytellers, he does not use the same part of the story, painting or emblem to say the same thing each time. So, suitably humbled but keeping my integrity, I press on with what I see in Bill Harney’s stories, paintings and interpretations, re-engaging with (Pt 1) material to perceive Wardaman mind in the paintings, listening even more closely to Bill Harney.

Men’s and the Women’s song-cycles of General Public Law come from the Spiritual Wuna Old Peoples’ Law. The specific separate Law teachings for young men and women are taught by means of practical realities and necessary practices reminiscent of regulating normal schooling attendance, as in a ‘boarding school’ but here in locations for separate gender and clan camps, and special Law teaching locations where the crucial Hair Belt Spiritual Presence works in a ceremonial framework. The ethos and ethic of disciplined sharing necessary for family living and clan survival underly this practical, educational life, in totemic story and practice. The musical culture’s normal rhythm instruments enthuse participants, welcome youngsters into the long journey of ancestral understanding, and give meaning to Spiritual Shadows, and paintings by Elders) develop knowledge related to age and stage reached in initiation-education.

So, , in *Bulgoo*, Bill Idumduma Harney, Senior Elder, calls out to youngsters. But we outsiders are called to appreciate mature Wardaman culture in *Yirrbarrri* and the other Imulun paintings. Can we see into his mind and culture with western eyes, and in white words? (Ponder John Carroll’s *Ego and Soul* 2010). The arts are the perceptual openings into his Dreaming, Law and Justice System: so let’s see where this indigenous Law – its thought and visual language – has brought his people. Land Rights were why *Yirrbarrri* was painted; Court Justice (and Injustices) brought forth the Imulun painting itself. Let us immerse ourselves in rock art to gain some understanding of Bill Idumduma Harney.

**1. I thought: is this for Imulun? top left, the meeting place for Law? top middle Buwarragu? 2 Laws? top right, the Guwarrri Shield of the Kanin Law Man warden in the Punishment Place (doing his rounds with his 2 boomerang-weapons to keep order by hooking or throwing them at escapers)? But I was displacing the metaphor-concepts from the Imulun painting into Bulboo and it did not work. See Chapter 7 for Imulun.**

## Background to the Paintings of Bill Harney

***What we’re doing is getting it all into our mind - into your own mind, now! We learn the many ways of our Ancestors: many ways like Emu, Kangaroo, Bush Turkey, Brolga - they’re song and ritual, dance and sound. All that’s what we do<sup>1</sup> to live the Imulun Law make our land happy - all of us doing right things all together, it’s good! And it’s all in the painting! We can all do it, when we together - get your lunch, blow the didj - we’re all doing it on Bradshaw, this July!***

In a 21st century Aboriginal education. Bill Harney and Senior Elders from the Wardaman clans from Timber Creek, Peppiminarti and Palumpa, were to lead fifty or more children and young men (with a separate but parallel female group) from the Victoria River in the west, going north-and-east through the Australian military land on Bradshaw Station. Visiting rock art shelters and special sacred sites on the way, they were to learn the specific songs and ceremonial practices of these areas, prepare the land and clear the sites prior to their coming destruction (or neglect). The reason was the take-over of the land<sup>2</sup> for Canberra’s (National Interest) earth-moving work, preparatory to making larger and longer runways and buildings for Australian (and U.S.A.A.F.) planes, personnel, equipment and logistical infrastructure.

In 2008, young Wardaman males and females were to be taken into new levels of cultural meanings, in their own country. They needed the ancient places and paintings interpreted by him and the other Elders. Now, outsiders need to be with him in his country; and for visitors, this normally means Tours with Aboriginal people. But his own people, they need to walk the country in the Traditional way for a month – the original meaning of ‘Walk-about’. So it was a great privilege to be asked to join them. This major ancient practice of educational ‘walking the land’ did not eventuate, but he had told me about it, in the words above: Spiritual, practical, [cognitive, env](#)

- 1. He does not mention re-painting here. When rock art needs retouching, this is done according to Law. The Spiritual had left Shadow there; so teaching young or inexperienced painters is a special expertise. It could take a year for the painter to be chosen to paint for a particular ceremony, so any teaching is not haphazard. Correct Skin, Totemic Ancestry, Eldership, and proven Painterly Ability are the prerequisites, as are experience, and personal appropriateness. Specific customs and Law requirements pervade it all: Aboriginal people with their long memory are always ‘thinking unto’, and want artistic work done at its best. The Spirituals creating their land prevent Ancestral worlds being annexed away from grandchildren; and Australian Law since 1993 has respected this Spiritual Tradition.**
- 2. Planned (in other words) to become part of the huge land area used by the Australian Defence Department (and including the Delamere Bombing Range on Wardaman land to the south-east of Menngen).**



*In the Lightning Brothers country the vast area of the Wardaman people is where they go to re-learn their spiritual and cultural heritage. What is called 'Walkabout' still today is educational refreshment in proper humanity.*



*This is Ngard-ya where Sky Boss is present with Earth Mother and some of their Lightning Children. These include Creation Dog with The Bag of Law Songs, and many of Totemic Animals, Birds, Foods, People and Rules.*

Spiritual Presences: Law for Human Beings brought by Creation Dog Mordborronggo in the Bag of Songs given him by Sky Boss Nardi includes the Spirituality of Art



Photo: ArtMob 2008

From his memory of childhood and youth, and from his present-day travelling through his country with the young people and wirl the old, Bill Harney paints his Spiritual Tradition today. Here in Hobart his care and skill is evident.

Spiritual Presences: Earthmother and Rainbow in the Universe  
– Sky and Earth together

Without the Cosmic sense that involves us in the night sky and the sweeping immensity of the landscapers in Australia, we will miss Wardaman Spirituality, Wonder and Awe that is the very essence of Original, pre-Urban peoples.



*This Milky Way photograph shows two of the 'Shadows' that are 'Presences' – Spirituals: the Blackhead Python 'Skin' of Rain-Rainbow (upside down) and the head and shoulders of the Earthmother-Froglady. One 'Skin' of her's is Merrebinna who conveys the Marriage Law joy in the womb-ceremonial engraving. Other 'black spaces' 'dust-nebulae' figures are experienced/perceived as Gestalten (see Catfish here to the left); and Crocodile. The 'Whole' is Rainbow.*



*Dungdung Frog Lady Earthmother (top and above) with her Skin form 'transforming in the Spiritual way' as Merrebinna (left) with the womb pronounced.*

*The Black Spaces figures loom as 'Shadows' in the Milky Way, and Ray Norris notes that the details of the engraved Elvina Track Cosmic Emu's 'internal' !womb or !dilly bag' fit the actual star-nebulae pattern photographed by modern astronomy.*

## Aboriginal Art and Cosmic Science gathering together in Story and Spiritual Presence



*The Milky Way's night sky Great Emu dust-nebulae figure seen over Elvina Track, Sydney, in 2009, matches the Gurinji people's ancestral engraving. At the same site, 32 separate patterns that match observable star-groups, reside in natural tessellated polygons, and lunar-count stone with other engravings, one of which has the Pleiades pattern inside a (Young Women's) fish, cover much of the 50m by 200m site. Pioneer Percy Trezise in 1980 saw this sky-mapping site as the Australian Stonehenge. (It is Natural Science minus imperial hierarchy and the military use of Science, we might say).*

This photograph explains how the Aboriginal Law is Cosmic. The large and famous rock engraving of the Emu at the rock art site of Elvina Track in Ku-ring-gai Chase National Park in Sydney is nicely matched by the 'Emu in the Sky'. When showing the engraving to CSIRO's Dr Ray Norris in 1993, I shared my 'Emu-in-the-Sky' hunch with him, and this was enthusiastically taken up years later when we went again to the site. I urged him to use the new stitch-photography technology to match Sky and Earth together. In the 1990s Dr Malin had not been able to map the black spaces for me: no camera could photograph the Emu which is six (6) constellations wide. John Morieson first showed me this constellation in the 1980s; and Percy Trezise and Dick Roughsey Goobalathaldin pointed to it in 1979.

With this prompting and his son working numerous nights out at the site, the scientific duo produced this wonderful photograph. It demonstrates for certain that the possibility of such rock art relating Earth and Sky together is real. Since the Sydney site has 19th century ethnography surmising that the site is astronomical, and the Sydney Aboriginal clans have star-groups and other sky phenomena named in their languages, the sky-mapping suggestion is very reasonable, and it includes the black space figures that Bill Harney takes as the 'Shadows' of the great cosmic Spiritual Presences.

This analogy for Wardaman rock art works with the present oral tradition that finds the figures at Ngard-ya as the Cosmic Presences left by Themselves in the rock. Bill Harney learned this when young, and teaches this today. The Aboriginal world is 24-hour spiritual, the night sky is massively important spiritually, the cognitive perceptions are based in objective phenomena; and because the Law and its Justice System is conceived in this way, they are cosmic, 'eternal', and wholly related to the non-man-made Universal Creation.

This Law is so different from western Law that it is no surprise that Aboriginal people and the incomers have never been able to understand each other, or properly respect each other, in terms of Law. The Spirituals live and produce the

## Shadows of Spiritual Presences: Emu in the Sky, within the Cosmoscape Spirituals: Science, Story and Art in the Aborigina Cosmoscape of Figured Presences



*The Cosmic Emu of the Milky Way Presences at Ngard-ya. As rock art it is very beautiful, the painting being 'wrapped around' the rock, giving a feeling of vital movement to the figure.*

The Norris photograph of the Milky Way's Cosmic Emu figure hanging in the night sky above the large engraved rock surface Emu, in seeming to 'match' Galaxy's stupendous night sky with Aboriginal story, magnificently presents the immediacy of the Spiritual, its Presence. The Emu stretches top right from half-down left, and the 'skin' of the Wardaman Rainbow Serpent – Black Head Python – emerges there (to us, upside down) The galactic black dust clouds spread from Coal Sack, Southern Cross and the Pointers along to Scorpius; and what we perceive as Gestalten (patterned forms) in the form of the Cosmic Emu and other Dreaming Shadows become the metaphorical cosmic personages of the Wardaman Creators and Lightnings of the stories in men's and women's stories: the Spiritual Presences.

Percy Trezise tried to show me the night sky's Great Emu in 1979, but not till it was pointed out to archaeoastronomer-astrophysicist Clive Ruggles and myself by John Morieson in 2000 did all my searching of Australia's night sky receive this blessing. John Morieson now believes the gestalt form and the engravings are the extinct Giant Emu (in Jawoyn country Genyornis) which might agree with the 6000 year date for the Sydney engravings: so the Wardaman stories might be very, very old. The late (great) Pat Vinnicombe knew the Emu Big Law Tradition in the Kimberley, N-W from Bill Harney's country, to be immensely important, so I took the Ngard-ya Emu (photographed here) as night-sky-related; and Bill Harney asserts this to be the Cosmic Emu Gumerinji, and many of the rock art Spiritual Presences to be the 24-hour Cosmic Spirituals – Dungdung, Rainbow, Nardi being with Gumerinji the biggest Law.

Spiritual Presences: Cosmic Law in the Shadow-presences of the night skies  
and transforming within the rock art of the Cosmoscape



EarthMother, Sky Boss, the Emu and Rainbow, and Creation Dog and the Lightning Brothers appear to be the major Spirituals in the Wardaman world but this does not reflect the fact of the totemic identities of the Skin-system clans which have their own distinct stories and Law, and which Bill Harney paints in the 'normal run of things'. But in his detail from the painting above, we can see that while Rainbow comes from the rock art 'skin-transformation' of Rain/Rainbow (with the sun's transformative power), other elements are coming from the stories per se, as he is telling the story in his own mind. When he is painting, he is not copying a figure but transforming a number of figures within their story-relationships to retell a personally-perceived story inhabiting his own mind's eye.

Bill Harney always spoke (since 1997: see *Dark Sparklers*) of Nardi the Sky Boss 'up top' and 'coming down'. Not till later did I realise that 'shadows' of Dungdung (neck and head above), Nardi, Rainbow, Emu and others are visible as Gestalt figures in the dark spaces of our Milky Way (here the Coal Sack area of Crux). Seen potentially every night of the year, these figures symbolise the very Presences of Spirituals and their Law, so the necessity of carrying out Law rests in part in the constant realities of the natural universe – as Spiritual Cosmoscape. The Law's Creators are Watching You. Emu-Ancestor's (and the others') Shadow profile and footprints left in rock Dreaming, remind of his Law.

Spiritual Presences: Ngard-ya Law site with Creators, Spiritual Ancestors,

*We were taken to sites with rock art in them while I was young, then again when I was learning, in the initiation years. The Law Man training often took place at the most important sites, so that's all why I remember the images so well. We were painting ourselves up, fixing the feather decoration, doing the song. We were sleeping among them places, dreaming the stories, finding Spirituals travelling in the stars. That's how I paint, they're in my mind all the time, I see them! so I can paint the Law!*

The footprints of Nardi the Sky Boss and of Gumerinji the Emu in the Sky are to the left of the whole panel. Then Dungdung the Frog lady Earth Mother is with Nardi her first husband, then the Lightning-Brother Child-Messenger, and the Cosmic Emu, before (round the corner) the Creation Dog Mordborronggo carries the Bag of Law Songs in which the Sacred Law Artifacts are kept safe-secret. (cf. p.)



*The Ngard-ya rock art site in Wardaman country, Northern Territory. (Photos by Hugh Cairns)*

The planned trek through Country did not eventuate that year, but we can see what Bill Harney wanted: he needed his young people to travel to places like Ngard-ya, walking the bush tracks, learning the land, singing the songs, following the songline – just as he and his siblings did in his youth, over land traversed by his people for aeons.

*Well, I showed you the great teaching place of Ngard-ya in 2006: we had Elders Geoffrey and Lili with us: those women and children, we keep it all going! This place - Nardi, Dungdung, Gumerinji, other Lightnings Mordboronggo, Moon, Bush Turkey, they're all present. Shadows still there in marks, in rock, means engravings show us our food animals and birds - marriage rules too, all that. Sky Boss, Sky Emu going up top, see the footprints. Spiritual Shadows in the paintings - it's all there, Spirituals and the Law. We teach them here today! my word for our night sky land together'd be right for everything here: it's our Cosmoscape site!*

Finding meaning in decorating persons and places in ancestral practices, the Elder feels the Spiritual cosmoscape, intellectually mapping the belief-system by subsuming the imaginative and metaphorical Creation Story into the cognitive, mental landscape. The Traditional Spiritual world is enveloped in empirical experience in this mind's mapping: so the young understand what gives Wardaman their identity. This huge experience of Country and People will be revolving around in Bill Harney's mind as he paints the Dreamings. Drawing on this painterly Tradition – the Spirituals' Shadow Presences left in the rock – this initiated man recognises the Spiritual Cosmoscape as he paints today, and visualises it through an epigenetic loyalty to the Law, knowing the breadth and height and depth of Present Meaning in the Wardaman totemic universe, and his own really-Real Meaning within it... Sky Boss brings Wardaman Imulun Law to him.

In the rock art, we find the figure of Sky Boss Nardi standing out on the rock face of the engraved and painted rock surface at Ngard-ya (photo p. ???). With the 'spread' figure of the EarthMother (left of Sky Boss), their 'rayed' Lightning Child (to their right), the Cosmic Emu (the buttress to the right), and Creation Dog round the corner), the Meaning given by the Spirituals to the Wardaman Elders as they teach the children here, stares us in the face. The sheer beauty and awe and wonder and ambience give the Law absolute authority.

For Wardaman, the Creation figures – EarthMother, her first husband Rainbow, her second husband Sky Boss – produced the two special, most fundamental practical elements in the One Customary Law: the separate Men's Law, and separate Women's Law; and this culture's explicit Foundational Law Story's 'Equality of Sexes' as first base in a multi-level story shows Wardaman as a unique society.

1. **There are difficult contemporary questions to ask here: for instance, Did colonial incomers observe, recognise, appreciate a separate Women's Law in Wardaman culture (many used women while men were killed)? But we may ask, Did the incomers understand a Spiritual basis for Law at all, amongst these people? Even as late as Professor Stanner, Australian scholars were coming from a semi-sexist, semi-racist white 'governing' society – a questionable basis for an independant mind, in bush camps where 'equality' meant being protected from whites by their men.**

### Rain or Rainbow, the First Husband of Dungdung the FrogLady EarthMother



Above: detail of one of the head of 2 Rain -Rainbow figures (Male and Female in Cosmic Nature) at Wulun-Gunyan. Note the decorated (ritual/ceremonial) Creation Dog lower right, and the forked lightning representation of forces of empirical Nature. Also the circular form of this great (Serpentine) Creator of Law who is the punctilious preserver of Law if there has been wrong-doing.

Photo: Hugh Cairns

**Spiritual Presence Creators make the Waters, Lands, Fertilities, Skies and Life All-Human**



Photo: Roz Cairns by permission of Prof. Kelly

In 2010 Bill Harney painted his Cosmoscape in its Ecological Landscape form. The Sydney University Agricultural Sciences Faculty find that the compassionate 'family' approach of the Wardaman – where all the environment is a 'brotherly-sisterly Whole' with humans in it – to be a reasonable and valuable picture of humans as humble and cooperative agents of transformations that happen in many ways. Having responsibility to the Cosmos is paramount, and to care for our small part of it as best we can, is a sane approach to the Science-known realities of Earth and its surrounding Galaxies, and a productive way of caring for our food and ecological environments in ways that allow us to remain human, as the Best of Humanity can conceive of this.

*You've got the sound of Emu here<sup>1</sup>, Bull-roarer booming the whirly Sound, powerful noise. Boomerangs booming too - all here, Spiritual whirling up the sky, round the earth: you feel your body, tension your mind, Watch Out! it's making earth and sky and land whirling a Watch-Out happiness! yeah like that whirling Sound says you've got Songs, you've got Spirituals, you've got Froglady all the babies, you've got night sky with Nardi, star! Emu's whirling the boomerang round, it's Law: Moon giving you the time, right time, but that man's gone wrong-side with a girl - just like Moon - gonna get punishment like Moon, remember that!*

The beautiful figures at Ngard-ya are *minus* Rainbow: otherwise the main actors in the drama depicted in the Wardaman Creation Story are all present. The scene is Cultic Reality in its deep, fervent, practical form. The tall Sky Boss figure is Crux's Catfish with Spider-web Song strings rope, and maybe Cosmic Grasshopper powerful Grace-wing form. Earthmother Dungdung's birthing-splayed legs look fertile (*left*), and their Lightning Child (*top-right*) is above Nardi. Jungan.gilla shines; Gandawa's half-Moon (*lower left*); round to the right is Creation Dog carrying the Bag of Songs in his jaws. But, though Rainbow's main site Wulun.Gunyan is not far away (and he appears in the Women's site not 50 metres away) he is not seen here with his wife. Cosmic Emu Gumerinji, fourth Shadow Presence in the Milky Way's Crux area, is strong, and, the art using the buttress to provide movement (to the right of the overhang) and a dominant figure there, Nardi and Dungdung dominate the whole area.

Examples of Spiritual education in traditional practice abound. Circumcision in the Songline Trail has Rainbow Walijubi singing the Song, Emu Gumerinji doing the dance (his 'big-voice sound' too), and Big Red Kangaroo the surgical cutting in the ceremony. The people involved in the Cultic Reality are earmarked in the Creation Law, as – of course – are Eagle and Lizard who alone can make and use the ceremonial boomerangs: kept in safe keeping by Bush Turkey, no one else can touch them.

1. **Dating from ideas as ancient as the Wardaman in this country, more than 6000 years and even as much as 10,000 years old, the Ngard-ya site is veritable Ancestral Dreaming. Some Wardaman sites have been repainted by young initiate-age boys or girls quite recently (see Dark Sparklers). This means that to Bill Harney as Idumduma, the rock art Spiritual Presences like Grasshopper, Moon, Catfish, Diver Duck, Bulyan (and so on, present at these sites) show that Nardi's Bag of Songs given to the Lightnings and carried by Creation Dog, are ageless (we might say Eternal, by analogy with, say, the Bible and Koran). Initiated in Law, living within his individual totemic Wardaman ancestry, Bill Harney's daily world is 'transformed in the Spiritual way'.**
2. **With these specific totemic actor-agents – alone – being involved with them, the presence of historic Aboriginal ceremonial artefacts being in museums and galleries, even for research, is genuinely provocative. Analogous relics and spiritual items in other religions are reckoned blasphemously handled, in such cases. Bill Harney's generation have been mainly silent in public: now they worry where artefacts taken from their land by researchers are housed – Imulun Law is strict in relation to such blasphemy, but has been disempowered by science.**

***He might be in Discipline 1 or 2 moons here: well, can't you hear the Sound of Law in this place? Just look round you - Spirituals, Law... do it right! And what's round the corner? go round past Gumerinji there's Creation Dog: what's he got in his mouth? Ttat Mordborronggo's carrying the Bag of Songs, Dilly-bag with Law songs, ceremonies, rules, customs for us Wardaman be a human being! That's Law all come from Nardi! gives us the mind! see 'em dancing famously, all those Elders? we'd focus on them came forward one by one in their special make-up. Like a spotlight on 'em! Law real good theatre, that! We learned well, know it now.***

Emu's starry white dots on the bulging rock provide, with its art technique, plenty of movement, and a cosmic space that leads round the corner to Creation Dog Mordborrongo, in a small cave-recess, with the Bag of Songs. Here the ceremonial Stone Axe Kalbung figure is overrunning Mordborronggo's back, and shows how the Bag of Songs is relating to initiatory circumcision<sup>1</sup>. This ritual is remembered in Idumduma's youth<sup>2</sup> as carried out by his Red Kangaroo Totemic Ancestor's descendant – step-father Joe Jomorrnji who had come from the Ancestor via his maternal grandfather Pluto). The Ancestral Kangaroo footprints are engraved at the other side of the overhang, and specific ritual Spiritual Presences – Stone Axe and Red Kangaroo – are therefore present on both sides of the main area; and Spiritual Presence is symbolised in both the engraving and the paint, accurately and realistically.

As for the Lightning figure above, to the right of Sky Boss, the fine headdress rays show the Spiritual reality of Dungdung's children from Rainbow and Nardi. Whether it is Moon or the Lightning Brothers, Bush Turkey, or Creation Dog, these Messengers are progeny of Dungdung and one of the 2 Great Spiritual Originators; and they carry the original Law from the Bag of Songs to Nardi's human children – they carry it in its specific form, to each specific place, exactly right for all.

- 1. The white dots bulging in the form of the Emu to the right of Nardi gives a feeling of movement and active space, on the way to the Creation Dog Mordborrongo in his small cave round the corner. Here the ceremonial Stone Axe Kalbung over-figures the back, showing the Bag of Songs as Cultic Reality, in this case perhaps the Initiatory circumcision as in Idumduma's youth. The Red Kangaroo has engraved footprints left in the rock the other side of the overhang, so the totemic descendant of Idumduma (step-father Joe Jomorrnji, or even his maternal grandfather Pluto) may have acted-out the prescribed practices in this shelter with the Traditional Stone Axe. Bill Harney is clear in his interpretations, consistent the sites, but Marben meanings are specific only to the Aboriginal interpreter, and generalisable ideas seem infrequent. One instance in Keep river country (noted by the co-writer) is a series of cupules in a line which can be viewed as a calendar: but other viewers were not convinced, and photographs, even when viewed by Aboriginal Elders, cannot be given any firm interpretation at all.**
- 2. The Stone Axe placed ceremonially in the Willeroo Imulun is not there: perhaps a museum or university researcher will return this – it is as precious as a 'communion cup' in western religions. It was last seen by Bill Harney in the late 1990s.**

***We often went to the sites in the old days, lived there. Some of us went back to Ngard-ya recently, you can see us Elders on the DVD<sup>1</sup>, giving the young boys and girls basic Imulun story - and how to do things right today. They heard it in the place I learned it myself! The old Law Men were real story-tellers - like entertainers - a bit like stars!<sup>2</sup> - and when the ceremony was on, we would hang on every word. Marvellous Brolga dancing, watched PeeWee's special stepping carefully, imitated it - I can still hear that song today!***

At the Four Circles site with its rock art and ceremonial feel, the centrality of Law is symbolised by the Imulun Law Circle as the focal point. It symbolises the full Wardaman Law – visualised as in a number of engraved and painted rock art sites in Menngen, Willaroo, Delamere, Delinya, Flora and Manbulloo land. Interpreted by Bill Harney just as his mentors did, we hear the Old Tradition into which the Elders who educated and enrolled him were themselves immersed. The circles are Imulun Law's symbolic progeny: all of them have meanings based age-old practices; and the Creation Story, and the Imulun Law Story within it, is the fountain from which metaphor-concepts are displaced into present, practical realities for the continuing tradition. The symbols in the ancient art are re-presenting Wardaman Imulun Law, and Creation by the Spirituals, to be made real for today.

But the Imulun Law begins with the Law story within the Creation<sup>3</sup>. The version I have put together (below right) is my paraphrase, with Bill Harney's version above. It is a simple story: but it confirms the qualities of Wardaman Law and life:- male and female are equal and free, each in their own way; the Law is of basic importance to a proper life; do not break the traditional Law, or Wardaman (human) integrity and peace will be broken, with cosmic repercussions.

- 1. This book's DVD has the sequence with Bill Harney teaching young ones at Ngard-ya. Bill reaches back in his memory, seeing scenes of his youth, hearing the voices, smelling the scents and aromas of ceremonies, remembering disciplined teaching sessions at the these sites. The theatrical ceremonies come back to him, and we can see that in his own presentations, he is a star!**
- 2. It is one allusion that suggests one direction from which the title of our book comes. By analogy, he gathers the audience in, forms the story for them, and they are touched by it. They revere him – he has anticipated the world they want to hear, the needs they have cognitively and for which spiritually they been searching for; and he knows his own people, connecting the old Spirituals to the practical realities he knows Wardaman face – that they need to know today, as Wardaman living in a white world.**
- 3. Researchers Paul Taylor, Len Glasser and myself have heard and recorded the Law Creation Story on a number of occasions.**



### The Making of the Wardaman Law

***Dungdung, Rainbow and Nardi - the three Great Spirituals - met together, decided they must make things regular - all the humans were now in their different forms, they weren't getting things right!***

***There must be a proper Law, they said, so they set to work. Each took a great chunk of earth - wet soil - kneaded it, moulded it, worked it into their own great blob of earth - the separate blob, to be rock.***

***Lady Dungdung Earth Mother said: "I'll make the Women's Law"***

***and her two husbands, Nardi and Rainbow, said: "We'll make the Men's Law". Then they ask themselves: "How can we make these work?"; and they went on to put them together, and made... the Great Mud Ball!***



**The  
Mudu  
Law**

***The Dreaming Law - that's the Imulun - begins here, what we see in the land and night sky. Then it was these ones - these old Wuna Spirituals - these Creators left their Shadows all around our world - yeah! it was these ones who gave us the Law.***

***Nardi Sky Boss gave us our Law, our Wardaman Law, with his Bag of Songs: he'd made the Men's Law with Rainbow; in the Great Mud ball we have the Mud Law story of our Law, with Frog lady's Women's Law gives us an equal part of it. Both have it! That's the real story itself.***

***Dungdung, Rainbow, Nardi - 3 Great Spirituals - met together, deciding to make things regular - rules to make a regular life for all Creation. Now, everything was human in those days, all dressed up. But these humans, all their different forms, were not getting things right. There must be Proper Law for them all, the Creators said. So they set to work. Each of them took a big chunk of earth, wet soil, kneading it, moulding it carefully - all 3 Spirituals worked it, into their own separate piece. Then Lady Dungdung Earth-mother went ahead and said: "I'll make the Women's Law"; and in response, Nardi and Rainbow, her 2 husbands, said: "Okay, we'll make the Men's Law". So they did this. But then they asked themselves: "How can we make these 2 mud-rocks - the Men and the Women - work together, like us?" They considered it, then they put the 2 mud-rocks together, made the Great Mud Ball! That's the Rock of our Law today - you can't break it or it'll hit you!***

***In the wet, we were often at Mullawa. It was one of the places the welfare couldn't find us! With the other 3 circles - Imulun, Ingaree and Kanin - there was also the Women's Mudu circle. We knew it was there, but even as young men, we left Women's Business to the old ladies and young females. Their Law was strong, and today we leave it for them to look after themselves - they keep our culture, those old lady, good.***



Bill Harney remembers The Law *par excellence* in the Belligan overhang. Here his grandfather and step-father - both Bulyan - gave hard, full Law to the budding Elders. The extended families spent the rainy seasons here too, where he was hidden when the Welfare were out looking for him.

The central Law circle is Imulun, left is Dingaree, and right, Kanin. Five metres round to the right is the Mudu Law of the Women, seen in dim light at the back of the overhang. The 4 circles make up the full Imulun Law of the Wardaman people.; and the equality of the sexes, and their privacy in Law, is affirmed for ever, with the Mudu Women's symbol.

The Imulun at the Four Circles site was learned and taught by the Elders at ceremony time, and the young men and women Initiates experienced the Dingaree learning here separately, in the proper season. The place was revered in familiar simplicity by Joe Jomornji & Ludi's Family as their Home in the Wet Season, in the 1930's.

Law for real practical purpose: Specific meanings cut into the original mud rock

***We've got the Law! The Big Ones Spirituals got together, made it! All the Creation times, the earth made in mud, squeezed in that ball of rock - land's got all the Law in it, see! got it all; an' those Wuna old ones had the Law from Nardi an' there it is! that's what Aborigines got to do, they done it there, see!***

Law Stones of the Ancestral Tradition are Law to be obeyed. Markings may represent Skin, initiation body cut, decoration, timing of events, or Law-breaking. Information passed on by a proper-skin Elder initiated into the old Tradition is needed for understanding them in this unique society.

Marks on stone in other lands represent oral cultures too, until urban groups etched Law in written form. Institutional power inscribed the Semitic Hebrew 'Ten Commandments' on 'Tablets of Stone': but authentic indigenous societies give their unique Law meaning in explanatory story without reifying it ; so their ceremonial theatre is for 'Living for Now', not the formal organisation of society.



Mullawa site. Photo: David Lee.

Punishment is set in Law for idiotic behaviour

***That's the Law, from the Spirituals' Creation, so get with it, do it... else... as we Elders say today... they'll get trouble, we'd get the punishment going! That's what the Law says we'd do, get together in our Council of Elders, check what'd happened, discuss it all, make the decision, all in the Imulun Place itself. All practical. The Law gets us right, sorts us out good ,and the idiot's put right!***

The virtual originality of the Wardaman story-picture practical-behaviour Law system continues when the Old Wuna Originals put their three mud-rock chunks together, sang them, pressed them into 'One Great Big Solid Mud', and finally sang this into The Imulun. When the Spirituals then demanded that this Law Rock Ball should not be broken, otherwise the world would not be proper, the Imulun Law was set in stone, and impregnable with its so-powerful metaphorical basis in an Age where Stone was the vital element. Spiritual, it is now rock hard; practical, it is set in local life; tactile, the earth-symbolism is verifiable at any time, and not an abstract, foreign, let alone verbalistic and ephemeral idea.

The Spirituals having sung the three Mud-Law portions of Law into one hard-and-fast observable Ball, agreeing to mould them together and keep them as a whole, and treating the three Mud-Law portions as their creation of One Spiritual Mud-Earth Imulun Law, rock solid, the story asserts that if anyone breaks this Mud-Rock Law, or if anyone breaks a portion of any of the three parts, they are breaking the Imulun Law as its Spiritual Whole, and the Law Man will have the duty of identifying the break and restoring the Spiritual Purposes within it. Now we are in the real-life drama of the Elders who have learned the Imulun. Punishments are learned, their symbols inscribed in the rock itself (in the rock art) and the act of breaking Law carried into the Elder's cognitive world the duty of carrying out the punishment. The Creation Ancestors having made the Spiritual Imulun with their own specific Law inside it, the Elder recognises that none of this Law is to be broken:

The Men's Law is now on its own, as is the Women's Law. The men and the women of the Wardaman carry out their own specific Law separately, the women in their Mudu Place, their Imulun where they alone know and work with their own particular Law. But within the whole One Law of the three Dreaming Creators, the SkyBoss Nardi has his special mud-fist full of Law sung for humans beings in general, as well as the Men's Law.

## The Learning takes its own time, thoroughly taught

***It's the Bag of Songs's got the Law for us from Nardi, the 'normal' laws for all of us humans. Men, Women, Children - we all listen to this Law. I'd been there years ago - we were children when Bulyan gave us more understanding of right and wrong. This time it was not just making me rehearse the Mud-Ball story to tell it properly to new initiates! Yes, the big embossed-and-painted circle is the Imulun Law, the Law been***

One example of what is to be part of 'normal' life and 'normal' Law is that some rules are not to be publicly expressed until a ceremony takes place. This means that everyone will be allowed to perceive the rules, but in their own time. People will learn at the appropriate stage in their life – not before – but early on they know how the Garwadi punishment system operates in the Mud Ball Imulun Law. The 'mud chunks' originally became 'rock', and in Wardaman Tradition were seen to be symbolized in special, Dream-Time-engraved rocks at special sites. But the hand-held 'chunks' of the Creation Story picture – as in this book's particular motif and seen by the young in wooden (probably not stone) 'ceremonial boards' in Bill Harney's own contemporary family – will not be understood without instruction. Boards may be given as decoration without outsiders knowing what the decorations mean.

The men and women knowing their particular laws, and working with these only, use their own methods. But if problems or the Law itself need some sort of questioning, or to be considered as a whole mixture, the Elders – men and women together – meet in the Council of Elders, at the special Imulun Place. Comprising the community's authenticated senior men and women, this meeting then discusses and makes decisions, the Nardi-and-Rainbow Men's Law and the Frog Lady-Dungdung Women's Law taken together within the whole One Law of Imulun. When the Dreaming Law of the three Creator Spirituals, although rock-solid, has visible cracks when viewed by concerned, thoughtful, independent investigation, the need for adjustments to human or environment changes, the Council acted.

Thus, totemic authority appears to Bill Harney in individual form: he never forgets the power-group of Elders experienced by him in the years of disciplined learning. He remembers the Educational Dingaree Law overseen by Kanin Law Men; the Elders teaching what was needed for human survival, underpinning Wardaman culture; the Marben tribal cut-marks showing the Big Law Men; the body paint and decorations showing totemic ancestry; the particular Law for living Spiritual ceremony. The ochred men followed traditional trails to special places, pointed out figures in awe, told of Spirituals and their Law; made him sing out in acknowledgment of the Presences whose particular Law details permeated community life as well as the theatre-world of ceremonial feeling, need and exposition.

## The Imulun Law Place: Bill Harney's Four Circles of Wardaman Imulun Law

***displayed from the Dream Time itself. Of course! But underneath what you see is what is written in the rock itself - this place tells what happens for real in the Wardaman - it presents it directly so you can't miss it! - the learning-discipline and punishment-rules of our whole community! It's tough - what it takes for us to stay proper in our land. We've got to do it, keep our Law, to get those Old Originals smiling again!***

The circles at the Four Circles site delineate the methods needed to make the Law work 'so Nardi smiles!' The Dingaree Silence Law circle is left, the Kanin Disciplinary Law circle right, the Imulun central. Further to the right is the Women's Mudu Law, and together these four circles encompass the whole Wardaman Imulun Law. The silence demanded in Dingaree Law is the discipline needed for proper learning: 'listen to your Elders!'. The Kanin Law Men control the young men presented for initiation-education, and the older people who are being punished and need re-education (they can use force and even extreme-punishment processes, but not the capital sanction which must come from the full Imulun Place meeting). The independent Women's Law has its own Dingaree and Kanin processes for disciplined education and punishment (males are formally unaware of these, and vice-versa). Actually there is a fifth circle at this site, round to the right (behind the photographer). This is the Merrerebinna (part of Mudu) Law, and the Women's-only knowledge involves the totality of female concern (one aspect of which was experienced by Idumduma during his initiation-years education cf. Dark Sparklers p. ???).

In the main foundation-laws story, Nardi and Dungdung sat down with all the people and made other laws such as sign-language and keeping harmony in camp. The symbolism of this is the Spiritual Presence that nourishes ordinary human life-experiences; and this operates to inform the Imulun Law System where the Imulun and Mudu places are informal conveniences for Law hearings, discussion, decision-making and sentencing; for choosing the Dingaree Law teaching places and punishment camps; and for overseeing the Kanin Law officers with educational and operational control. With all the individual Law duties and behaviours settled by each generation of Elders in the Imulun Law meetings, the totemic actor-agents are carrying out their real-world practical and educational duties in accordance with the Totemic Ancestors' Law. So the Ancestral Songline Trail will gather in the traditional practices for each generation, and, acted out today, the teaching of the Customary Law of the Wuna Old People will continue properly.

The Imulun Law with Imulun Law Places, Dingaree Law and Kanin Law

*I remember being here with those dead-and-gone Old People. They said 'keep it secret', but they often discussed 'rules about the Law' so we must keep it going here. For instance, what happens, if the special Buran boomerang is taken by someone? The Spirituals' Law plugs in: Eagle Bulyan picks up the BinjaWinja quartz, uses it as a police badge, confronts the likely miscreant, takes him to the Imulun court to be listened to - and it's all probed and discussed with Bulyan, all them. Or what about a replacement Buran? Law says Gumerinji Emu and Redback Kangaroo Umburrugu are the only people allowed to make it, so they get to work.*



*The Justice System Law of Men's Imulun and Women's Mudu at the Wet Season site of his childhood, at Mulluwa.*



*The Mudu (Female) Law, part of Imulun is seen with its own Dingaree and Kanin sites in the Imulun painting by Bill Harney but at this site it away from the entrance of the overhang, beyond the 3 circle, round behind and to the right of the Kanin Law circle.*

What is needed to keep community is a tough approach

*Or what if Buran has not been returned and the thief not found? or the bloke brought in to Imulun not identified as having taken it? The Law has the Mullala Scorpion men at work then - FBI Lightnings! - these investigators produce results! that's because Scorpion's got a 'basalt sting in his tail' !! - see his Spiritual in the night sky with that little line of stars!!! in Wardaman country, he keeps people in harmony - not averse to using a punch to get a result! You see, Scorpion had this 'Sting Boning Tool' given him by Brown Falcon, and when the investigator touches a suspect with Scorpion's 'small, thin rock with the Song in it, like basalt!*

You can see that there is a community-based, non-magical process of Law knowledge in the Wardaman tradition. 'Payback' does not have vicious gut-emotion meaning: it comes from educational, rationally-discussed, perspective-decision, with action taken not punitive retribution but fruitful restitution using ritual/theatrical shock-and-awe – rather like the explosions from clever Senior Council Q.C.s. in the adversarial system of typical Australian courts. When Bill Harney talks of the Elder's BinjaWinja 'sting' he is talking of the basalt rock being able to give an electrical-type jolt which is the Spiritual getting anyone guilty to admit it!

He goes on to say that actually, the Song makes you jump so much you'll immediately take Scorpion and Blue Tongue Elders to where the special item is! This is a type of 'bone-pointed threat, and 'they'll return it safely to the Imulun Place. Bill Harney views the person who wrecked the Law Boomerang as an 'idiot'; but if it turns out that somehow the set of actions were 'accidental,' the boy or youth or man (or woman) will be warned, or sent to Dingaree Law camp if they are simply uneducated in this part of the Law. The members of the family, clan or tribe must indeed listen and learn to survive: learning under discipline will also release them from any harsh 'payback' because its real meaning is the personal pay-back of 'having to pay it back' to your family or clan or tribe, society.

**So much of Bill Harney's 'Idumduma' childhood and years till 1957's beginning of the Clearance-Catastrophies is shown now in films. You had some of the white fear of Aborigines in *Jedda*, but also some of the mystery of a non-western 'alien' culture. In the film *Australia* we saw the ferocity of the bad corporates who did not care for land or people. *Rabbit Proof Fence* put into firmly-etched relief the atrocious 'outsider' warrior cultures of Europe and elsewhere treating their acknowledged people inhumanely as in orphanages in Britain, and the Boers in concentration camps in South Africa – the fore-runners perhaps of the racist thinking seen or even in Nazi Germany'd holocaust history. But in *Ten Canoes*, in land not so far removed from the inter-tribal marriage-networks of the Wardaman, we are able to see some of inner Aboriginal culture, with the humour, good sense, carefully-considered fertility/sexuality issues, and human goodnesses that make indigenous societies fascinating and even desirable, in some respects, to modern urban-evolved societies, who have lost much in a Warrior-Ant-like march towards goals that recede in waste and war, and often lack humanity and, in our present context, proper Law for the people.**

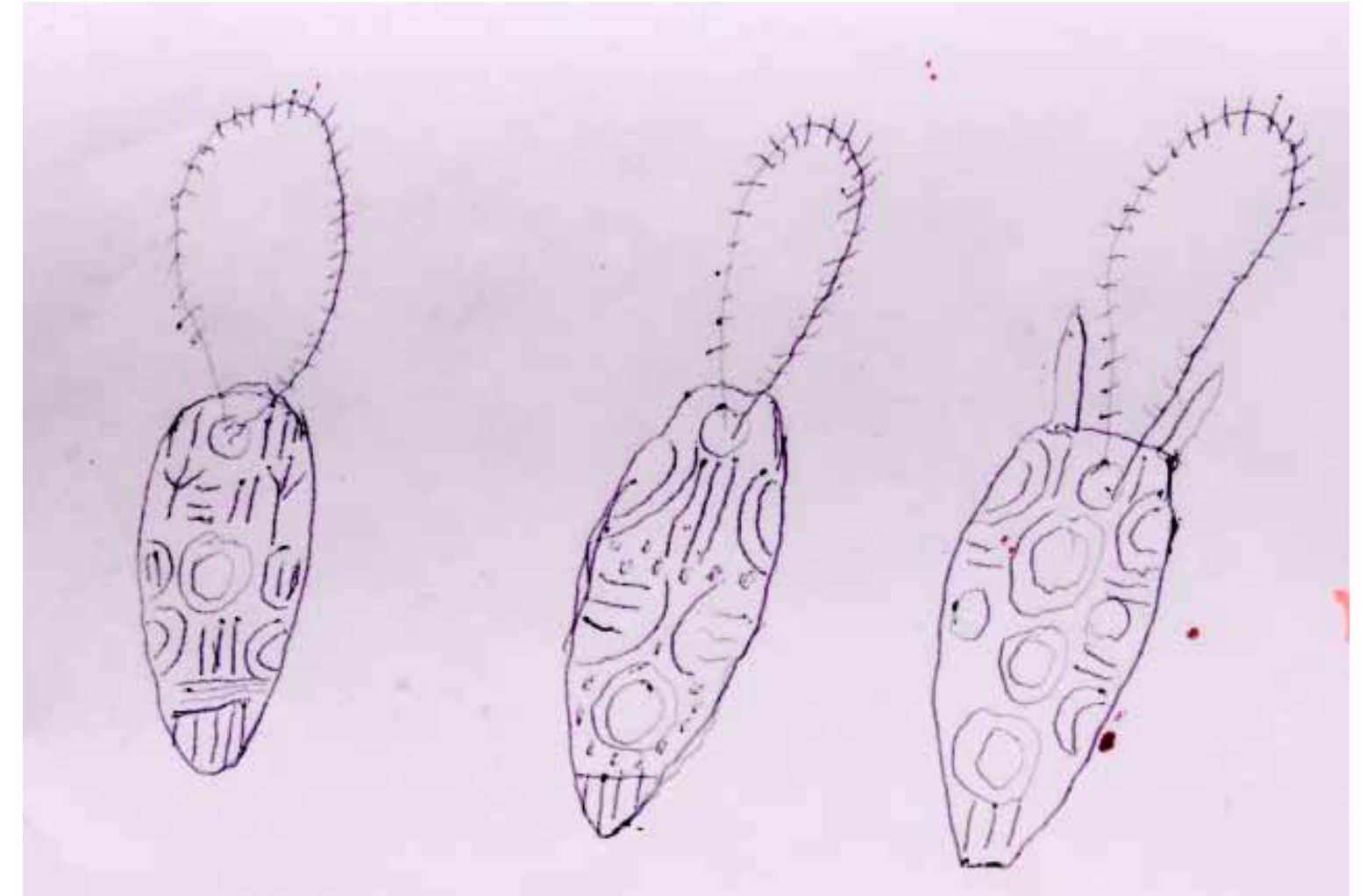
## The Elder's Council as a Court

***So when our Elders Council's heard from all the people involved - investigators, victims, accused - we discuss it all, we know the Spiritual's rules, we have our Spiritual roles to act on, together we make a Judgment. We're men and women seniors doing it, remember! we know everyone's families from our Skin-system - they've known the man for yonks, we all speak his language, understand him properly, so we really know the man. Well, we know him, we know what he's done, we know the Law: so we can make the Judgment and that Judgment's very serious: it can go three ways because we have the three serious Spiritual Boomerangs for Law, for sentencing.***

Here we see the 'court' system Wardaman Tradition exemplifies. Unlike normal western law courts, it is personal (not pretend-neutral); able to investigate in depth (not time-forced); careful for multi-dimensional information from people of both sexes with historical memory (a democratic milieu of objectivity); rational, needing accuracy in specific aspects of the case (without bias to supposed probability trends from selected written precedents from elsewhere); and with the motives predicated on actual community personal, group and cultural survival (which necessitates action that ensures this – methods, processes, emotions and aims seemingly different from modern Family Court systems that simplify the particulars to set them within national parliamentary frameworks with other motives).

In Bill Harney's childhood there was no 'chief' among the Big Men, but the 'intrepid' man carried 'influence' (Idumduma follows Pluto in this). See Philip Jones (2007) p.59: "In George Taplin's time the most visible element (of the conservative Aboriginal tradition of Pullami's people in southern South Australia the 1860s) was a formal council of elders known as yanarumi, with powers to impose punishment, solve disputes, undertake inquests, and organise major rituals'. Jones continues that 'this system of social control, was apparently unique to the Ngarrindjeri people' but there is no reason to believe that the Wardaman system was imported from the south. Trade-routes existed south from Wardaman country and 'ideas travel with people': but such a movement of social behaviour is not a necessary hypothesis. According to Bill Harney, this 'Council of Elders' system was 'all over', and wouldn't have been known to the whites because 'they never knew the languages'. A movement from the old, sensible north to southern tribes is just as likely as the other way round other way round; but there is no firm data either way.

## The Sentencing



Drawings by Bill Idumduma Harney

## Sentencing is the good when you know your people

***You think anyone allowed make the Law Boomerangs? you're not thinking, they've got it all there! These are like your books of Law used by the Judge! Look at the Minunga engravings that cover these Three Big One Boomerangs, the Buran! We don't need your writing, we've got the talking, our Spiritual Tradition! We remember it as soon as we look at our signs, our marks - symbols - just like we recognise at once any wheel-cuts on our bodies: we know what they all mean, it's our Tradition, we've learned it in our education, all the initiation years ... we've got our memory, and we spark it up when we see our signs!***

The 3 Ceremonial Boomerangs are very special. Though some of these items that Bill Harney knew have disappeared into private collections, research venues or museums, he is able to copy them exactly (but they cannot be published here, or indeed seen by the wider public). He describes them on videotape (so that with permission they can be viewed); but he describes what is in these Boomerangs in typical fashion:-

***I could see how it all fitted in. This was Judgment time, the Sentencing System the three Buran Boomerangs -- Garwadi, Naurru and Bargarla - these Law on 'em make sense of the whole Law: it's a pattern and it does the job!***

***That's the final thing they taught me when they called me to be a Law Man - that final hard place of the Sentencing. That process - it took months and years - I'm still learning! - you saw Geoffrey put it so well at Ngard-ya - like those days - see how it all fitted in - you do wrong, you pay for it, you pay it back.***

***They had these Buran, I remember it. They talked it, they made a lot of thought going, they made that Decision, that Sentence what will happen to 'im, 'cos they knew that boy, what do good to him and good to us all. They knew him. The Law's like rock burned, baked hard: mud laid down ages ago. If you crumble or break it, the Law Men and Women with the Buran make sure you don't get away with it! Then you'll pay what you did back to us all - you learn, you listen, you learn more, you go out and always do it! That's the Law.***

## The privacy and confidentiality of Aboriginal Law – like Australian Law

***I'd experienced plenty of punishment when I'd stepped out of line of course - white as well as black! - but I'd also seen the special boomerangs with their engraved Minunga lines. I'd seen Joe Jomorrnji the Bulyan and the other Big Men looking at them carefully when there was trouble. But now I needed to discover how exactly the Imulun Law decided on punishment. They took me aside one day - the Senior men - and I had to learn it properly. Some of it's secret, and I can't show you the boomerangs themselves: but here's what they say - or what my brother PeeWee allows me to tell you they say!***

***Well, I knew this Law: you want to know what you call 'structure' in our Customary Law? I became a good Elder, that a structure?. I told the stories well, taught well, keep control well - I could fight well too, that helped sometimes! But some time later I was taught the three boomerangs, the sentences you could get. I was becoming a Senior Law Man - so many of the old blokes were dying off - now the Council of Elders called me in, I had to learn exactly the punishments to be given to people who break the Law.***

***After that, it's details of the 'bush prison'. When you were young, your mum dad aunties got you doing right. Later, you stepped out of line, you're discussed by the men and women in our Council, all knew you: you hauled front of 'em, get punished, get re-education all right!***

***Well, I started young, part of that Senior Elders Wuna Council. Women had their own Council, kept secrets of their Law separate, but met with the Men in the Imulun Place, One Big Mud Law of Imulun for all of us.***

***That's like a Summary for you! In the 1950s I could see well, think like a full Law Man, spend big time in the Imulun meetings, work the Law of the whites changing Wardaman people, found myself thinking like the old men I was child with - those initiation, an' then those early Elders years - been a long time, Elder!***

## The Long Memory of Bill Harney and the Indigenous People of This Land



Photo: Hugh Cairns.

*The Little Boy at circumcision with the ceremonial Lightning Elder in Initiation mode where the Shadow Creator Spiritual gives Presence of cosmic significance to Wardaman Law.*

*I've a good memory! late fifties doing Law like those old Elders. But world's changing, white man too. We had walk-off beginning nearby; big companies, business threw us off our land. Helicopters take the horses, horsemen. Now town living, Aborigines weren't wanted for work. Grog, unemployment, many old ones away. Too much fighting, young losing it too. We needed back on our land, care for 'em, tell the young properly, give 'em discipline understanding, teach 'em. We were very sad. Pastoralists wouldn't, we did it with the Government ourselves. We needed the Bag of Songs, the Law, in our land, that's it. Nardi was smiling we had Imulun Law in our land! We had all those places, art, we tell the story, we know our people, music too! That was it! we got going, good lawyers Tom the Administrator now, him helping, did us well: lots of the good ones got us Upper Daly, help us now!*

## The call today of Aboriginal Law

*And look at that one for Paul last year: that's how we teach our young, I tell you its story on our DVD: in the paintings I tell our land's Law in the old rock ochres of our land. See how we Wardaman sorted out the problems of our people! - young, old, married, alone, silly, violent, bad ... our Law dealt with 'em all fairly, as the Spiritual wanted. All my paintings, that's Law all happened, the Dream Time way of putting things right. In the Imulun Place. Right there. Made me a Law Man for the Wardaman, right there in the Law: we can do it just as well as the white man, better really! It's real good Law, our Imulun, should be part of all Australia!*

What's missing in much discussion of indigenous Law is the impact on original peoples of such fundamental realities as Town-City versus Country; Colonial Institutions; Western Law History; Legal Corporatority; Corporate Banking and Business Power; Government Bureaucracy and Fiat; proper Majority Rule; concepts/empirical realities of Money, Capital, Full-Employment Demand, Hierarchical Power-Structures; and analyses of Deception-Expertise, the Democratised Imperial-Ego domination in Western Business/Culture; Western Determination to survive as Top Dog. To say that Australian Law had had good outcomes for Aboriginal people is nonsense.

Bill Idumduma Harney is the initiated, reflective, responsible, authoritative Law Man that the Council of Elders thought he would become back in the forties. They tested him then and welcomed him into their Council. Even now, after he's seen what has happened in the last sixty years, he keeps saying what the older Elders said, even back then:

***Strong Law - Imulun - bring it back 'cos yours doesn't work with Aborigine!***

*So let's look at my big paintings. They've been in the Supreme Court in Darwin, and Parliament House! Katherine Court House, it's here, s'whet's your appetite! Then look at our Hobart Imulun, that's in that Scots College, reminds me of old Tom Fraser! I've one in Parliament House in Sydney too, I think, and you could look at the Lightning Brothers on that Aboriginal Calendar, the Jabarinji controlling the land! But those first two, you see what happens in the Imulun Place, 's all the Law, all the discipline you copped when you went wrong! Look at the Yirrbarri I painted in 1991!*

## The Working Whites Way of Traditional Thinking

It's worth noting the ethics of workers/farmers/pastoralists of the Australian outback in the first half of the 20th century. Mick Pearce remembers what his father inculcated into his young family: the 'Spiritual' and even the 'spiritual' were not mentioned, but the emphasis was on the dire moral needs if you were to survive in the practical world far from any town and group of urban aids. You were on your own. Possibly, in earlier generations, there was religious memory of what Moses knew in the ancient deserts if you were to survive there as a community. But the secular world now totally covering urban Australia was probably already forgetting concepts of God and Christian morality. There was no need for these when you had conquered the land itself, and its inhabitants. Modern Man takes it on himself and his cleverness to do what is needed to prosper among peoples, industries, commerce and politics that he does not know, and need not respect.

What follows is the advice that Old Man Pearce gave to his family in the 1950s: it is not what white western cultures say or do today: but blacks and whites in the Australian bush were brought up to do and teach what follows in their own families:

- Protect your reputation at all costs.
- Do no harm, but deal quickly and harshly with people who do harm to you and yours.
- Do good deeds not bad.
- Do not take what is not yours.
- Be honest and truthful in all you do.

When you are learning your trade or profession, seek out and work only with good people who are very good at what they do. Give more than you get in order to learn. If over time your teachers do not reciprocate, leave them. Seek out those who understand very well that you must learn to better them, for us all to progress. Learn quickly to sum up people and organisations: avoid the dishonest and disingenuous, and distance yourself from them – do not move among them. If you are capable, work hard and well, whatever you choose to do. If you don't do productive work, you do not deserve to eat. But get going and get 'finger money' early; and when you begin to earn money, save what you need to survive, and put that money aside, all your life – it's the price of freedom for you, freedom from those who attempt to exploit and dominate you.

Be your own person, maintain your independence of others, make your own decisions, stick with them, bear the consequences of failures; learn, don't blame others for your mistakes. Don't lie or cheat others: you do not need to look over your shoulder or waste time and effort remembering your lies, or the people you may have hurt. Family comes first, last and always: but do not nurse a 'mug' – they will die in yours arms, every time.

What exactly is present here – in the white Australian outback ethic (from Old Man Pearce) – that does not appear in Bill Harney's world? Perhaps it will become clear in Part 3 that the concept of Money and Saving, and the reality of impersonal Organisation, are major concepts/workings that do not appear in the Imulun. Questioning Authority as in the modern white world is not Aboriginal, but Honesty is; and the Imulun in practice involves varieties of Work, and realisation of formidable consequences.



## Law: the arena of Spiritual Song

***Well, when I painted Imulun, it's our Spiritual Song. Lights up the story, Imulun Law. Watch out 'n see the meeting places, what you wear, who's doing ceremony. Watch Out the shouts! what choices, what you must get right, what you'll get if you don't stop doing wrong, how to get sorry when you've done wrong, all that! Story of the Boy and the Girl, that's it. It's our Skin Law, that - story right through for us all.***



Photo: Euan Hills

*While Bill Harney was painting The Imulun in 2006, the Bark Coffin relating to the much-loved deceased grandson was representing the suffering of the whole family, and this pain affected his bearing. But details of Law Music, Law Song, Law Ritual, Law Life, and the Imulun painting as a whole are exuberant and beautiful: the goodness of Imulan Law in practice had made things better, truly and properly.*

The Bark Coffin is in this case personal, symbolising the loss of the able grandson, the future story-teller lively in many languages, in the 2006 family tragedy accident.

When he painted the Imulun painting in 2006 we had been talking his Customary Law for a full year, remembering his early childhood and youth; and he related the story of the Boy and the Girl. This is the painting's basis; and he continued it, using the natural ochres he'd collected, clays, charcoals. Having laid his basic background in one day, he paints the form outline in black, and develops it with overlays of red, yellow and white. It is as though the simple form is the symbolic shape to be filled in with story: the red means it's ceremonial Law, the yellow gives a particular meaning in the people engaged in Law-giving, and the white fixes the whole episode in a ghostly Dreaming of the Wuna Spirituals, the Old Ones whose responsibility it is to make the Imulun be formed in the life of today's community.

*So much of the old ways, all this, all stopped after the Walk-off. Our mob mostly in town now. I was working round the stations, lucky they still needed me. For many of us the next years were just survival, all about working where we could, hoping somehow getting our land back. Christ, it's better now, we have the old Tradition again. When I paint, I tell the young ones the Law, 'cos it's in my paintings like in the rocks all over our Wardaman land. So our youngsters learn Law in paintings in town, in rock overhangs, special places in our country. As I said, it's good now, more sensible - but the 2 worlds together are still hard, so much more understanding needed. Always that, right?*

Music, Song, Story-telling, Painting are at the heart of Bill Idumduma Harney's understanding of the spirituality of the Law. Where do his paintings come from? Clearly many reflect his life-experiences, particularly the living Wardaman culture that he learned, with which he grew up. But practical realities of the 1960s onwards are included: there is a lead-up to the particular painting *Yirrbarrri* that helps to give meaning to what he has actually painted. It begins the sequence – for our purposes and my own actually-experienced understanding – of paintings that have appeared in the last fifteen years. These reflect Australia's modern socio-political changes, mirrored in the microcosm of Idumduma's life. It includes Land Rights striving, and his Law education with its responsibility to the young, part of his Diver Duck ancestral duties. These include his weekly help to purported offenders, jailed or on bail for offences under Australian Law, given in the Katherine Court House, to Yawoyn, Wardaman, or anyone else needing friendly help in an environment so alien that the accused may take their own life, often for no real reason - just for want of someone speaking their language, and understanding at any rate part of and aspects of the justice system. Bill Harney's concern is for these people and what he finds in their case; and in many cases the overall battle becomes a quiet, reasoning striving to present the value and actual legitimacy of Imulun Law when this seems better than the Law made without Spiritual underpinnings, in country far away, by those who seem not to understand Aboriginal people. Recent family tragedies have also led to him being concerned on a personal level for proper adjudication of Australian justice in the courts, including the Supreme Court in Darwin. Other major problems such as Wardaman business attempts question the overall Canberra Law which seems not always to be fair to a people whose life and livelihood were taken away by white incoming businesses more than a hundred years ago, and who were never helped to gain the technical and educational skills necessary to become workers of their own businesses, until very recently. He calls for a more realistic justice, and proper help.

*I've been telling how I grew up to be a Law Man - I haven't told you about my painting! We were taught painting carefully - includes painting at the sites, how to 'touch them up', repaint them - old Claud Munbulloo taught me. So now I'm Senior Law Man, doing proper teaching of our youngsters today. Spirituals in these rock places, just another thing I do, making the Shadows clearer - like it pretty, see? so we repainted Garnawala 2003. Young ones, they're learning - not always the same, but the Spiritual's still left his Shadow there - we know it.*



**Ancestral Law:  
Messages and Marriage.**

*Photos: Leesa*

Where do his images come from? This is the artist at work, in the Imulun painting (next chapter). In the story given to pre-puberty young women about fertility, Bill Harney says. the Ancestral forms of totemic being are called up from the artist's take on this part of the Creation Story's Imulun Law as it relays through all living beings. So Wardaman are brothers and sisters to all us humans – we were all human before the cutting of Creation Dog's ear – but with our own detailed ritual that relates to who we are NOW – so what is painted is how Bill Harney remembers it here-and-now ... in this case the messengers going out to the extended family, about the coming ceremonies. Painting Ancestral people comes from Law stories in which oral tradition merges in the story-telling and the art: this allows Spiritual realities to resonate in our human minds, to warm them to the Law it internalises. The originality of the Wardaman story-picture's Law as it maps out practical, persona, and community harmony, continues when the Old Wuna Originals put their 3 soft mud-rock chunks together, sing them, press them into 'One Great Big Solid Mud', and tell the story in which the Law-forms for our lives take practical shape. When the Spirituals demanded that this Law Rock Ball must not be broken, it became the means of tribal survival; and with the Imulun Law now set in stone, it was impregnable. In the matter of Proper Marriage, the metaphorical basis is an Age when Stone was the vital element, the oral wisdom and reasoning of the Teaching Elders worked rock hard metaphors into practical, tactile earth set in local life, and the symbolism is immediate to the eyes. This is not a foreign, abstract, verbalistic Law. The Rock Hard Law is no ephemeral idea.

## Law in image, metaphor and analogy in a scientific world

I related, in *Part One*, some of Bill Harney's memories of family in his adolescence and adulthood, of the extended family clan, and its culture and Spiritual Law: he can envisage the individuals and groups 'at will' in day-dream, dreaming and imagination. Today, these memories and the verbal knowledge of the Imulun Law he learned during those years are at least some of his mental background – part of his cognitive functioning – when he gets into his own art, when he gathers the clay and charcoal, mixes the ochre-paint, and presents it to the wood of the didjeridu, boomerang, clapstick, prepared bark, skin or canvas in or on which he chooses to present Law Meaning, or at least attempts to let Meaning emerge.

Knowing this, we must in this chapter peruse more closely the Law Story (already observed partly in the Creation Story: *Part One above*). Having also visited rock art in the Wardaman's Ngard-ya and Muning sites (and bearing in mind the warning about 'interpretation and the necessity of listening to the informant'), we can now look at paintings which Bill Harney professes are formal depictions – in what may be called by others 'Naive' style – of Wardaman Culture, and its Law.

Remember: the Law is Spiritual, coming from Spirituals of Creation Time's Dreaming. In Wardaman, these are the Spiritual Presences of Rain-Rainbow who makes and moves the waters, and all the land formations we see moulded by natural movement; of Dungdung the Frog lady Earthmother who in the complexities of cosmospaced earth, uses her fertility in abundance; and Nardi, Boss of night and day, 'up top', who distributes Law to us among all living species, indeed all of what we think, in our modern ways, is 'Inanimate Creation', in his Bag of Songs. Analogy with the (more recent 3000BP (written) Biblical 'Lord of Hosts' pulling stars around a sky-heaven 'firmament' – commanding humans to carry out Law like Nature does – shows human story-telling genius has been widespread for millenia (10,000 years for oral stories of volcanoes in Queensland for instance). Probing mysteries 'beyond our human ken' has seen our species' developing mind during 100,000 years of intercontinental travelling, for good and ill; and art has been a modelling agent in this spirituality.

The visual story of Wardaman Law shows how mysteries of human individual and social behaviour come to need thoughtful, disciplined education in a moral world. The world of myriad 'natural laws' developed over thousands of years, recently by science, is not haphazard, being 'epigenetic', changing its forms according to environments, developing biologically in random genetic contortions. But in the human case, our creative genius was game-changing with clever groups of 'the few and powerful' pressing pre-urban peoples. But spiritual values led these not to 'push their luck'; and Aborigines even sent back to PNG the 'bow-and-arrow' 10,000 years ago ... spiritually, morally, practically the urban machine was not needed for a good life: their wisdom against impersonal war stood them in good stead for generation after generation.

# Chapter Six - Part Two

## The Imulun Law paintings

### Bill Harney's mmmm



(photo Hugh Cairns)

It was 1998 when I first saw Bill Harney's own traditional paintings. *Yirrbari* (next page) I was in Darwin in Parliament House, and some other paintings of Upper Daly Land Claim relation, if not vintage, were still in public venues in Katherine (cf. *Dark Sparklers* p. ???). But the next year, in the Court House in Katherine, I was stunned by the deep Law painting seen above. It dominates the foyer of the Court House in Katherine, and (in my mind) humanises the generations of Justice officials, police and all the types of client individuals who have needed for one reason or another to be in this building. Witnesses, family, the accused, the innocent, and the lawyers, police and judges are all called to their humanity by it; as they enter this building they are to remember the Integrity of Ancient Traditions – Wardaman and Yarwon in their own lands, in this case, and other Australians; and it in this 'House' (the Government and Parliament's Law House – that, under the Sovereign Constitution of Australia, they are to be respected, and Justice done for them. Bill Harney's painting in this Court House brings together the Customary Law of Aboriginal people in their painterly oral tradition, and the Rule of Parliament's Written, Institutional Law in the Northern Territory.

***Yirrbarri I painted when the Tribunal was on for Native Title, Land Rights: see how our Spirituals live, and we've got the Law, and all the fruit and people live together, all one people really.***

***You see my Yirrbarri? we got the land, work things right, eh? You see the Law in my paintings, Spirituals up front in Yirrbarri, done for the Tribunal - Spirituals, even you can't see them, they're there! That's 'cos I paint with the Law in my mind, always give you Law they told us to carry in the Dreamtime. As I painted Yirrbarri, needed show Land Rights judges the Menngen land our land, our Spirituals' land ! See the Spiritual there, 2 Creator, Lightning Child, Moon, SkyBoss made in Grasshopper, Rainbow his Blackhead Python Skin, his waterhole, Moon's Wife painted in Women's Law? That all deep in our land, in Wardaman, for the court.***



*Yirrbarri (c1985) was seen for the first time by Hugh Cairns in 1998 in Parliament House, Darwin.*

This painter is a most artistic man – story-teller who can be song-man, expert didgeridoo player, witty musician yarning round the fire, special Law Man committed to teaching the young, good man giving understanding to outsiders – some of this is seen in the DVD (*available on request*). In the Katherine Court Foyer his art (*previous page*) shows him in serious mode, yet presenting the Customary Law in a hidden, informal way as he speaks in court for his people in individual problem cases. Yirrbarri, on the other hand, has him going into action in full, formally, at the Land Rights Tribunal. Thus in the Australian Law Court system he appears as friend, mentor, strategist, fighter against injustice on many levels, never giving up, trying to understand what is happening, keeping his own integrity in two worlds.

Yirrbarri was painted with natural mineral ochres, charcoal and clay also painted onto the canvas with natural hair and fibre; and the story is told using associations of metaphor-ideas, not narrative. The human mind and lateral-thinking imagination is in play. The date it was painted is 12 years after I first visited Wardaman land with Jo Flood and Pat Vinnicombe; 3 years after we went into Wardaman country with the Australian Rock Art Research group under Senior Elder Elsie Raymond; 6 years before I met Bill Harney while driving researcher Julie Drew; and 8 years before the Wardaman were able to return to their land. In 1991, after 30 years, they found their sites not too deteriorated, Imulun Law and Spirituals still present. Bill was ready for the 'bush university' Law which they prepare for their youngsters in today's modern age, deeming it lacking in accuracy, mercy, fairness, rehabilitation process, and restitution (in their opinion).

When I see this painting I envisage the Black Headed Python at the Flora or Victoria River, and maybe the beautiful Lacewing grasshopper-flyer which in its ancestral form may have been to do with Sky Boss Nardi. Not so! Bill Harney says: it's your imagination flying through Ngard-ya and all the Wardaman art, but its not Wardaman dreaming!

Lightning Figures appear within fairly naturalistic and stereotypical natural fauna and flora, suggesting to me a tropical environment: but I learned my lesson with my previous misinterpretation, so I now need the Imulun Law in his painting mapped out exclusively by Bill Harney; and now he himself (not me) will describe the Law, telling us his story. This means that, if he talks of the 'Council of Elders', this is Idumduma himself talking; and if he connects this to modern Australian Law, and the new ways in which Justice appears in a Circle Court, this is coming straight from his own mind, his own real life in memory and at present; and his story is therefore relevant to what is happening today – he reflects much *avant-garde* thinking in Aboriginal communities and councils of the Northern Territory, at least.

***There's the story in Yirrbirri: Imulun Law basic, how we think men and women, how we think about Marriage. These 2 Lightnings Jagagbula and Jabarinji showing that you must never take, never remove 'nother man's wife or husband - if you do, it's Trouble! watch out, done wrong? don't do it! - or find yourself in the Imulun Place, under Imulun Law. Red Kangaroo (you see his footprints there) once put the ceremony marks on you - big mob of people, there's the ovals - well, that's it, you get punishment - that's with us, the Spirituals Law Marker works! Means you can get proper again in Imulun: done wrong? get yourself right, do it right.***

So this painting has the Creation Story background, and the 2 famous Lightning Brother children of the Creation Spirituals are the major figures in this Moon Story. Taking someone else's spouse gets you harsh punishment, but life must go on with some harmony, so means must be found for a guilty party to return into the community as a full person – for everyone's good. Therefore, all taint has gone after the punishment has been worked. It's real restitution but means that re-education must be successful, so that you're cleared to resume your life. Then the community goes back to normal.

It was actually a hard, clear Law. The Wardaman natural environment of its Creation Beings with their Law meant the Imulun Place would see the Law System working on the case. We know (in the story, not real life) there is going to be a killing: adulterous Moon must be punished. But after perusal of the case within the community, Moon does in fact have restitution: it is managed that 're-birth' after three days of disappearance in the Punishment Place allows him to carry out the 'paying-back' to the community that the Law demands. In this way, valuable resources are not lost, the wrong-doer's better mind is nourished, and all is well (without a vengeful jailbird mad at a stigma that may well destroy other's life, as well as his own). This 'Clearance' is something very, very important in this Law; and marks a significant difference between Aboriginal culture, and white Law which has no way of making this 'utterly fresh start' happen.

In the naive representations in *Yirrbirri* the Creators transform the land, specifically the billabong where the special trees grow, and we see their Mud Law in the Ceremonial Board, the four parts of Women's Mudu Law residing in their Place, the BinjaWinja that is carried on the neck, and the Dilly-bag that (very importantly) carries the special items that will give you Clearance. The picture means that the Law is just, and that after punishment and reeducation/rehabilitation, you are cleared to be a normal person again.

***That was Yirrbirri! Now the big painting I did for the Tasmanians! This is rather different. Imulun's story tells how Wardaman Law works in the practical way. Read it as I tell it, and you see it's got everything in it, like the other one - the Spirituals, all the discipline, people, the lot! Moon's Law, Emu's - but you can't see them except in your mind! That's it! remember the Great Spiritual Lightnings, they're all there, made it all.***



*Wuna Elders: Lily.Ginjina with Julie Drew.*



[Caption to go here.](#)

Ancient Law radiates within the ancient art, and resonates within the Aboriginal world today. As we have seen, Wardaman art is immersed in the rock shelters of the Victoria River region. Spirituals provide Law-culture: their Shadows Earth Mother, Rainbow, Sky Boss, Cosmic Emu, and the Lightning Children such as Moon, inform the art, land, culture and Ancestral Law. Bill paints this Law with these unseen (non-reified but enstoried) Spiritual Presences present, symbolised at times by historic totemic Wuna Elders bound to them. The Old Wuna are the Tradition in the community, represented by their successors, the Barunga Elders today. The Spirituals – always present 'transforming in the spiritual way' – provide inner and outer normal-life human worlds with Law, and shadow cultic secrets of the Tradition. The particular rock art figures, unreified because their continual cosmic transformations provide only glimpsed 'Shadow' suggestions for humans to see in this world (and in today's art), remain bed-rock culture as well as metaphored Presence. Living in this culture, these successful visceral Gestalten are Spiritual Presences experienced within visually recognisable shadow-signs that occur in every day and night cosmic life; and they channel the story-telling culture, filling it with heart-reasoned memory and brain-reasoned metaphor-Gestalten, amid the full human theatre of music, dance, ceremony, art and poetry. So the Cosmic Spiritual Presences are existentially present in mind's-eye forms day-by-day and night-by-night, providing a frail and not imperial human glimpsed-recognition of pen-ultimate Mystery in an experienced cosmos.



*You see the story in the painting? quite clear even if you can't see it! Ha! Yeah? Well, you can't see the Spirituals in my Imulun? That's your problem!*

*Thing is, when we needed our land back, we had to show them what our land was, where it was: so I showed them the sites. Now we keep going to stop us staying still with all the court and problems, so I've painted the Imulun to show what we do to make our land real, and that's to make our people real, the young right.*

Humour underlines Aboriginal art. Expressing more than straight narrative, it sees the blind viewer is naive, at least to begin with. All over Australia, complex dimensions of thought pervade the ancient traditional material. So, in these Law paintings, we are not surprised to find many underlying arenas of mind and description that surround and inform the ancient Law, such as:-

- **geographical** locations/sites in bush country: Willaroo, Menggen-Innesvale, Delamere;
- **Spiritual Presences** in country, where laws and people live within concrete thought, in a consciousness fecund with metaphorical imagination modelling for real survival;
- **cultural** laws from Rain (Water Reality), Frog lady (Creative Fertility), Sky Boss (Cosmos) who bring human life-rules for surviving here-and-now in totally natural environment;
- **practical** ceremonials and rituals that imbue Wardaman Justice System Tradition with due process, standards, concepts, symbols, persons, places, duties that show real-time intelligent process and historic story with memorable accuracy and goodness;
- **legal:** the whole Justice System, Ritual and the Skin world.
- **artistic** symbols of real happenings depicted by directly-observed picture, emblem and model that show practical functioning of Law factors, procedures, actors, personal events, and possibilities simplified from social, legal, religious and spiritual data;
- **inspirational** and artistic memory-dreaming with events and processes not placed in time or sequence, but composed as if modelling direct existential possibilities;
- **aesthetic** morality with search-image method-in-media allowing beauty, goodness, order, generosity to symbolise pictorially straight mind, clear Law, proper life;
- **moral** concrete realities of desire, purpose, outcome, limitation that a world of fair sense and normal sensibility depicts through events-with-consequences that test reality.



*Imulun* painted by Bill Idumduma Harney in Hobart 2006.

Bill Harney's Imulun painting is a cognitive and didactic personal narrative positioned within expressionist-naive abstract. It is not a pointed argument gathered to elucidate theory-laden data, ordered and progressed by thought-of/straight-line reasoning. This avoids reified concepts, false historicism, claims of abstract logic, and laws purporting comprehensive and actual Legal Truth. Its world is personal and Spiritual, keeping to the local-personal world of human community, and not positioned in the impersonal, urban worlds of imperial ideology, and the *blik* of an elite cultural class, power-group or people.

***This painting is my Imulun Law story!***

*I'll tell you a story! It was a boy and a girl - like in a film! - they wanted one another but they were wrong skin. It's not your moral thing - we all fall in love, have these feelings, longings - but we've got this education system, this skin health-and-welfare system, and we make sure we've got children coming when you're the right age, you can care for them, feed them.*

*Well. This boy had been through the growing-up initiation years, and he was to marry - when he'd grown up - the old lady who'd lost her husband, who needed help getting food, all that. Now, if he went off with this girl the old lady wouldn't have her new mate looking after her, keeping her right. The other side, he would be learning her wise stuff when his mind was good and young, and all the Law she had, that separate Women's Law: you see, he couldn't learn it later with the other Women Elders, 'cos he'd be too senior. So, young married, he'd listen, learn with respect; it's the proper close opportunity to learn it - he'd get the full undertanding, he'd know it well.*

*Same with young girl: without this old man, she'd never know the Men's way, all the Law he'd have been doing his life; and she'd have the old man before her children could come (he's too old for that, couldn't get it up, we'd say!). That way make sure children have a fit man to grow 'em up - she marries after he's gone, you' see it's our Birth Control!*

*Well, girl'd been doing education with her aunties, but she slipped off down the water to meet the boy ... she was seen, this was trouble! meant Law was going to get them both - both done wrong, meant to be separate, learning right.*

*First the Men Elders went off to Imulun: the boy'd been brought there - poor fellow! - they had him tell his story. They discuss it, make the ruling: Kanin Law Man took him away. Separate from his family, in custody you say: going to get Imulun Law poured over him like a floodwater - clean him up proper, he'd know the Law in a month or two!*

1. There was no stoning or burning to death for sexual law-breaking, as occurs even today in some non-Aboriginal cultures, for this type of extended or tribal family problem. In China severe penalties have been incurred if marriage or children are outwith the local cadre's approval/permission; and breaking betrothal, marriage or paternity laws in certain religious groups in central Europe, Middle East, Africa, Asia and elsewhere result in anger, violence and death. Australian Law refuses legitimacy to bigamy, and can seemingly without investigation administer the breaking of Family Law Court Orders with impersonal violence, indeed ferocity. But sexual intimacy outside marriage is not penalised by such legal violence, and Aboriginal Law likewise. The breaking of the Promised Marriage Law by 2 youngsters continuing into long-term sexual companionship could release severe penalties (as happens in the above story), and the Garwadi Board could be used to sing a miscreant to a proper 'paying-back', or even to death. Especially, the boy taking the girl from the old person was the boy's mind thinking only of the girl, which meant that it was taken as a fatal threat to the community's survival in its proper culture. But even here (continued next page)



*The Law Women - her mother was one of the Elders - took the girl to one of their Imulun Law places. They start giving her next part education, made her remember the Skins, then the way she'd look after the old man; and how to know him close, learn everything to understand the men - ready for her own family, when the time come.*

*Well, the Elders Council - always men and women together - meet in their special place, thought about it more, arranged for the boy and the girl to front of them separately. Facts were found - the Elders knew them well in their families through the education years. Verdicts were given, proper processes and procedures put under way. Each of the wrongdoers then put under Dingaree Law - carried out separately - the boy under the Men Elders, they're responsible, control it, all that; and the girl'd be under the Law Women - carry out all that. So: you see discipline arranged for each of them, separate and proper appropriate, carried out by the Kanin Law Men and the Kanin Law Women, all in the right places, all with right timings, all done for right reasons, all in the right way. So those 2 got the right things - more proper education, under the discipline - go proper now !*

*In the painting you see the 2 miscreants doing education in detention, learning proper rules. Then, if all's OK, they're cleared! Maybe one day their 'promised' partner dies - all older than them - they can marry each other if their Skin allows it. Some exception to our rules, so we get new blood in, if we want. But these young ones, if our Law rules and threats is not taken seriously by one or other or both - if they couple again wrongly, say - there'll be Big Trouble, could be bad for them, exile out to somewhere, another community for years, maybe?*

*Where does it, all this Law come from? What you see in the centre of the painting - top and bottom - tells the story. In Imulun Law you have the Spirituals at the top, their Barunga descendents here - they're the old Wuma.*

*(continued from previous page)*

any punishment was not meeting vicious demands from an anti-sexual morality, nor a law of chastity. First Fleet written-law hangings or modern Kangaroo-Court decisions-without-evidence were not Spiritual Law or reasoned law in a Wardaman perspective, where human actualities are individual and personal, not statistical; and emotion driving law is anti-survival. On the contrary, the great Creator Ancestora in Wsardaman dreaming made a Law System that is equitable and respectful, personal and creative in spirit and action – and Nardi smiles with happiness when his Law for Living Creation is well respected and carried out properly. This Sky Boss part of Aboriginal Dreaming reflects the night sky cosmos, the Milky Way that the Middle East used to see at night in Old Testament times, and before that at Ugarit 2000 BC. Today, the 28,000 year Precession of the Equinoxes has taken the Southern Cross and the Milky Way far to the south of the Equator, but the Mediterranean peoples used to see what north Australia sees today. In those days, the Middle Eastern group of 'gods' (including Baal and Yahweh-Jehovah) would have been surmised in the gas-dust black-spaces 'shadows of the very same black-space dust-nebulae where Nardi the Sky Boss, Earth Mother Froglady Dungdung, and Rain-Rainbow's 'skin' of Blackheaded Python, appear in Bill Harney's direct-observation astronomy (as in *Dark Sparklers*: see also David Ulansay *Mithraic Origins*).

*There the Law Story: its two parts Male/Female, show the whole Imulun Law. Imulun painting? down below, middle, it all happening! boy, girl, you see they're brought to the Council, big Imulun meeting, Elders . Brought to answer questions, got to have truth. They well known to the Elders, brought up by them. It's all old Aboriginal people's way. Respect the Truth, tell it always, your language. Spirituals: Wuna know you old Wardaman way!*

*It's that, our education's been, respect how the old Barunga feel, what they know. Respect their family, those Elders cared for them always. Respect the Spirituals, the Tradition, all its stories, Totemic Ancestors with their Law - they full there in the art, see! - that Mud-Law Lorda, they made it - so learn the old way.*

*So the boy and the girl will live their proper life: they've done wrong but it's over! Separate, they get their Marriage to the old one, probably; get living again. The community strong again now, all sorted out. The Spirituals happy again, Cosмосcape happy - my word 'Cosmoscape', that happy, all of it! We've got the land happy then, the people happy, all the country happy; and that's the Law and that's the painting! Yes, that Nardi's smiling - that's Sky Boss! Like the Dreaming, we're here and we're happy. That Dream Time Law, like you say "it's a new day!"... that's now, good for all of us, put it right!*

*So. The boy can be a Man, the girl can be a Woman, all with things done right. Customs in our big family, done good, long-term, that's how we survive - keep our Law. So this book's for you all, my painting's Imulun; it's our strong Crowned Law I paint, say to black and white together: "Bring It Back! it's good, for both, do you good!"*

*(continued from previous page)*

Perhaps they were seen as non-reified entities – 'shadows' in those days – as Wardamen see them today. So the inaccurate attachment of the Greek word 'theos' 'god' to Aboriginal Dreaming figures would be a well-meaning attempt, but inadequate to the reality. Already (in the 1840s) the early Greek philosophies where 'one story' was to explain 'the mathematical cosmos' (and which melded with the 'One God' theologies of Judaism, Christianity and Islam in concept) was coming unstuck with the emerging sciences of the Enlightenment. There had been a deterioration (in these later religions) into non-scientific reified projections from metaphor, perhaps following deteriorations from the artistic metaphor of the set of concepts in the pre-Athene Demeter. The original Roman totemic pillar-stele acknowledged natural forces without philosophising them into 'gods' or a 'God', and after Socrates the Athenian reifications of metaphors into all-embracing philosophical systems were false trails intellectually speaking, and very destructive to deeper understanding. We need to beware such simplifications when we approach Aboriginal spirituality: Wardaman keep much of this hidden today because western baggage lead to destruction, in their experience.

## The central section of Imulun: Visual law

***What you see in the centre of Imulun's Spirituals at the top with their Barunga descendents, Law Story's two parts - male and female - making the Whole, down below; middle the really-Law events, boy and girl brought to the Council of Elders - put right by proper teaching, boarding-school detention, say! They have to answer questions the Aboriginal way: respect the truth, tell it always; be sensible, those Elders known you always, everything in the family! Getting education, it's the Spiritual; an' those Elders, they cared for 'em forever. Respect the old Barunga, that's it. Respect the Spiritual. Stories, Law in the life, art, culture.***

This painting is on many levels. The top part goes like this:- ritual/ceremonial Law items; decorations; Spiritual and Law symbols, and people; practical Law measures. The next row down sees the introduction of Law and ritual places, with their participant people in the geographical features. Throughout, you see the message-stick fingers calling you to Law. The Spirituals symbols reiterate their Presences. The much-feared BinjaWinja brings the people to Imulun, (and will punish failures to obey the Imulun Law). In the centre below is the symbolic, practical ritual object Lorda, the Spiritual Mud-Law Law story where direct visual information is communicated by a representation of Imulun that brings the social reality of the separate integrities of Men's Law and Women's Law to religious integrity.

The Spirituals present in story and lived-in cult present their story: the Crown of the Law – Bill's word 'Crown' is Old Empire memory of his imperial earlier years with white homesteads surrounding the community – is visually expressed in the ceremonial decorated item that the totemic ancestor brings to life today. This portion – Spirituals, Law Board, Ceremony, Threat and the Two Crowned Mud Laws – has behind them in practice the organisers, management, geographical locations and ritual tradition that are the inner Aboriginal Law.

Five major realities of Wardaman Law are central: the two parts of Lorda Mud Ball (Male and Female Law) made by Belligan; the Spirituals Cosmic Emu and Red Kangaroo (in symbol); and the two top Law ideas centre on Wardaman land, the Imulun Place itself and the Dingaree Learning place. The Lorda figure is the engraved Buran Law Boomerang that demands Absolute Silence; and above that, the Initiation Ceremony with the Two Little Boys in the Design Place depicts them – on the special flat Coolamon – talking/listening with the Law Men.

Strictly speaking, Law paintings, like Minunga lines, are not decipherable by the non-initiate: museums and government researchers are stymied because, in Aboriginal thinking, outsiders are deemed 'blind' until (perhaps) they are ready, allowed to see. For the initiate, it's a straightforward matter of being called directly: "Pay Attention to the Word! Listen!"; so marks on rock, stone and body keep the Original First Imulun Law in motion, and make sure every Wardaman generation knows their land of cultural, spiritual and biological birth.

## Cultic reality: real life permeating spiritual culture

The Beginning of the Justice Hearings. Ritual body paint and decorations, ceremonial items, and rhythmic music and song set the scene for the theatre of the Men Elders' and Women Elders' in their Court sessions.

### **The End-Game of the Law processes = Clearance!**

After Dingaree discipline is completed, the final Court Hearing takes place, and if the Education has been successful, the Feather emblem is worn in public. Everyone now knows that Restitution is now present. No stigma remains Community wholeness is now fully restored.



*Open in the community (above). the situation is sternly accountable to the Spirituals, the families, the individual focus-person, and the extended family..*



*Ritual decoration and Meaning in the System of Justice operating within the Spiritual Law of the Wardaman. Here the ealiwan is wprd by the person the ritual is focused on.*

Photoss: Ann Cairns



*Justice is recognised; and processes mean meetings of authorities and individuals for clear purposes and under Threat. The ideal is an eirenic ending that includes punishment, education and restoration to the community.*

Realities of spiritual world: sex-love constraints must be obeyed

***So the young boy got hot for the young girl and forgot he was promised to the old lady! But this Wuna Law must be obeyed because it's good. The boy'd been travelling the Men's Way, now he'd learn through the old woman; and the girl'd now know what women know of men before her children came, but she'd to wait although - see - her old widower man'd be too old for that, couldn't get it up! Now, the Imulun way, that way - old marrying young, young old - we make sure children have the fit man grow them up (you'd call it our Birth Control); and that's part of our education, the First Marriage it's discipline, by order of our Law.***

Sky Boss Nardi brought his Bag of Songs, and with Cosmic Rain, Cosmic Emu and Earthmother, has the Spirituals' Creation Story fill the world with the Mud Law. Its consequences must be obeyed: so, as this law-and-order survival-point of original Aboriginal community stands – albeit reduced at the moment by the post-1788 urban-industrial State-civilisation – and the Wardaman Law in Mundunya emblem (*previous page*) continues to instruct. In that motif, surrounding the decorated ceremonial garb, are the Buran Boomerangs calling for Silence in Learning and Ritual. The Initiation Marben marks (including Waling Initiation cuts) call for authorised people only to be present in the Law Place. The Boraja Dreamings's Lorda (Belkin) mud-balls are to be held along the arms for action. The wig-like Forehead Band Gumunduga calls out "Silence!"; and with the Buran Boomerang, the central-vertical Mundunya ceremony rules the figure, with the long flat Law Stick firming the thigh of the Ancestral Wuna. Profoundly symbolic, and massive in practice, this decoration is the cultic-reality celebration of active Law, and ultimate concern – central to Idumduma's action-world of practical Law enforcement. Now, in practice, immediate law (*left*) includes marks burned by hot coals to show that the proper rights for the 'young-to-old marriage' have been earned, and (*right*) the two parties (families) are in Imulun to discuss First Marriage, the necessity for the young to learn how to live properly, looking after children, and to be of cultural value to their children and future generations, following their predecessors.



*On the left are The Bone People, the Ancients, the Wuna, who are now represented in the ceremony in place in the Wuna Elders who have this motif emblazoned on their chest (men and women). They are the Custodians of the Ancient Tradition.*

*Lessons taught in the Initiation schooling system show Law as a Special Ceremonial World. Many cultures have thoughtfully-arranged symbols of Marriage, and (right) these motifs are teaching aids for initiation education (many people listening). The 4 wheals of burned, raised skin mean that, if there are children, this older initiated partner will know how to care properly for them, look after them properly, and provide for them. But other meanings underly the details of this image.*

First Marriage: The Garni Place Baradi had taught this

***This girl'd been taught Skin Marriage and would know. They'd been at Baradi in those days: now she'd be back there, being told again, in trouble big-time now, once the processes of Law'd got going.***

Law is taught for the Survival of the proper family and the whole people, together. This boy had received 8 years of organised education by the Elders (this First Marriage was normally around the age of sixteen); and the series of cicatrice-weals tell his cultural stage and story – information conveyed in the normal way, in practice according to the Law both in these personal body marks, and in the marks etched into the ceremonial boomerangs by the Spirituals, followed (in our own life now) by the Totemic Elders.

Initiation Processes always need to be carefully planned: each of the four-year schedule of ceremonies means careful preparation and skill. The ceremonial world is all-engrossing: the message here (*below left*) relates to stone-field and quarrying places, the physical environment for flints necessary for the Creation Story's Marben skin-cuttings and circumcision. Then at Initiation the Waling Boy has deep cuts inscribed so that his visible skin-decoration tells the story of his education, placing him in the tribal historical sequence and authority-structure. But most visible at Initiation, above the Ginan Dilly-bag and showing you are ready to marry is the Barunga people's emblem assuring the community that 'All is Right'. But if he has broken the Law, this hangs round his neck until he gains his Clearance.



*The stone quarry site (left) used for ceremony is represented here by engravings etched on the wooden Board which shows a group sitting down, all day, learning rules with the Law Board expressing what they can do and cannot do, and the ceremonial rituals of stone-cutting. The Darmun Armband (right) like the forehead band is worn by the boy: it shows him being taught-under-discipline after breaking the Law – 'the particular Punishment' that is 'Learning in Silence'. Initiation burn marks and tools, plus the symbols of Law-breaking and musical instruments aiding the singing, show Detention time for these youngsters ro be big education.*

## The Imulun Place: first hearings of the problem

***The girl'd been doing her education with the Elders - she'd know some of these aunties. But when she slipped off down by the water to meet the boy, she was seen - that was trouble! Law was going to get them both! Soon get investigated at Baradi - Old Ladies too find it out at Mudu Baradi, or with the men: first, find out.***

Spirituals, Law Board, Ceremony, Threat, Two Mud Laws – these practical, organisational, management, geographical, and spiritual emblems summarise the Aboriginal Law operated in living practice and memory by totemic-descendant men and women Wuna Elders. In the Council of Elders the Imulun Place 'Court House' is symbolised in 'the Old Bone people', and today's Wuna Elders adjust/develop with the young Barunga Elders the old rules so they work with present Wardaman life. Now (*below*) they all decide to meet in the Imulun Place, and the Irbung people stand around, as the Torbu sit to decide the Law. This case revolving round Traditional Marriage, the two parties are present, the white rectangles (at the top of the main Imulun picture) being the affected (innocent or guilty) persons. Proper-Skin Elders and extended families of the boy and girl need the Imulun Law's decision-making to decide who is to marry whom: then, to bring the right people messages are sent to all involved by process of Message-sticks and Ceremonial Boards carrying tribe/clan-specific markings only understandable to men and women versed in the particular codes of their Law-education years. Clues given out by the messenger are duly appropriated by the receiver. The Betrothal of the Young Man to the Old Widowed Lady accords with the Law sung by the Original: but appropriate ceremonial setting is not for the Marriage itself: this 'arch' comes after his Initiation, and is not be consummated during this present period. This Law, once given, is not to be broken: the Buwaraga Spirituals' Dreaming is paramount.



*The girl at the Women's Imulun Law Place may find the centrally positioned Women Elders in a pattern that mimics the Pleiades Young People constellation: it is in this Men's Court too, but in both cases this positioning seems coincidental. The Imulun Place's Court Rooms operate in practice with theatre directions that may be viewed as analogous to formal Law meetings in many of the world's legal traditions, including those of Britain and Australia. Decoration and Dress authenticate Authority and Power; and Seat Positions and the Location in Court of Parliament's personnel (adversarial, dialogical or defending) give clues as to where Powers resides. 'Above Ground' may mean 'Beyond Reproach'; and 'Boxed in' may mean "Under Attack' as witness or Accused. Here the Pleiades pattern means at least the Law Elder and 2 Accused, each with Defence. Girls and boys learn in their Dingaree Law Places. They re-learn Law intensively. Today the lesson might be: 'having no manners makes you a menace', 'if drive without manners is driving dangerously', 'don't drive carelessly. Re-training is 'punishment' in Imulun and Mudu Places.*

## Investigation at the Baradi Place: the facts of the case

***So what's the Imulun Law Meeting about? what's the problem? This boy'd been through the growing-up initiation years with the Elders, and all the families agreed: grown up he was to marry the old lady who'd lost her husband w'd need help getting food, all that. But he was hot for this girl, and if he went off with her, the old lady wouldn't have her new mate looking after her, keeping her right. Other side, too, he wouldn't be learning the old wise stuff and the Law she had, Women's Law - same with the girl, without the promised old man, she'd not know Men's Law.***

The boy and the girl have been seen/found together in sexual embrace of some sort. The messages have gone out to the close family, and now these two families meet to discuss the situation. They meet in the Baradi Place – the general meeting place used, for instance, for the more general corroborees and the trading gatherings that occur throughout the normal year. This special meeting is quite informal, and the intention is to find out and corroborate the details of the events alleged, analyse the Skin relationships of the two people, reiterate the Marriage Laws that govern survival according to the Imulun Law and its Spiritual Tradition, and - if decided – begin processes to start Law Court Proceedings at the Imulun Place. Notices will be sent out to the Ancestral Elders involved as Law Men for the main Hearings, with the formal Committal necessary for the case to go to trial. The couple are completely separated now; and under discipline, must wear the special Bail garb that conveys the toughness of Law, and places the originators of the Buwaraga Dreaming Law formally into the young man's (and young woman's) inner mind and person and conscience. Those Spiritual Presences that are sung, totemically identified in the theatre of Wardaman Law, and present spiritually in this cultic Law reality, are demanding adherence to the Tradition even in the body-paint itself that he is now wearing. The boy is a primary actor in what is, now, a cosmic drama of today.



*This is the Men's and Women's Law together in the main teaching place, Mardu. Lots of good teaching – learning songs, making necessities – under the Kanin Law Men and Women, inculcates respect for Elders and Teachers. The central figure is the flat wood Board with the Law design of carved, engraved Minunga. Family members (oblong forms) sit round, fully present in the proceedings. Big Law Men (symbolised by large boomerang shapes) are the tough 'gate'-men (top and bottom); and (this side) the Defence barristers (longer oblong shapes) sit in the inner circle next to family (to their left). The Prosecution Law Men are the 3 large boomerangs (to the right), and the Judges include the round (red and white) circles (main painting, lower right). They are associated in the Law Board with the original Law Men and Women (central portion); and all these players are surrounded by the Imulun Traditional Law. It is a solemn matter: but the music and art and movement and talk keeps it all real, and human.*

**Bill Harney's (1930s) picture of Life according to the Law.**

**Respect for women, visitors and crowds especially. No Swearing. No Staring. Don't smash anything or anybody. Don't Break-in. Don't Steal. Don't Break Any White Man's Gear, Tools, Place.**

**If you do any of this – or other things happen, like an accident, or people getting hurt in an accident, or something else – you're likely to find yourself in the Imulun Law Place, and you'll get punishment, learning or something else.**

Here Bill Harney uses the word 'punishment' in his own way, and it means (as well as the Place where it is uncomfortable):

**Punishment is the disciplining control of the person doing wrong, for the purpose of restitution.**

So if you break the Law – as in the present story – the Kanin Law Man will bring you to Imulun, for:

**Talk, Consequences and Learning.**

If found in the wrong by the Elders in Discussion, Investigation, Proceedings, and Sentence, then physical punishment follows: you will walk around in special, recognisable, decoration (body and gear) for 5 or 6 moons, taking in Law to which you must in future conform. After this, you are completely free, but you must not do mischief again.

**The Alternative is Exile.**

Special Recognisable Decoration' is portrayed throughout the Imulun painting. In the 'Restoration' part of the 'Punishment' regime routine, the Binja.Winja necklace is twisted like rope to become reminiscent of the maritime mattelot sailor name-tags used by whites to show identity. The Marben raised-skin wheals, inscribed in the ceremonies, show identity also, in relation to the practices of Law, and the degree of Authority present. The Threat weapon, in presenting a final (normally symbolic) discipline, allows an Aboriginal Elder instant personal recognition, and totemic responsibility; and, underlined by large, deep scars in the Law Mens' torsos, the Elder's stage of Initiation-Education is known immediately, and special status displayed. All the group in the Justice System are therefore openly perceived with their Authority; and the community's 'law-and-order' reality sparkles with this recognition. In the painting, the Fearsome Objects are making Law solid and unbreakable. The JinJin Boning Tool with large Marben ridge-cuts underneath (Buderoo to their left) enhance 'Threat' in the Here-and-Now; and the powerful Burunga people are recognised with their Authority, with that Binja.Winja.

*Everyday thing, 'boys and girls' problem! Now, look at the Crown Law - emblem, you say - front of this book: this bloke's holding the tough Law - all solid Law - carrying the 2 Law rocks Mud Law - they're equal, but only the men can carry 'em - Nardi's Law for men, Dungdung's for women, both strong Law. Well, that's the Law's Spiritual from the Spirituals, and this man's wearing it - see the Ceremonial Board Boraga's flat wood's strapped to his leg, and the Law stick? over his head's Buran Boomerang, it's decorated with Law, in his hands the rock-stones - picture's full of Law like a parson! Boy and Girl problem? our Law good at fixing!*

Bill Harney's practical song-story begins with the Strong Crowned Law emblem. But Women's Law will put it differently (Women's Law Mud Ball having Frog lady not Sky Boss calling it out). The Spiritual Wuna Old Bone Elders and today's Barunga Elders present to the community the chest decoration, scarification, proper standing/seating locations, and the various message-calls –like 'come to the ceremony!' symbolised by the bird-feet figures. The basic '2 Equal Sexes' feature of this Wardaman society was the First Law of Sky Boss who sang the Ceremonial Board into existence, so that its two Laws are held together as dual parts of the whole. Neither Men's Law nor Women's Law is to be broken: breaking one means breaking the whole – so Watch Out!

All this goes back to the Creation Story and the 2 Mud-Rod Law contents of the distinct sets of concepts of the Men and the Women. The form of this painting is able to symbolise enough of the Tradition to give us hints as to its inner meanings: but in this one 'Crowned Law' emblem-symbol the Old Story's Mud-Law images are joined by the 2 (tjuringa-like) Ceremonial Boards showing us the intellectual reflections and planning occurring, and the practical work of Hair Belt production with the Boomerang-looking group of Elders looking on. As I attempt (below) to give understandings of this painting, remember that the repetitions reflect the images' multiple levels.



*The Waliwun Hair Belt (human hair and Gidditch quail fluff) is the ceremony apparel/uniform you wear after the Sentence and during your punishment. Now this Belpin Law's 2 Lorda hang down from the Chest Board (these Mud-Law rocks are inscribed with the Spiritual Minunga engravings) but they all stem physically as well as metaphorically from the Ceremonial Board at the base which, if the picture is turned upside down, becomes – and is in ritual fact when it 'stands' on the Law Man's fully decorated (Spiritual) body – 'The Crown' of the Imulun. This Mundunya emblem' (in my view) has – in its position here in the painting – the Broken Law Message emu foot and birds' feet messages; people (dots); body community status (scarification lines); and other main symbols of this whole story to cement its Full Imulun authority: the Buran Ceremonial Boomerang (curves); Gumindaga Forehead Band; Ceremonial Clapsticks (top); and Law Stick (vertical). This is the complete Ceremonial Board of the Imulun Law.*

## Rock solid tradition: Wuna and Barunga Elders

**Law's got Ceremony: same in Court, special ones, decorated emu, pattern all over, deep Law, 'Cosmic Emu' you say! We say ritual work in Spiritual, mean like blood of the old emu they've hunted - fixes feathers - stick on the body of the Elder, see? decoration ritual in the art, look, Marben cuts by Red Kangaroo, Big Law Time - all spreads out, decoration, meeting, what happens, Watch Out Shout! I painted it: we get planning, sending messages, collecting make-up, painting in our mind - body needs ochres, paintings too! Months ahead: planning big ones, not everyone paint, got be right Skin, proper Totem, good at it, best man for job!**

Today's Barunga Elders are descended totemically from the Wuna Old Bone People, and their design like a bone represents Old Law Men with their Ceremonial Board and its symbolic Minunga-etched language. The Law of Tradition is basic to action today: Minunga engraved markings in the (red ochre) Emu Foot, when received by hand and understood, give details of practical Law involved, and the location, personnel and type of the ceremonial event. The actual management of the regular Law and ceremonial details in the extended family/clan/tribal communities over vast areas of country, is a matter of considerable thought, planning and hard work.

Without government education properly financed, with little desire for indigenous participation in society, their work and management expertise has seldom been utilised. In 2010 there are Aboriginal lawyers, businessmen, medics, sports, arts, trades people, cultural and business professionals who include men and women of high profile demonstrating the non-utilisation of Aboriginal intellectual and practical gifts, and spiritual morality, has been a harmful loss of human resources in Australia, mainly due historically to fear and mainstream white Australia's desire for land/capital gain, violent method, and ignorance. The gifts of this culture do, however, remain.



Decoration in the Emu foot (left) codes ritual information; and the Law of the Old Bone People (right) is worn in front by the initiate to show the age-old traditions of the Dreaming. As they wear it, they are immersed in Law that is For Ever – it came directly from the Spiritualls. When we die, for instance, our bones are painted with red ochre and we become part of the earth's life-stream, to eventually be placed again via the stars by Rain-Rainbow, within Rock Cod's world of re-birthing, in the water-cosmic creek.



Now, THE THREAT. Law is serious all through life. If the boy tries to run away, this Special Gum wood has Warimi spikes stuck on with beeswax – 'sticks in the skin, make it numb, bring boys back quickly!' Then Congaberry bush medicine quickly prevents septic infection.

## Serious good tradition: Watch out!

**I remember it - Joe Jomorrnji, Gargarla, Pluto. Bulyan, Red Kangaroo. Story too of boy growing-up initiation, goin' marry grown-up old lady lost her husband - needs help get'n food. Boy went off this girl, so old lady wouldn't get her new mate looking out, keeping her right, an' boy not learn her wise-stuff Law, Women's Law. Well: Watch Out! we learned young, get listening, do right thing good - do wrong, get notched up! Big warning, nightmare really: but sing Law makes 'em go in line, march, toe the line! right place? listen what they've done, what they've got to do, how pay it back, put it right. Pay for it, do right, that's Pay-back!**

The young man and young woman were found wrong in Skin-Marriage Law, so he wore Special Loincloth Wandrool, and the Binja.Winja 'noose', at the Imulun Judgment Place; and the painted Darma armband shows the misdemeanour for all to see. Special Law Business is to proceed with disciplined learning, physical and mental punishment, at the various Law Places. But if the case has been dropped and they are found innocent, 'Clearance' will be given here-and now; otherwise, after the punishing Learning time. Freedom and restitution await, but the severe reality of Law and Law-breaking is real; and if they are innocent, the innocent mistake must be accepted by all, in normal intellectual and social integrity, because, evolved originally for sheer survival, the social reality of Law is necessary in every human society, to live properly. If the case remains, the overriding framework means visual symbols: sets of special costumes convey information, theatrical work records community adherence to Law. All see and feel it. The Badru emblem marks the miscreant neck with Boomerang Law – the Imulun Court found the Law broken. Into visual focus comes the 'accounting' symbol carved with long 'crossover' Dagalgan for a second offence like a married wife/husband 'dumping kids' – the extra-long set of notches. Serious Law-breaking calls for the realistic Law's Threat. The Darma armband records the community's knowledge of the broken Promise: dangerous behaviour.



1. Detention lead to Clearance, in Mooragin. After months under the hot sun with limited food and water if your Sentence is severe, the time will come when 'All is OK! and you are 'Clear''. But listen: 'Don't do it again!'
2. The Place to Think: Deeni. With 'Threat' permanently present, this Thinking-place is where you do not speak: you learn obedience:- you need it, it's Law. After you are 'Clear', then you will marry as per Tradition – 'free!' and this obedience is a (perfect) 'freedom (as in the white C.of E. church prayer).

### Decision = Law is broken – obey the Law!

The special circumstances informing this Imulun painting are matrimonial. Wuna-Barunga Men and Women Elders in the Imulun Place deal with after-marriage questions like 'Separation', through discussion by all parties. But, in this painting, a specific message – Warrangin – says that the Marriage Law has been broken during the 'Engagement' or 'Promised' phase. What is portrayed includes many meetings that take place to solve the problem in a reasoned process.

The Bulyan 'eagle-foot' message reiterates that the Boy must marry the Old Lady. The social fabric of the community demands it. Yu.dumdum Yo.bulyara Wedge-tail Eagle's is responsible to 'go get him': 'Go after the boy and girl, and arrange for them to front up to the Imulun Court according to the traditional processes.'

The young boy may not understand what is involved. Falling in love, wanting to be with the other, normal growing-up, in both sexes. Taken as natural in the Wardaman world, this 'young love' is not 'Tradition's Rule for Survival': adolescent 'teenage love-sex' cannot be these young people's First Marriage; it is illicit love. Brought back to social reality, they must marry according to Boraja Dreaming Law, first marrying 'The Old Lady' in the ceremonial Way given at Initiation. The 'Promise' of 'Bride' and 'Groom' was made public then, for it provides for the group's overall welfare for young and old.

With this 'Promise' reiterated, the boy is set to undergo 2 years more Law training, and will simply not be able to marry before circumcision and the Final Initiation ceremony. Therefore, now, at the Imulun and Mudu Places, these two young people will be channelled back into further Law training. The Ceremonial Stick positioned under the Hair Belt in the emblematic Madunya, the Ceremonial Law Board, asserts this as serious business: if they break the Law again, it really will be 'Big Trouble'.

In the painting story, they are found in time. The sequence of events depicted is, therefore, this: the Council of Wuna-Barunga Elders meets at the Imulun Place; if Justice finds them Guilty, further Education Under Discipline will begin; then, if they learn the Law Tradition better, properly now, Clearance is given. No legal, social, religious or psychological repercussion exists: they go back into full community without stigma, as if nothing had happened – but educated, now.

After this, it is Marriage to the Promised Old Lady or Old Man at the proper time. Then, when the Old One dies, Marriage by individual choice will take place, this time 'For Love', sexual comfort now included; and definitely with children in mind.

***At Baradi they decided what happened seems clear, looks like the couple broke the Law: their trial coming, they'll wear the gear of the accused - everyone knows them and knows they're guilty. But it takes a long time to get ready for big Law-trial ceremonies - the Trial! We contact other clans, invite them come, we use our message marks on sticks, send 'em off. Then I get the special make-up clay from that creek on Mount Hogarth, down under the mud; and the Elders must get organised, do their planning, whatever their Law - Song Man, Word Spiller, Crowd Control Man, Manager of all the Planning, all that needed, whatever it takes!***

When he was found and brought to the Baradi Imulun Place for the Preliminary Hearing, the miscreant boy would be told to wear the Ginan Dilly Bag on his front (below right), showing he's initiated – and also his bad situation ... he's going to Court soon. So it's a uniform for someone on Bail, letting the community know. (The girl, in the separate Women's Mudu Place, will be wearing the Women's Law special decorations). The boy involved wears this specific costume to show his trouble with Law, but it may be 'shaming' him while reporting the pending Law case to the public. The community, in the painting, is in full Law mode: 3 boomerangs threaten him, the Wedge-tail Eagle Law Men sit round him ('like crows in a tree'), and he wears the Binja.Winja round his neck (below left), and the Ginan over his chest. Made of straw-weed spun and twisted to form a rope-like material, the latter is reminiscent (to a westerner) of the seaman's or soldier's 'mattelot', which had on it a name-tag that allowed the officers to be specific in their orders, discipline and group work. The settlers/government put name-tag badges on particular Aboriginal men to be 'leaders' (for them) in similar vein: but these could also be derogatory captions presenting (eg. Bill's uncle) as 'King of the Wardaman' (which to the white man had a resonance of 'Jesus King of the Jews' .. a mockery, in code where 'the reality of our power is no King here but Me!' in place of Queen Victoria, or the State of South Australia, or our military and police (and my gun!).

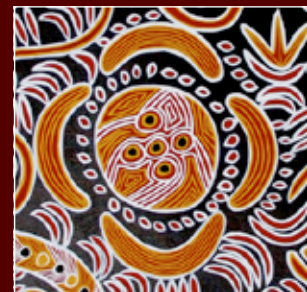


1. Dirgun will lead to Judgment, probably a Sentence. Law has been broken, Binja Winja has been pointed at the miscreant. Now the Gindi Boning Tool must be worn round the miscreant's neck, which means the Imulun is becoming dangerous. Breaking Law brings Threat – the Minunga Law carved on this pointed implement in minute lines calls you forth – on pain of death.
2. Specific Law broken (centre) is noted, recorded: you are tried on this record.
3. The Ginan Dilly Bag, carrying the Stone Axe (et.al.), is worn round the neck, its little Mardin messages informing everyone that trespassing against the Skin Marriage Law is alleged to have been taking place. It is a comprehensive symbol of the whole Imulun Law.

## Main Imulun Law Place: the Supreme Court as a physical site not necessarily painted

***Takes a long time, get ready for the big meetings and ceremonies: other clans, invite them to come, use our message marks on sticks. It's what the miscreants will be learning again, or properly, beginning to learn now! Anyway, I get the special make-up clay from that creek on Mount Hogarth, from under the mud. The Elders must get organised, the Song Man, the Word Spiller, Crowd Control Man, all that!***

The Imulun Law Place is the centre of Law and management for Wardaman, and the different types of messages issued from there include calls to the specific people involved for individual events, for instance, in relation to seasonal needs, and various types of information for specific cultural purposes. The information process begins with Formal Messages sent from Court Meetings to the correct parties; and in the Imulun painting, specific information is presented in artistic symbols that deal with normal and natural parts of life. Here, human problems are present: cultural and personal Law processes and conflicts, specific places and people are appointed for future events, and immediate action. Practical organisation needs Right People, Right Time, Right Place, Right Decoration, Right Song, Right Melody, Right Rhythm, Right Ritual, Right Ceremony, Here, to begin with, the Men Elders went off, found the boy waiting, and had him tell his story. The Kanin Law Man then took him, separate from his family, into custody, to get a first flood of the Law poured over him. The Elders Council then met in its place, arranged for the boy and girl to be put in front of them – separately – and the facts of the case were now discovered because the Elders knew them both well, their families too. With the verdict pronounced by means of this proper process under Spirituals' Law not secular oath) the Finding is there is a case to answer; and the youngsters are now in detention.



*This is Women's Law. In the central panel the Minunga tribal marks of the Old Initiated People surround the four main Elders and the miscreant girl (centre). The large lozenge shapes are old Law people with the young sitting in front.*

*The message went out. The accused is in place with the Wuna-Barunga Elders. The Extended Family is here. Ceremonial Boomerang, Songstick, Full Law Buran, Initiate Scars, and Cicatriced Painted Elders now surround the accused.*

*This is Law process in the Mudu Imulun Place for a Law meeting held after the Preliminary Hearing (in Baradi). The pattern of central-position Elders mimics Southern Cross stars not the Pleiades, so a full astronomical hypothesis is untenable. But the Milky Way area is special for ceremonial practice, with Earth Mother and Sky Boss shadow 'Presences' in place with their luminous figures in the dust-nebulae particularly visible at particular times of year.*

## Formality of theatre in the Imulun court

***They'll learn decoration, pretty ones, plenty of work in them - days and days finding the proper ochres, clays, making the fibre strings, painting the paperbark, all that beautiful! See the ladies all dressed up like Dungdung Merrerrebina! I'll show you the decoration - family designs, your own totem, the different people; so I'm painting the outside, see! - all beaut dance and singing, ceremony, different every day too. We like it like what we'd be wearing! It's theatre, all go! and it's special to be in the Law place for Law.***

When the young girl has joined again into the family in the Traditional Law, she will be expert, from her detention-education, in the painterly and sculptural arts, ready for ceremony. Below are boy's decorations; but elsewhere in this painting there are many beautiful examples of the women's skills, and those of the men, in personal decoration. The Threat symbol and the normal Dingaree disciplines demanded by the Kanin personnel have been of educative value to the tribe; and to her personal life. Before her Marriage after the initiation years, her skills in dance, story and the needs of companionship love will have thrived, and her place in the community will always be firm because it is always known by the women Elders exactly what she will have learned.

In the painting the differences in style and content of the decorated accoutrements will be clear if studied, but the meanings that their details convey will only be known to any of us if Wardaman people (including Bill Harney the painter) wish them to be divulged. This has not always been the case when I have asked him, and it is clear sometimes that he will tell the painting's story in different ways and at other levels than I have expected.



*Left: The Waliwun Hair Belt worn round the waist. With this you are walking around straightforwardly, 'not getting out of hand', respecting people and never stealing, wrecking, or abusing anybody or anything.*

*Middle and right: The Women's Walbun Loin Cloth worn when learning under initiation discipline, or when being punished.*



Silence in court: Full dress theatre; circle conversation in education

***Imulun! it's all ready to go! we're dressed up, good atmosphere, you've done it! The Law Court's all ready. Those Wuna Women and Men Elders've all been talking, doing the thinking, trying to get it right: now it's the Decision. The Big Imulun and Mudu court proceedings are going to finish: that couple, they've done it, they're guilty! so that's Dingaree Law now coming for them - Silence and Education, that's it - hard punishment's meaning hard learning, and with that Kanin's in charge, that's a good, hard life for them!***

After the Imulun Court Finding of Guilty. Now proper processes are to be followed. Both of the youngsters will serve under the serious Dingaree Law carried out separately, the boy under control of Men, the girl under the control of Women. That way, the proper discipline's arranged for each, to be carried out by Dingaree Law Teaching Elders, with Kanin Law Men and Kanin Law Women keeping all of them in place. They will be learning respect from all this; and respect for the Justice System that does not destroy them, but educates.

The result of the Judgment, in the longer view? Educational and progressive. Both Guilty parties had been at Imulun places of profound experience and personal-trauma memory for the Hearing and the Full Court – with Elders from all the Wardaman to make sure the extended community, as a whole, will continue to survive well. Their major ceremonies had been performed there, now this: they have learned first-hand the Justice System where the Council of Elders discuss/dispatch major problems, and carry out discussion-investigation procedures if major trouble has erupted. Now they know for themselves the truth-seeking interrogation processes led to physical pursuit of suspects, and will take back into the community this personal knowledge. They know that Court-type meetings are where Justice is sought and Judgment decided; and that the opportunity for free speech is necessary – truthfulness in reply, too.



*Left: Many important matters are understated, coded so that decisive action is carried out respectfully, quietly, with no fuss, as routine justice system practice. The Dingaree Law will have taught the young what to do, how, and in what place. But this message is all action: the Investigation must begin, the evidence must be tracked down: 'Go find who dunnit!'*

*Right: The Sentence will be carried out in Discipline which Bill Harney calls 'Punishment': but its real meaning in formal English, and its purpose, is Tough Education, Proper Understanding, Respect For Others, as Law; and here the Eagle Ancestral Being's footmarks transmit a trembling fear because the clutching claws of Law-in-Action could result in wrong decision, and honesty in evidence is necessary, or the consequences may be dire.*

Decorative tradition: see the signs in life

***Learn decoration! family designs, your own totem, different people: all there what you see, beaut dancing, singing, ceremony: they painted up in the Imulun Place - boy and girl, Elders, Wuna Spirituals, see them! Often seem the same, but Walabul and teenager's Wulbun, they're special loin-cloths. Ingguda's for old Wuna, worn on his neck, shows Barunga authority, keep control, nothing out of hand. Kalumbung, that's when in prison - that one's woman designs. See broken-Law bits stacked up? Binja Winja's pointed at her: she's got to wear it, the Women's Kanin Law Place, she's in punishment, warders not gentle so Watch Out!***

So the young couple are found (separately in the Men's Imulun and Women's Mudu Places) to have broken the Law. They are sentenced to weeks or months of concentrated learning of Wardaman Law – but not a 'rote-learning' course, for it involves skills needed for survival and socio-cultural life. In the boy's case, it means learning obedience at the Dtini 'thinking' Place where no speaking is allowed. There may be a week or more with the couple together at the (Mooragin) Mardu.kada Teaching Place (centre) where food-gathering and hunting techniques must be perfected: but from here they go separately, daily or for months, to Murgin, learning in silence, listening with concentration, out in the hot sun with limited food and water (they are allowed to sit down later in the Morrugin shady spot) for this is a Kanin Law Place where miscreants go for hard work and serious punishment they are 'serving time' with 'hard labour'.

Bill Harney's Watch-Outs mean we have to watch the detailed signs for meanings (but as explained above these are not always forthcoming, and is the prerogative of the artist particularly, in the normal way). On the other hand, with all the Dingaree learning, the Wardaman youngsters are led to discover layer-on-layer of the community's self-understandings, and will eventually know much inner world of the culture; and some (like Idumduma) will be brought within the top totemic teachings as he learns to be a Teaching Elder.



*The Interrogation Place area shows the turmoil of what is discovered. Tracks and footprints have been followed, and though it may be a domestic issue, there is something wrong here. The burn-cuts of Initiation are Law, and people must face up to their actions, and front up to the people – and this includes the Law Spear. So if the Sentence is declared, and the boy must marry the Old Lady, and the girl the Old Widower, the Law must be obeyed. Otherwise Wardaman culture (not life) is no longer their's to claim. The intensity of the painting gives the feeling of urgency of action, and treasure to be lost; it is also powerful theatre, the visual thought strengthening the community while encouraging all the individuals to obey and carry out the Law. This will strengthen the community; and the sequence of the Imulun painting's narrative details fall into place: the story-telling painter calls the various motifs of the Law into being, and, in his art, makes their presence known in the aesthetic dimension but in the existential human scenario – he re-tells it in the theatre of life, in the manner of the theatre itself.*

## Symbols: Cultic reality of a progressing Spiritual Law

***That Lorda's on the book cover, yeah! it's the Belkin Mud Balls under the Crown - Gumindaga forehead band like a wig and the Message-stick saying the Law's broken. I find myself painting something like a dream, a Dreaming! you see, the painting fits together growing from the centre: out it spreads, out from our Crowned Law! Yeah: see the decorated spears? Elders present with their Wuna Ancestors? the decorations they wear at ceremonies, cords holding them and the weapons? Watch Out, it all means 'threat!' - The Threat - notched sticks implementing discipline, punishment - round ones for Law meeting-places, dots for sitting in the circle... see?***

Motifs in paintings can give general messages: summer Nesting Season needs Trading Meetings, preparation to 'all come in to camp together now': so, it's Wongga time, Dinji-Wonga, Dancing. But at the Imulun Places there are specific matters to be discussed: so specific messages convey specific need such as 'someone's died' so a Burial Meeting is coming along Wujinga Songline Trail. So: bring in the people! a Marriage is to be arranged – the boy must go through the Law to marry the Old Lady – and there must be no 'touching' ... there's to be no child coming during these Initiation-education years. The aim is to deepen learning, know people, life and culture; and the talking, careful intelligence, and humour in Aboriginal relationships is free to develop in this educational way.

Normally, in certain seasons particular trees and flowers must not be cut: Law sanctions for this are given in Dreaming stories and ceremony; and much of this is learnt in childhood. But in the Initiation years, solid Threats appear where Dingaree and Kanin Law Men carry fearful looking weapons, so young people know they must learn and learn – not be slack in their education. 'Threat' relates to cultural survival of tribe and clan, providing reflective-intellectual and existential understanding, and emphasises the need for personal learning.



*Knowledge must be passed on to the next generation. To warn the young and affirm the old, while the miscreants are under Investigation, Trial, Sentence and Punishment, the miscreants must wear Badru round the neck.*

*Spears symbolise the danger of the Law Woman or Man (Joe Jomornji in Bill Harney's experience) and the direct Threat of the forceful present – Strong Voice too, and the special Mouth-word of traditional education in the Initiation years. Hiistoric records show the throwing accuracy of these spears was great: but any possibility of wounding was extremely carefully managed, in normal life, and death never occurred in education processes. So: the Threat was real, the spear symbol a pervasive mental control as a miscreant walk 'ran the gauntlet': but it was under the trained Elder's Will.*

## The sentencing: Rehabilitation by learning at the Dingaree law sites

***Make 'em learn the skills, get 'em learning better like their initiation - real educate! Need it again? we've got this education system, this health-and-welfare system! and we make sure we've got children coming when right age, when you can care for them, feed them - it's Law, see? Old Wuna Old Bone Ancestors put the Law etched into us, our old Burunga seniors got us learning before trouble, and afterwards in the punishment-discipline detention places. Check it's being done right, that's what Sky Boss Nardi put in his Bag of Songs for the boy who's done wrong. So the boy and girl get their punishment - weeks or months or years - but all earning the Law better, more***

The expectations of the Law 'sung out by the originals' were set out in the Mud Law: Male and Female ceremonially were to be together in 'Betrothal'; so Marriage and the Family are to be the fundamentals of existence and survival. The old widow-woman is set to marry the young man – but not now because he is not yet through Initiation. So 'Betrothal' precedes Marriage by years, and normally children only come with the second marriage, so the young person – boy or girl – has years of initiation-learning before Marriage. This system is part of tribal existential purpose – helps to develop internal-personal and larger structural culture. Focused on generational transfer, it includes knowledge and wisdom within deliberate built-in 'family-planning'; real care for the aged; and a flexible culture where obedience to Tradition allows future problems to be faced. But Initiation means learning: so if couple do wrong, part of the re-education following Justice decisions will be re-payment for wrong-doing by getting into the traditional skills properly – making/playing Junding Clapsticks for Marben/Circumcision ceremonies, finding/making special Flints for engraving, learning songs for Law to be interiorised in ritual culture, careful painting of dots for the body, making calendars. So this new education is carried out in Express Silence by Dingaree Law Men in the Garni Law Place: this is a punishment regime explicitly used for further education – personal, moral, practical and cultural.



*Playing music, learning to sing, skills of percussion rhythm are taught and tested by Elders: 'the best you can do' is how to serve the community, gaining inner self-esteem, real spiritual delight in life, and motivation for the rest of your days. The Big Boomerang music laws (from Cosmic Emu) are present here: 4 Dingaree Law Elders carry out this Minunga Law, so the knowledge will not be lost; and Junding clapstick and special spear rhythmic skills jostle nearby, the boomerangs and clapsticks providing percussion for the Elders as they teach (for instance) ceremonial procession during initiation-learning, or Marriage when the bridal couple pass between rows of practitioners who form heart-like shapes with their boomerangs and spears. But the large boomerangs and spears are also used to stop people 'getting out-of-hand'; and are thrown by the Kanin Law Men and Women if an attempted escape from Law is under way.*

## Education in and beyond the court

*properly, after what they've done. Then it's Clearance for them, all gone, proper right! It's the Burunga Elders look after learning in the shelters for punishment, they're checking it's being done right, as Sky Boss Nardi wanted, in his Bag of Songs. All those old Wuna! you fear them when the big ones getting into Law. They didn't decorate in camp - little ones sit behind at ceremonies, that's how we saw them! We saw the special dancing, sweaty skin shining red ochre, blood fix feathers cling to body, we were part of it! very young learning Law. I see them in my memory, we didn't know much, didn't really.*

The boy and girl had been in front of the Elders in the Court – both together, or in their Imulun/Mudu Places. The case was discussed with them and everyone concerned, in the families, the Finding resulting in a Sentence of a long spell of disciplined punishment. Now they are in their separate educational detention places, overseen by the responsible Elders. The youngsters, in the separate (often art) sites in overhangs or under the trees, will be sitting still, silent, learning story, song, music, practical skills from Dingaree Law, at the Garni Place. Skills taught – dots in Bill Harney's image – may be clan ceremonial calendar, or monthly stick, food finding: but serious Law-breaking means you are watched ... at Gabjil, the Feathered Binja.Winja stops you walking out because *'Come you up there Yandami to Gungang, learn to use tools! Sit! you're to learn the Minunga engraving skills!'*

Binja Winja (centre) the very special, hard, sharp quartz, is worn round the neck: it shouts Be Silent! Calling Spirituals, symbolising extreme danger – the power of Law and its totemic enforcers to search, find, bring to Imulun and punish wrong-doers. The Taipan Elders – major trouble-shooters brought in to detect wrong, catch, and punish Imulun-tried, guilt-found criminals – wear this object: backdrop to a Real Threat, it ensures good tough teaching of the Law. Kanin Law symbols and weapons, carried round the neck, can be used on escapees (spear in the leg), or (normally) for the deeper, educational, common purpose, by Threat and Discipline. In the theatre of a serious court (as today in the western system) the dress in this case presents the decorated, ornamental, symbolic look of body-painted Elders would aid Imulun clear thinking about the Law: thence, the Authority is to provide Justice and Equity to all. Direct, honest responses within the Court bring a transparent verdict. With the community present, all persons taking part are accountable, and therefore responsible to the Wuna Tradition from the Creators.



## Detention in Kanin Law: Dingaree teaching and threat

*Understand: Old Gumerinji, him from Kimberley, I've put him in - we use that emu blood after we've caught 'im, fix the Wulbun feathers, decorate young teenager proper, gets education. But something make you do it! that's Kanin Men! all the Law Men had this Threat, implements to do it too! Threat were scary! you'd hear a Little Threat when you were young, Old Lady maybe had you 'fraid, watching for the 'Little People Gurra-Gurru pigmy' might get you!!!' Round us all, really! But go through Law it's real Threat. Kanin Law Man'll point Binja Winja at you, cut your heart to pieces, make you very sad, maybe kill you, that's the Threat!!*



*The Spirituals, The Law, The Learning, and the People's Responsibilities for Proper Life.*

*They're big ones, still; those Wuna gave the Law, our Barunga get the Song, we get the Ceremony! that's how it works! Here I've painted Red Kangaroo did my own Initiation Joe Jomorrnji. I remember the sounds, bull-roarer back then, never forgotten it, creeps up your neck, hairs stand straight out! Then Emu Gumerinji, he's strong Law: I remember he gave Law keep water from us! we needed it but they kept us in good punishment - cook us in hot sun, they said! Night Nardi's Shadow: Dungdung, Emu, Rain too. Big star area, big black head, big long neck body, I've put those 4 Emu head stars there in the Emu Foot! get it? special Places in our*

The lower central part of the painting introduces threatening methods of educational discipline that accompany proper teaching in Imulun Law. The Spiritual, Social, Practical, Educational and Knowledge system embodies the skills necessary for group as well as personal action, and survival. To Wardaman these are what are needed by self, group and country if their human survival in the challenging land environment of northern Australia is to be accomplished. In their system, the necessary disciplined learning is accompanied by major threats which are part of a practical traditional system of punishments, for the good of everyone. The Spirituals, Imulun Law, Mudu Law, their Items and Places, and the Initiates and Elders in the Spiritual Law meeting places, and local Imulun Mud Law symbols, provide the basis for the rich cognitive, practical life Wardaman were to enjoy, nourish and relish. Making ceremony also makes all accountable.

So now we have the Law Enforcers with the Binja Winja. We've had Spirituals and the Law in place. Wearers of BinjaWinja, like the Barunga, are revered for their knowledge and experience, not because of their age. Imulun is not a paternalistic culture: it is the practical experience of a man or a woman that is taken into account: their discipline and living of life, their education into a family's proper knowledge of life, their commitment within Law life-long. This is how a Barunga is perceived. What is known to be realistic is what is taken into account: everyone will be cherished, nourished, cared for in old age, revered for their own self. They help, and are helped.



*Finally, well, this place is where we never wanted to go, but never had a choice (maybe were glad after it!) It's the Kanin Law Place where you learn under special pressure. Even if you don't want to, you had to learn to get food and distribute it round to everyone; if you disobeyed orders, it was sleeping on the hot sand without water, for you - all that, just like the army! The Kanin guards'd be up on the cliff with their weapons - like on that cliff at Ngard-ya - and they'd see you trying to creep off and Wow! you'd know you done wrong, never had a chance!*

The way Bill Harney has painted this place gives prominence to the severity of Law-breaking – the notching up (as it were) of actual things being done wrong. This reminds us that Skin Law is immensely important in relation to sexual relations – chastity and the two-year no-touch period of promised marriage – but does not make Law-breaking of more importance to the women than to the men. The Bandimi Law design is in the Women's Mudu Law Place, the Men's Marriage designs in Imulun. The 'naïve' 'primitive' style of painting places important matters via 'association', not by geographical, narrative, or prim rational decision. The logic is very deep, and the Skin Law is being emphasised by Bill Harney. There is no sex-obsession here (unlike in some traditional western religions); simply, clear-thinking about the natural world affects in the matter of sex (because of pregnancy and childbirth and child-rearing) women rather more than men, long-term. So, realistically and long-term, the girl will be Cleared in the Bandimi Mudu Law Place, the boy in Imulun. The clear rules of sexual behaviour – abstention – have been re-learned now, proper life goes on without repercussion in the community, the Promised marriages will go ahead in time – at the right time – and all will be well.

**The Kanin Law symbols and weapons, carried round the neck, can be used on escapees (spear in the leg), or (normally) for the deeper, educational, common purpose of Threat and Discipline. In the theatre of a serious court (as today) the dress and in this case decorated, ornamental, symbolic look of body-painted Elders would aid the Imulun hope for clear thinking about the Law, thence Justice and Equity to**



*First came Threat; then Discipline – just like Boarding School (in my youth) or the 'orphanages' Aboriginal children were put in until the 1970s. The boy and the girl have been at (their separate) Teaching Places for weeks, going daily to and from the Mooragin Detention Centre. Under the Dingaree Law and the Kanin Law, silent, out in the hot sun, they are studied (in Bill Harney's words) with Mardin.Gon-ya: 'the two words talking'. This is the give-and-take of 'dialogue' which becomes the 'learning' that must happen if the Law (and way of life) is to be understood (and preserved). Now, in this vignette, the Judge, Prosecutor, Defendant, Defence, and Kanin Court Officer take centre stage, surrounded by members and Elders of the Community. This is a Court setting, theatrical yet with listening and story-telling and reasoning and decision; and with opportunity for recess because 'the public' know the accused over many years – they make it 4-dimensional laws of evidence.*

## Clearance: Renewal in full community

**See? The man going through Law at Busbara was in trouble, 4 men teaching him - a schooling way or punishing, disciplining him - Red's Law. Then the circle near him's got the entrance - teaching the young ones, then: 'you're OK, you can go!' Series of small arrows, 'OK, it's time to stop or start (Milky Way turning). Centre, 2 boomerangs giving a flogging to the young not listening; and three black circles with no lines are places - mean you're not doing well, so go for special teaching! Expert Elders. Big red circle blobs and you've one week to the Big Law Ceremony. Then, you lay down, big circle on your chest - that's the big round one.**

The story-teller painter can tell the story many different ways. Summing up: the Spirituals' Creation Mud Law must be obeyed: the law-and-order survival-basis of the Aboriginal community stands. The emblem for Wardaman Law is Mudumya. Surrounding that motif, in decorated ceremonial garb are the Buran Boomerangs. Silence is called in learning and ritual. Initiation Marben marks include Waling Initiation cuts showing only authorised people are to be present. Boraja Dreamings' Lorda Belkin mud-balls are held along the arms. Wig-like Forehead Band Gumunduga sings out "Silence!". Buran's central-vertical Mudunya ceremony rules. The long flat Law Stick firms the thighs of Ancestral Wuna. The two leaf/feather-like motifs up by Dyadeya are 'Clearance School' symbols: the 'Leaving Certificate' confirms you've done your time, and everything – EVERYTHING – is right again in the community, and in you.

Profoundly symbolic, decoration is metaphor focusing cultic-reality celebration of active Law, and Spiritual Presences. The ultimate concern of Idumduma is the active world of practical Law, and in the painting, the marks burned by hot coals show the proper rights to 'young-to-old marriage' are earned by discipline: so the two parties in the Imulun Law Place commit to (their separate) First Marriage. Learning how to live properly, look after their children, have an active middle partnership, care for the aging bereaved, is the practical Wardaman road.



*(Left) Now the major Law music, dance, procession and general community theatre will follow, not least because, with the Justice question now out of the way, there are a myriad other matters to be dealt with; and the more informal world of the extended family will refresh the community, and bring the humour of the Aboriginal world back into focus, to keep it healthy. (Centre) 'The Old Bones' – the Wuna Spirituals and the old Elders – have fulfilled the Law, interpreted the Minunga accurately, decided on Sentence satisfactorily, and set in motion the Kanin Law Men and Women, to progress the Punishment-and-Learning phase. This the practicality of Broken Law: tough Sentence. After that comes Clearance and Restitution: so (Right) The serious Law is completed with the Kanin Law powerful through and through.*

## The Imulun law painting as educational Spiritual Law

**My paintings in Katherine, Darwin, Sydney get you seeing I went through all that education and initiation - all that learning - became a Law Man! but then we needed our land back, had to tell the Tribunal what our land was, where it is. So I showed them the sites, and we've had to keep going to stop staying still! That means, over the years I've painted the Imulun to show what we do to keep the land happy, but then I live in the white man's world in our black world! Well, now I've painted the Imulun to bring the Circle way, our way to do the Law; then we listen, find out right, do it, keep the Spirituals in the Law, do it better.**

Bill Harney has used the Boy and Girl story to show the Imulun Law given to the Wardaman people in the Dreaming. It's told as narrative because narrative is like our real life – Wardaman Law is not abstract law. So narrative-story is used to teach those who are not Aboriginal how the good and honest ancient customs and practices and perceptions should be part of the growing-together and the living-together of equally valid people should take place. Janet Mathews wrote the wonderful Two Worlds of Jimmy Barker, concerning the New South Wales Koori people, in which the Aboriginal Elder in Walgett came to grips with the modern world. Bill Harney's books and paintings express the same open indigenous world: he has traversed the different northern reaches of our continent, from childhood in the 1930s, through Land Rights generations, to the working cattle station of today. Like Jimmy Barker he lives in two worlds in a multi-custom nation – the reality of Australia today; and while a paraphrasing language is used by Hugh Cairns for his story, Bill Idumduma Harney's painting does not have to be interpreted in words, if we don't want or need this – Imulun the painting is a beauty we can all see, expressing a world we can all value; and his message in it rings out clear:

***Our Strong Crowned Law Imulun, bring It Back!***



***So they get the Sentence: it's Dingaree Law, then, long time. Separate, and they'll be learning right!***

The Binja.Winja 'boning tool' 'Threat' was (and is) the actual Law Process symbol, and carries the formal disciplinary Law that shows the Barunga Elders actually carrying out the Threat, part of the punishment regime routines. For Initiation, twisted like rope, it is reminiscent of mattelot name-tags used by whites. Now, for the persons completing the Sentence of education, everything is all right: they've passed the test of knowing Law properly.

The line of dots between 2 boomerangs is now no gauntlet chase, The time for the procession when you run or jog between 2 lines of Boomerang men is long passed. The Boomerang was (and is) the 'Written Law' that each Elder has 'written in his bones': the song ringing in the ears then is now in the heart and soul and mind. This is the Music of Creation, After the educational detention, the 'idiotic' Ejung 'boy' (of any age) is proper again, cleared to resume full human life, and actually taking part in the proper creation that the Creators await in human lives precisely because the Law is Imulun, made by the Creators. They want the Beauty of our work (as below).

Further education, with Bill Harney, is to be personal and moral, practical and cultural, Spiritual: a true story, accurate humanity in an accurate, experienced world. Now we can have skills in rules and music, dance and ritual, humour and story-telling, song and morality,



***It's real, the Threat - real so watch out you don't get front the Binja.Winja - but it gets him into Punishment, and then we've the proper education happening, and the Clearance gets us good back into the community.***

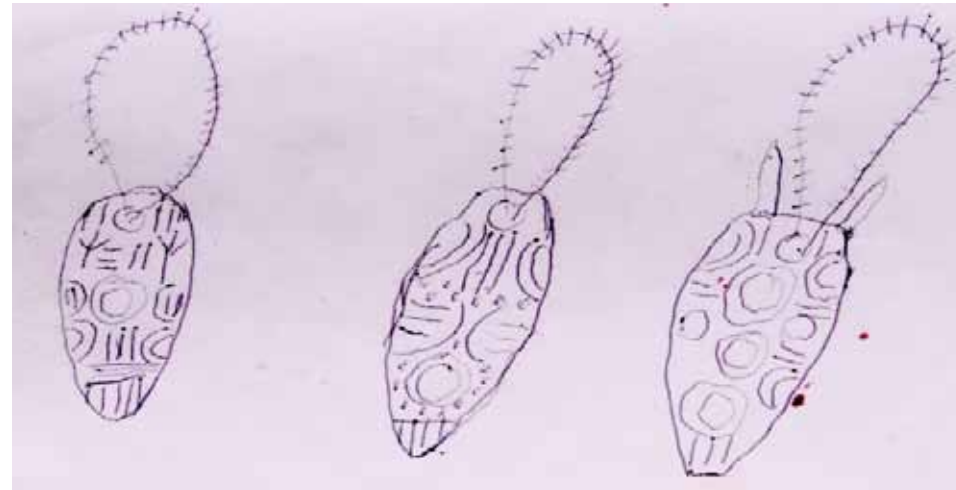
The Kanin Law symbols and weapons, carried round the neck, can be used on escapees (spear in the leg), or (normally) for the deeper, educational, common purpose of Threat and Discipline. In the theatre of a serious court (as today's Australian Law) the dress and in this case decorated, ornamental, symbolic look of the body-painted Elders would aid the Imulun hope for clear thinking about the Law, and Justice and Equity for everyone in the community will follow.

Direct, honest responses within the Court will bring a transparent verdict; and with the community present, all personnel taking part will be (and seen to be) accountable. If possible, the finding and punishment will always be reformatory (not vengeful), and the community restored by its responsible action under the Spirituals. Proper closure is finally undertaken, with the Clearance. The survival of the intact community is so basic that no valuable resources are lost, that is, no proper person. With every human actually valuable, Nardi smiles.

What Bill Harney calls The Crown of the Imulun Law is the Ceremonial Board. This has the Mud-Rock Law balls beside it. This has the etched Minunga rules on them, and the marks of body-Law in the body-decoration and other symbols in the art, the crucial Imulun processes in this Justice System are clear. The Binja.Winja 'boning tool' 'Threat' has led to actual Law Process symbolism becoming the



Education in Law as a Function of the Spiritual



*You wear your Sentence, and learn your way out of it, in the Dingaree sites and circles of the Kanin Law, with the Wuna Spirituals.*



*The large ceremonial boomerang cannot be thrown: its decorations and deep meanings are danced within the world of the Spiritual in social reality.*

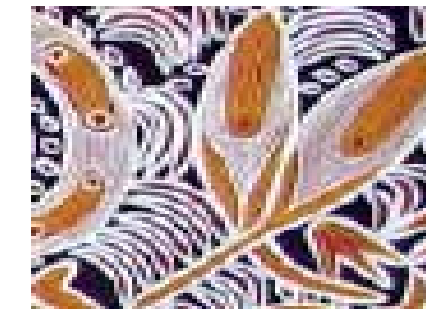
The traditional Imulun Law is for real: look at the punishments

*Y' know, we don't let the 3 Wideeke get read by everyone, just the Courtroom Judge, that's the Punishment site! Sentencing, that's the 3; an' if they don't obey then they wear them, that's everybody knows - round neck means respecting Law, that's it. Three: you've got Garwadi, swings you initiation Law silence, no talk/swear/disturb, no waving hand, nodding head, poking tongue - do wrong, you're separated. Then Baragula, that's marriage Law, Ngaru too: behave right or y' pay back properly! you wear 'em so everyone knows - you recognised in this? they control you!*

**The SENTENCING: JUSTICE via the WUNA Old Ones: then RESTORATION restoration**

Bill's language needs to be checked: using the word 'speared' may mean a minor injury is inflicted; but here he had used 'hung' also when the spearing would be fatal (ie. differences of Sentence as 'the punishment fits the crime'). The word 'payback' also has wrong connotations to most whites: near Bonhoeffer's 'costly discipleship' it means, first, 'The Law will cost you' as you respect the Law and accept adult responsibility and pay for whatever you do – repercussions if you have not considered consequences, in other words. You have had disciplined Law learning, but if you do wrong or follow it badly for what you have done.

This payback is mainly as above, not a 'revenge' method. But the Old Testament 'eye for an eye' is held as punishment for an offender, but with the strong codicil/addendum that for both men and women there must be a numerical equality (Governor Phillip's demand for 12 heads to make up for his gamekeepers's death – which became the normal bush approach for the killing of a sheep or some cattle – was therefore totally different as an ethic from the family-grown Aboriginal Law. The Garwadi singing a criminal to death was not an emotional reaction of revenge or fear, but a legal process against someone condemned in the Imulun Place.



## Community Law: the symbol of Circle as learning and community

***I've painted the Imulun to bring in the 'circle' way of doing the Law, to have the Spirituals in amongst the Law, to keep us whole as well as practical, and good. This is where the paintings get us: they show we're here! They show that our ways of Law are hard; that it's truthful and good - shows Nardi's smiling when we do it well, that it's personal for us, and we can be proper in the town, and town ways nowadays. So many problems mean we've to keep working, get ourselves straight, do our bit helping the white man - they need us to get it right for them! That's how we can work together, get proper - keep Australia good!***

Top left of Imulun the painting there is Women's Kanin material, and at the right Men's. Both have, at the spear-handle's end, a long ratchet-looking object that shows men or women sitting under prison discipline (their Law-breaking notched up), listening to and learning proper Law with a view to restitution that may bring remission. Top right and in other parts of the painting, similar but smaller nobbly-marked forms symbolise the quite different picture of good young people learning under similar discipline in the normal initiation-education process. (Bill Harney calls this traditional 'boarding-school' type education 'punishment'). Still top left, there are also Women's Law Marben cuts, their decorated loin-cloth, and (out of picture) the Kalumba forehead band. All this spreads out from the Mudu Law Place that is below the Law-break marker.

Men's and Women's Law punishment items begin with the Kanin Law spear. Men (top right) have the Burunga men's Wuna neck decoration; below this is the young teenager's Walbun, the Ginda stone spear with its blood-feathers, and 2 long Law-break recorders. Lower right finds Red Kangaroo unobtrusively prominent above the large group at the Imulun- Dingaree Law court place, and the Kanin Law Place is down to its right with a small group listening well. Perhaps the Kanin Threat Weapon (middle right), the Marben cuts, and the 3-feathered spear emphasise the Binja.Winja Threat – you dare not leave, or else.

Always the Ju.indi spiky Boning Tool Gindi works 'like a bullet' when thrown, and the notches that record broken Law allow no escape mentally. But 'The Threat' helps young and old to respect their Elders and the Law, the spear and the club are good visual cues calling for good behaviour, and notches on a stick burgeon in visual memory in the community. They are never forgotten and the analogy is with the Law-stick given to me in Basque country which records bad actions/transactions and individuals in the village, and has a most important place in the Western Mediterranean indigenous culture of northern Spain/southern France today.

## Summary: Thoughts on the Imulun painting

The story in the painting plotted the sequence of events after a young couple have done wrong. Wedge-tail Eagle is sent after them, following the Tradition that the Boy must marry his Promised Woman. This Special Man is dangerous if the Marriage Law is broken: but if they return to the Imulun Place, a special arrangement will be in place, and a full process of 'Punishment-as-Education-under-Discipline' is put into process. This method was the normal method in the Wardaman schooling system. If deemed successful by the Wuna-Elder Men and Women, the separated couple are 'cleared' to resume normal living in the community. Whatever happened is never mentioned or taken into account again. Full restoration of personal dignity goes with acceptance: but there are limits to personal behaviour in a social context of family-and-extended community: individuals are free to live a proper life deemed valuable by clan and tribe, they have an adult path mapped out as a good life-journey.

In the Learning Time, after the verdict of Guilty, most youngsters will find this the Most Important Learning Time of all the continuing-initiation years. Imulun is the Law: now the near-adult finds it includes ideas and thinking, discipline and learning, skills and doing, and truth acknowledging fault. This now means knowing and obeying the Law, and agreeing with the social necessity of being individual-within-the-community. So the Boy learns Buran Ceremonial Law, as in 'kill the emu and use its blood to fix the feathers'; a Ritual Law; he paints and fixes the Diadiya body decoration and costume painting, a Planning Law, 'you've got to get ready to go to Yadami'; he learns the arts and skills of Singing Sound Sticks and the Bajole.Munju Hat, a Wardaman mark; and he kills an emu, so 'blood all over the place can stick the feathers on the Wulbun'.

Having learned Law properly, and the Law structure needed for nourishing real worlds into proper form, he has Clearance.

In the finale, the Dingaree Law Man has taken the Boy and the Girl back to the Imulun Place, to explain how things are to the Court meeting. If one of the young people is recalcitrant, they will be ordered back to the Murgan or ??? Punishment Place for a period which might be up to two years; and after that, if there is no change, there will be exile to a Wardaman-related community for some years. But if the proper skills have been learned, and the Law fully acknowledged and respected, the Clearance Gallowan will 'release him out'; and this decision by the Wuna-Barunga will 'make him a free man' again – 'Yarwan'!



***That main Imulun Place on Willaroo related to the Dingaree Law Place. I paint places we learned Law at different times for different reasons, with different Law Men, in different parts of our country. It's special to me, this Law. Dingaree our solid learning: it's under discipline, then it can be re-learning - you need it if you done wrong. I remember this one from our learning, initiation years: it's the Silence Place you're real quiet; you listen to the Elders, you listen and learn and learn. So what these paintings show - Yes, I went through all that young education, then my initiation learning, then became a Law Man; then I did the Law, meet up to help.***

***But Dingaree! yeah, well, you done wrong, that's the Rock of Mud on your chest! There, you can't move, you're not allowed to move, you're there for hours. There we've the Spirituals, the Law Places, the Threat! an' now the Discipline - that Punishment help us get our education!***

***They've got good discipline for all this, you see it takes to make the Wardaman: we've ceremonies to fix what we learn in our mind - make the heart pump! You look at the corners my Imulun painting, says Watch Out! Get punished! Get learning! There's you've got the Kanin Law Man's Spear, and the D yadeya with its 3 feathers ...***

***All that Dingaree keep us proper, practical, good thinking. We learn it too - that's the young ones, where the paintings get us, show we're here, our Law ways 're here, disciplined - you got to be truthful - we old lady can tell! - and we've got personal, good with Nardi smiling. That way we right proper in town, OK its ways: but nowadays many problems, so keep right, good and proper in country, but town: Keep working, back like the old ways - none of this Welfare, get ourselves straight, do our bit helping all the white men get it right! so we can all work together, keep Australia good!***

***Well, that Boy and the Girl'll live their proper life, maybe like Joe, together second time. Those two done wrong but it's all over: get on with it, get living again, community'll be strong, Spirituals happy, Cosmospa happy, all of it happy! You'd say 'It's a new day!' well, it is! The Boy can be a Man, the Girl can be a Woman, the customs of our big family work again! That's how we can survive: keep our Law! That's my painting Imulun, shows the Law, makes us right. Nardi smiles, it's like the Dreaming, we're here and we're happy!***

#### **Summary Thoughts from this Visualisation of the Law**

This practical song-story has the senior male Elder talking: Women's Law would have Dungdung not Nardi giving the Rock-Law. But in the painting, since the boy and the girl are under different Law, both types are depicted; and this symbolises the reality of gender difference (not much recognised in western laws). But the forms of items and people involved are the same, though without knowledge men and women will be blind, unable to see, for instance, the Imulun Law Message Stick motif, carried in the feet of the Emu Messenger. If you learn, then, the Spiritual Wuna 'Old Bone' Elders – today's Burunga – present with chest decoration, scarification, seating place position, message-call bird-feet fingers; and 'First Law' sang Ceremonial Board into existence to be the 2 Laws held together, male and female: **'break one, break all!** Overall, the Wuna Ancestral Spiritual Old Bone People Burunga show the Men's Law and Women's Law with the 2 Imulun image-icons: it's an intellect-filled Spiritual Law that is taught, listened-to and obeyed; and breaking it means punishment, discipline, education; then clearance and full restitution in the community.

In the discipline, the Law Enforcers have the Spirituals' practical method of enforcing the Law: the Binja Winja. Wearers of this are Barunga revered for knowledge and experience, not age: Wardaman Imulun is not a paternalistic culture, and practical experience is what matters for Law responsibility. Discipline in living life, education in a family's proper knowledge, life-long commitment within Law, these are how 'Barunga' is perceived; so the real-life method used to maintain the succession of Law responsibilities rests on the old people of the clan and tribe. Creation by the Old Ones – the Wuna – then entails ongoing 'creation' by the Barunga – today's old ones; so the handing on of every single piece of information, every skill, and all experience and imaginative dream known from the Wuna and their own personal experience, is used for teaching the next generation.

For this, one basic social concept in all parts of Aboriginal life is meeting in actual groups. Circles of people talk volubly together, thinking things out in the open, and discussion is equal in and for male and female groups. Normally the main discussion in a community has them both together: but in gender groups the different interests, needs, behaviours and rules – Men and Women are given their own integrity, their own authentic secret life – mean that each group can keep their wholeness, and both together, in the family, in the extended-clan meeting, and in the Law Courts of Imulun when the whole people are involved.

The machinery of Wardaman organisation was not based in 'white' time-keeping; and when the finding is 'Guilty', the normal Sentence uses 'moons' to denote duration (normal in the bush); and in the painting around the Ginda Boning Tool, the dot-like ovals are individuals who may be surrounding a calendar recording the moons of the punishment. Basically, Bill Harney's memory: is looking down and he is seeing the Elders carrying their spears, watching the youngsters sitting in their circle, listening to the Elders teaching in the middle, visualising the overhang of his youth ... how it was then.

## Discipline as necessary to survival

The practical methods of discipline portrayed include the Ju.indi Gindi Boning Tool, which 'spikes' the individual, if it's thrown, 'like a bullet'; and this is the 'Threat' that helps young and old to respect their Elders and the Law. But the spear and the club are not used, if possible: rather, they are visual images that remain in the mind, providing cognitive pressure to good behaviour! The square-notched sticks spark memories: they record events where Law has been broken, so they are like present-day (Spanish) Basque Law Sticks that record bad actions and transactions; so, still used today, they keep that indigenous West Mediterranean culture intact, remaining 'real culture' while in the (necessary) white man's world'.

Can young Aboriginal people learn from a painting like this? At a deep level (Bill Harney says) one particular skill to be learned in the Dingaree-Kanin educational circles is the language of 'whistling', part of the 'Sign Language' they have been learning since birth. Whistling is treated as especially Spiritual: with Threat and Whistle, they keep things right! Though it may sound reasonably pleasant, the 'Threat' may become reality: if the Wadimi is thrown by the Dingaree or Kanin Law Man, 'it spikes your Durbin (skin) and stops you quickly!' This 'little' implement in practice 'makes sure you don't run off'; but the Whistle is usually enough!

The Kanin Law Man or Law Woman may also throw the Manbig Hook Boomerang, the bone-tipped, arrow-like, feathered Dart; or the stone-tipped spear Ginda. With these and other Law Sticks (including the Nulla.Nulla Sounding Sticks that can be used as clubs) the Law Officers make sure the miscreant boy or girl learns well; and those of us who remember beatings by stick, board-rubber or shoe at school, will remember exactly how these felt (and the record number experienced) with its name: Corporal Punishment.

First, Threat; then Discipline. But the resulting sequences of Fear, Anger, Resentment, and even Violence make disciplined education, today, paradoxical. The Boarding School in my youth was a proper extended family bought by privilege: it presented a proper educational and fit environment, whereas Aboriginal children were forced into 'Mission school' and 'Orphanage' (until the 1970s) which were sad places: white-engineered with little real education, they disowned values in Aboriginal life. The major destructions started around 1820 and wrecked males especially: where early accounts of Aborigines under Imulun-type Law witnessed to young people being cherished, nourished, and educated properly in their own culture – and the old cared for and revered – the taking of Aboriginal children into the foreign 'homes' that were really pseudo-schools is a story of terrible Shame to the white society. These records show that the underpinnings of Aboriginal culture were personal and communal, and spiritual without the colonial pretensions of the white religion: they had no need at all of white 'Protection' if left to themselves; and the apartheid-like pseudo-education that Aboriginal people were forced into for over a hundred years, was a Wrong.

Basically the Aboriginal social order was being destroyed once the indigenous Marriage and Welfare System was broken by young men being enslaved, imprisoned, moved from their land, or killed; and their women corralled into the world.

## The art, the life and the Law in Bill Harney's Wardaman Imuran

The traditional Imulun society was not Wrong, but Right. For the survival of the extended family and clan, the Elders in Imulun and Mudu meetings make sure that young and old are looked after: all have to learn to be patient, make life for others, and be unselfish in sex, and everything else. We may feel the separation of the young man and the young woman, who will now not be allowed to talk to each other, is a harsh moralistic penalty for a local law: but the (so-called rational) contortions of (man-made) modern Marriage, Divorce and Family Law fares no better. In Wardaman, the old Law was clear and good: if there are children, the special demarcation-line is made in the camp: the children of a Separation are able – always – to cross it with free access to the other parent; but that parent will never cross it, or severe Law will punish it.

Such laws have evolved in the Dreaming places of Imulun: Law Places, Discussion Places, Resolution Places, Education Places, Prison Places, Restitution Places, all with the skilled experts from the long educational process described by Bill Harney, that fits these traditional people, in their own traditional mode, in their own traditional land. With Aboriginal people unmolested by outsiders, it produced a serene, orderly and generous community. Look at the old men and women in these communities, individuals like Paddy Cook, expert in the saddle, working always without visible pay: they have been, and are, the Salt of the Earth. But the reality is: these people face Australian institutionalisation, not Imulun Justice.

The form of all Imulun actions in the Imulun Place incorporated free speech and gentle humour; and with equal access by and for interested parties, families, clans and outsiders, major deliberations with Aboriginal parties took place in an atmosphere where time for reflection was not controlled, evidence was not boxed-in by rules and writing, and consideration was given to social and community reality, with the community's input.

All participants indeed are equal, the group sets itself up in circular form, the Law in Lorda with its Totemic Ancestral Decoration is central stage (but not a reified idol) and the Buran Boomerang makes 'Absolute Silence' the Law. This utter obedience to 'Silence!' is Dingaree Law silence, the educational tool used if you are a Guilty person under Discipline (it will last the length of your Sentence) but also the self-restraining skill (don't talk unless spoken to) that channels back into society (and taken as 'slowness' by whites). Crucial to Learning the community needs, Dingaree will make the future: since the girl's Sentence includes the same harshness and restriction, she must learn quickly too, to take her place back in the equal society that needs her, and her experience.

the forcing of good groups into Coranderrk (for example) and the injustice of the treatment of the people there, shows what the white ants had done to the beautiful tree. What a history, really, for Aboriginal women on cattle stations, in towns and orphanages, enduring forced white sex in many situations; and for many, many Aboriginal people, being placed in artificial camps with hundreds of other clans and languages, or distributed for Government purposes as (Stolen Generation) misfits – at best into Mission domesticity. This was all how the indigenous people of Australia were not allowed to continue their Marriage Law, on their own land or elsewhere: men taken away, all in virtual slavery, no Imulun structure. It was the end – for many – of working and arranging life for the whole family and clan; the end – for many – of spiritual purpose in life.. And the new ways have not proved better: so Bill Harney is sure that Aboriginal people must control their lives again; and this means whatever education is to be their's (and not pressed upon them), and whatever work is to nourish their own land and the Wardaman people.

Finally, the 3 Sentencing-Punishment Sticks (sketched above p. ) dealt with married behaviour, sex rules, trial marriages (with failure leading from or back to) the Promised Marriage). With [roblem, noise and fighting in camp now controlled again,, the peaceful community could return to itsw normal obeying of the Law, with all the spiritual creativity it involved. In the Justice Court of Imulun, All participants had again proved equal in family, in community, and in the mutual responsibility Imulun upholds. So the group returns to its symbolic circular form – the Lorda Totemic form – and with this Spiritual humility and respect again in successful central stage, the Buran Boomerang can demand the 'Absolute Silence' so impressive in this Law, its practitioner Elders, and its Learning Students. Often confused with thought-less obedience, this Silence reflects the quitness of sensitive reasoning) and the Circle Sentencing courts in Australia today do this too, with their non-Westminster, spiritual architecture.

The strengthening of the community portrayed in the narrative sequences of the Imulun painting is the story-telling painter's practical and spiritual goal. The various motifs of the Law called into being in his art, make their presence known in the aesthetic dimension: but the existential human scenario of the story is modelling them for the [ractical theatre of Aboriginal life, in the manner of the theatre itself, wjich tells and re-tells ancient truths. With the Imulun Law case now finished and its Sentences completed, there is no stigma remaining with the young man or the young woman. Normal life can resumes, and the acceptance of Promised Marriage is The Future. No 'domestic violence' or other major wrongdoing is to be in their lives; Imulun remains harshly present for what is Wrong. Meanwhile, they are Free – All the people need to be Free ... Yarwun!!

**Free Person!**



**Yahwen!**



# Chapter 7 - Part Two

Justice and Equity in the modern world:  
Fairness and Rules that make sense for All the People

'Blackfellow never drink.'

Wardaman Good in the shocking white-urban world



The Old Days. Post-1950s Problems. Today?

## Blackfellow never drink

*You know, blackfella never drink! Know that? never did. Never. Worst thing today our young people? Gunja and Grog. That's stopping respecting the Law, their self, the old people. Poison, those ones: don't listen proper way. We had fine men, I remember: smart horsemen, I see them - one myself! Then, put in towns, they changed - hurt marriage, hurt family, everyone drinking, children on the drug, young doing dancing not the Law. We got new didj music, YothiYindi good music but disco turn their young mind, became Walkman.*

*Well, they stopped listening, stopped hearing the old ones and the Law. We got Bunga-Wunga-Warandji dancing, not Wongga; then all the rap, wrecking whites as well as black, destroying culture wi' baggy bare-bum fashions on the donut-track! Wrecking young whites too.*

*I've travelled trade shows, seen it, seen it all happening; losing their culture, getting drink, being abused, starting to abuse. I've seen whites - drovers, cattlemen, owners fall t' pieces with the rum, 'coming wine-dots. I've seen blacks - hard-work, happy, best cattle-workers, manage it all, discipline, skill, best jobs - then into town, gone wi' no hope, no job, no mind - grog, gunja, sleep in th' drains. Gone, all gone.*

*What else? More white poison from white culture, your law, who said this was good? I've seen too much of it bad: white Law locking us up, getting us separate from family, making us men few in the community - all in jail, that's no good. Get sentenced? half-mad, off to prison! good? made worse in prison! Get diseases! Get abused! Get porn! Get full mad in prison, lose your mind? That's not our Law. Never any good t' get 8 years for being drunk and rude to a policeman!*

In the modern realities of 2011, this anguished but confident segment from Bill Harney, who has seen his people minimised and almost extinguished since the 1950s' changes in agriculture, pastoral cattle-station methods, town life and Australian Law, envisions how the Spiritual Law of Ancient Tradition will be valuable within the mechanistic, urban commercial-industrial, non-spiritual worlds of today. With the Spiritual will come better laws, he believes. I say Yes, but be aware that ancient imperial empire is the background to today: before the Romans, people they conquered lived not so differently from Imulun, with its Wholeness of Law: this was little changed by them. But the post-1920s intrusions into Aboriginal lands brought the decimation of traditional cultures as well as people; and while many white-family farms today find they live in the 2 worlds because they still care for their land, they find – like the indigenous people before them – the new, raw economic-industrial world is far from their ideal world.

## Imulun in the modern world

Reflecting on the previous chapter, we will be clear that the difference between Aboriginal Imulun Law, and the meaning of Law itself is totally different in the white urban-imperial culture brought to this continent. So the crucial concept behind the Imulun Tradition, and this painting, is the validity of the oral, spiritual, direct-personal, commonsense tradition of the family and its close extension. This story-telling cognitive mapping is crucial, with its teaching, and re-enactments in practice, of the Wuna Ancient Ones' Traditional Law informing the whole Imulun painting: it presents the Spiritual Bases of Wardaman Law, so different from the written laws of the European lands, and their histories of developing control over their urban industrial populations with their and subjugated peoples.

Through this massive difference being recognised, the moral case for the sites and their story-lands was accepted by the Land Rights Tribunal in the Upper Daly Land Rights Claim. From this land returned to the Wardaman, Rain-Rainbow underpins the waters and forms of the land, Dungdung refreshes and expands the fertilities of being, and Nardi the Sky Boss in his transformations in air and universe expresses himself as purveyor of the Law Songs through the Lightning Children. Wardaman people meet in circle-discussion and circle-decision as they reflect this Law through the Song-Stringers; and it pleases the Spirituals for Imulun to be carried in the life of the people in open and honest informal, expressive theatre, and through the mooted discussions and reflections of Men and Women Elders circles.

The disciplinary motifs important to David Unaiapon (as with Bill Harney in his 'Little People' threats) does not stop the 'lived-in myth' being educative, with the focus on human hopes and possibilities (as in modern science fiction and most institutional religion). Not taught doctrinally (in straight line of presumed-logic) the associative narrative and multi-levelled, poetic concept and metaphor reveals Imulun's Spiritual, Practical and Disciplinary motifs. We may feast on the painting's actual beauty and artistic merit, some sort of 'Naive' or 'Primitive' work of art, but mature knowledge knows it is neither naïve nor primitive. The complexity of story and association make it a painting of considerable depth and very ancient perspective: but its life-saving usefulness had the honour of raising Wardaman Land Rights into a verifiable case in a judicial cause, long before it was actualised in Bill Harney's Hobart representation of story-in-ochre.

The Spiritual Presences in the Creation Story perceived at Wulun.Guyan, Ngard.ya, Moon Dreaming and so many other sites continually inform and affirmed the Ancient Tradition that works its Song Trail through Wardaman lands. But the sombre 2006 Funeral Board that Bil produced for his grandson is a reminder that in personal catastrophe he draws directly on this painted Tradition into which he was initiated: loyalty is due to his Law, but his own totemic identification with the Story and the Spirituals is his intellectual as well as spiritual strength (as with a Christian and Jesus). When young, he was tested in song and story, decoration and dance, music and art,

**The field-trip videos have sequences with Bill Harney and the youngsters. Bill reaches back into his memory, seeing the scenes of his youth, hearing the voices, smelling the scents of ceremonies before the disciplined teaching sessions at the rock art sites. The scene comes back to him, and we can see that in his own presentations he is a star! He gathers the audience in, forms the story, they are touched by it, they revere him, and he anticipates the world including the spiritual needs of his listeners.**

## Education in White and Black as Together

into which he was initiated: loyalty is due to his Law, but his own totemic identification with the Story and the Spirituals is his intellectual as well as spiritual strength (as with a Christian and the Jesus Story-model myth).

When young, he was tested in song and story, decoration, dance, music, art, punishment and restitution; all the present and future proper life, under DreamTime Authority. So Idumduma experienced the Wuma Ancients as they operated through the main Imulun Place, where he gained 'Clearance' to do specific things according to specific rules (for instance the right way to be with a woman, thence the Boy-and-Girl problem and the painting). He learned to transmit successfully the Lightning's Bag of Songs in the Barunga Elders and the Imulun Council, and with all this, **'everyone was happy!'** and the Council with all the people shouted **'You're good!'** and this self esteem has been the Oral Certificate in his and his community's memory that makes him the proper Wardaman Elder he is. But this was the 'old days' when he was growing up in the bush and the Station, in the 2 worlds of White Bush Law and the Aboriginal Law (Pearce's 'Commandments' and the Imulun). These 2 Laws were very similar: young Bill learned and obeyed them both, and Station owners and managers worked well with the Aborigines together like this – in many parts of Australia – for a hundred years.

But the town was different: it had White Man's Law only (since 1901 emanating from Canberra as well as the States) and the law enforcement authorities in the Territory had no time for groups of 8 or 9 Imulun Elders like Grasshopper Leedee, Black-and-White Catfish, Diver Duck. So the main Imulun Places like Baranga had to be kept secret, because whites gave no respect to ceremonies of the Barunga Elders, Women Elders were not respected, Skin System and Wardaman culture were broken up; and the Stations changed because few Aboriginal stockmen were retained after motor-bikes, radios and helicopters were easier work and cheaper to run. What soon became apparent was that ('Pearce's') old basicly-Christian (often Scots) mentality died out on many Stations where the bottom-line financial institutions ruled, and the culture met by blacks both on the Stations and in the towns they were forced into as the work disappeared was White Culture in its fiercest form, Petty Law against outback men who did not know 'Town!' or 'Civilisation'.

**Many youngsters (like Pat Dodson) nevertheless made the transition within what emerged as the schooling system. Much white education was like Dingaree 'Boarding Schools': young men in Imulun were not allowed to 'speak unless spoken to', now they must respect new Religion where white Law had priestly 'Elders', 'Silence', 'Punishment!' as Discipline, too. Western school regimes had instilled discipline into their students by strong words, rulers, straps, canes (and other forms of stick): but now there was profound disrespect for black children's culture. Nevertheless, some similarities in black and white necessary learning may explain why Aboriginal students in the 19th century often took to western learning: 3 Aboriginal girls topped State in 1857 (Broome 1993) in Leaving Certificate exams; and I remember 20th century Mission or Church educated Aboriginal leaders like David Mowaltjari as academic equals of white peers reciting Shakespeare and the Bible in 1988 – the early-childhood indigenous discipline operating, at will, successfully.**



*Menngen in 2011 with ladies from the community foraging quite close to home, while some of the new cattle Breeding Herd, mainly Brahmin-cross, and the horses ready for the Muster, have peace in their ancient land.*

## Troubles (1): Government inadequate to changes; and drugs

***My own family know this trouble. School brought in the gunja, pub produced the drink, pusher found the youngsters. What the young need, not get into drugs ... but courses needed! That after Land Rights for to run the cattle-station but weren't in place. We never knew t' do business proper wi' writing. Then Government stopped loan-money from our Title! we couldn't buy a new breeding herd after th' company left ... went off wi' the stock! Mayb' they wanted us fail? But there's help here in Katherine: we survived! Out Menngen got plenty happen: Darwin school, grandch'n, girls paint, boys healthy out o' town, music, dance .. we can laugh!***

It's difficult to understand why people in commerce, land or organised criminal activity are seldom behind bars while the mainly harmless, powerless Aboriginal people fill the prisons of Australia. How come drugs came in unobserved by our heavily armed, technologically sophisticated, undercover-trained police protectors? How did government not see this happening when Aboriginal communities were first allowed to have liquor freely (not without exploiting mark-ups) in the Whitlam era, when marijuana was exploding into the ordinary life of Australia? Policing methods and government policies for new housing, health-care, education and work-training may yet change things in the new millenium: but bureaucrats run government programs from secure, good jobs – virtually never losing their job indeed; and their CEO might earn over \$150,000 while virtual crumbs flutter down onto the Aboriginal table. Even when the nearby Timber Creek community followed government directives and programs to the letter, they remain to experience the developments promised.

It is as though the warlike origins of settlement in this country are still ploughing their way through its soil: fear is permanently present in these communities from their police experiences, and the stories of past and present – gun and massacre and jail – always telling of injustices and lying, and the taking of their land and life by force. As for the Australian Law that corrals them physically, educationally and in work and prospects, this is not Spiritual and therefore truncates the forests of their lives. In spite of good, sometimes spiritual and normally well-meaning lawyers, legal officers and judges, the imperial fact is that the justice system and therefore the local Court is not a Spiritual Place like the Imulan, and its results can too often be despised ... how can 8 years jail be superior to 2 years further education with its restitution, recuperation, and reinstatement within humanity and community, by means of the Clearance? (It isn't).

**There are books of government statistics, and World Vision statistics in books showing another story. Palm Island government story shows different statistics than those of the investigative journalist and novelist. But statistics for Aborigines incarcerated in prisons all show somethig very wrong in Australia in assumed Christianity, caring and charity, making it clear that a consistant Spirituality is not Australia's normal or natural culture. Reality in prisons includes bullying, knifing, raping, drug-devastation and corrupt warders; and with organised crime therefore a presence (at least on and off) and no Bail available in the poverty-stricken Aboriginal community, Habeas Corpus for them does not exist.**

## Troubles (2): 1950s-1960s Disposessions wrecked two generations

***Then things changed wrong way - Fifties - 'n by 1970 grog had killed everything. Yeah, by 1990s, that Arnhem man broke our Law, take the promised lady 'n got away with it, got away with killing. That's the Law of us Aborigines broken by one of us, not respected by one of us. Easy then whites get control - that's it, keep control us by their laws, stop our Law! But Elders not here or in jail: that man should've been speared. We had to leave the stations, towns had little work, alcohol came in, women began drinking, men all around doin' nothin' - I think white business found us easy: swing wi' drink - 'n' our Welfare money's easy picking!***

Big changes took place in the 1950s. Post-war Aboriginal consciousness of wrongs, and related Workers' Union demands for an end to the virtual slavery of pastoral stockmen (in the form of proper pay instead of 'board and lodging') led to general unrest, and uncertainty for white station owners; while grog allowed many to forget, the idealism of the Law was not forgotten. Problems emerged. Unemployed dispossed, black workers, now virtually homeless in town, asked 'Who are We? What is a Human Being? Same as whites bio-physically, but our histories are different'. The old ones knew they had been lucky with vitrually no towns, no TV and no cars all over the place to run their lives. They knew work well, in the bush. But now, Nothing'. Nothing for their young.'

Whites in fact had not understood much. Few knew and understood Promised Marriage or the Skin System, that in putting the young women into domestic Station work, or the boys and girls in Mission schools, part of the Clan System was being wrecked. Really, the whites lured the Aborigines into slavery first, then took the children – thereby debasing the people and their culture – all without knowing what they were doing. That is the 'story': but is this possible? Overall, it looks like an unspoken Assimilation Policy, with laws filling the prisons with the men, too, thus destroying the 2 Elders Groups (male and female) as well as Skin Marriage family.

***Whites in control now? we need better court, different sentence, proper jail, good clearance, proper family, not drugs!***

**By the 1970s most Aboriginal men had been in jail (see the Sydney Long Bay painting); and by 1979 (when I was first in their country) there was little teaching of Imulun Law. In the town of Katherine there were still Aboriginal stockmen in smart working gear, but they were sitting reminiscing at street corners, not working on the 'modern' Stations. But already they realised what was happening. Land Rights work in the Law Courts of the Northern Territory took off, and (amongst many others', white as well as black) Bill Harney's cry from the heart for his people was issuing from what he'd seen and now knew: not only Land Rights needed to change. Thinking for his people's survival, his positions are moderate with drugs (except ones that kill people) and no fermented or mind-stupifying drug existed in Aboriginal culture – Pituri leaves provide pain-relief and stop exhaustion on long desert journeys – a survival tool, they're no recreational drug to escape reality. So he keeps to Imulun as a reality-testing 'here-and-now' culture, and Law.'**

### Troubles (3): Boss-policing hurts the young

***We've had problems - the Twins; domestic one here; a boy wrecked in Brisbane. These boys not allowed be born in their land, y' know, had to be in hospital in the whites' way, could've been taken away prob'ly. That was town growing up: police ev'rywhere prowling, paddywagon ask what you're doing, where you goin', why you there, what's yo' name anyway, all that. That's what it was, telling blacks what to do, got to do what the town council says, what the police says. Look after whites properties, they do: put blacks off the streets, get 'em inside th' station. Then, drunks lay around? cuff 'em! Surprise th' young challenge 'em? ... 'In yo' go!'***

In 1998 we saw what traditional educational life might have been like. The boy Eejin.buran and his twin brother were as mischievous as they come. Normal teenagers, very intelligent, they were among about 10 children with some parents and other Aboriginal couples, scattered among the 4 vehicles. I had with me my wife Hilary and my archaeological colleague and fellow-researcher Julie Drew (her Sydney University MA thesis details many basic relations and realities of the Wardaman, and her 2 films record the Women's Law related to her by the Senior Women's Elder, the late Lili.Ginjina. The new-technology GPS on loan from the University of Sydney was helping to map the Wardaman country, especially its rock art and other traditional sites; and Bill Harney led our expedition over newly-regained lands north of Menngen-Innisvale station, through almost 300 km of natural bush track, to Dorisvale. But, back in town, all the young blacks were under the mainly white population's critical gaze, and the vigilance of the police was palpable.

The boys appear on the back cover of *Dark Sparklers* as they cling to Bill's Red Land Rover's back. Although it was sheer excitement travelling the rocky route through wild escarpments and over deep creeks, a major purpose of Bill Harney's rock art survey with us was to bring these youngsters back into their homeland, for them to understand it more, after the sorry years of virtual cultural incarceration. The overcrowded, poverty-ridden streets, experienced all their life so far in the (well-meaning) town of Katherine, were 150 km to the east of Innesvale, and these youngsters had been a drifting residue, children of experienced Aboriginal stockman families thrown from the land thirty years earlier. Had the wastes of unemployment and its attendant welfare sicknesses – Alcoholism, Violence and Drugs – been highlighted by Land Rights and Native Title work? Under new Australian laws, the Aboriginal communities in the towns were beginning to be allowed to breathe again. The bubbling joy of these youngsters in their own traditional land was infectious: Good!

Bill Harney was Totemic Ancestor Diver Duck, Eaglehawk Leader, Protector of his People: soon he was teaching the youngsters the Wardaman Law while he talked to us outsiders, at the sites. The Creation Beings were 'Presences' and 'Shadows' in the rock art overhangs carrying Law: but everywhere through the land we travelled, the Law gave their Wardaman personal and communal identity, at last.

### Troubles (4): Town Law was never spiritual

***Sometimes we'd get back to our land, special times, do dreaming on our Dreaming! We taught th' boys our Law specially, n' now they're first young living back on our land - 's good. Means White law not good enough, not spiritual, then stupid! Means when we've a prisoner come out, they wan' get back in prison, that's the food 'n' TV 'n' bed! (stupid put 'em in there, doesn't work). I know Sergeant knows that, an' doesn't wan' it! but who's his boss? That's lawyers 'n' government? Canberra'n all that? What's wrong then? Better t' put 'em into our Imulun.***

Aboriginal people knowledge and love of land and environment, and the practical skills for living and survival, included the knowledge and care of these peoples' ways and stories, with the languages, arts, musics and dance of cosmic spirituality. We were privileged. This Law was being shared with us all; and Bill Harney's twin grandsons, at the age of 8, were beginning to be deepened in the traditional Aboriginal education which now encompassed the reality of major journeying in two (or more) worlds. In the tradition, he would have been introduced into and learning the different languages and Law of his mother and his father, their parents and the other step-parents in the family, often well beyond the fundamental Law of the specific extended family within which his proper practical upbringing was centred. Now this extended family was including us Sydney-international folk researching into their world, and learning our's.

For Eejin.Buran this traditional learning had been greatly reduced by the dispossessions and dislocations suffered by his parents and grandparents. Keeping family and tribal integrities paramount when urban reality has forced the artificial mixing of different groups and languages in the same street is a near-impossibility. Inundations of non-Aboriginal activities such as (white) criminal drug-selling (and even the wheedling of children into prostitution) can tragically invade the mental needs of 'lost people'; or at best alcohol can fix a person's intimate and cultural 'lost dreams' for a short time. Many towns in outback Australia became (and some continue to be) quite catastrophically messed-up after the massive influxes of the invaded, forced-out, impoverished, and immensely suffering Aboriginal people, and their exploitation by white criminals, amoral citizens, and the planned actions of secretive government. Often inept in practice, government seem not given to forethought and the preemptive actions that the empathy and compassion promised in idealistic social justice slogans failed to deliver to towns like Katherine. Little urban work was available to treasured but unschooled horsemen, or the hardy and sensitive women who knew survival in the land so well, from their age-old tradition, but not the town.

Welfare without education and jobs was fed by (and it also fed) crime and criminal networking, and the pains of boredom flourished in the new generations of young people. The age-old question of 'consequences', not now faced by governments, was becoming lost



## Troubles (5): Imulun skin and marriage are Spiritual Law

*We got our own police, Kanin Law men and women! we teach ‘em well, ‘n if they wrong, we punish ‘em! What you do, what you got? you got committees, commissions, courts all the time; ‘n’ police ‘n’ paper ‘n’ paddys, yet not stopping and making it all good. Why not our ‘Justice system’ we’ve always? always in our old Law, ‘n’ in our Imulun Law wi’ th’ Spiritual, our way worked well; then with Eedik.Bow’n in that trouble ‘n 2005, even police thought it good, the judge specially, ‘n we were all happy - an’ that boy’s now a cattle man, right? ‘stead o’ bein’ dead, he’s a right good boy learning, all the skills, ‘n all that.*

to the Tradition. Bill Harney had managed to beat much of this shameful Australian (Canberra) catastrophe by forming the Wardaman people into a Company and developing commercial art and tourist enterprises. He was able to form practical links to the main Katherine township, especially through Mick Pearce; and for many years while he was in the Land Rights and Native Title tribunals he was respected in the town: a proper worker for his people. Sympathetic sergeants policed such Aboriginal communities with proper conscience; the education system was beginning to cope; many aspects of Aboriginal life in Katherine were getting better. But the Federal Government changed, in the 1997 Election: just as the two brothers entered proper schooling, not long after the Wardaman were free to return to Menngen-Innisvale, the political years of the Hawke-Keating governments ended. Two basic facts: first, the new Government (1997-2007) saw Aboriginality through practical economic bases, in the 10-Point Plan of 1996. Money and political power began to be withdrawn from the Aboriginal people. This affected Bill Harney directly: the white-run (unelected) Indigenous Land Council refused to fund a new ‘breeding herd’ for Menngen-Innisvale; and legislation on Native Title prevented banks making a loan. So the cattle station, run down from (an over-grazing) 18000 cattle to 3000, became a poor contributor to family, industry and town, a target for ‘I told you so’ racist elements in government and community. But second, just as important to the Wardaman, was the lack of proper funding for mobile education units and programs that should have been prepared for the remote communities as they returned to their original home lands. Health facilities, further education for agriculture, intelligent housing, the expectations of normal Australian citizens never arrived in the lives of Aboriginal people, so the Twins’ generation were deeply affected ... an urban minefield behind them, but as clever children leaving school at Year 10 unable to read, meant continuing problems with formal unemployment.

**The background reality that, at least since 1901, many Australian governments have been informally committed to Assimilation of Aboriginal people into urban ideological and social masses, meant that Wardaman suffered immensely after being pressed off their land (beginning in the 1950s). But the psychological and social violence of the Intervention in 2007, with its various bureaucratic, health and education teams all operating unplanned and untrained – and without adequate financial backing – meant the Howard government’s 10 years of neglect and abuse, found a land-grabbing, leasing exercise easier to put in place using military and police methods and personnel, than valid long-term policy.**

## Troubles (6): Whites never understood Customary Law

*It’s listening you don’t do: police always padded up, speak first, hand first, gotcha first! ‘n’ if y’ get in first, they the law - if y’ touch ‘em, y’ go t’ jail! But they got it right wi’ that Yarralin: came from the east, Arnhem, ‘n’ done it before. That man no discipline for the Promise woman, not taught right, didn’t learn or couldn’t act proper: did the opposite of the Imulun. So first, that white law didn’t know language, didn’t know culture; then got him for ‘doing’ customary law when what he’d done was ‘break’ our customary law! News people got that story wrong: why not check it? Just used it - sure got the Intervention coming along!*

What the Twins were like in 1997 – joyful, full of life and hope – did not seem to prefigure a continuing world of detriment, in the town from which their supplies would always come. Lack of education became apparent. We thought The School-of-the-Air would be able to set up and keep a proper classroom, and equipment, at the Station; would visit this regularly with fruitful outcomes, amid a situation of mutual respect; would be able to cope with young Aboriginal kids who at the same time had become modern, worldly-wise westerners on the streets of Katherine – but still remained with a brimming integrity, people of the outback bush, in the land they love. But resources were scarce in the educational institutions’ hard world; and human resources become tired and frustrated at stressful travel to remote bush communities, and their lack of language and entrance into the inner Aboriginal world s – the spirit was willing, but government flesh is weak. Whatever happened to educational conscience when such intelligent kids were not learning to read? (I suppose that when a generation has grown up in an urban mess, and left school at Year 10 unable to read and write, this becomes a muddled burden and political anxiety in Canberra minds, worrying in individual conscience, but bereft of practical strategies to meet Australia’s future employment needs in the north. How to follow through, successfully, the sets of legislation and action that have already failed? On the newly-returned pastoral station, Bill Harney was pointing to the future in the Old Law land: but the necessities of material survival were still in the town, with all the temptations operating, and the money-wasting and bureaucratic inadequacies that have kept Aboriginal inequity still there, since the putsch that swept them off their land and work, into the town.

**Cases like the media’s ‘Yarralin’ man suggest police (allegedly) seemed not to know and understand Aboriginal people and their culture sufficiently. investigations when there are language inadequacies must be problematic, especially if there are other problems that include, at times, the simple white fear of an indigenous community that has been unjustly, wrongly or abominably treated in their own original land, for over a century. Is the police unit cognisant of the Spiritual Law background of all Customary Law? Are there Christian/Jewish/Atheist or other possible prejudices in the unit, which might prejudice an investigation and the Charges made? In the judiciary too? A list of alleged Australian legal and police failures in relation to Aboriginal people will, in modern times, go back to the Stuart Case, when lack of language amid prejudiced investigation almost produced an outrageous (and morally evil) outcome ... only prevented when anthropologist T.E.H. Strehlow showed the court that the Aboriginal man’s language was not present in the Admission-of-Guilt document – and therefore had been fabricated by others.**

## Troubles (7): Whites don't know the Spiritual 'Real' Law

*So he broke our Law, got it? But it's spiritual, we don't ever see spiritual in the police court house! never seen it in there tho' th' Eagle's up wi' th' Emu in that painting shield in front! Well, that's why I put my painting outside, in our court house in Katherine: get some spiritual in there! That Imulun came with Big Red's Bag of Songs, 'n' we got the Eagle Boss Man bring 'em on from Nardi. So when the Spirituals 're there, all that Justice and the meetings 'n the punishment, that's the Wuna Spirituals there, making it all spiritual - make that sergeant good, get 'em process right! That Emu up there comes from Kimberley, so Watch Out!*

By the late eighties Bill Harney knew that what white governments had done was not what had been intended or promised (loosely interpreted) in Land Rights, and that the Wardaman future depended on them getting their land back, within their Dreaming. Many of Bill Harney's major paintings were produced as the tribunals and formal courts came and went: they come from his memories and reflections on life-experience, but particularly from the living Wardaman culture he learned, and within which he grew up. Practical realities from the 1960s are included in the lead-up to the particular painting *Yirrbarri*, helping to give meaning to what he actually painted. The sequence of paintings that followed makes sense of my own actual experiences with Wardaman: they reflect the modern Australian socio-political changes and the microcosm of Idumduma's life, especially what is needed to make the land proper: this includes Land Rights striving, his education of the young within his Diver Duck ancestral duties, and his thoughtful understanding and use of Australian Law. The almost-daily help he gives to purported offenders in Katherine Court House, or in visits to the prison, is not just a matter of extended family: the overall value and actual legitimacy of Imulun Law (in which he is an Elder) is paramount to him; and the recent family tragedy concerning the Twin of Eejin.Buran needed proper adjudication in the Supreme Court in Darwin; so, thinking all this focused him right into Australian Law, to meet it justly in truth, seen in service to the 2 cultures and their 2 Laws. The Katherine Court House Law Painting, presently in the foyer of the Court House, humanises for a generation of Justice officials and Aboriginal people in this building – defendants, witnesses, family, Parliament's Officers – the original inhabitants: it respects the accuseds' integrity as a Wardaman person in their own land; and it demands Australian Law treat the individual as a complex person in a reasonable case.

**The Imulun Law of Wardaman and neighbouring groups is like Australian Constitutional Law (and that of the Northern Territory) in calling for accuracy within the legal system, and care for all parties. All Australians are citizens to be protected by the State; and in the following pages, material from the 1986 Law Reform Commission Report of the Commonwealth of Australia (and from its 1972 Report) will be brought into play. But when I read this on 23 November 2009, after 2 years' reading Law material but not being a lawyer, let alone a legal scholar, sudden realisations came on many issues I had struggled with, as I attempted to gain background for properly understanding Australian Law in its relations to Aboriginal Australians. Some accurate perspective was developing, then; and I wish to thank John Morieson of Swinburne for this.**

## Trouble (8): Australian Law is land, property, money – not spiritual process

*You realise our Law's very practical? makes you face what you've done! That's past, so then you put things right an' live properly; gives you long-thinking, what's coming to you! Eejin.buran's good example those first two. Way we think, things a long time: Land Rights Claim 1993 but Title last year; then we lease Delamere t' th' Air Force, their Bombing Range's by th' Lightning Brothers! famous site but no live bombs! no payment yet but that's long-thinking, long term survival! Problem they not spiritual, not their land, see? But white 'n' black Laws come together, if Agreement, we respect one another: but we still want that money owed us!*

Negligent driving (allegedly) produced the Twin's death on Menngen-Innisvale Station): but the young man Eejin.buran, immediately after release by the police after the accident, was 'grabbed' by Elder Donny Gilbert and taken to the Imulun Law Place. This was Imulun in action. Here Eejin.Buran faced the Elders-in-Council. Among these were Geoffrey the Kanin Law Man ('who had the power to push them around') and Bill Harney who was 'giving instructions', being the Senior and fully-experienced/initiated Elder. They found that Eejin.Buran had 'talent in his mind'. They thought he could re-learn the Law and put himself right, if they put him under Discipline-Education, the 'old way punishment' in Wardaman Law 'an' all over, up to Timber Creek' (this was important in the case, in relation to another boy in the vehicle). This method had been operating 'under cover' for nearly 2 years years: before a Court sitting, Wardaman Elders would handle cases under Imulun Customary Law without pre-empting the Court proceedings, showing how Customary Law might be a positive, fruitful force within Canberra's overall Australian (Commonwealth Parliamentary) Law. Judges accepted this now as a potential process: so when Eejin.Buran's case came into the Supreme Court in Darwin in 2007 (perhaps the first specific case of its kind) Mr Justice Riley found him Guilty of Negligent Driving, then allowed Customary Law Sentencing to be introduced:- Dingaree Law's education-based discipline would be the 'Punishment' phase, the young man's Rehabilitation being a worthwhile Cause. In practice, 'many moons' under Kanin Law Men guard had been happening by now, at Detention place like Ngard.ya; now, Customary Law proved (over the next 2 years) to be able to produce the regaining of original work-skills, the learning and acquisition of new ones, and the putting a new skill-world in place.

**Federal Government pressure on Australia's non-town, still-rural outback communities (not all of them remote) began in 2005. Right-wing media seemed to raise the Australian population's feelings against Aboriginal Customary Law by headlining a violent 'promised bride' killing by an elderly man (said to be from Yarralin). Details given in public were said to be inaccurate (as noted above) because the vicious murder was announced as an (alleged) general practice ... as a normal custom in Aboriginal Law. This was taken up in 2007 when the Intervention included a policy of Customary Law's removal from valid Law in Australia, within the Commonwealth's system of Law. This was one of the major emotional (not empirical or statistical) pieces of (alleged) data used by Professor Helen Hughes in her 'Lands of Shame' publication, which formed a basic rationalisation, useful to Intervention rationalisations. The details of the Yarralin case are alleged (by Bill Harney) to have been factually different: to him, this breaking of Imulun Law was abominable: it exhibited individual psychiatric – not cultural – realities, in the murderers.**

## Trouble (9): No money in Spiritual Law

***Doesn't always happen all well! another trouble for us: Marriage's got be right in Law. That Bag of Songs (of Rain, Nardi an' Dungdung), that's good Law: they gave it together, agreed it all 'n' that's Spiritual today. You got some like that too! But our's not about money, splitting, getting money! With the old man dead, it's 2 years quiet in Wardaman Marriage, then the widow marrying again, not 'money in court'! Imulun's clear, start the beginning: young men, young women live separate 2 years, no talking each other; then they get a wife or husband not young, so old widow's now got the young husband, the old man a young wife.***

putting of a new skill-world in place (today the diesel world, tomorrow I.T.)). In the traditional forced-learning environment, yet now also under the judicial Finding and Sentence *as per* Australian Law, this young man has become a hard-working, able stockman, with training for rodeo and helicopter mustering. It has raised him out of modern poverty traps, removed an angst-ridden loss of self-esteem, and changed the 'shamed' feelings that could lead to self-wronging practices which break all Customary Law.(It may even prevent prison suicide (as the traditional paintings in prison may vividly show: see [p. xyz](#))..

In the case of the 'Yarralin man', the Imulun Law was broken by a sex-crazed episode where a mother and son had lost the Ancient Way. The first marriage is a generational-change process, and makes sure that the old and the infirm are cared for by the young. Exactness of knowledge is paramount, knowledge is grown elder-to-younger; and sex is non-priority. Indeed, the fertility-rate of the clan is being controlled to take place in the second marriage ... then the active middle years are filled with love and family upbringing, with protection and energetic care actively provided by both partners. (Then the third marriage recapitulates the first, again with the old one full of wisdom and experience handing these on to the young carer over some years. Customary Law in the Marriage system is therefore spiritual in the normal western meaning of a higher humanity and moral consciousness, and Spiritual because the Songs came from the Creators, and therefore must be kept – as Bill Harney says, *'We all need a companion so we gotta learn Law'*. Reiterating that *'the Imulun way is natural, the best: it's the Law so keep it'*, he is adamant Customary Law has nothing to do with child-molesting or promised- bride abuse which – he says – are prohibited in the Imulun. *'Whites have hang-ups about sex: they're 'sex-mad!' he says: 'but we have Imulun!'*

**Domestic murders in Kirribili or Canberra (think of *Joe Cinque* by Helen Garner) can be difficult to interpret; but suspicion and prejudice work together in the Intervention's move against Customary Law, to the embarrassment of many whites, and the anger of educated blacks. Aboriginal leader Patrick Dodson labelled this aspect of the Intervention as aimed at destroying the 'essence' of Aboriginal people; and an Alice Springs Woman Elder assured the world that domestic violence, sexual abuse and domestic murder were and are absolutely not part of Aboriginal Customary Law. (See further the 1972 Law Reform Report on Promised Marriage Customs; and the Northern Territory Law Society volumes).**

**The rules that are the mutually agreed bases of normal Wardaman community, keeping society strong, are the Marriage rules: that is why**

## Troubles (10): Imulun Law in marriage solves problems, unlike Family Law

***But the Spirituals give our Law, and it's our Family starts w' the Skins and Right Marriage. So, from the beginning, boy-girl, man-woman's got Law making it work - doesn't always work, look around! - but you'll not often see fighting if a young man marries an old woman, or a young woman marries an old man ! - one strays it's trouble strong Law, but's not like 2 young people getting married. Then, there's often fighting, someone getting hurt. Well, both cases times we've got back-up Law to put things right. The old Imulun tells us how do it right, if need, how to put right what's done wrong! It's very practical: we talk it all through.***

Bill Harney adheres to normal facts about humans living in the real world! and he prefers his Traditional Law to deal with Domestic Violence: it approaches such abuses with realism, suggesting intriguing methods and solutions – not manufactured urban pretences.

Bill Harney routinely faces up to real realities. The negatives bring so much unhappiness ... young going off the rails, marriages breaking down, learning opportunities and skills wasted, abuse in families and institutions, separations that bring disaster, law-and-order goodness muddled by unethical or inadequate authorities and agents ... even systemic wrong in Government policy and action, make too much wrecking of people. But he does not exude moral censoriousness! and he will tell us Customary Law methods to deal with normal experiences, in use today, while acknowledging ever-increasing global factors changing our world. In Wardaman experience, the industrial-commercial pressure, faux-welfare and imperial-urban western laws are seldom good for them, and often cope badly: but neither did Traditional Law cope with the forced removals from land to urban centre, to unemployment and prison and concentration camp. Only recently have displaced, disoriented Wardaman found Imulun Law again valuable, on their Rights-full Land, now. But the young need proper Law., and the personal-social, anecdotal, oral knowledge in their Law differs from written, computerised, probability-calculated laws: Imulun deals with the whole person, but the Intervention-like demands 'lie with statistics' in abstract figures, legitimised by political selection. So the practical Aboriginal Law is needed, to both together remake the whole person in an all-Australian infrastructure.

**But how do black as well as white learn about the different or even opposite culture, if there is no formal dedicated teaching available to them? Eedik.Bowan learned Customary Law in the trek to Dorisvale in 1998, but when did he find out about Australian Law, and the Court System he would experience 5 years later, in formal appearances in Katherine and the Supreme Court in Darwin, 5 years later? Since 1972, Aboriginal customs and laws have been on Canberra's Senate program, and media develops regular columns highlighting events in Aboriginal communities negatively. If Palm Island antagonisms grow, how does Australian Law deal with a young miscreant, at a time when popular media and other sources flourish under a government wanting the original people off their newly-regained land, to assimilate quietly into the national work force? Would the regular attacks on Aboriginal ways of seeing things in their customary laws not hinder good judges? even if they are dedicated, in conscience and academic training, to pursuing Justice (not just a semblance of a 'Just' fix of problems that are given a label of being 'too**

## Troubles (11): Spiritual with its Rules does Marriage properly

***With the Elders it's realistic, it works! Anyway, that's the Law: together, Nardi and Dungdung agreed the proper ways of Marriage. First, Skin Law. Then young ones, male and female, properly grown in Law. Then, 'promised' to Right Skin. Then no one touches for 2 years. Then marry old with young. That's to do it properly! children grow up OK, both ones looked after properly, by each other - not in the Old Age Home! children are not lost around the place in th' Orphanage! It's their second marriage, married for love and children, all family together: no worries! That's good Old Law: stay w' each other, kids are cared for all through person***

Bill Harney remembers Islamic Afghan camel-drivers looking after their young: Jews and white owners too. The Wardaman Law says Law is needed to prevent young men or old men getting a girl when she doesn't want that, and it also says firmly 'stay away from wrong-side love: that's Skin Law. But (he says) it's being undermined today – all the wrong stuff on TV and DVDs, girls and boys kidnapped, enslaved, abused. One white Kimberly owner (see Diamond 2007) allegedly made (black) husbands disappear (in the bush away from the Station) to get the black girl, and white Law never caught up with him: so to Bill Harney such wrong accentuates the inadequacies of impersonal western laws, and their political structuring. Recent cases where crimes *against* black Law were taken by media as well as Defence lawyers as crimes *under* black law and *against* white Law, were not completed to anyone's satisfaction. Imulun never said do anything bad or violent against a promised bride (or any young person). Never! Yet Bill Harney's family remember wrongs against both white and black Law: Bill was never abused, but it was a known, normal practice for white Government officers (even 'Protectors') to take young girls in any camp they entered; and while the 'Honour' killings of 'compromised' 'promised' girls (allegedly) occur in Indian and Islamic families with cultural approval on that continent, the murder of a 'Promised Girl who didn't want you' was never, and *is never Aboriginal Law*, according to Bill Harney – yet media and politicians (eg. Toohey: *Quarterly Review* 2008) still take Aboriginal customs wrongly).

**Arranged marriages happen regularly in the western countries – read Dickens or Jane Austin, and find the transfer of money, the inheritance of property, the acquisition of power, or the gathering of social status, as recurrent themes influencing the formal marriages of the not-poor. Since the Establishment Churches were for wealthy people or aspiring middle class enclaves, those themes were commonly apparent well into the twentieth century. With the sexual ferment of the 1960s (The Pill and The Beatles, and the rise of modern empirical sciences of behaviour and non-religious ethics) the traditional arrangements for western marriage were evidently dwindling, but today they appear, still, in many societies. in New York, Jewish arranged marriages work by Internet dating organised for correct-born-and-raised men and women; Christian Fundamentalists and Roman Catholics operate similar web-sites; and with the media showing the continuing presence in many countries, of traditional caste-type 'Promised Bride/ Bridegroom' as common, multi-cultural features, the Arranged Marriage is known to be normal the world over, and survives for many different reasons. But while there is no widespread Australian data for this custom in its multi-national forms, the argument for an Intervention or Parliamentary Legislation to abolish Aboriginal Skin-custom Arranged Marriage (or Customary Law in toto) on moral, cultural or empirical grounds, cannot be justified, and under a Human Rights Charter would be reprehensively illegal.**

## Troubles (12): Promised Marriage rules make a Learning process

***dies or not - none of this getting on welfare, 'Maintenance'! Our Law's never heard of that one, all these writs for damages! You remember my initiation dances? head-dresses, dance-designs ... 'head-bobbing arse-up' movements o' Blue-Crested Pigeon! ... that's the NeeRee net Bungbun wig!? Well - th' other side - I was now allowed to talk, but couldn't go to the Women's Camp for 2 years 'cos I was promised to my middle-aged old lady Yuwarrningi, an' she'd be 2 years silent after that old man died! We had to wait, be patient! I'd to wait, learn ready for that caring f' th' Ol' Lady; that's food, make th' humpy, and all that marriage!***

Marriage came in a definite Spiritual sequence with sexual relations non-existent, and certainly not a priority. For the young man it was information-learning before and after marriage; for the older woman, it was the reality of a new companionship where the older would teach, caring for the younger one in food and home necessities, while the young man learned Law and life, and looked after her in her old age. This was the Imulun Law. The extreme sanction against rape was protection of the young that allowed more years of separate learning to proceed; and to disrupt the sequence by rape put the old man in Dingaree Silence-under-Discipline Law in the Yanduji Law Place for a year or so ... and for a repeat offence, it was a spearing, or exile to related but hostile 'same-Law' land and Kanin Elders.

The Spirituals said in the Tradition that the teenager-group can Malan.yan – make love – but this does not mean that boy-girl sex is to be marriage. The young women is to be chaste after Mudu, but can sleep with a post-Imulun young man – but not with a promised man, nor with an older man. Middle-aged widowed or unmarried men are off-limits: but unmarried women can be dated as long as it's mutual with no violence, and ideally for love and Marriage, if the families agree. Imulun marriage itself – straight-skin proper marriage arranged by families and Elders in Council – will include love of course: but Marriage proper is separated, here, from sexual activity.

We can see, now, how white seduction could be tolerated as natural to the species, but rape was an abomination to the Imulun society.

**As the 2007 Intervention continues, it (purportedly) will address housing problems in remote communities. This is needed for Law, modern education and healthy work-forces. The Imulun tradition of both sexes moving at puberty into separate, independent housing, where growing feelings and knowledge are learned in single-sex environments, was depicted in *Ten Canoes* in a parallel indigenous culture: but it is also original Christian WASP heritage. In Imulun custom, family talked, inter-family meetings discussed with Elders, Elders-in-Council decided Proper Marriages, children came good with old knowing young, and old age care was built-in – and all this was actually possible under a compassionate and creative Law. But recent criminal cases show msome of this goes wrong today, and the ethos of this Proper Customary Law, can be absent now. Therefore, separate housing for the single girls and boys – and much else of the local Imulun systems – should be part of the Intervention-type plannings of governments. Dormitory-type settings under the supervision of Law Men and Law Women Elders in full cognisance of the people – unlike the orphanages/ecclesiastical Missions with too-often unethical regimes/personnel – and the old rules, like being back home by sunset, with**

## Troubles (13): Spiritual Law iss sexuality, self-control and community control

*Th' other way would've been an old fella promised to a young girl just after her Mudu Bandimi Law stage: that's together only after her two years promised but no touching. They kept you real quiet, those ones: you learned Be quiet, Be patient, Wait: that's good! It wasn't all 'No!' when we were young; sometimes sex was a free thing for the young people: but Watch Out f' jealousy, take care 'not to be seen' sometimes, 'cos that Old One Barunga complain, then the Imulun Wuna would discipline 'em, 'serve' them with 'punishment', an' that's a bigg trouble till you get it right!*

This parallels our modern western customs, in Law, where consensual sex relations experience no barrier except age (as in Imulun, though the latter also includes close-family practices and inter-tribal ethics according to Skin cultural requirement). In practice, Aboriginal girls were vulnerable and not protected from 1788. The entrenched power-structure and methods of non-Spiritual whites meant that actual practices were far removed from the far-off religion-observing Parliamentary Law. White males explored all over the world finding paradise in the arms of natural women, but seldom entertaining the idea of marriage; and at times this involved unloving violence as well as disease, and was disastrous. Possibly Bill Harney's mother Ludi's situation involved love; but white-Law marriage (she would know) meant that her promised husband Joe Jomornji would be there when Old Bill disappeared (remaining a notorious womaniser).

Perhaps the Wardaman wanted knowledge of the new, conquering culture: they needed to survive. Old Bill now had a way into understanding Aboriginal reality, and would know that straight-skin Law had non-punishable, useful exceptions for strangers; and anyway was peaceful. Proper western marriage, seldom in the mind of whites taking black girls, is seldom what non-urban migrant girls today face, also: similar, ethnically Law-less, often criminal men, deem them 'fair game' under their different ethnic Law; and Australian Law and Low-policing is seemingly too frail to prevent this, even today.

The Aboriginal way of doing things personally, directly, in the open, face-to-face in the extended-family Council, often seems more healthier. In the disciplined confines of proper-thinking Imulun Law – its human parameters being empathy, knowledge, rationality, integrity and love – there is a clear ideal. Binjari 'sports and recreation' (hailed for the 2008 Election) would exist in a community run by an Elders' Council, centred in an organised library-computer, I.T. Knowledge environment. Young and old would read after dark, in privacy; and, fertile with vegetables and healthy cricket/football/gymnastics/swimming, proper body and social health would return to the community for the first time for over 50 years. (Election promises, like those of the Intervention, are not yet fulfilled; and seldom are).

## Troubles (14): Problems in marriage need The Threat learning process

*This old Law worked well. We were content, but you always get problems with men and women together! You can prepare for normal old-young marriage, but things happen. Trouble! what if the young married man's found with a woman, not the old woman? then the common jealousy problem. Well, this is what we do. They are both taken to special places, Yangdiji for the man, th' equivalent Mudu Law place for the woman. There they're given The Threat, and for the next two weeks they're under Dingaree-Kanin discipline, the real thing! That's strong rules that we follow, an' if we don't (do this and succeed) it's punishment to get things right.*

The marriage system is so sensible if looked at long term and not as a matter of individual sex. Traditional Marriage is preferred: Marabinna gave Nardi-Dungdung Law to the girl at Mudu (like Imulun for the boy); and that means Bandimi chastity during puberty and sex education at 16-7 – growing them up – parallel the boy's lbyan chest-marking at 16 to mark Manhood's 2-year chastity time (Don't even look at a woman!). First there was Bula; then circumcised Yabba wearing Waling Mulu; then Clearance to become a Man; and finally, the promise of a straight-skin wife – the Wadirrik girl now Dumbbarri Woman, chaste for 2 years with the straight-skin promise of marriage to the old one. This is what's right: but Imulun Law makes sensible exceptions to the ideal of Traditional Marriage with its sanctions for both sexes; and the system works these out rationally in the families with the Elders and (if necessary) the more formal Imulun courts, because real wisdom in the old men and women (like Paddy and Lily.Ginjina today and yesterday) demonstrates it.

Mutual young love is fully recognised, therefore, with upset families calmly brought into the tribal Elders Court: normal procedures apply, just as in serious violent cases where a victim's people are taken into account and approached with empathy. This general rule develops inter-family, inter-tribal relations that contrast with the adversarial, supposedly-objective, bureaucratic environments found normally in the customs of Australian Law courts. Would it be different if the 'Threat' were given (analogously) by the judge to the person 'Found Guilty' in an Australian Court? (Without the strong Law family, in our normal western society, perhaps not ... But if ... ???).

**Perhaps the 'Black Cap of Capital Punishment' is the analogy: Real-reality is coming: Death ! Actually The Threat was and is basic education, and very infrequently resulted in Death: this would mean 'all else has failed', and 'a Person lost to the tribal family'. War is the analogy for the Black Cap: who wants War when it destroys survival for many innocents? Obnoxious/evil in many ways, 'Civil War' in a small tribe is particularly idiotic. In reality, It is very difficult for someone such as myself (a so-called 'educated' man) to understand some barristers, let alone legal arguments and Judgments: the Law System has its own gate-keepers, languages, hiddedn processes, libraries, data-bases which outsiders are unable to access, and so on. For instance, how come Eejin.Buran's cousin was kept, for 4 months in jail, Without Charge or Trial, then Discharged without written explanation, apology, or even personal compassion, let alone compensation? Is there no right of redress for unlawful arrest ... or does 'lawful' arrest cover a 'spur of the moment' action by an individual law officer, often in fear or frustration, and on hit-or-miss unsubstantiated 'evidence'?**

## Troubles (15): Skin is the basis of traditional systems and sets of processes

***Take a young man married to an old woman, or a young woman to an old man, and one of them runs off with some one else, or tries to force the other - they're breaking our Law, so there are processes to go through, decisions, punishments to be made. What if the runaway is found to be in the next-door country - they'll be sent back or brought back! Away with another clan or tribal place, silent all the time? Well, we've all talked about it, seen it: that's the young know what's what - but that's gone, lot of it, 'cos police get in an' think they've got the Law! But their's doesn't work, doesn't help us get our Law to work either.***

The young fellow doing wrong with a girl is, for instance, to be separated from her for a 2 month punishment, followed by proper teaching under initiation-education discipline to get him better educated; and the Mudu Law Women Elders get the girl in the same Dingaree silence for 2 months – she's probably not allowed to look at the boy for a year while he'll be in Wudum silence anyway, going through the next stage of education. The Law says they both need to learn to be responsible Wardaman, either waiting to be properly married with their promised partner, or, if they still love one another after the long separation (and wait), resume their love in (authorised) marriage.

Wardaman Law deals with problems in marriage by involving the couple's family and the community, with moral courage in honest facing up to realities. The 2 families meet with 2 or more tribal Elders in long discussions: agreement must be reached, so they're sad if separation is appropriate; but if this has to happen, the 2 families as part of the decision, have authority to control exactly how this separation is to happen. They make a separation line called Moona along the ground: the man must keep to one side of it, the woman to the other; neither is then allowed to cross it. In practice, therefore, this Law reduces aggravation and tension, its' purpose deceptively simple and sensible – children remain properly together with their parents without parental anger disturbing them! Then they see both parents all the time, and the latter – reasonably separated – learn a dispassionate way of treating each other, and are free to develop a new life while keeping within their separate area. This solution provides a proper, satisfactory outcome for the couple that is not present in most Australian Family Law processes and judgments, and well-being and harmony also to their families, friends, and communities.

**One problem of promised marriages today (noted in Law media eg. *N. T. Law Review*) is that of Languages: if English is the 4th language of a stockman of 40 years experience, how well can marriage with a young Aboriginal woman in a western town be ideal? But the cultural differences of Town v. Tribe go beyond this: a man who pays a virtual dowry over many years may expect his money and loyalty to be of consequence; but Bill Harney rejects this 'dowry' idea: 'Come in from island, perhaps' he says, 'not Wardaman'. So it reflects a shift from the Tradition of caring 'preparation' years during which knowledge of real things is transferred, to a culture of 'buying' a woman with 'capital'. Not found in Imulun Law, such alien commercial bases fit with 19th century Inheritance Law and its male Business Ethos, but not with non-moneyed, non-propertyed Aborigines who were close to western oral traditions like Irish Contract Law. Here, the kin-family 'poets' and the 'song-spillers' negotiated with concerns that**

## Outside Troubles (1): Central Government Laws - the special interests

***So town law - town! - still with us. Got get the food from town - lost the tucker knowledge in that 30 years, young anyway. Town, that's how they learn grog and gunja, steal cars, drive around all over, get cans, make noise. Some in jail, they learn it all bad from the lock-up. Push a policeman, get years in jail, learn it all worse 'n many never get out, like it there, food, drugs, sleep, easy like the police then! That policemen usually good blokes, they got Canberra's laws to deal with, but Canberra not here! How come that always town gets t' put us mob down? All that law never tells us how to live, it's all how those people don't want it!***

Closer to home - hypothetically – as this is being written - a 17 year old Angurugu youth is alleged to have attacked a 34 year old woman by spear, axe and woomera. Is a Defence of 'Customary Law' going to be valid? Where is the data, is it recorded? Will this just be an 'excuse'? How can we tell? Then, if found guilty by the Ayangula Court, will he serve his Sentence in a Town or Bush jail. Then, it is often alleged there was no proper police investigation available or forthcoming (cf Manning 2007<sup>8</sup>): is this really true?

Another problems is that such cases as the above are the tip of a multi-cultural volcano of false analogy. On 23 November 2005, a Village Council in Pakistan sentenced 5 women (and their father) to death for not honouring his 'Debt'. The village 'custom' is (SMH 23 Nov. 2006) that the dispute arose from his inability to repay his Debt: it normally would be resolved by the girls being 'promised' to the man's enemies, and when the father and his daughters refused to obey this custom, the punishment was Death. But THIS IS NOT IMULUN. The closer analogy (to northern Australian cases of 'Promised Brides and Youths') comes from questions of Fishing Rights. Aboriginal fishermen on the South Coast of New South Wales claimed in 2005 that their traditional fishing grounds were available to them no more: this repeats the history of the Colony, when the Sydney Aborigines lost their livelihoods as fences were put up, feeding areas put out-of-bounds, clan and family living sites gradually turned into urban 'civilisation'. 'Rights to the Sea' are of utmost importance today to ensure survival for individuals, families, groups, customs, ancient culture: but as in Mabo where 'Property' and 'Money' **as such** were not involved in Eddie's landmark case, 'fear' emotions in white urban culture can exaggerate problems and unnecessarily interfere.

**Westminster law must always prevail in the N.T. legal system, so while a Promise of Marriage was not illegal, there must be no consummation until parties are both over 17; and this followed former Administrator and Chief Justice Austin Asche who, in his 2003 report on Customary Law, wrote that "ideally" a girl should "get accustomed to marriage" over time, within her husband's family, and "our ideas of marriage (are) as a consensual thing". There must then be the opportunity to say "No"; and full protection of children, removal of any right to 'unlawful' sex with 'children', no "conjugal rights" without Consent, and therefore no Defence from being already married). Now, the idea of religio-spiritual moral law prevailing against Sovereign Control by Parliament is anathema: but selective 'Special Interest' Government focus continues to include the Assimilation of Aboriginal people into its Property-based Law, while turning a blind eye to conspicuous immoralities in the liberal-democratic**

## Outside Troubles (2): Imprisoning or killing Elders destroys Authority structure

*We got physical fights between youngsters 10-12 old, give us problems! parents get worried, slap the kid, the 2 mothers start fighting, then the fathers, develops into a big issue! a beating, a cutting, even a spearing. So then we do Imulun with a very big warning by the tribal Elder, a big writ to obey him - it's the Spirituals' Law! - then a big 'mouth-to-mouth' to 'talk it over!' It's got to be stopped before it's war, wrecking our harmony, so we always do this with Mayn.gin business, get kids and parents properly apart. There's another big fighting trouble sometimes, sad-sorry people grieving angry at someone dying or getting killed.*

All this is to do with a personal community. Everyone knows everyone, Skin-Law extends 'family' to at least 12 clans, so 'domestic violence' gets a broad meaning. It may be wife-beating or husband-beating, Imulun reaching a family-agreed formal separation. But if one of a married couple dies, this can bring another form of violence. With different Skins and traditional sites, there can be metaphorical but sometimes physical fighting over the correct burial site. When this results in broken bones or bloodshed, outsiders are scared they don't understand. But it's about deep emotions, and being direct and open with emotion: individual people loved that person, they care, they must deal with it personally. Grief must out, and who would say that in white bickering with grief and alcohol, fights don't occur?

Actually Wardaman come together, agree where the burial's to take place, cool feelings by catharses of open public grief, and keep the good of the community in mind. If fighting's part of it, 'it's natural' in Bill Harney's view: Nardi'll smile if you stop, so go ahead, get it right!



*Adjustment to what's real is how the Men and Women Elders in the community carry disputes into the present situation.*

*When the Twin died, the place of memory was agreed among different family forces, as was the story portrayal and totemic spiritual value, and Idumduma painted the whole Wardaman community's emblem for this.*

**As with domestic violence, Rules of Evidence in a 'Community versus Hearsay-type area of Evidence' cause all sorts of problems when a police presence or police witness looms in a local situation. Circumstantial Evidence without proper questioning with a lawyer (brought in so that there is lawyer-cross-examination) becomes fatally flawed: without language it is useless. Historically with racial discrimination and the 'property-based' western laws there was (allegedly) the short-cut of illegal detention and violence. Racially-tinged concepts of fear such as 'respectability versus vagrancy' gave a negative value to Aboriginals because they were normally unemployed men whose 'testimony was without value.'**

## Outside Troubles (3): No Spiritual in white marriage means Serenity is Lost

*That's happening with us - we're getting that bad one from the whites. We were quite different. We'd Spiritual procedures for Marriage, the young person marrying the old person, the young one living with the old one, doing the providing for their proper life until the old person dies. They're married for ever, and the Law goes that when the old man dies, after a time his Wargu widow remarries to the new man she loves, same age: so then she looks after the kids - all that! - and the Galinda widower, he does that too; an' this way we get the young learning, the old one looked after, an' the middle ones 'all that lovin' like the song!*

So what does Tradition say about Sex? It is to be approached carefully in a normal story/art/music/physical-reality education before puberty; told in theatre, carefully controlled in adolescence, then by separation in Betrothal-Engagement; and fulfilled in loving family.

What Bill Harney does not say above is what is needed for a white person to hear: Aboriginal societies were not 'promiscuous' as the First Fleeters supposed (and has been reiterated ever since, wrongly): in 1788 the newcomers' authorities could not understand why the resident peoples of Sydney Cove and surrounds disappeared after a few days. I have noted that they found the white violence to their own people abhorrent: but the Aboriginal women who at first seemed to enjoy walking around looking and meeting included some who became part of the riotous-drunken obscenity-licence-and-rape scene – so how did their families at home respond to this?

The answer certainly includes the realities of Tradition that Bill Harney expounds:- infants were well and carefully cared-for; from age eight-ish they learned from aunts and uncles, the girls gathering, fruit, digging tuber-yams, catching fish especially; the boys learning to hunt, gain skills used in ceremony, learning the land with its stories and sacred places. Then from pre-puberty both boys and girls began their Initiation adult-education which included (somewhere in the four-year program) the Initiation Ceremony that included the 'Promised' spouse, always an Old Person; followed by years where there was no sexual touching at all, but more detailed learning how to respond to and eventually live with an old widow or widower, with all the welfare-issues and feeding and caring this involved. Meanwhile they were learning both the traditional ways of culture and people, and the precise realities of the opposite sex while being imbued with the Old Tradition; and this prepared the young person to be a proper traditional adult when the time came for the child-bearing and children-producing marriage with a person of their own age (after the old person had died). Now sex and sexual love become central but never overturn the reality of spiritual marriage: life-long companionship. The youngsters who lost a parent from death or separation had a different world in the Old Law. The young girl or boy not looked after by the dad but by the granny and stepfather would learn Law proper, and cultural necessities such as the making and controlling fire,

## Outside Troubles (4): Men and Women Elders managed the Long term Marriage System

*One of them take a lover wrong-skin or straight-skin? Watch out, then: 3 different clans, the families, tribal groups involved. That's the Elders, both groups meet separate then together: find if it's wrong, decide the punishments - and Watch Out! because wrong-skin affair get you speared if you're guilty - all depends, and that's the old days. Now Mudu and Imulun work because - with both - the wrong-doer has to face up to the Elders in his or her special Law Place: works well, so what's always happening is us thinking it through! You see: we've always got to think how it's all to go long-term, make a worthwhile punishment. See? Rehab!*

This was the Tradition in 1788 and explains the positive disgust and the negative outrage that wrecked the British-Aboriginal relation from the outset: deep personal emotional outrage at the seemingly Law-less reality of the whites; and a realisations (still with us now) that the European Culture that arrived in Australia was no superior culture, that its personnel were inadequately educated in proper Law, and that following their path was of no value because it missed the good things in life.

It is tragic for Bill Harney that his own mother's family and people were all but destroyed in the 1960s when the free-for-all commercial pastoral industry, in the world of chance and brutal opportunity of Money and the Market, forced the remaining stockman families into the town; and the much-vaunted bureaucracies and policy-makers of Government had no schools or health groups or re-education monies or personnel to do 'the right thing'. Welfare and the Dole, and Alcohol and Drugs were destructive factors in this virtual catastrophe; and recently (2010) Bill Harney was irate at suggestions that Tobacco might be added to the Prohibition Orders of the Intervention: as he says, for decades the Aboriginal stockmen were paid in tobacco (in addition to their 'bed&board'); and the removal, now, of a staple habit forced on them by western government planning in what is now known and accepted as an unjust and (by global modern standards) quite wrong and inequitable commercial society, would be wrong again as another cost-cutting exercise (the hospital costs for our indigenous people relates to past injustices of forced behaviour and dispossession, to present failures of proper health and education funding by governments, and to non-existent plans for Aboriginal future except the unspoken ones that rely on both Assimilation and their dying-out so that their Native Title lands revert to the Crown or overseas interests, for our commercial gain.

**The use of the concept of 'Promised Brides' by Governments, following emotive legal *non-sequita*, to actually outlaw Traditional Aboriginal Customary Law legally, has therefore been very questionable. This Customary Law has nothing to do with Child Abuse or Domestic Violence; and the use of it as a legal defence is unjustifiable precisely because these crimes are breaking this Imulun Law. For modern Australian Law in relation to Aboriginal Customary Law, see the 1972 Senate Report (pp.152-4) on Marriage and Parenting, including the view that any 'Non-Aboriginal Perspective' is inadequate. See also Cunneen and Libesman 1995. Butterworths: Sydney.**

## Outside troubles (5): Imulun Law makes you to 'Watch Out'!

*If they learn - behave good, listen to Law, make good work tools for instance - they come out from that punishment place calmed down, so their two families meet up. Well: if they say they've made a mistake, that's all right - no need to make any more of a problem. But if they say they want to be together - married - we say, OK! if it's for real, that's OK! on the other hand, they might be wanting to get back married, and stay married, and that's OK! We've an outside' skin so in special circumstances young couple can marry : but older ones get real Law trouble breaking this Law, touching a young one.*

Bill Harney is talking about Aboriginal Law with its post-puberty, post-'promise' rules that are not unlike Australian Law's 'age of consent' rule. Mudu and Imulun Law have said the young Wadirrik and Waking Mulu must not be touched by any older man or older woman – the young and under age are given private space and time by the Spirituals, in their Law, for growing up. If violated, the Law hits the perpetrator with its full weight: hauled in front of male and female Elders at the Imulun Place, he receives an immediate, direct disciplining and talking to – this is 'punishment' – and an immediate spearing, and many moon-years. 'Cut 'im out' in a harsh Dingaree Law setting, by a sentence of years in exile from his own people, away in a tribally-related small clan where. But there is Clearance after punishment. Marriage to an older person remains possible, though only within straight-skin groups.

For the recalcitrant offender, however, the sentence may be extended to many moons more alone in the bush, perhaps until he sends a message that 'he doesn't want the girl any more'. In the severest cases involving very young girls, the punishment may however be Death; and no chances remain after a 2nd offence, even a small molestation – the Imulun Law acts first-up with formal Spearing; then it is dire Imulun Law with the Boning Tool to 'make 'im mad', 'the Yarrindi breezes in like acid', the rock is 'sung in the Spiritual way' into the criminal's body, the result (normally) is Death. But if he survives, he is not allowed back with a spear – there is no 'payback' by the guilty. Meanwhile, the girl victim remains within her family, controlled by them and 'not out of hand'. If a young girl is violated during puberty – at 13-4, even up to age 16-7, the 2 year 'promise' time – it brings very severe Law. But rehabilitation is always emphasised, and the sentence of a year in the next clan meant (as in a recent case) involves careful watching of the man while in exile to ensure re-education

**Love is paramount in the indigenous marriage tradition, with companionship and the joy of a life-long relation of total family. This was the Tradition in 1788 and explains the positive disgust and the negative outrage that wrecked the British-Aboriginal relation from the outset: deep personal emotional outrage at the seemingly Law-less reality of the whites; and a realisations (still with us now) that the European Culture that arrived in Australia was no superior culture, that its personnel were inadequately educated in proper Law, that they had no Marriage morality, and that following their path was of no value because it missed the good things in life, which they found in their own culture.**



## Outside Troubles (6): No Divorce is the community's Welfare Law

***But get them married, there are still problems! What is marriage without problems?! we get marriage and we all get problems! What if there's a jealous husband or wife? What if one wants to be with someone else, even marry them? What about the children? Well, there's no Divorce in our Law, so what do we do? we make the Moona line in camp, that's what works, keeps them in the community, that's what's best! It's practical, honest, best for all of us. You realize there's no Divorce in Aboriginal? nothing like today's wife getting out and then wanting money - off the old man, too: I know!***

Is 'The Imulun Threat' – In Bill Harney's view – better than the 224 years of false 'noble' 'Christian' moralities, practices and law? Indeed, he finds this more Spiritual Tradition better – better Law and with better outcomes. The Wortelhock Circles painting shows failures – as Australia's post-1901 original non-citizens see it – in the Westminster Law System of Australia.



*The Threat - more bark than bite; but valuable discipline.*



*Australian Law for Aboriginals: what it feels like.*

**The result is too often prison; and in Bill Harney's view, such an outcome is 'too stupid'! One example known to me is of a bush stockman caught in a brawl in his first visit to Darwin who (allegedly) punched a policeman, was given 10 years prison, and was transferred to Sydney's Long Bay prison where, thankfully, he painted his traditional law in his new land, and himself into a proper sanity in those dark and morally-undeserved years. Think of having detention for a 'fisticuff' fracas, for several years: nothing in Christianity (let alone Jesus) gives such an answer, only a thieving and immoral imperial mentality. This lived in the Roman Empire in Britain, thence Australia. Hidden pasts provide background for such inhuman controls that explain this present situation of Aboriginal imprisonment – and the reason for it now and into the future stays in the socio-intellectual realm. it may be alleged that (Sovereign) total control of resources in the north, and 'National Economic Control of Global Wealth' interests in Australia, provide the magic keys to Australian Government and Law (as always).**

## Outside Troubles (7): The Threat fits bad behaviour, not written law and lock-up

***Well, married problems can get worse. Couples drinkin' an' fighting get doing domestic violence, abuse - then need the Threat from Old Spirituals Imulun Law! Man drunk every day? granny-aunties took the kids - that's normal - the old lady Elder warned the parents: 'you must control your kids!' she said, 'else you go to Imulun, get Dingaree Silence, get Law-learning, get skills under Discipline! you don't coop'rate, the Kanin Men an' Women'll deal with you! like the screws you get in prison!' Well then, you still under Imulan but don't stay apart, that's you might get a spearing so Watch Out! Not a bad Threat, that! Mouth-talk! be***

Bill Harney has no doubt that modern Australian Law has often been bad law, but accepts many other factors are at work, in the more remote communities; and is mindful that much that is being attempted today (even in the 'second' Intervention of the Rudd-Gillard government, is meaning Good today. But memories on hearing from his mother that 'the white ringer fought her black 'promised husband for to take my cousin's mother' reminds him not just of a white violence embedded in white imperialo culture, but of Wrong.

With massive overcrowding of dozens of people in one room, or 2 families sharing a room, and sometimes with drink or drugs in a house as well, a small but very important event – like dropping a key and losing it – can become a great 'Domestic Violence' issue in the eyes of Australian Law. When white police arrive and do not know language, and therefore the real people involved, the situation may disintegrate with much misunderstanding on both sides. Once again the 'dog-wire' humiliation in the paddy-wagon remains a humiliation never made-up-for by the white authorities. People bundled off to cell or hospital have charges laid against them that are not explained and understood. Court-rooms seem ruled by inadequate Rules of Evidence (or by ones unfavourable to the illiterate). If chemically-affected persons are involved (black or white), and especially if English is a second language, normal black discourse and rationality disappear, and normal white customs of professional 'unemotional'/'unprejudiced' behaviour (allegedly) disappears. Black despair, white intolerance, and lack of imaginative empathy, here deliver an unpromising future, the fate of the powerless in any society.

**The problem in the local world of the courthouse is more simple: 'Aboriginal just don't understand: they all say "Guilty!" on everything, even if they haven't done wrong; because they trust White Law, says Bill Harney ... 'more fool them' says the Redneck. What happens is they trust Imulun where 'Aborigine doesn't lie', following the Imulun Law taught in Tradition. But Bill Harney's further realisation is that 'they simply don't understand how to fight back', so they must cease to trust White Law (white men's word), teach the whites Imulun culture, and learn now how to fight back with white education as well as black, good Legal Aid, and friendly whites. Spot-lighted in the media, statistics show vast numbers of Aboriginal people in prison (4/5), far more that their population ratio. Rates of Aboriginal deaths in prison are also strangely high ... and normal Aboriginal life-expectancy is 17 times lower than white's. Fortunately, Aboriginal people now have their women determined their children will survive, so they are making communities 'dry' – free of drink and drugs – and the University of Sydney's Alcohol research Unit in the Medical Faculty is listening to the women (the results in 2012 are now thrilling: see Prof. Elizabeth Elliott and Unit Reports)**

## Outside Troubles (8): White Police Boys Club better than bad white Law

*And no bad step-father stuff, or step-mother, no being cared for in town institutions far away from country, from your own people, different language. It's a problem. We respect the white ways, white laws, but not this. They've broken down our old ways and their new's no better. One thing whites don't understand - though cities're full of it today! - is that ordinary physical fighting was normal life for us and for the whites who came out here. Those days, a good punch-up was part of whites' culture as well as ours - not bad at all! I remember stockyards, stock camps always having fights: I was fighting, whites were fighting whites.*

Imulun Law meant facing Elders who ask: 'what's the fight over?', order a personal 'behave yourself!', or detention, to learn more. Bill Harney thinks the direct personal method is best: the real 'bundi' ... 'beating up' ... hurt but it's best: it means the full Imulun is engaged.

Imulun means that fist-fighting, kicking or slitting heads is not right: so men fighting over a man or kids is wrong. Not washing or shoeing your horse, not tying it to the rail, not securing the fence line, not watering or feeding the cattle – these are behaviours which the Law of Joe Jomornji – a transition or adjusted Imulun – does not countenance. Henry Lawson and Banjo Patterson referred to fights in the bush. Alluding to the old black and white bush cultures, Bill Harney portrays white Law as trying to change his people by less moral methods from a less moral culture that in practice fails in personal, social, public and institutional morality and adjustment ... but does not admit it. In this vein, he decries the Government moves to make I.D. necessary to buy grog (it removes personal choice), to give power to Centrelink to control welfare (it wrecks the small shops), to reduce wine sales by removing permits (it makes Aboriginal people turn to rum that is more dangerous because it is twice as powerful, and wrecks his people. Governments just don't listen right.

The statistics for fighting, in New South Wales in 2010, outside pubs, shows that this is an old game in which European and British migrants are well versed. Photos of early prints in Australia also show Aboriginal play-fighting and physical training included 'the boxing type'. The number of fine Aboriginal boxers today shows these genes and genetic behaviour-patterns coming through in present generations, including in the worlds of rugby league, rugby and Australian Rules: but unlike modern urban fighting, the idea of slashing-and-killing was not there in Bill Harney's youth: fists were the game, spear-throwers the weapon for man-versus-animal usage, for food alone.

**Bill Harney is correct that the Imulun Law system produces honesty and truth in individuals: the personal Council of Elders system is direct, with peer-group and family knowledge: but Aborigines simply don't know the complexities of the institutional western world in which honesty and apology are too often taken as negatives, and lies and deceptions endemic. As individuals and communities they need to know more about how whites and white urban commercial society works, focusing on today's white 'morality' of pretence, lying, corruption and violence. Even in Law milieux portrayed in 2012's BBC TV Series 'Silk', War's violence-at-a-distance is present in peacetime, and not the Aboriginal culture he knew.**

## Outside Troubles (9): Imulun Law was Good and Right, town's statistics Law wrong

*A real sad one bursts out furious - she loved him! We don't hide away angry or sad, an' a mob, some sad, some angry like mad ones, just fighting, not thinking - we need Imulun quick to be cool! you'll not often see fighting if young man marries an old woman, or young woman marries an old man: if one strays then it's trouble an' strong Law! But not like 2 young people getting married: then there's often fighting, someone getting hurt. Both times we've got back-up Law put things right! So th' old Imulun Law tells how do it right; an' necessary, put right what's done wrong! Very practical! we talk it thro' with th' Elders realistic: it works!*

Bill Harney adheres to normal facts about humans living in the real world, and his Traditional Law approaches them with realism, suggesting intriguing methods and solutions., and routinely faces up to realities, the negative existential possibilities of young going off the rails, marriages breaking down, learning-opportunities/skills wasted, abuse in families and institutions, separations bringing disaster, law-and-order muddied by unethical/inadequate authorities/agents (as well as Aboriginal 'idiots' – there is even systemic wrong in Government policy and action as experienced in the Intervention. But there is no excessive moral censoriousness: in Bill Harney: he will tell us Customary Law methods to deal with normal experiences, in good use today, while acknowledging ever-increasing global factors changing our world. In Wardaman experience, industrial-commercial, pseudo-welfare and imperial-urban western laws were not good and never coped well with Aboriginal realities. But neither did Traditional Law cope well enough within times of forced removals from land to urban centre unemployment/prison/concentration camp. Only recently have displaced, disoriented Wardaman found Law again valuable, on their Rights-full Land: so, now the young need Proper Law. While personal-social, anecdotal, oral knowledge is vulnerable to written, computer-driven, probability-calculated figures, it does deal with a whole person: so the Intervention's 'lying with statistics' in abstract figures (legitimised by political selection) needs practical Aboriginal Law to remake this 'whole person' in an all-Australian frame. (The 2 paintings from Long Bay prison in Sydney recall the stockman in a fight on his first night in Darwin, drunken struggle with a policeman, and (like a scene from Wake in Fright), the urban laws giving him 8 years in a 'foreign' prison. Although this painting shows his soul-saving salve, what price was real Equity – fairness, mercy, kindness in this case? The seriousness matter of white urban Law&Order was quite inadequate by Human Rights, Australian Equity, and Jewish-Christian prophetic milieux.

**Remember, it was the extended family in Aboriginal communities that looked after the children when the men/husbands were away getting food, working on cattle stations, or in prison. Instead of orphanages where children landed up under white law – perhaps another method of informal assimilation – the Law Women Elders always cared for the young. They do still, in spite of grog or drugs in some homes; but a town court needs to always listen to informal knowledge in the community. impersonal 'facts' may be taken in ignorance or prejudice by a government bureaucracy, and without language are unlikely to be accurate, or in practice efficient.**

## Outside Troubles (10): Investigators should know forcing's a crime in Imulun Law

*Two years, not even a touch - that one broke it all. That recent one you talk about, that Aboriginal man - Yarralin he was, but from Arnhem place people - wasn't the first time he did it. If the promised girl didn't want him, he and his mother both broke Imulun Law. Old woman beating her up, both, an' then him forcing her, they broke both Law real bad - Men's and Women's Imulun - they did all wrong things, never obeyed the Customary Law. Our way of doing things... Think It Through! We meet as the group of Elders and talk it through, think it out properly: Spiritual. He was put outside, did it again - speared in the old days ...*

There were distorted tales reported in Australian media. When I did tell him of them, Bill Harney responded as above. He knew one of the stories because he had been asked to attend the Supreme Court hearing (but he was out of the country at the time): he was immediately forthright. The one story he knew might have concerned G.J., but there was no killing: the man's mother had died years before. Another story was 2 killings: but 'there was no rape, no promised bride: maybe mis-reporting?' When told of a report from The Age in 2002 discussed in the HREOC Law Report, he had not heard of it; and reports sometimes seem not to tally. Told of media and Government interest, and data manipulation to justify the Intervention in 2007, he said roughly the following:- The way the old woman and her son had interpreted Aboriginal 'Customary Law', and carried out their version of it, was wrong; the concept 'promised bride' and the 'punishing' of the young woman had been taken wrongly. To Bill Harney, here proper Customary Law had been forgotten. The traditional Elders' meetings must have faded away, the actions taken were just revenge, not a sufficient motive in such a matter, in Customary Law: there was no way that what had taken place had been right. What Bill Harney would have said in court in Darwin was that the grandmother had not carried out correct Women's Law, the man certainly did not know or respect Men's Law, and the Sentence given by the Australian Law Court was utterly wrong when viewed with Customary Law in detail, in mind and with the morality and ethics of Customary Law. Bill Harney had never heard the story of a grandmother who made the long-promised bride go with her son who then responded to her sexual refusal by beating her, then beat her again when the girl she tried to return home after again refusing him, with the result that she was bashed by boomerang stick, anally raped and killed. Nor does Paul Toohey (*Quarterly Review* June 2008) know anything about this girl being killed. It even seems that strange uncertainties exist in media records that 'disappeared in Court.'

**As the June 2008 police operation against pornography criminals in Europe, Asia and Australia shows clearly, such crimes are widespread in populations where white-technology and organised criminal enterprises exist. Bill Harney reiterates: the white destruction of Customary Law in Aboriginal societies, with the virtual disappearance by force and disease of the Elders and their Council system, has created not a 'Bad' Customary Law, but a real white-forced loss of it through sets of pretences by individuals who do not know it yet abuse its name to evade legal repercussions. The Wardaman marriage-system is Skin-Totemic and Spiritual: white Law is man-made, not good enough, and needs better investigative skills to remove bias in even professional evidence, and lack of Equity as needed by Fairness in Evidence.**

## Outside Troubles (11): Police often Not proper Elders but government control

*Then it's land and culture off us again, in jail. Government Law's kept us down 'n shame - Shamed Us... Lost., that's we were, an' too many now, today. Even now, paddy-wagons collect us, police beat us - rolled-up paper truncheons leave no mark! - courts never talk our language, big government come a few hours, go away, never understand. Often we can't answer back in meetings, certainly not to th' policeman! Yet our Imulun Law was better, an' we think well: that's a puzzle to us! We used to know the man who'd done it, gave him Dingaree discipline, put him back t' his wife, Kanin watch us do right but White Law does things wrong.*

There have been many initiatives by well-meaning private individuals, medical charities, university and health groups, churches (and so on) that have put funds and personnel into outback work-field for the Good of Aboriginal people. Bill Harney is reticent about Missions/ Churches, but found work by unions (and his friend Vincent Lingari) to be deep in the land-and-cultural needs of his people. In recent times he heard Noel Pearson attack 'Welfare Mentality' as forced on indigenous people, and follows such sentiment and action as long as these proceed to long-term benefit for Aborigines on their own land. But he himself never took Welfare, always working in casual stock work, painting, tours to art sites, roads, fencing: but his experience – all heaped into town in the 1950s, then pressed into town work there – rejects Welfare monies and control by government bureaucracy: this 'Future' was, and is not one he believes in. So he has always worked for the money the community needs, and planned new projects, recently a Tree-Forestry Joint-Company with the Riverina Chinese businessman (at present in 2012 stymied by government's visa agency), this following the offer of a new Breeding Herd (*gratis* by concerned individuals from the Old Scots Presbyterian Tradition), a work now under way in 2012 with nearly 500 cattle, hundreds of kilometres of fencing put up, and 20 or more youngsters learning cattle work under experienced Aboriginal stockmen, like their grandfathers. Some of these young are presently doing Business courses in Alice Springs, learning for the future proper running the Menngen Cattle Station. Whether Andrew Forrest's initiatives, said to produce major employment opportunities for local indigenous people in his mining areas, will eventuate in proper numbers, will be seen by 2014. Meanwhile Bill Harney yearns for such cooperation in and from white industries, aims at proper education and training for his young, hopes that some of them will enter white work on equal terms, and will succeed on their own skills and human resources, in a real 'equity' business world. So, when asked, he deals with the basic questions of Aboriginal future by holding them in his mind at all times, developing them one-by-one through individuals he knows and trusts – wary of sinister networks in Australian cultural reality (eg. corruption in criminals, hidden channels in government and business channels) – and meeting directly with people, not lured by paper confidence-tricks (neither reading nor writing!), he works with people (not ciphers!), and continually listens for accurate details and truth, caring for his own people within the 2 cultures. This is Imulun ethics.

***Pub, drug an' policing by these guys not Elders, that's destroyed the Spiritual an' Law. Still, it's all happened, we got white Law that's not good enough - and we can't put the snake back in its box!***

***Take Wave Hill, one town Aboriginal people were pushed into, all the Aborigines had to go there after the Walk-off - it's the pub with its alcohol and gunja that makes the riots! and that's where the Yarralin man lost his Law that second time. Our Law took him there from that Arnhem Land crowd to learn Law again, but they didn't think he'd be in a place already gone, place where, if the big blue starts, the police 're too frightened to go in! So both our Laws - white an' black - aren't there at all! ... place where the Aboriginal's Skin Law's skin's peeled off! ... th' men and girls - white and black - take anyone ... anyone! ... and that's totally 'gainst our Customary Law.***

***So what you get is they don' want Law-busting an' th' other communities come an' burn down the Law-busting houses! wreck where the'young ones misused, old people not cared for ... so that's our problem: we can have Imulun OK in our land, but get into town and all Law's gone 'cept white Law that doesn't get it right!***

**Many stockmen Elders did not survive the 1970s. There were few Law Men replacements among the unemployed and wasting men and women: with their children they were away from their land, crowded in non-existent (sub-standard) housing in a white-ruled world full of the Lawless realities of exploitations, often including non-limited sex, alcohol and drugs. They were often crushed into prisons, premature illnesses and death. Courts and police too often seemed to menace them, while Dreamtime Imulun lost power because the spiritualities of music and storytelling, ceremony and art, and the Imulun Law disciplines were disintegrating. By the 1990s few middle-aged Aboriginal men or Aboriginal people of any age were unscathed; but before all was lost, and after the years of Land Rights Claim work, Bill Harney and the other Elders were able to return to the lands where they were born were they were born. This was a magnificent salvation through the conscience and hard work of white Law, for which they give eternal thanks: but welfare, work and food still bring Aboriginal individuals to town, and law-problems with Towns and Shires remain.**

**Where did so much of the Bad History come from? Misunderstandings? It may be surmised that violent white laws and scaffold practices taught not only (their own people) how to kill extravagantly, but also (Aboriginal people) how to murder. There was no independent judiciary in 1788, no jury for a hundred years, and police injustice (and soldiery's lawful lawlessness) even today involved in strange and unprosecuted deaths (such as the Palm Island man's 'natural' death in the 21st century, by 'accidental' ruptured spleen. But violence is also a state of mind: how could an Aboriginal boy from a community leave after 4 months in adult jail, without Charge?**

***With all the wrecking today, I think the old Imulun Law should be back! That Spiritual used to stop idiots wrecking a place, stealing special ceremony things, scattering rubbish, kicking stones around, being a useless vandal. White Law could have used us in the old Law, transferred it to things happening today. We used to get the Law Men gathered, then witnesses who'd seen it, and tracker-detectives to find footprints in the dust. We'd recognize whose the tracks were, put the BinjaWinji call on him, face him with what he'd done, get him to InjaWarra Imulun where he'd get that Dingaree Silence, and get learning to be in better mind!***

Imulun processes and methods were seen above in Part 2. Here, footprints provide evidence, Elders judge it, punishment accords with level of guilt, detention under Kanin warders is an isolated house arrest with serving duties, compulsory learning of abstract and practical skills, and necessary completions of material work. Now we must note that the development of a 'better mind' is the idea of practical pay-back, paying back to the community by means of work and positive use of remorse-bringing exile. This is similar to recent sentencing policy in normal Australian Law, and very different from the vengeful 'pay-back' seemingly entrenched now in public mind, and grotesquely in criminal communities world-wide.

Killing is a very serious matter in Imulun Law, normally completely controlled within the Elders' responsibilities for community survival. But whites often take the word 'kill' wrong, because the Kriol word 'kill' means 'hit' and 'hit hard' but does not mean the English 'kill'. What is used for actual killing in the English language is: 'kill him dead'; and the normal meaning of this is 'murder'. This problem with language meanings is media fodder in political stories but is also one reason why a story of a 'hard hit' becomes the story of a murder.

It should not be forgotten that the ruthlessness of the 'Hanging Judge' Marden in early white Sydney Town was the epitomy of normality then: killing under a violent and non-Christian law was not accepted by reformists in London, nor was it by the Aborigines. Governor Phillip demanded 12 'Aboriginal 'heads' in response to his gamekeeper being killed, but did not investigate the circumstances of the 'rape' or 'kidnapping' of the Botany Bay Aboriginal girl which was said to have produced Aboriginal retaliation; and the 'Innocence' of at least 11 Botany Bay men was not considered, so Formal British Law was not being applied to the un-persons whose land was claimed. Actually the regularities of British naval-legal 'Justice' allowed types of genocidal killing, and convicts or other whites were subject to a legalised murder via absolutely non-spiritual laws, even with the Old Testament spuriously used produce justifications, in a Christian nation. The reality is that not until the 1950s did the judicial killings cease in Britain, and thence in the former colony's Law.

## Outside Troubles ((14): the whole white history is different, and not Imulun

Put in prison for 4 months, without Charge? How come, jail like this without Charge, and allegedly put there in quite a violent way? Then again, a boy fortunately recovering from an uninvestigated assault in the city, now moving back into the community, working with the cattle in the extended family's land. Will the unhealed broken body be cared for outside the family, and will the 'uncharged' time in prison affect future white employers and potential conduits into profitable work? Surely there has not been an 80-year policy to render Aboriginal men broken by prison, so they will die off? or a 30-year policy in Law to render young black men vulnerable (useless in work or from broken homes) by making sure they (the figures are 4/5) almost all spend destructive time in prison? Is the 1996 'Ten Year Plan' powering to fruition, so that no good men are left to run the Station ... and Aboriginal Stations can then be reclaimed by interested white companies, under Australian Law?

Without money, with no Compensation, with little or no experienced legal counsel to defend their Human Rights, where can Equity come from? Can Detainees litigate for an '8 months without Charge' prison-like detention? It needs more honest judges and legal stars than are normally present around our nation ... (is that not right?).

Most Australians will not wish to fix a case in some way, or corrupt a policeman; and most barristers will not wish to mesmerise a witness to bully the person to gain a win: but do those prosecuting black people take care of a non-English-speaking migrant so that language and family can be a beneficial presence, and place their education and restoration into the community as their priority. him in this box, or even fix the judge in some way? Aim, the white Court's priorities and capacity for Equity's fairness, kindness and mercy will develop new Law, and even a Clearance New Life for person and community. Why is the typist in front so frenetic, who is writing what? .how can a magistrate preside over 3000 cases a year with Equity, and the kindness, mercy, accuracy and fairness every single defendant is due in Australian Law today? And rehabilitation: is re-Learning the outcome desired, for the Good of All the Community. Parliament could be seen as part of the Good, for Aboriginal people, if the Presumption of Innocence and proper Rules of Evidence were always present. The Tjuringa laws of Wardaman Sentencing (as in the 3 Ceremonial Boards) are clear: why can Australian courts not have clarity in them?

Historically, the Attorney-General was the 'military' General of the First Fleet, so control was directly under the King. Today, the Institution of Parliament has the Actual Power to act militarily to survive, and its servant the Law allows into itself only thinking, criticism and data that can be brought conveniently and positively into its own Legal Tradition under the Constitution (which is meant to be 'for all the people'),... ideally, so that it contributes to itself, the Constitution, the Parliament, the Government, the Nation's life ... and The People.

Can 'truth', then, be sought, in Law? Of Course! and it is, all the time, by most individuals and agencies (like universities) in the system. But facts and arguments from Court stay under the protection of the whole, factual, real world of Parliament and its privileges. That this is mostly Good for the People is our modern experience: but sometimes it is not; and sometimes this is because 'truth' is lost ... and here Aborigines need their Imulun!

## Solving Troubles (1): Imulun story and sound – the spiritual threat of Binja.Winja

*They really fear that BinjaWinja! quite different from the White Man's Law which pushes you around even if they don't know much and you haven't done it anyway. People don't respect that sort of Law, and even in prison it's just food and nothing, so they don't mind it, or they go off their head and top themselves, for nothing. Ourglenny and Menngen, that's our Law: police can't do it but our Dingaree will! Kids fighting around their mother, making noises in the street, hollering in loud voices, that's a big bust-up, an' everything muddled up, corruption, all that! We should never have touched that: not in our Law, never'.*

The easy western analogies to 'The Binja.Winja' are semi-Christian: institutionally-developed practices of forcing (realisation of and) acceptance of the individual's 'Sin' by means of Doctrines, Church ministers and priests ('one to one' to press 'Need for Repentance' and 'Acceptance into the Sheepfold of the Church') were part of the Constantinian use of the Church by 'Empire'. A convenient part of the power-structure needed to control individuals, peoples and imperial populace. This was joined by the (Roman) Catholic pressing of a dying person into this need for Repentance and Salvation to Eternal Life (or Purgatory and an Abiding Hell), but this imperial action fails the true story (and a test) of Jesus Christ. The Institution of the Church had become a bulwark for an Empire, its Law, and the subjugation of peoples justified by a (Fascist-like) Government Call to be part of Cosmic Truth presenting 'truths' in everything. So its protection justify any and every action by Government for over 1000 years; and its residue of violence only began to be dissipated in the 1820s.

**The fear emanating from a bull-roarer's rhythm is enough to change an individual life from its community power: but the Imulan is not an imperial-type law of control, and, in our scientific modern world, is not to lead to exploitation of ignorance, and the fantasy, facade, and mirage that may be claimed by institutional religions in confident reifications of spiritual self-incarnation and imperial social reality. On the contrary, Imulun is spiritual through-and-through, and its directness within Aboriginal social life is Awe not Fear – Living not reification that pretends to Spirit but whose Law is not Spiritual.**

For Aboriginal people, then, Bill Harney thinks it's a different world today, from his childhood. The way he has experienced 'Jesus' 'Christ' proclaimed by the institutional churches is not seen to be a valuable part of this new world. Outsiders too often provide wrong answers: of course alcohol and drugs do not solve problems stemming from non-Imulun anti-social behaviour. The nihilist despair produced by white laws is not helped by persons practically/mentally/spiritually useless to the Aborigine: back to the old way is better.

There has therefore to be a meeting of 'really-Real' elements in the indigenous world and its culture, with the 'really-Real' in our Western culture (as Australia produces and presents these). In law, the social realities and benefits of Equity law and its intellectual and moral powers in the all-Australia populations are manifest; and in the Aboriginal communities, in the Imulun form as presented by Bill Harney (and intellectually by such as Pat Dodson<sup>o</sup> the benefits of basically equitable and truthful person-related laws need to be sovereign forms of living, in both cultures. The analogy is with the history of the Roman Empire in its dealings with subjugated peoples, and thence with the British Empire in its noblest phase (with Queen Victoria, Disraeli and Lord Cairns) when India became the Jewel in the Crown, its peoples 'sovereign' (as in Jesus' time) with their own laws and cultures, in their own land.

## Solving Troubles (2): Stealing and The Spiritual response

***What we know is, our Spiritual is good. Nardi Sky Boss is Good Law, and Powerful: but we don't say, when something happens, 'it's the Hand of God' like some of you do. We have a Law not to shoot the donkey; but if one's shot, the Aborigine's shot his brother - not a god who's killed him, but the Aborigine's done wrong, so he'll get his punishment. That's the Spiritual way, but we've to remember the Little Spirit's on his shoulder maybe: Eejan.Buran, he'd got in the stolen car with wrong boys, 'n' praps the 'Little Devil' felt sorry f' the car's owner: so got him sleeping, made him cranky, told by this Spirit get sleep - might be laughing!***

Story-telling shows the realistic Bill Harney. Too many Christians have rows with each other, and their blaspheming is not a superior spirituality; and when 'Act of God' is used on a commercial Insurance Form, it does not suggest an actual 'act' by 'God' except to an Old Believer of a Fundamentalistic faith. Most scholars of ancient Faiths trace intellectual developments that have occurred in history to events that slightly or massively changed the real world, like Erasmus' scholarship, Luther's personal insight, the scientific finds of Gravity and Evolution. But many Churches today remain in old ways: belief in 'Satan' or 'Devil' may seem close to a Wardaman 'watch-out!' and 'the devil-on-your-shoulder!' disciplinary frighteners to children (the 'Little People' of Celtic mythology are an analogy) these are really used to launch 'Survival' warnings not abstract-intellectual modellings. Not superstitious pretences as part of a Doctrine, the Aboriginal Elders' story-telling does not engage in reified doctrinal world-modelling either: Bruce Chatwin's description of 3 old, dying men gives, rather, a picture akin to that shown within the most modern science (eg. Prof. Brian Cox: BBC 2011): our human quark/atom/carbon elemental reality becomes, at death, part of the creative-destructive 'cosmic fire' again. So the reality of human living is not religious or superstitious fear: Xavier Herbert's Aboriginal, holding the dying kangaroo in his arms, murmurs 'Poor Fellow my Brother', giving proper respect for human life, death and person: Mystery in us surrounds us; humble obedience is the real **here-and-now** for us.

**This is the spirituality of this co-writer: though often known as (the Enlightenment's) 'Presbyterian Atheism', it sees (with a Scots' scientific realism) humans as spiritually fired, within a psycho-physiological-neurological frame, with what I call 'self-ego' that models with limited perception our human life-reality. This is from the elemental cosmic stuff ... without the narcissistic story of 'soul' which has so infected human society. Used to control us, doctrine-based institutions find others have 'soul' to develop, but such human elites take to themselves the powerful stature of goodness and knowledge, control of true thought and divine action – Morality – in soul-less, impersonal ways that produce man-made and non-equitable laws devoid of any 'soul'. That Bill Harney has never been taught by, or in the control of any religious institution, is one reason why his clear thinking and humour, sharp perception, and bountiful kindness and generosity make him finely human – his curiosity and willingness to learn were never hammered out of him, and he has no reason to feel indebted to religious institutions or their personnel. The latter were in cahoots with governments and 'social services'(!) that seldom fought for Aboriginal people, and in individual Wardaman lives known to him wrought havoc by taking men, women, and children far away from family and culture, and far away from the Imulun morality he knew.**

## Today with its Troubles to solve

Much of this chapter is delivered to us poignantly through the amazing painting by Samantha Wortelhock. Living on the Queensland coast, she listened to the co-writer's complaints about what was happening in Bill Harney's family, in the law courts. Though the Palm Island problems were already in the public eye, she painted 'Circles' as if it were in the westernised communities there; and yet the result is stunning in its interpretation of Aboriginal experiences Australia-wide. In this portion of the painting the emphasis is on the circles of discussion and learning involved in Traditional Aboriginal Culture from time immemorial, and on failures of white laws which have at times desolated communities, often by ignorant negligence.

**'Fairness' and 'Transparency' are still needed today in normal Australian Law (see Hinch 2010). The history of such Human Rights in the English-speaking world is lengthy. Old and New Testaments called for 'righteousness' 'kindness' 'mercy' in socio-political life, and 'Goodness' in all human life (see the story of David and Uriah in the Bible). But the working of modern legal frameworks of Equity began (perhaps with King Alfred then) with Magna Carta in 1213; and only gained its popular voice and power (and Christian nuance) in the French Revolution with its call to 'Human Rights. The UN Charter of 1947-8 left Australia somewhat behind: only in 2010 was the Federal Government forced to fully recognise failures. Rights to Juries and Legal Representation developed from 1689 in Britain and America: but in Australia the immorality of the 'Stolen Children' policies had to await Mr Rudd's recent realist-Christian 'Apology' that came (not least) from Bonhoeffer, Reinhold Niebuhr, Gandhi, and Nelson Mandela.**

*Central portion of painting p. , with first circle under direct impact from Australian Law/laws of Nation, States, and Territories. See full picture p. . (Photo: Ann Cairns) ..*



**Circles**

Samantha Wortelhock

**In regard to the Court as Theatre, its processes convey Symbol. The Law's Control of Outsiders includes its own languages, mysterious ceremonials, hidden procedures, colourful rituals, aggressive seating, police presences, power-carrying wigs and gowns, that suggest Royal Supremacy. Institutional Power over the People, Success, Education and Wealth are interiorised in the architecture displayed. Copies of Court materials are private privilege for Law's own personnel. Paid by Government through Parliament, the legal and administrative personnel work for Constitutional Control with the Authority of legislated Right and Righteousness: so they cannot be criticised freely, and their claims to Truth-Reasoning are only muted by the Appeals Court. Yet all this can create for an actually innocent victim a psychological paralysis of false guilt, its barrister servants can bully with false reasoning and malicious presence, and a judge's control of evidence and use of written parameter and precedent, can misinform good legal decisionmaking.**

*4 Circles (from the top):-  
The Spirituals' Here-and-Now Law;  
Men's Law Women's Law;  
Creation (Story) Law*

### Solutions (3): Luck and accidents need truth investigation, not insurance and court

*I'll tell you about the Twin. Terrible car accident, he was driving: how we dealt with it, how we think differently about an accident. Very important, this, an' we've got things changing for the better. Eedin.Buran involved with idiotic stuff, others and him, an' his twin brother. Brother killed, one of the others badly broken, an' this was trouble, real trouble. Police said he might get 8 years 'n jail, an' he's only 19 now. That didn't seem right anyway, but to Imulun it wasn't right either. Eejin.Buran was all wrong by our Law, but we thought - our Elders' meeting thought - our Law would be best, putting it all right an'we weren't sure of white Law.*

This case within his own family shows his normal way of dealing with problems: up front, direct dealing with Leon's problem there and then (after his release from the police station. At Menggen, if the young men bring trouble into camp, 'I will deal with 'em by myself' by explaining the Law (and often taking them to the Law Place to do this). He does not send them to town: he knows an Aboriginal woman (allegedly) raped by a policeman in Berrima Jail in Darwin; he knew Alan Lee-Shew – a wonderful horse-breaker known as 'Cowboy' who was heavy on grog in Chillagoe, and a policeman (allegedly) killed him. Palm Island is a recent similar case investigated by Sir Lawrence Street, The Stewart Royal Commission told a disturbing story, and with memories and knowledge like this, there is never going to be an admission by Aboriginal people that the incoming Europeans' Law or religion is better than Aboriginal Tradition. Joe Jomorrnji would have sorted out bad Kanin men and women quickly, but whites killed that system off. Did they understand The Spiritual in that culture?

**Problems with police were not personal. They included difficulties making a proper investigation in a remote area; emotion dealing with an horrendous accident scene; the family of killed Twin's emotion; difficulty with Aboriginal language (family's first world, English an ESL); boy's injuries so driver/witness interview fraught (mandatory Prison Sentence automatic if Guilt accepted). But police pressure to make a person incriminate himself (even when denial continues) is questionable; investigation after bail was given (after the Elders' Law 'punishment' began) seemed tenuous; and the duress present to acknowledge Guilt for Negligent Driving involved no proper Statement in spite of repeated denials. Did the processes take too long to Trial? no charges were laid during a long investigation; and then, after they were made, they were changed.**

**Is such deliberate process generally finding 'truth'? and allowing fabrications to be made, barristers to collude, judges to steer direction to a 'sensible fix' (but not 'truth'). Complication of possible Pay-Back attack (on behalf of another group's occupant of the vehicle were indeed a police concern: but using a physical white Law threat ('8 years jail!'), while like the Imulun 'Threat' in immediacy and directness, was a depressing agent acting against a Presumption of Innocence. Used in police practice with an effect on psychological frailty over a lengthy period before trial, this could theoretically be used to develop false statements and arguments, discover irrelevant or misleading evidence, and exert pressure to break mental resilience. Then, does the Trial Judge not have power to admit evidence, select evidence to put to and affect a jury, use Sentencing, and even flaunt a personal hubris and, quite unlike anything in Imulun Law process? In the awesome Supreme Court there is Power-in-Law from the Constitution where Finding is Not Questionable, and a Total Control of Law (though subject to Appeal) is upheld. Complex indeed: but All Right?**

### Solutions (4): Imulun sees accidents with no litigation, no money hands

*So it's about finding someone to blame? easy to get the person stealing, but what about that fella dies result of an accident? What we think is this: we just see that white world full of lawyers and courts - what you call 'litigation', they full of it! - 'n if anything happens, there's 'cause' they find t' blame! Just 'nother way screwing somebody t' pay for something's happened, for money ... 'someone's got t' pay'...! Then many times we hear Air force gonna pay us f' dropping Wardaman land claims while they dropping bombs on our Delamere Lightning Brothers country (by computer they say!). Say we can't agree, then 'peanuts f' you!'.*

What's this about? Does he really think that white society and its law is out for revenge – 'the long arm of the law'? or is this a resentment after inadequate law and law process? or after inappropriate, sadistic or illegal punishment, even? Or is it really only about money, not philosophy? I don't think he means any of this (any more than any normal citizen), but he sees that in his Customary Law you are back in the community in honesty, without stigma, with normal life resumed: but if it's 'back in town for you', there'll be no work out of jail, youngsters still have temptations and peers to contend with, as well as the drug-pushers of city organizations needing their income. What is behind the feeling in this section? My contention is we are in amongst secular realities that Aristotle and others grappled with: especially the massive change that took place on Planet Earth when writing became the normative tool of expression/reflection. Oral tradition was previously alone in power: now discoveries, processes and procedures of town/city/imperial metropolis change the world; and money somehow feeds the temptations to 'overkill for profit, and actual war is this 'writ large', and the weak always suffer.

**Aristotle finds himself never able to successfully argue back to the normal harmony of the human world. Having rejected the Platonic ideal forms, he nevertheless hankers for a way of holding to the ideal virtues such as Justice, Truth, Love, Order; but he is never able to attain to a regular certainty by means of the reasoning mind and its genius. Where does he really emerge from, this brilliant wonderful westerner? What if, in his book-reading life and logic-reasoning city stronghold he is remembering his childhood in the country village where indigenous people still dwell within their Law? or even in the mountain communities of rustic Crete?**

**What we see in Bill Harney (and Grenville/Smith/Karberry) in the Sydney Cove/Pemulway/Jagamarra panoramas that obtain there, are 'extended family' worlds where truth and love and order and justice are obvious and personal, and against which their city opposites are obvious. Life in the former is to be dealt with immediately in the normal ways, so that community is sustained, and its beauties refreshed. But what does Aristotle see around him? Spiritual pretences and legal complexities in a world where the military hold sway with their war-violence, the city government's imperium works with the impersonal violences of hierarchical and fearful powers, the elite's trading power is fixed by written contract by the cleverest legal minds, and (even without slavery) the deceptions possible with written memory-adjustment show how privileged education can be used in many ways, mostly without recourse to philosophical truth or spiritual beauty.**

**Does Aristotle yearn to bring the 'imperial present realities' from his city-state into the natural harmonies some of us see? into the Imulan? (No).**

## Solutions (5): The Real World seems hidden from the Law court system

*We have different views on many things, and often we think that whites have got it wrong. One difference is what we think about life itself! We think Nature's all around us, normal things happen like accidents if the road is crook, murders if the mind is crook, blindness if the body's crook! It's like this with Eedin.Boran. We think it's not honest, even it's wrong to think of the twins's accident having a human cause: but that's what the police say (they weren't there) and the judge searches for a human cause because you whites and your Law seem to always to need someone to blame! It's the town stuff living on insurance, your pay-back!*

Bill Harney resents Eedin.Boran's long pressure from the police/court-system: there was untoward behaviour by police pressing the drinking change (he hadn't been drinking), and long-term threats from the judicial system. But he also questions the philosophy of the Law at this point. There is still on Parliament's Statute Book the concept of an 'Act of God', but this is not believed-in any more in real terms because monotheistic doctrine does not accord with science or modern theology – Bill Harney's bio-physical environment (not inhabited by active spirits on Christian lines) seems more accurate. What he does not understand is why falsity-producing litigation for money is the rule, why western Law seldom accepts the reality of chance and accident in the multi-causal world, why human error is treated as conscious anti-human action, and why government fails to pick up the tabs properly. We can answer 'modern financial obligation' and 'Aristotelian causal theory': but science knows better, money is amoral. Perhaps one answer is in the adversarial, dialectic system itself; and this is so alien to Aboriginal Law that it has been an massive abuse, albeit unintentional, of the human beings from indigenous societies through imperial ages. The question of 'blame is interesting. Bill Harney sees that the car actually did the killing, but it was not insured so could not pay anything back (real pay-back as Imulun social duty). The driver pressed the accelerator not the brake, and this could have been the 'little spirit man on his shoulder – you don't know he's doing this. Eedin.Boran of course failed to watch the road carefully enough, but 'there's no law for these sorts of things, it's up to you'. It might be the 'little spirit man in the cave asking you Where you bin? that stays in your mind ... so you go asleep and crash' ... you don't know he's doing this'.

**Of course, with white knowledge of our Unconscious, we know that Satan is psychotic religion not blameworthy in the Law Court, or is dream (and so on). But in courts, the procedures may be intimidating and the witness box destabilising; and since a length of process can normally be won only by those who can afford the more able barristers, the brief time before the magistrate is likely to put the poor in jail. It is also said that legal officers in high positions may turn hypocritical as to their 'Oath': fixing matters within an elite group, perhaps for a bail decision through money changing hands, is a corrupt practice said to take place; and a prosecutor's venomous aggression making only the defendant toxic, (without no antidote handed out by the judge, is another possibility in which a vulnerable person is not able to present innocence adequately.**

## Solutions (6): Science with its sets of causes

*'in the Spiritual world we can't see'... anyway, we call that crash an accident with lots of things making it happen - stealing, laughing, idiots, bum road, solid tree - but then the police wanted there to be no 'payback' by the boys' families for their injuries so they stopped the whole of that by charging Leon, even though it was stolen by older ones from the other town, had no insurance, no licence - police stopped that, but then did it right - it was dangerous negligent driving. Then the Judge did right in using Customary Law not that mandatory 8 years of white law. All this was right in the end, black and white Law getting it right!*

'cause' is created for property restitution purposes, by hierarchical States/Nation that needs control – the property-and-risk and insurance-versus-liability culture, with the money-lending/banking-interest-repayment financial realities provide the present global-city status-quo power-spectrum which is unchallenged: but this relatively-stable (though now GFC-prone) democratically-based society tries to eschew 'blame' in its hierarchical echelons of power, and in the statistical milieu (because Modern Mankind is Mathematical Mankind) personal responsibility is conveniently put aside except in the direct forms found in the Magistrates Court. In the general illusions of statistical care, the powerless are now even more at risk, and only the elite hierarchy hire the best lawyers. Yet Science in the Accident hypothesis is more like Imulun investigation – data gathered, blame follows causal resolution of sets of data-fact-theory (or it disappears). Indeed, Science worlds are in many ways more like Imulun and the Wardaman Creation Story, with their careful observation of Nature and reality-tested happenings and events resulting from rational investigation – never a reified 'Nardi' used as whites use 'God' (as in 'Act of God') or 'Divine Cause' (as in a 'Providence' with 'God willing it'. Imulun beliefs are more scientific than religious; and this is this another reason why faith in westernj laws and ideas is low in Aboriginal people: they prefer what they find true and real.

**One of Bill Harney's extended family, was thrown off a Brisbane bridge by a gang who were verbally abusing and threatening his girlfriend as he tried to protect her, facing up to them. This young man (in the family account) was allegedly not helped at all by police, even in hospital, and no proper investigation was (allegedly) undertaken. When I met him he was severely incapacitated, unable to walk; and no hospital follow-up seems to have been undertaken. Fortunately, back in the remote community, within family, he has improved enormously. Now taking a major part in the growing cattle work, he is fluent in the story I originally heard. Why (allegedly) was there no proper investigation? Why (allegedly) no hospital care long-term? Why no scientific reasoning that leads to help, no legal process to help him either? What is the story from the Police?**

**I think it strange that there is no acceptance by institutions of the individual's 'Need-to-Know': why was there no medical follow-up for injuries caused by being spear-thrown off a bridge by a multi-racial gang? This may still be being investigated: but is there white 'fear' here? Is there insensitive (inhuman) lack of care for an Aborigine, or some pattern of cover-up in government or bureaucratic quarters? Health and Police individuals are mostly magnificent, but there is another case. A member of the family was charged with 'Domestic Violence' and 'Child Abuse', on the word of his 17-year-old wife, who was legally married at 16, but 'Promised' earlier. The young man always denied the charges of abuse, and 'Child Abuse' defined as 'under-age' and his wife retracted her allegations: why exactly was this young man jailed for 4 months without charge?**



## Solutions (7): Imulun has courts and justice, and so – luckily – do the Whites

***With Eeji.Bowan and the accident, I s'pose we were lucky: had a fine young lawyer and a judge who listened. Prosecutor listened to the facts; an' our young man listened, took our Law on board, put things right. That's why he's learning the cattle-yards' world now, free 'cos he did things sensibly in white Law an' black. We made him do our Law, th' Court in Darwin got it just right in white Law - an' that shows it can be done, getting it right for us all - shows that white and black people and their different Law can work it all together, get it right.***

The boys involved in the fatal car crash are now 'separated' from particular elements of the practices that led to it, and not in contact with each other. Serving the Judge's and the Elders 'work' sentence in appropriate ways like learning languages, trades and initiation-ceremonial Laws correct for today, surely; and this whole process of being 'watched' by the Elders and experienced older people is resulting in proper respect for the laws of Australia, by means of the developing respect they have for their own traditions and Elders. This Imulun education is used properly in a 'sovereign locality and culture': but Parliament's laws better 'justice-for-all' than in times past, and so this 'morally' just, kind, fair and merciful law-system can be accepted by Aborigines under Australian Law, as Sovereign too.

In Darwin 2006-7 we heard of the new white Law tradition of listening to Aboriginal people and their Law, in Court Sentencing. Here surely was a Spiritual element entering white Law, well in line with Imulun's basis in the Spiritual, and not the historic workings of Sentencing that could relate to Revenge, Security, Punishment and the white world's concern with mechanistic-materialistic needs. Perhaps now there can be more concern-for-others, and empathy. Listening to indigenous people seldom happened after the First Fleet: but now this is happening in such cases as Eejin.Buran. Bill Harney marks this as a 'Star' case for whites, and hopes the Four Circles of Imulun will find their place in Australia's Law – a personal approach to data and theory seems to have been shown in separate parts of its Court Processs, and intuitive and knowledgeable investigations eschewed pretences of 'objective' and 'dispassionate' ways and reasonings. In Imulun, the Men Elders and Women Elders were trained, learning and understanding Law and people: Their careful need for 'Truth', and use of 'Threat', assumes Justice, Fairness and Practicality are the aim – similarities in N.T. courts, for blacks, is very welcome.

**Some of the Wardaman 'Spiritual' seems so scientific it might have been in Aristotle's memories of indigenous beliefs of his time. Did he find memories of 'reincarnation' or Ideal Ideas not persuasive? Perhaps he needed to heed his early childhood realities and skills more, instead of superstitious reifications that the city feared and abhorred. As the 'modern world' surrounded him, he immersed himself in it and gave himself to wonderful knowledge abd understanding, yet forgetting the uses in war, Science is not the same for Aborigines, but they had it... yet without war. (See Kenny 2010. A New History of Western Philosophy, pp.41-43 re. Socrates pp.51-3 Plato; and pp.76-7,129 (506d),187,206-7 re. Thrasymachus, 207-8 Socrates, 209-210 Plato. This fine exposition shows western streams from the city embracing modern worlds of 'Justice').**

## Solutions (9): The Aboriginal extended family world needs its Imulun

Up-dating of traditional Law according to changing circumstances in Bill Harney's lifetime is what the Law Men and Law Wome have been doing for their people; and because the Imulun is a spiritual storytelling culture, not like the reified books of much western Law, there is an admirable ability to adjust matters for the Good of the People quickly, and with direct personal, educated, tradition knowledge. Thea major task of feeling for and intellectually understanding the Wardaman people has seen Imulun law at its best: the western laws; and where white laws and peoples have been unfeeling and at best most inadequate, it would be better to keep to what works – and that is the traditional way.

There can be Imulun Law warnings and separations, Dingaree and Kanin Law places and work areas, and perhaps a non-fatal spearing (so much better than a prison-term); becasue the real nature of crimes will be known through the persojnal knowledge of persons (so impossible on normal white crime-areas). The 'Bula' teenager who chops a tree down wrongly, or lights grass without Law control, or blazes a tree, or wrecks the environment, or kills a bird without Law permission is in the real, observed world, and should be taken under Imulun Law, The latter example brings a 'one moon-month' Dingaree punishment with severe teaching-time with a tribal Elder; and the example goes to emphasise the whole question of 'fitting the punishment to the crime', which white law find so difficult without the knowledge that is personal and practical, not fearful and statistical. Learning the proper Law tradition is both filling the morality-void of such a boy, and giving him technical and other knowledge which will operate in the youngster's life as a rehabilitating skill and joy.

For the Twin left alone after the crash, the learning from his grandfather includes painting, engine technology, cattle world including business, and the cultural story to give him proper new balance. Bill Harney sees that the alternative in this modern whiteman's land is Original Law in his people's home land: why not make this work all over, keeping youngsters out of the white man's court and prison?

It is also possible for experts to look at Legal Rights, and ask whether English Law was properly and honestly administered in relationj to Aboriginal people (till 1967). The first white people judicially executed in Australia for murdering innocent Aboriginal people were the Myall Lakes Massacre group in 1836. But when we consider 'The Law and the Spiritual' in relation to Eejin.Buran, the background to what an Aboriginal boy will face today when he finds himself in court is even more disturbing, after courts giving suspended sentences and Customary Law equity. Where, after all, does the judge's red garment and wig come from? are they spiritual-ceremonial? what book does he read from, is it one the normal Australian can peruse?

At another level, can a Prime Minister write to a judge directly, does a Chief Justice discuss a case with a junior, can a Barrister talk privately with the Judge 'off-limits', does Money change hands among the Prosecuting Counsel and Defence? Some of such matters are investigated by journalists and others in the field: but how can an Aboriginal boy who is innocent complain at inadequacy of Justice?

*Then what you say these Aboriginal people up against with those new ones? They from UK back then? I met the Queen, one of her mob sent them! Just like on the tele, that Jubilee just gone, good woman! Nice, an' the Queen!*

*I remember old Tom Fisher tell us something, he's a Scot, told about them, their law; he was a good bloke taught me, dressed in his kilt. Tough with his whip, corralled us w' discipline, good man: how was he doin' things wrong, come fro' the Empire? - my ol' dad's a Brit, British Empire, army too! That's me in London, too; but I think, how come Aborigines here at all, wi' that lot all over us! We always been here, always before white man came, but no fair go - that's this history you say, all difficult, London an' all that?*

*I was fond of that ol' Scot, he didn't come from a bad place. But I've met whites selling us stuff, not telling us th' truth; but then I know good people that's all over, in the offices, everywhere - I tell 'em what's what, they get it right - mind you, I got good English! But some meeting we know it's all in Canberra - we use t' talk and talk at meetings, meetings, meetings, an' always different people and nothing happen! Why they come at all?*

*Then we see how all those other people in Australia needy, got be looked after, an' we blacks just small part of a great lot. They got different language too, but they OK in town, always been in town I s'pose. But we always here, why not live our life in our land, like them with their language in their UK place, their law? They came here, some got our land? they don't und'stand Aborigine, but got ok here. So why not let us live our land with our Imu8lun when our Law is good, an' our laws' of'en better... w'd be for us ok, an' w'd be for you then!*

*Something we don't real understand. That accident, w' all know was wrong for th' other 2 to steal a car, wrong to get alcohol or gunja: but wrong f' idiot t' drive too fast on the dirt road. But police try t' get Eedin. Boran t' say he'd been drinking when he hadn't - that's wrong, t' try that one. Police know, like us, th' bush road's always danger, always stupid t' go too fast, easy t' lose control. But us all had that one, good luck sometime we've gone too fast or stupidity, sometime. What I don't understand is why the road's not blamed, the rocks, the tree - why's it always the human got it, when really it's just bad luck?*

*Y' see, we've different views on many things, and of'en we think whites got it wrong, an' we try t' understand why they get so much wrong. We think different about life itself!*

*In Imulun we know Nature's all round us, normal things happen like accidents if the road is crook, murders if the mind is crook, blindness if the body's crook! So we think's not honest, even wrong, t' think the Twins's accident's a human cause. Police say it (weren't there!) an' Judge can search 'n find th' human cause: but to us you whites and your Law always seem t' need someone to blame, an' they get control us that way! easy t' get a person stealing, but what about a fella dies result of an accident, 'an the track's a mess, the town's grog's a mess, having no town jobs a mess?*

*What we think is this: we see that white world want control us, full of police, get a confess pushing an' shoving, full of the lawyers and courts, then ther judge an' then that prison f' years! ... an' if anything more happens, blame's 'nother way screwing somebody else t' pay for something's happened ... 'someone's got t' pay'!! Sure keeps us Aborigines down! Yup! But Imulun's gettin' truth, puttin' life right for us all, not f' control an' money! an' wreck our family! That Imulun's what we want, 'cos it's good!*

## Solutions (10): Education in Imulun better than Intervention

**Fact is: Eedik.Bowan's problem's been big learning time for him, us all, others too. Get Australia listening each other, get our Law done better 'n Intervention, put that right too probably! See: we've got our way with problems, do 'em better, 'n' it's all there, listening makes it better!**

**First, y' listen, get the Men Elder's meeting going, Mudu too, Womens' meeting -  
They all hear them what it's about, find what's the problem, how t' clear it.  
Then they arrange the investigations, find 'em, an' listen to the suspect, get  
Their way of looking, get 'em explaining, what they're doing, all that.  
Then they get what's found at the 2 meetings, get th' Big Imulun together,  
Get the people together - Elders, Suspects, Judges, Defences, Prosecutors, Family too. That's it, then!  
Findings an' if it's them Guilty, get 'em the Sentence, an' now you've got to get 'em back!  
That's the Dingaree Law time an' Full Education under the Kanin Threat Law Man an' those Warders!  
That's if it's success, they've done the right thing ... and you get them back home, CLEARED!**

There's this second thing about Eedik.Bowan: he was made, by the Elders in Council, to face up to what he had done, to make a respectful 'sorry' restitution, respecting his family and admitting his idiocy. In fact he took his punishment-sentence properly. Jackie Anzac from Yarralin did none of these things, lying in his first murder about Customary Law, clearly not learning, not restoring anything – above all, he didn't keep to the Law after the first time and his first punishment, he carried out an evil deed a second time. As a murder, this case (2 wives killed) was just like many other murders – murder with a human cause. But Eedik.Bowan took part in an accident, idiotically produced by (amongst other things) his inadequate driving (and not helped by an alcoholic gunja environment and a lawless history from companions in the car during the afternoon). But the remorse he showed to Elders and the Courts was correct and was the Aboriginal BinjaWinja tradition (a likely residual reason why police so often press for Admission of Guilt). Then Eedik.Bowan, paying-back to both white and black society by his discipline-learning work, was fulfilling Customary Law more fruitfully than in a prison sentence. All Law, then, was honoured: the judge did right giving the youth a Suspended Sentence provided that the Wardaman Law was upheld; and the 2 years work and education under the Elders ended with Clearance, and work.

**Eejin.Buran did Dingaree learning with Eaglehawk Bill at Euan Hill's ArtMob gallery in Hobart, painting Law. Later he continued to learn the stockman and cattlemen trade at Milton Jones' station. In 2010 the new breeding herd was 'donated, no strings attached' and he took on the major responsibility for this community-group work. This was a 'Dignity versus Welfare' situation. Modern Trust laws demand Loans be provided for communities, but even now after Native Title Law changes) gifts are not allowed to be tax deductible, so that sadly, with written complexities controlling normal State income, this ensures that white imperial mind and businesses continue to control Aboriginal Australia as much as possible.**

**The Human Cosmos with Joy and Sorrow, Light and Dark, in the Starry Groups of Universes within  
in the rainbows and spears of Time; and Birth and Death met with all the Mysteries of a Regenerating World,  
in a Multi-Dimensional Sciencscape sought in Human Hope.**



*Above: the dirt road tracking in bush to Mennggen in 2011. Below left: Eejin.Buran and Eaglehawk Idumduma in 1989.  
Below right: the Cross-like grave with Wardaman headdress.*

## Solution (11): Aborigines need to understand their own history, and white history

The force of Law and Order was always dependent on the power of The Horse, The Gun and The Military with its disciplined and disciplining Oath to the British monarch. These soon brought indigenous people all over the Empire into British control: armed police, their bureaucratic Law stemming from the Governor and his appointees, the brutality of orison and then the hidden social addictions of flour, sugar and tea which replaced their land with its natural food sources, all produced what looked like a docile Aboriginal population. But history shows that the modern world brought into the continent in 1788 was fiercely materialistic: the cruelty, unreasonableness and waste of the new society they were expected to join had no spirituality comparable to the down-to-earth theatre and Law they recognised as an old tradition better than his new one; and since they were a democratic and inter-dependent extended-family society, the new imposed western Law based in Money, Profit, Property and Authoritative Institutions in the hierarchical power-structure headed by Monarch-with-Parliament living in urban complexity – all of which compromised The Spiritual’ placed within its power – still seems of lesser personal and community value. Above all, the downside of modern ‘civilisation’ pervades much expert, fact-based modern writing, such as in:-

- Liam Ferguson’s *‘Empire’* and the modern world suggest the massive downside.
  - War and War Preparations Waste the Planet.
- Negatives of Bureaucracy; and of Finance/Trade/Commerce; and of Corporations; and of Government as Institution.
  - Statistical weakness of Minorities, and Dictatorship of Majority;
  - Aspects of Law by deceptions of self-intersted Power and Sovereignty.
    - Corruptions of Religion, and Institutions losing Spirituality;
  - Human orthodoxies of Lying and Deceptions normal in hierarchical power-structures.
- Legal abuses not least in Sexuality and the Place of Woman; and in Government, State and Corporate Self-interest.

The negative picture presented in the ‘Circles’ painting (p. and produced by Samantha Wortelhock in 2007 after discussion with the co-writer in Byron Bay, soon after the start of the Intervention) is residue from experiences that a normal outsider to Aboriginal remote communities learns to expect to hear when developers, miners, governments need their land. Subtle pressures abound to weaken Aboriginal communities by ‘divide and conquer’ techniques but in direct life often we hear that (allegedly):-

- Police pressure is unjust if the Aboriginal cannot value, and be serene in, the world they are made to experience.
- An inadequate legal system means that the full Aboriginal world is not listened to or respected (or truth sought).
- Aboriginal families are devastated when their men are taken, the Imulun reality unravelling (no fairness or kindness).
  - Choices by powerful entities are made without personal, environmental and Skin knowledge having been learned.
- An aggressive Commonwealth Law system seems not to rate human rights high enough, and rejects normal Aboriginal language.
  - A more personal investigative system of laws could be used in which (as in Imulun) truth and justice are the rule.

## Solution (12): Bill Harney’s Justice System in perspective and hope

Bill Harney’s Justice System worked for his Aboriginal family-clan’s long history on their land. Their special Imulun gatherings (Men’s and Women’s Councils), the formal (Court) processes following (Specialist Kanin) investigations, the regulated (Bulwarri) Sentencing, the carefully controlled detention (Punishment) regime requiring active and practical learning of Law taught by specialists (knowledge-carrying Totemic Elders), and the final Clearance back fully into the community, marked a successful Justice System of oral, not written, tradition.

But the British brought the (developed) written traditions of the Roman Empire, and the levels of bureaucratic adherence to hierarchical military, political and legal authority that obtain in Australia today. This dates from 149BC when Republican Rome first set up permanent Courts with paid exponents of Law. These superceded the ad hoc courts administered by the elite property-owning senators, and developed the written corpus and codes that entered Britain.

All this developed over time (after the brutal military suppressions of the tribes) along with the indigenous Brits’ mainly-oral customs of Law, into a written Roman Law system in the Rome-occupied tribal lands. But the right to their traditional lands was not disputed – Romans desired money not land from the defeated – and after their withdrawal from Britain, King Alfred was re-wrote the Roman Law into his own English People’s Law. When – 500 years later – King John ceased to be a Supreme Monarch, the Magna Carta began a development of democratic Law, the result of which was the type of Law that carries on the 2000-year-old Common Law tradition of the British people. Re-worked by the monarchs of each generation, and especially as adjusted and changed by Statute Law made by Parliament since the 1689 Revolution, its mainly Protestant prophetic and democratic notions of care and sensitivity for all the people in the nation remains an ideal today as it did in 1875.

Some rules of the British Law are said to be vital for all people’s safety and rights in our land of Australia too, and these follow in this British tradition. They are Aboriginal Rights too, and they seem to me (the non-expert but humane Christian) to include:-

- *Habeas Corpus*, to be free on bail and free from unjustified arrest and imprisonment
- accurate rules of evidence; the presumption of innocence
- balance of probability and reasonable doubt with legal specialists to aid you and clarify the law, even if you are poor.
- The opportunity to be tried by a jury and have an interpreter (as per Strehlow in the Scott case);
- reasonable bail and quick proceedings and non-oppressive police/law treatment, and
- your day in court.

**Aboriginals, while respecting British-Australian laws as being under United Nations Charter Human Rights laws, nevertheless with their history of being almost destroyed by government policies and people since 1788, have a right to superior laws in their own indigenous culture as well as all white Equity developments. These all need to be part of their world. At its simplest, these will now include their right to rehabilitation-education, their right not to be tortured in prison, their right to their Traditional Clearance which today will include an Employment right after unjust imprisonment. If there has been no charge or trial – the right to go before a Court removed – compensation is due to them: Proper Law.**



# Chapter 8 - Part Two

Some summary, discussion and conclusion  
by co-writer Hugh Cairns

## **The narrative of the book**

Summing up this book as it has progressed has occurred with some regularity within the chapters themselves; but it is also complex because Bill Harney's text does not include the co-writer's perceptions, and attempts at reflection on non-Aboriginal realities of the post-1788 world. These occur (at least in embryo) in the sections below his text, so this chapter attempts some developments of particular issues noted in these, as well as clarifications of Wardaman Law as a whole, within the wider field of ancient peoples, and its regular differences compared to the European and Westminster traditions from Britain.

## **An authentic Law Man and Creation Story**

At the outset (Chapters 1-4) it was felt necessary to demonstrate that Bill Idumduma Harney is an authentic voice from the Wardaman, that is, from one of the ancient traditions of the Australian Aboriginal people; and the outcome is that, as an Initiated Man and a Fully-Educated Elder, his continual emphasis on the Spiritual and its dynamic connection with and relation to the Wardaman Creation Story, makes the spiritual and the particular group's particular Spiritual a main focus in the book. Thus, in particulate form, the Creative Spirituals Sky Boss (Nardi), Earth Mother Dungdung) and Rain-Rainbow (The Energy of Water Creativity) give the Imulun Law as the Law

## Practical summing up

for All the Wardaman; and this encompasses everything in Life and its accompaniment Death and The Beyond; and in the Wardaman human perception and experience, this means the Cosmic Realities of a Universal Spirituality that means (at least):-

- a) The Brotherhood/Sisterhood of Everything experienced, perceived, known.
- b) The Justice System direct from the Creators to refresh Human Wholeness.
- c) The Skin System, Marriage, Family & End-Ritual to regulate Human Community.
- d) The Ceremonial & Education System to continue Humanity and Creativity in all.
- e) The Land & Environment Laws of Conservation to Give Rebirth to the Real World.
- f) The Totemic Specifics to Discover, Regulate & Order Human Knowledge in Detail.

All this is in story. Even the Spiritual Presences of the Creators (such as the 3 above) are seen in metaphor as 'shadows': literalism, and subjugation to an 'oral' script, is absent, and there seems to be no 'worship' of the images in sky or cave-overhang, as developed later in the writerly societies and empires (today's analogy might be the (almost) hero-worship of the 'goddish' dynasty in North Korea). As for the western monotheist's 'God', the Utter Mystery is always there in Wardaman but with a spiritual humility (and perhaps 'fear' in the biblical sense). The evidence from the sciences for the traditional western monotheist notions is not conclusive; and the human conceptual selections, and the social repressions involved in the particular monotheistic religions which they have experienced, make them think otherwise. Wardaman keep to their own Tradition with its Mystery and Awe, not least because, when taught dogmatically as 'Truth' (in Christianity, Islam and Judaism) so much of their own experienced world marks them as unTrue; and legalistic, artificial actions and the laws experienced in practice as violent, unspiritual and unTrue, lead Wardaman back to the Imulun, which to them is just Better, and More Accurate, and True.

### **Types of Law: spirituality, science, and 'The Spiritual'**

In the Wardaman story-telling, the Law comes through without artificial human agency. The Hebrew Mosaic Sacral King's 'Command' in 'Do this!' form, and the Deuteronomic Lawyer's balancing of 'Facts' as in 'If (such and such) ... then (this)', are actually imperial and bureaucratic artifice. In contrast, then, the unassuming family-story setting of 'This happens in life, so we must Watch Out for things like this, and therefore behave as in our story which tells us How to Live', does not depend on non-human fiat or self-interested human 'Reason': the Wardaman perception from the Spiritual Presences is retold from personal human experience and imagination, and the 'we' is a crucial element that preempts false inside and outside 'Authority', allows broadly discussed understandings of what is happening

## Recognition of The Good

and should happen, and keeps to social and personal reality. The survival of 'our' individuals and 'our' families in 'our' traditional successful way' is the accurate aim of 'our' life here-and-now; so 'our' Imulun Law is not subject to false outside agencies that may deceive people with motivations, desires and practices that are not the real needs and interests of the Wardaman Aboriginal family, of all those of 'us' who prefer 'our' local democracy to an invading imperial force. Wardaman know from experience what is Good, and know the imperial is not.

This view pervades this book. Wardaman spiritual independence is accurate in historical perception, and not to be rejected on the grounds of some 'superior' western Goodness: the West has not been Good to these people. This can be seen in its Outsider bringing in laws, rules, behaviours, concepts, life ideas, and the disciplines of personnel and institutions that have – in 'our' (Aboriginal) historical experience – never been good and valuable within 'our' community. The western Outsider is viewed as 'no real Good in our land'; and this view is as true today as it was in the years following 1788. Whether it is Captain Phillip, Governor Light, Charles Barton, Gordon Menzies or John Howard, in peace time or war, what the West brought to the Aborigines has never been much Good because the rulers' concern and care has never been for the Originals. The biblical notion of Kingship was that of 'protection of and service to all the people', and parliaments were always meant to be following in this tradition. But even in the 2007 Intervention the Aboriginal people were never the focus of protection, care and concern, but of political expediency, albeit with some social guilt thrown in as the repressive government foresaw its end. It is not a story of Good.

### **History is viewed subjectively: but like Wardaman, most of us recognise the good**

To the Wardaman, their Imulun Tradition has always been better than what the newcomers brought in: its Elders and their actions within Imulun, and their philosophy and internal caring systems, have been better for them. The whole people in the Old Tradition found Imulun truer to their life and experience, and best for them, though now many can adjust intelligently and well to the new imperial world thrust upon them. But the realities as well as the pretences of this urban-imperial civilisation have seldom helped them to be themselves; and it is as though the assimilation policies still exist in Canberra and the State and Territory governments, because to 'be themselves' would involve a sovereignty of Aboriginal concept-cluster and symbol-system that the imperial realities of the Crown in Britain and in the Australian Commonwealth are loathe to allow to exist, though modern Australian Law in its strands of Equity is courageous in our recent political reality.

## Whose sovereignty?

The religious social and intellectual realities in history since the invading 1788 settlement are also still present: but they also cannot allow Aboriginal legal sovereignty to exist, because, even in these scientific times, the Churches have such power in the background to the Australian Constitution that they are loathe to allow this power to fade by allowing or developing their theological cognitive mapping to be involved in the plural critical search for Real-Truth, preferring Historical Authority as their yardstick as their fear for The Faith and their own survival sounds too selfish in the modern public mind, and as the political powers care for social institutions that buttress historical power-structures (like their own) even if these institutions are found wanting in their own Tradition's morality and faith-concepts, in modern minds.

With questions of Sovereignty now involved in Bill Harney's 'Bring back the Imulun' call, this book has had to widen all its perspectives so that both Wardaman and we outsiders can understand each other more. Such histories as Richard Broome's First Australians and Henry Reynold's v were my companions (see the Bibliography for many of the others) in these years as I have tried to listen to Bill Harney and understand his people: but then Tom Keneally's Australians (filled out by Kate Grenville's novels) began to place the Aboriginal population in Australia dialectically in British terms, thence the imperial perspective erupted through Jeremy Paxton's Empire, Simon Winchester's Atlantic and Niall Ferguson's ,,,; and the gradual realisations pervading my commentary as the book moved from Part 2 to Part 3 found their legal counterparts in Equity developments as I read (and attempted to understand) books in Jurisprudence and Equity by great modern lawyers such as Dyson Heydon, Michael Kirby and James Spigelman (see the Bibliography) – though without any pretence at any legal meeting-of-minds, and without any legal authority from which I could place my perceptions of Imulun into the professional and parliamentary world of our Judges, our Justice System, or Australian Law as such.

In the panorama of Bill Harney's Wardaman Imulun and my attempt to present it as I was asked to do by my friend, and in my integrity as myself-from-Oxford, I now need to look again at the basic spirituality of a 'Bill Harney' and a 'Hugh Cairns' who both have a local-particular 'Spirituality' with its particular concept-clusters; and this may help to place the Aboriginal and the Western-Imperial normalities in contrast, then in dialogue within the plural world of today. We can look directly at the plural world in which the Imulun Justice System has to operate today, because there is no going-back to a pre-science and pre-urban time for any one. We Australians today 'are all in it together', and need to help each of us understand our reality now.

One aspect of our mutual needs comes in the global sets of cultures today. For instance, the question of Sovereignty and sovereignties arises within global thinking and in some global-plural communities and nations; and Human Rights is one setting for this discussion. With no pretences of being able to foresee – let alone know – how this question can be argued in law, I can only do what my 'fellow Presbyterian atheists' (my description) John Dunmore Lang, Mary Gilmore and Bob Brown have done. In the 'Enlightened' world of personal spirituality where the 'theos' model has become insufficient to my intellectual integrity, and the reifications of Doctrine are

## Models in science and the spiritual

insupportable in faith-feeling and cognitive search-image, my spirituality follows my series of Spiritual mentors into the visionary hope for a Justice-for-All. This includes – following a Teilhardian-Suzuki weltgenshaun the planetary future of Earth being nourished not wasted, our civilisations being educated but not in war, our peoples being respected by each other, and our social institutions and structures being cared for and caring, with economic mutuality operating under spiritual laws that warm and protect individual and group, State and Nation, and the Planet too.

As a vision, this is a model that may never be worked with, or even valued politically. But much of it is here in Imulun, much of it is in the spiritual developments of Science (ones noted here are Stephen Hawking of today, and Teilhard de Chardin of yesterday), much of it is in the great religions and in the model of Pasternak's Jesus; and much of it has developed in Law in its international structures, especially within the Equity spirit. While the dialogue-discussion below is cursory, it is a spiritual beginning that respects the 'living in 2 different worlds' that Bill Harney experiences, and may be a hopeful search-image for our personal integrity. As our world today must live in multiple worlds as the internet forages, our families diverge, our customs disappear, our minds overburden, and our lawyers become blinded and our politicians dumb, the integrity of a mind living in two and more worlds with their concept-clusters and symbol-systems, is paramount to us as we remain 'Authentic Self' individuals. Imulun Bill Harney is a good example of this, as was my early hero Pierre Teilhard de Chardin.

Adjustment to new worlds was and is the Australian Aboriginal experience: perhaps we can all learn from their experience and their spirituality; after all, they have survived against the odds, and remain authentic.

### **Problems of Relativism: racism and bigotry do not remain neutral in a science-Spiritual perspective**

In a history or even science of 'spirituality' and 'Spirituality', it is the hard fact that, in the wider arena of present world understandings, even most religion brought in by the newcomers has no validity today. The 'Ego-thrill' of a 'Goddish' 'Presence' comes through physiological, neuronal networks, hormonal rushes (and so on), its perceptions adjusted, and its gestalten reinforced, by selective memory; but when the personal Ego spreads itself into an identification with the felt-and-perceived 'God' and 'Presence of God' this is a real imaginative seach-image vision, but it sometimes becomes an 'assurance' that is simply enlarged Ego, not a really-Real experience of either the 11 dimensions or an Utter Reality.



## Gestalt as a Spiritual?

These psycho-physiological phenomena can maintain feelings of cosmic reality (even Freud's 'oceanic feeling'), but the Gestalt-Spiritual-with-its-sets-of-concepts, in any religion, does this for the individual while ordering the group thought-of and lived-in order; and this is to be respected as part of the actual community life with its own integrity (unless it is not Good, in which case it needs changing). It is also its own Cosmic Environment in the particular thought-of order of a specific people or group, and this today needs to be interpreted within our scientific ethos, because otherwise the prejudices and ignorance of a group (or individual) may override a better culture when accurate knowledge may adjust or change it. Suffice to say, racism is a non-cosmos ignorance of Brotherhood of the planet, and with bigotry fails to be psychologically perceptive of the Whole Story.

It is therefore (as per Marjory Grene) important to a critical mind to realise that what may be 'real' to the human person, and even socially 'really-real' to others, cannot – today – be claimed to be 'real-Reality', let alone 'Real-Reality', when the 'Real-Reality' is our unknown 'Mystery' and 'Ultimate Cosmos', unknown even now to the Science of the 21st century, and the 'real-Reality' is the best we might ever discover.

The 'watershed' Gestalt may therefore be 'real' to the person and a wonderful perception that has moral consequences that are 'really-real' and even evolutionarily and/or spiritually 'really-Real' (if there is a 'Cosmic Purpose'): but it is not a 'Really-Real' transfiguration as if it is 'The Very Voice of God'. The Spiritual therefore (to us humans) is a specific, personally-known-and-taught cognitive modelling which has massive personal-spiritual and social, intellectual and artistic consequences, within its own belief-group: but, perceived (as in Bill Harney) as a 'Shadow' of 'Divine Truth', it not itself 'Real-Reality', so that a person or institution who says it is, is reifying a concept or symbol that is 'real-reality', or at best, in its believing culture, 'real-Reality'.

My point in this is not to relativise all spiritual ways or religions (though some are better than others) but to prevent feelings or beliefs that one spiritual set of Spirituals is 'superior' to another without thorough critical investigation. Obviously this is important to this book because an uncritical racism has been an underlying factor in personal and political injustices to the Aboriginal in the past, and it is important that Good western religionists and their organisations respect the Originals because the former have seldom had sufficient knowledge to be able to treat the latter with respect and justice.

With this in mind we can perceive (in our own modelling) that the Wardaman Imulun stories meet up well (as valuable human cognitive mapping) with the bible stories in which Jesus-of-Nazareth's Beatitudes, and Paul-of-Tarsus' (post-Mithraic) leaps of imperial mind provide a specific people with a spiritual morality with few equals (if any) round the world: whatsoever things are true and beautiful and of good report (and the wisdom of 'thinking unto' these as Darwin did to his evolutionary data)) cannot be bettered (but then, how strange of some followers like Calvin to burn witches and heretics, including his own family members. Jesus would not do this because

## The Brotherhood of Mankind

his freedom of spirit led him from institutional darkness into the light of truth and love). For Bill Harney, the 'goodness and mercy' of Psalm 23, that the Wardaman can walk with 'all the days of their life' will be the spiritual reality of Good Mystery in the Shadow-figures of the 3 great Law 'Presences', and 'that's what I want!' (as the child misread of the first verse); and this is not so different from the agricultural metaphor of 'shepherd' which in Hebrew relates to the plural word 'Elohim', meaning the 'Lord'. The Spirituals operate the same in human minds, and feel Good.

Some custom-moralities, like the Imulun, rely on the normal, successful evolutionary moralities of 'Family': science sees this in normal animal populations that 'must' survive; and the human linguistic populations put these in story, its writers into books, its lawyers into law. Both Jesus and Paul voiced what is 'Goodness' for people living in the urban-imperial Empire, while the Imulun Creation's story-and-theatre tradition was for remote bush family-communities that needed empirical truth-in-a-story to survive and make a Good life. Actually, Jesus started probably as Essenic in an isolated bush environment, and his Message of Love was a 'different face on this planet' (to extrapolate Teilhard) as this Love was interiorised in his actions within our planet's developing and different world of military technology and political intrigue. When he came face-to-face with the 'boxing-in' of Essenic-type original people by urban-imperial hierarchies and the disciplined violence of War, he tried to save his friends; and this was not a reversion to the ancient ways but a leap into new but global Family vision and commitment.

It was the poet Boris Pasternak who described the Jesus-of-History as bringing into human evolution 'freedom of spirit without which modern man is unthinkable; the love of the neighbour, the supreme form of living energy, which once it fills the heart of man must overflow and spend itself; and life regarded as sacrifice': but western theologians generalised the story of his planned death – to stop his many followers being killed by the imperial troops – into a universal myth of cosmic redemption; whereas the 'life regarded as sacrifice' is the family loyalty of the Brotherhood of Mankind. The 'love' of 'neighbour' who includes 'your enemy' is also not far from the family-world of skin-group Aborigines for whom Imulun is the balanced, considered Justice; and the Education Program of the Wardaman produced a 'freedom of spirit' evidenced in the old photographs, where individuals gelled into community within a totemic specialisation system where skills and interests were channelled into responsibilities and roles that were independent in a way that is admirable compared to the wasted lives and lost human gifts so evident in any town in Australia today.

This 'freedom of spirit' is the phrase with which Bill Harney can be identified as he 'lives in 2 worlds', and it is completely apposite when individuals such as David Unaipon, Doug Nichols, Pat Dodson, Lois O'Donoghue, Noel Pearson (and other Aboriginal cultural pioneers) are considered as thinkers outside but also inside western culture. But this also works the other way round: names that join this book's 'Stars' in the local Human Cosmos, are those white workers in many fields who have listened to the Original People. In Bill Harney's life experience, these include Trevor Riley and Tom Pauling; but names such as Lawrence Street, Peter Baume and [mmm](#) Bradley (with many

## Human stars for The Good

others in all fields) present brave specialities in Law, as well as the marks of white individuals pursuing their natural way into proper living as their 'Authentic Self'. The 'freedom of spirit' in such 'Stars' aimed for the Good of Society – Aborigines included – and while their particular spiritual gifts are recognised in their intellectual and practical empathy as well as intellectual legal activity, and may have worked through 'a-theist' or 'a-theist-Spiritual' or 'theist-Spiritual' or simply 'spiritual-Spiritual' feelings or enthusiasms – the creative spirituality of their work is not to be denied.

The same is true of Bill Harney the Law Man, whose cognitive world is 'a-theist Spiritual' but whose life and work – like that of all the Stars in the Aboriginal story, white and black – is dedicated (in a non-formal and even unconscious way) to the Good-in-all-Societies, and nourishes people of all sorts with their empathy, intelligence and encouragement, for that ultimately planetary Good which in his Cosmoscape is its spiritual and Spiritual Fullness.

What this may also say is that most western Australian society and institutional life today, although it has moved away formally and outwardly from the real-Christianity of the original Jesus and his followers, and of the Hebrew Prophets, is still able to produce individuals who move intelligently in humble truths, and work for Good with all their skills and human gifts, including Friendship. In many cases that have involved the Original Australians, the legal world needed developments of Equity, at least to meet the love-and-vision of many passionate white and black people and groups, but also almost always from their own empathy and understanding as to realities, and Truth. These many-thousands helped as they could (and still do); and there is an untold History of the Stars that is really (in Christian language) a veritable non-Church history of Working Saints. Like the world itself, The Spiritual is indeed Many Ways ... and legal history has its many saints.

Behind all this, Bill Harney's Wardaman world, with its Spiritual Presences as well as Spiritual Culture, holds Aborigines in humble awe and wonder, and can be viewed as a spiritual cognitive mapping. This is more analogous to an open-ended, scientific exploration of human-experienced universes, than to the formal doctrinal-ideological, written-discoursed, socio-intellectual and institutional worlds of urban religions such as Judaism, Christianity and Islam in their formalised, present stages (especially the Christian outreaches of today); and totally different from the urban-commercial, group-based power-structures of imperial religions which today include forms of totalitarian Communism, fascist Naziism and militaristic Tribalism, and which some forms of the Christian Faith sometimes seem to resemble, in some contemporary Aboriginal experience. Manic 'Ego-thrilling', pseudo-spiritual, intellectually-diseased Spiritual religions may engage in fratricide or semi-genocide round the world: but thankfully this is not an Aboriginal experience today.

## Wardaman spirituality

In their closeness to Science, Aboriginal cultures surprise investigators who search for environmental knowledge: but this very accuracy led to political and religious doctrinal fiat by the incoming powers who have always feared independent (freedom of) spirit; and no real education was allowed for Imulun and no real education for the incoming western liberalising civilisation was put in place.

In broad perspective, Wardaman spirituality (in its pre-Church form) does not seem to exhibit behaviours analogous to the inner-personal, deep-psychological, individualistic explorations of an ancient spiritual Buddhism; and the quaerulant, psychopathological, neurotic self-examining, and morbidly self-interested loss of self-esteem so needed prior to a personal or institutional 'conversion' (as per W.E.Sergeant) is absent from Imulun. The latter absence is not a negative reality to be dismissed by Church-moral Christian voices (as per Peter Sutton); and it is also not an absence of human spirit (or the Spiritual). Indeed it has survived well, considering its 40 year exodus in an unwitting and often uncaring urban ghetto (as in Katherine) and in its prisons.

Not being captive to neurotic needs for 'Forgiveness', this spirituality (or Spirituality in the Wardaman) while not written and not controlled by outside groups absorbed in interior contemplation, is nevertheless strong – just, it does not bow to outside religious or government-funded 'missions' seeking ultimate social or political ends delineated formally by a religious institution (or, as it were, king or emperor). In this independence the Wardaman world with its natural and cosmic-environment spirituality has survived to remain itself – often, as with Bill Harney and his Aboriginal step-father, by living in the 2 separate worlds. With Western spirituality – like Western culture – exhibiting no moral or spiritual 'superiority' to the old Aboriginal 'Way' of Ludi and Joe Jomorrnji, their ancient-world-with-its-Law can continue to exist with their personal integrity still lived-in, and Bill Harney's 'Authentic Self' quietly displayed (like their's) in his presentations of Aboriginal spirituality and Spiritual Cosmos. Indeed, it can continue in many places, most recently in the USA in 2011 with American Indians and in colleges and universities (as on Australian T.V. in 2012), and more intimately in his family life and friendships as he continues to work for Aboriginal people and their Rights, for instance in the Old Elsie country of Mataranka, in 2012.

Only Western materialism, greed, violence, and organised law and bureaucracies, serving the incoming populations and their devotion to numbers and machines, have silenced the ancient ways, in this old Law Man's experience. But any evil (or 'Evil'), or any mistaken or ego-driven white purpose that hurts the Aboriginal, is always noted, firmly placed in story-telling memory, and then perhaps disdainfully disgarded as morally lacking or indeed obnoxious. So, found to be 'No Good', the actions of incoming persons or institutions can lead to the Imulun being remembered as Just, and its moralities as 'Good'.

So the Imulun, as the spiritual universe in which Wardaman individuals grow up and reflect on the land and culture, and within which they have developed with their parents and extended family community, is a Whole Law living in the individual as it pervades the community, and a Whole Law living in the community as it nourishes the individual in all the stages of a human life.

## **Spirituality, the Imulun Law, and aspects of the western law story**

With its story-telling within the music, painting and patterns of ceremonial richness, the Imulun then expands in layers of work and thought, and makes the specific cognitive world – in which all human life makes sense – lived-in with completeness and happiness. Then, allowing personal creativities and satisfactions to give normal meaning to the family, and to all the involvements of clan and tribal life, Imulun expresses and encourages an intellectual integrity, because it works well. For ages, it has made for successful life on this planet without destructive interest, capacity or technological need, and with an intellectually as well as socially accepted authority, where the Elders advance and keep an equity that cares for all equally, adminsters justice fairly, nourishes kindness in young and old, expands responsibility in the energetic middle-years experts in the community, and brings accountability as a major moral virtue by means of its meetings for Law and its justice in both its Threat and its mercy – and at its core, as in Bill Harney’s painting, the Old People with their Skin-system and Continuing-education assure survival.

Contrasted with incoming laws with their oppressive repressions, and the Outsider’s violence and lack of intellectual and scientific integrity, the Imulun is Good ... better than the western made-environments and adverse cognitive-modellings experienced by Aborigines. Until the 1950s (with 1970s still with examples) mainly un-civilised persons and un-civilised bureaucracies (including law-enforcement personnel) claimed more than their morals exhibited, pretended to charity-giving that seldom appeared, carried on out-of-date and indeed deceitful education of Aboriginal young people, and en passant proceeded to minimise Aboriginal male numbers, maximise corruptions and Skin-marriage destructions of Aboriginal females, accelerate the corraling of many Aboriginal communities in near-genocidal and Skin-system-destroying ‘reserves’, channelled most Aboriginal men into ultimate-corruption and death prisons ... while maintaining in or to government that the policies were ‘protecting’ and ‘saving’ the Aborigines who were ‘dying out’, even as the racist view prevailed in Australian society as a whole that ‘assimilation was working’, and that the ‘end justified the means’.

I remember a First World War hero who was spiritual (Christian Dr Charles Warr) maintaining for the rest of his life that ‘the problem with the world is simply that people do not love one another enough’, and this has certainly been Australia’s problem with their Original People. How did it all happen? Certainly, the ‘Noble British Empire’ was not Christian in 1788, nor in most decades since: but the home-grown world of Australians was always able to subvert London’s hopes and desires and moralities; and it has not been easy for the indigenous people to respect the local whites over these years, when they brought in guns and sugar and flour and alcohol and criminal

businesses, or to respect the the destroying social residue of what pioneers, settlers, law-enforcement, businesses and governments have done to them individually and within Aboriginal communities, down these 224 years.

Fortunately, our Aboriginal ‘Stars’ and today’s many individual examples of Aboriginal people successfully living and working in modern fields, underline the fact that the adjustments needed for living in 2 worlds are possible and present today. Both the assimilated and the 2-world Aborigines are now living quite well, with some outstanding examples working to the benefit of all Australian society, in this society; and this means that one real basis for any racist attitude or government prejudice is disappearing. All it needs now is some local sovereignty and the development of non-government but government-funded programs that will fulfil the legal compensation-debts that more than 200 years of Wrong have lodged in mind and history, for these people. It will be an Imulun society with its people living Spiritual-in-western, bringing Good into the degraded urban world, as the Christian Good burgeons with Equity in Australian Law and Respect, as the Aborigines become understood, and as they themselves understand the 2-streams of Australian politics.

The unique Wardaman Aboriginal Law: a virtually-scientific Story with very pragmatic Justice. In the Creation Story, the 2 major elements in the Imulun cognitive world – where present realities are fully accepted by humans without challenge – are presented (to us urban latecomers) in 2 concept-clutered metaphorical pictures which are in accord with the most modern Science.

First, we humans live in an authentic, existential, personalised environment which entails total ecological commitment and concern: so we are ‘family’ with every living and non-living thing, every person and every living being, every cosmic identity and ‘thing’, and every item and process within our human experience. Fortunately, this world of real-scientific real-Reality was painted in its metaphorical magnificence and storied representation by Samantha Wortelhock (first published in Dark Sparklers 2nd printing: 2004). My words often fail: but in the painting, we see the Creation Rain Presence moving – proto-atomically and cosmically, we might say – in the Rock as a Procreator Image, in the Water as a Living Progenitor, in the Night Sky as a Shadow Presence in the Cosmos, and in our Recognisable World as our Friend.

The only Christian modelling on this scale is the ‘panentheist’ faith-vision of Teilhard de Chardin who, as a humble man committed to his 1916 Gestalt of the ‘Universal Jesus’, saw the world and our (pre-1950s) universe as filled with ‘The Divine’, but was unable to see that when ‘Jesus will have another face on another planet’, this means that in the new 21st century scientific Utter-Cosmos-Universe, the sentence (with ‘Jesus’ as ‘Logos’) means that the ‘Divine’ is in everything and every person here-and-now in our own Earth ... not just where the Church says it is, but wherever the 11 cosmic dimensions are at work ... and this includes – as in the Wardaman Creation Story – the personal realities in and of our total human-experienced environment which includes our own humanity in every form and culture today ... a real cosmic brotherhood as is in the Wardaman story where ‘all the painted humans remained in it all’.

## A cosmic spirituality?

Second, then, the Wardaman 'cosmic brotherhood' part of this cognitive world is the spiritual world which may become Spiritual in the local person and/or community's Gestalten and Lived-in Models, and in which to be human, we are to live within this universal family of real-Reality, and to be listening to its 'makers', the 'concepts' that interiorise 'Presences' who in the storied myth press us to reflect on the natural creative processes, including our laws and all their parts, as per the stories.

These storied customs of imaginative thought are based in the Cosmic Spirituality we recognise today in the 'Hawking' Universe with its multi-dimensional gatherings of particular universal evolutions. The Spirituals channel stories and wisdoms relating to Increase and Fertility, Development in Life and in Intellectual and Artistic Gifts, Production of Practical Survival Methods and Technological Practices, and the Needs for Rules and Human Structures of Law that include the basic social realities of Love, Marriage, Death and Vision. From these emerge ways for compassion and longevity, as well as childhood and human love, and the creativities of family life are nourished in this Law as it fulfils the male and the female who spark the Living Human World.

'Cosmic Spirituality' is a conceptual description of the 'really-real' possibly going to be discovered empirically in Science as the 'really-Real' (unlike most religious doctrines that view their 'Other World' in non-scientific metaphors like 'the Transcendent' in non-science-based concept of 'miracle'). This 'cosmic real-realness' encloses the Spirituality of the Wardaman Law; and the desire of Bill Harney to Bring it Back is because it encompasses the real Wardaman world, and focuses on what works for them in their non-urban and non-materialistic original human culture that deserves respect.

Idumduma is calling for Imulun to save his people, because Cosmic Spirituality is not the world of Ego and the white world.

### **The 2 worlds of Aboriginal and Australian Law, and the need for Equity in every law system**

Encompassed within Bill Harney's own painting (Imulun), and in all the traditional Law, the cognitive and existential world comes alive as the Imulun Justice System: the oral word inhabits the regular ochre and its symbols. In today's practical world, its existential social accuracy and applicability was found and acknowledged by Mr Justice (now His Honour Chief Justice) Riley in his judgment and sentencing of the young Wardaman man Eedik.Bowan, in 2008. This was a major example of the 'living in 2 worlds' possibility expressing human truth: when the Cosmic Story in modern knowledge (as in a Hawking updating Teilhard) meets the Aboriginal Cosmoscape (as in Bill Harney working with clear mind and harmonious spirit in the real-reality of land-and-law problems in the tribunals of the Australian

## Science and the Wardaman Story-Law

legal-system). This is a Working-together-for-Good without any denial of scientific knowledge and historical reality of everyone and everything involved here-and-now. Perhaps the 2012 'Justice Reinvestment' Group is gathering courage to work politically and within Australian law, to move towards the Imulun perception of Sentencing as a restoration of offenders into society via proper education and new understanding.

Wardaman social reality, being Family, then has its 'equity' system permeating its Law in the Creation Story, and beginning in its Justice System where Men and Women Elders meet in the Law's mind-and-ritual Imulun Dreaming surroundings. There they discuss the problem or catastrophe, put in process the investigation as to 'truth', and if necessary arrange further methodical discovery by the retention of a suspected miscreant, and/or the gathering in of parties to be questioned. When separate meetings take place in the Men Elders' Imulun Place and the Women's Mudu Place, and both together at the main Imulun Place, there is the direct yardstick of 'truth' as their here-and-now survival motivation; and the ability to ascertain this is by means of the direct, normal, family-internal knowledge and intuition present.

This 'truth' is desired by all. Social survival as family and extended family is at stake; and the processes evade deception and lies because motivation is powerfully internal, and determined by the truth-bearing educational system of Imulun, based in social, ecological and environmental necessity. It is also formed in the early Unconscious by the presence in the family of spiritual ambience and Spiritual culture-story, in community ceremonial; and as the thought-of order develops in life, there is a reverence for truth and the Law that grows in its immersion in artistic and ritual theatre, where 'The Threat of Necessity' for personal survival is made consequent on personal integrity. When this is all present, happiness and security emerge in the individual's participation in spiritual tradition and authority, and the community revels in their fulfilment of the Law.

The fulfilment of its Justice System provides then a Clearance for the community itself as well as the individual or individuals involved; and the harmonious image of these 'family-communities', in the post-1788 paintings as in the pre-1920s Wardaman photographs, is genuinely pretty, and indicative of a wholesome, equitable Law, in 'untouched' and 'pre-urban-colonial' Australia.

Nevertheless, the normal realities of life, and human mischief and wrongdoing, regularly cause problems in any society: with survival at stake, it was always important that a person's direct understanding of guilt included cognitive submission to this survival-need reality reality. Breaking some part of the Law brought with it the necessity of real reality-testing 'remorse' (but not a forced neurotic 'guilt'): so the solid further-education needed to bring people back into the Family society was crucial, an intellectual awakening indeed crucial to future leadership, because the fuller education could change a person's cognitive mapping, and provide what was needed in the future leaders and Elders.

## Equity and The Imulun

In other words, the stigma-destroying 'Clearance' given by the final Imulun meeting worked as a catharsis-by-integrity to produce an actual, complete freedom which could return to the individual a psychological freedom as well as judicial freedom. Thus society is now refreshed by satisfying processes and results of the Justice System, and there is a new and potentially creative presence of a spiritually-rejuvenated man or woman. Refreshed, with more intellectual grasp and more useful reality-based understandings, the potential future leading (man or women) Elder has experienced the Justice System within the whole ceremonial and practical Law; and this learning curve has moved him or her into new responsibility, new choice, and new images for search.

Wardaman 'Justice' and a number of aspects of the Imulun legal system are indeed close in timbre and tenor to modern Equity as this has evolved historically in Britain, USA and Australia. The Imulun has Fairness, Kindness, Mercy, and the attributes of Personal Knowledge; Direct Evidence; and the need and Treat-full Demand for Truth. This closeness seems less evident in present Australian Law because Aborigines have the additions of humour and personal discussion in their equivalent of the western Court House. But new features of the metaphorical and architectural built-environment in N.T. law processes are the circular 'meeting-place' Courts that reflect the ancient, traditional, painted and lived-with emblem – the Circle. It symbolises the absolute equality of Men and Women, and means that there is listening for Truth among the dialogues of rational thinking (as opposed to prison-warder physical hurt. The 'Four Circles' in our title point to this distinctive feature of Imulun Law, where The Threat is cosmic symbol but the Elders incarnate it as the community need.

This person-equality pervades the rock art that sets forth the Creation Story in its many forms in Wardaman country. Humbly, the circles are non-reified forms because they relate to normal human living in these people's experience, and point up the normal imagination-pictures of possible and actual realities. Therefore, the presence in human life and in Creation itself of 'The Spiritual that is Unknown but Experienced' is allowed to have many faces in the Aboriginal world in its multiple forces and forms; and this means that 'the world is many ways' as philosopher John Houston enjoins, while yet there may ultimately be 'The Beyond in the Midst of Life' (as per Bonhoeffer).

### **Factors that have restrained western Equity search but encourage formal Imulun integrity in communities**

Some of this book has looked at the history of a spiritual people faced with a non-spiritual settling by others in their land. The middle-eastern City-States that preceded Empire started (at least 5000 years ago) to change the natural world by thought-of usages of material forces, and were already controlled by the semi-artificial institutions of Military Might, Kingship, Elitist Parliament, and forms of

## The ancient feudal civilisation

Democracy still based in notions of feudal slavery. All these used the store of experience recorded in cuneiform, then writing, to carry on community memory, bureaucratic rule and reflection, elite planning, secret policing, the vertical-hierarchical method of order-making that included regulatory laws, and Justice Systems that were bureaucratic, elite-preferring, and ruthless on behalf of the status quo. Many sorts of material arts, sciences, technologies, planning processes, methods of communication and story-writing included lies, selective and deliberate feints, self-interested propaganda and deceptions: but they produced a strong State and Government which used them cleverly, just like today.

Such a modern world of military, industrial, scientific and commercial empire, with its driving will for acquisition, wealth and power, entered Australia in 1788. It immediately gathered what it really wanted by force (gaining location) and deception (pretending morality and good purpose), using the Good Captain Phillip and his inner circle to hide the First Fleet's real purposes. The latter were geo-political, imperial, and ruthless ... not social and scientific, and not related to 'Good Works', let alone 'Justice' for the new land's inhabitants.

With each incoming person being a 'Human', but only some being a 'Citizen' – the convicts being virtual slaves, practically and intellectually vulnerable in the non-Equity pre-Wilberforce world – the defining power was the Governor and the Governor's laws which (as in Britain) were to do with Control and Order, of land, property and wealth (and their security); of the convicts' slavish life and uses; of all that was needed for the protection and well-being of the Officers and Gentlemen. So this was Martial Law secured by naval and marine soldiery – even in 1812 the new Governor's Special Committee was made up of military personnel – with the whole operating under The Crown and its chief Officer, the Governor. So although good relations with the indigenous inhabitants was ordered too, this was not of immediate concern to those with guns at the ready, because Martial Law did not fear them at all.

These people – Aborigines, convicts and the military – all had their part to play, however, in the future gathering of wealth, power and security for London and its financial resources providers. Labour took the form of cost-cutting convicts; resources below ground were anticipated to exist (to be gathered before other European nations took them first) so free settlers (and freed convicts) were needed to do this work; and agricultural products were planned, to feed the new colony (and the trading nations' rising populations in the Old and New Worlds), so the indigenous people would (it was thought) take this part (and did when the fields and pastures beyond the Blue Mountains were opened up, under Macquarrie). This new outpost of the British Empire would provide a viable strategic trade-crossroads to protect the imperial businesses from other imperial nations present in the area to the north, who were also pursuing riches and commercial power in Asia and the Far East. So, while profitable trade has taken place in Australia by the massive work of ordinary newcomer Australians, its setting has been Aboriginal land, and its agricultural and pastoral profit hinged on the virtual slavery of the original inhabitants.

## Racism in flawed sciences and civilisations

The continent itself, however, like the planet, has been full of the normal accidental vicissitudes of history in the various coincidental and chance events, and forms of work, trade, war and want for which no human yet can ever be prepared. One reason the Original People were not formally acknowledged, until 1967, was that the complexities of geo-strategic imperial-purposes, the anxieties of commercial business enterprise, the difficulties of climate and trade cycles in an isolated and isolating continent, and the leap-frogging inventions and discoveries of the global scientific technico-practical industries had always to be kept in mind, lest the Colony (and later Nation) cease to exist in viable form. But such urban-imperial, political, geo-commercial and intellectual complexities were deemed impossible for Aborigines to imagine – the linguistic and historical complexities were huge (and still are) but their intellectual prowess was never understood – and as these locals were after all quiet and peaceful in the main, and could be herded out of the way, their presence never had power; after all, if there were problems, always the gun would keep them quiet, and only the military had the horses, sabres, discipline and ruthlessness to keep order.

So, almost by default within the chasms of intellectual misunderstanding, the whites tended for over a hundred years to descend into racist and wrong-science errors, failing in morality and moral understanding; and the blacks experienced ruthless exploitation, unnecessary violence, and little intelligent education (or even deliberate stopping of education and healthcare for them in Queensland in 1975, and modern understanding in Darwin in this century). Though Aborigines have now proved equal in human attributes and abilities, and showed this natural equality in the 1867 HSC results of Mission girls in New South Wales), they were kept down to help them die out. The spiritual reality was also not met head-on: the power of the Church institution prevented honest discourse until recently, and their equality-of-spirituality has not yet been acknowledged by Richard Dawkins and Christopher Hitchens who have missed the basic creative thrust of spirituality as evidenced in indigenous societies as well as our own (as per John Carroll), and who deny the reification and truth-denying processes within all institutions. The written-word, bureaucratic societies and their agents cannot now be viewed as direct-personal, able and honest working-bases that demand equal discourse and truth, because there is a destructive side to institutions (as revealed by Mary Douglas). So the corrupt realities of the imperial-urban civilisation of Australia emerge as the foremost difference vis-a-vis the Wardaman world, its Spiritual base, and its moral spiritualities.

As expressed in this book, therefore, through Bill Harney, the oral tradition remains – generation-by-generation and by the personal authentic-self individuals – imaginative in spirituality, creative in ceremonial practices, dialogic in intellectual pursuit, always alert to earth-cosmos reality, and sensitive to thought-of Mystery as well as lived-in Community; whereas, in contrast, the institutions of writerly religion within the civilisations must be viewed (not least in retrospect) as instrumental, impersonal, deceived and deceiving by reified doctrine, their thinking de-individualised and pseudo-rational, their spirituality lost in literary process and closed-group ego-leap, and only to be re-found within institutional-outsider individuals in art, music, metaphor-story, and imaginative and intellectual

## Civilisation's slow equity trail

developments in fundamental theology and law – albeit with a normal political vulnerability located in and attacked by the institutional superego and other political power-groups.

But the institution (in almost every form in our modern life) succumbs to the arrogances of power, especially when Government wishes to use it to bolster its own power and authority, or provide its services even when the institution's doctrine forbids it and the recipients loathe it. Institutional integrity is even hard to find in 'Charities' and the world's humanitarian agencies today, in this our 'cleverest of all possible clever worlds' with all its 'superior' and 'rich' elites with their institutions to hand.

Such factors faced Aboriginal people when the Outsiders arrived; and the removal of Authentic Self in any form (we can now see) misuses true spirituality and religion. Whether in Aboriginal oral practices of Imulun, or in bureaucratic institutional power-play in a Great Religion or in a Government, deceitfulness of crooked intellect and ego-driven ambition are a planetary catastrophe because of the creativities and integrities of spirituality being lost. The waste of spirit is a sadness for Humanity on the planet; and the replacing of Imulun by rampant deceit, thievery and greed with their attendant laws from government, when there was always a possibility of Goodness and a Noble Colonisation, may be an Aboriginal cry from the heart, but it is also the Whisper of a Guilt and an Inadequacy, to Australians today.

### **History: inadequacies of incoming laws and the slow trail of equity to the 1950s**

So much for some background to some contrasts between the Spiritual Imulun and the type of laws-from-political-history that came to Australia in 1788, before the development of Equity in the western world. It does not deny some Judaic and Christian spiritualities in individuals in the First Fleet: but it suggests and emphasises the necessities of empire that subjugated all individuals and groups involved in an hidden and all-encompassing, plan and purpose, that only later became a nationalistic dream. The history of laws in Britain is therefore now apposite (before we look at the Imulun again) because this notes how Australian laws have been both inadequate and hopeful, for Aboriginal people, down the years.

In the Romano-Latin world of the growing British Empire, being 'civic' as a 'citizen' in a 'civilisation' meant, in the growing Common Law corpus, that each individual citizen was a property-owning, taxable and tax-paying, responsible member of the State. In this way, complete allegiance was owed to the State, but specifically to its Head and/or the Elite Group who controlled the Institution of the State.

## Control and the national (white) interest

This meant that without entering the world of 'property' and its surrounding laws, the indigenous people (like the convicts) were never going to be full citizens. Even as late as 2007 and 2011 this was underlined by the continuing historic 'assimilation' policy being progressed (in the Intervention) to ('at last') allow Aborigines in practice to be full citizens. They can now, under specific provisions, sell and lease community-land, under new Australian law. Having Private Property on their lands for the first time, they could be Proper Citizens in full, as in the Roman Empire, but only as long as they assimilate by undertaking acquiescence to the specific provisions, (which many do not wish to accept), all within the government's hope of recouping expenses from property-owning Aboriginal people and businesses paying taxes to the Treasury (never a free gift from Government).

Once more the Canberra Government's Intervention appears deceitful because the honesty involved in Proper Compensation for their lands appears impossible for the continuing imperial mind: in its place, deceitful planning once again appears, because blacks have no sovereignty of their own Law, nor any freedom of control of Money or Land, under their own terms, in their own land.

In the continuation of the Roman Empire in Britain (as in Australia), due respect and duty-service was and is – in our citizen's life – a total submission to the State's laws, dictates and executive actions. The automatic duties such as military service and/or provision of monies or groups of men for military service, was the 'democratic' price to be paid for the move from the Feudal world of 'total obedience to your owner' and 'knightly legal decision by chance combat', into the 1689 democratic world of Constitutional Monarchy. But by 1788 the State's functions and workings were still known to very few; and the Elite were on Oath (as today) to obey absolutely the Symbols and Concrete Power Realities of the Civilised State Institution, and its Head (in our case, The Crown and Parliament).

So, although 'civilisation' today includes more humane values, in the military Roman era and then in the post-Roman empires like Britain, these States had the same necessity for actual slavery and the near-slavery of the generality of citizenry, to produce the necessary commercial and monetary profit, and the war-grown Elite's comfortable life. Their power, with parallels today in relation to the military and legal organs of State, has been Roman-imperial ever since, with war-torn overseas populations who pose no threat, and local finance-giving working majority populations. So while the Aborigines were much needed because their ancestral lands were (and are) what brought in the wealth, and their subservience under the incomers' laws therefore paramount for the white overseers to produce the profits, they must not be allowed power because they never knew money, bureaucracy, war or wealth, and might use power differently. Parliament must therefore always pursue Law-and-Order programs that keep them in check, and always and often allow the taking-over of total control by white law, for the National Interest.

Little has changed till very recently. The imperial power was what hit Sydney Cove's original population in 1788: after that, the Australian Aboriginal population were virtually enslaved until the 1950s, without the Vote until 1967, and without their own educated control of

## The Australian fall from British civilisation

Money and their Land Rights Property in Wardaman country, even now; and the Australian State's Senate has not voted the necessary monies for the sustained teaching necessary to bring this and much new education to pass, nor the real compensation (by modern Australian and global standards) legally and morally owed, nor the control by Aboriginal people of their monies and community fabric seemingly promised by law in 1967.

It appears then that laws in the Australian 'civilisation' have not followed the Romans in Britain (and later the Normans) in allowing vanquished indigenous communities and their local populations to keep their customary laws, and cultural sovereignty. The 1788 First Fleet maintained British military and civil laws as the new continent's Civil and Criminal Law, but unfortunately for the Aborigines in the new Justice System, the New Law was not the investigative and informally inquisitorial law-system (known today in French Law, for instance), but the confrontational and aggressive counter-propositional procedural system of Britain. This was (and is) not interested in 'The Truth' but rather in the practical world of 'The Present Solution to the Problem for the sake of Social Order' (and indeed the Security of the State); and it calls for all sorts of psycho-physical and intellectual warfare in the courtroom battleground. as barristers seek victory and wealth, and seldom truth.

### **The question of spirituality and Spirituality in British Law, contrasted with Australian Law**

The new set of laws was also not Spiritual in any way except by historic channelling: British Church power had been exercised in the King or Queen (as Head of the Church) or Lord Chancellor (like Cardinal Wolsey) in individual cases and in later parliamentary legislation by the Church presence in the House of Lords; but in 1788 in Sydney the Governor as Judge in Military Law, with other individual military judge or lawyer members of Council brought spirituality in from their own personal inner world only; and whatever the result (even with a Chaplain present) it was not Spiritual Law; and any white spirituality or Christian-Spiritual spirituality was hidden from Aborigines.

Written in an overseas capital city not understood at all, these imperial laws of a sophisticated European empire would not begin to be understood until the newcomers' language, history and intellectual world was distilled in the Aboriginal mind. It was David Uniapon's Presentation to Parliament in Canberra in 1913 that was one of the first formal responses to the incomers' law-system, and this by a Aboriginal versed in written western culture. Sadly, Parliament forgot to properly consider this set of proposals when war intervened; and it was another 44 years before indigenous rights would be properly rated, and their virtual slavery marked as Wrong (1957). Some of the colony's laws had seemed monstrously un-spiritual in 1788 when the newcomers had shown themselves anything-but-Good (in

## Loss of spirituality and the loss of equity

the hanging sequence): but it took 135 years for the broadly-argued Aboriginal response to appear, led by the Spiritual-and-Christian Minister Unaipon, in the Federal Parliament; and few voices in the general public seemed to mind this, until after World War 11.

The deeper long-term result was (and still often is) that without Memory from Writings and correlating witnesses, without (for them) any Presumption of Innocence, without Proper Rules of Evidence, without Money for Special Counsel, without their own languages present in the Judge's knowledge or in the Court Arena and Argument, and with never a black Jury (or even a black jury member), the real-reality of injustice to the non-citizen Aborigines until 1967 was racial, continual (although not absolute in practice), and contemptible to modern eyes and minds and law. The number of blacks convicted and judicially killed, when a white would not have been, has been huge since 1788, and legal heroes and stars have been apoplectically apologetic within their profession at this historic and unconscionable scene, since Myall Creek, but there were never the political numbers to rectify the Australian laws until the 1950.

This is one massive Shame of Australia, in international eyes. But periodically similar injustices continue even in the 21st century: the shameful Palm Island story-farce reinforces its presence today; and the appearance of a lack of a true spirituality, let alone Christian Spirit and Morality, in the historic Australian law-system is something Aboriginal people continue to know full well, as they yearn for their sovereignty of Imulun in a land where truth and understanding and honesty seem always to be in short supply.

### **Further factors that prevent equity-development in modern States such as modern Australia**

So many problems of Law as well as of Australia in general stem from inadequate human creativity, planning, and oversight: but forming the work and life of a modern State is a structural problem not always visible to everyone. Forms of Spirituality exist everywhere that humans create (see John Carroll 2010): but problems exist in all institutions and their bureaucracies ... from Crown to Parliament to Defence to Law to Religions to Sports to Education to Health to Welfare (and so on) ... for bureaucracies have a life of their own, pursue their own fortunes, plan their survival independently (as Yes, Minister shows us, with good humour) but with few or no exceptions they exceed their powers and fail to be full value. Often using Parliament-provided financial resources, they can indulge in cognitive and psycho-physical violence to pursue their ends; and the barriers they set up for their own institutional survival can progress to the detriment of normal persons (who from birth are tied in to owing individual and family allegiance to the State, and by law to its Bureaucracies. So in this, the impersonal and often hidden routine workings of the Bureaucracies hinder the cooperation and harmony necessary for the Common Good to be effected, and thence the total Welfare of the full Citizenry of the country.

## Bureaucracy and the loss of brotherhood

This week (on ABC's Insight program 2012) Fair Work Australia were said by a former staff member to take months to do what could be done in weeks. The lawyers brought in to re-form or respond to forms of Appeal are able to drag quite ordinary work into years of work in their own and other bureaucracies; and then, in the end, the result is that the Elite (wealthy, network-rich and politically adept) gain what they want, and powerful purposes within the parliament's loophole legislations, override the law, leaving any original hopes for the honesty and integrity which the normal citizenry is led to expect, sadly missing.

As this is a normal citizen's experience – waiting in bleak queues, being fobbed off into another department, never receiving replies to communications, never talking to the same person twice, never reach the individuals with real power while receiving formal unsigned letters galore – when bureaucracies fail to manage Pink Bats or Solar Panels or School Halls or Aboriginal Training Courses, this is no surprise (see further Robert Manne 2011) because urban human nature is as failed now as in the Gilgamesh Epic long before the Book of Genesis; and Parliament itself is unable to produce the 'accountability' that it demands from everyone else.

This urban-specialist, elitist world is so different from the here-and-now world of the original peoples like the Wardaman, whose culture follows the natural harmonies in Earth's original 'Nature'. They respect and fit in with every other creature (including the whites), respecting them in honesty and directness of need and solution. The Creation Story's 'Family-hood of Everything that Humans Experience in the Natural Order' exemplifies this. But the Whites brought their history of Civilisation and Law to Australia, and in comparison this does not look Good. Aborigines expected Respect from the Outsiders because such clever and confident incomers must surely have Noble Law and its Imulun virtues.

What they got was different. It lacked a Good morality, and its successor still looks something like the painting over the page, and what they were deprived of – when all was said and done, all over the land (although they kept the Story-Presences) was this:-





Realities of Australian Law gone Wrong



Samantha Wortelhock's 2006 Circles

Photo John Ford

Meditation on Justice in the worlds of Law



*Above and Centre above: Cosmic Spiritual Aboriginality. The Law and its Processes include the Family Skin System with its Messages, Music, Art and Education; the Sacred Symbols of the Rock Engraved Law; and the Ceremonial Boomerang and Boards of the Information System. The engraved and painted Circles (below) point up the Justice System.*



*In the Wortelhock painting, Circles, the Judge and Senior Elder survey the whole Imulun Law in mind and raw human reality, with the Spiritual Creation around them. The Eagle (Joe J. and Bill) surveys the Creation Story Imulun, and Frogmouth will see, pounce, digest.*



## Never a noble British Empire in the survival of Australia

These paintings sum up problems noted in this book. Fortunately, Australian Law is now working on them, especially through the Wilberforce equity-driven mind of particular judges and lawyers, and the Law Reform Commission. But the road to real equality and 'equity' is long, and requires parliaments that have the 2 strong strands of thought and belief, for the Aborigines and for the Incomers. History continues to suggest possible future trends from the present Outsider's knowledge of Imulun.

### **Law developments, and the failing of the 'Noble British Empire' in Australia**

In 1788, the British brought with them 2500 years of Law-development. Royal Fiat and personal preference led to voted-in Statutes, developed in the wisdom of groups of men in Parliament; and this all burgeoned out from millenia of Common and Customary Law (at times not written down), and from the Canon Law that had emerged from the thought-of, spiritual deposits that defined a Church's history. From brutal violence to individuals and groups (normal in imperial times) to laws (from the Enlightenment centuries) arriving in the First Fleet, there had been major changes to the laws of Britain. But how could Aborigines know what the British population was now experiencing, and that this had not yet arrived on this continent as Law, and would not appear in total until the 1950s? The evolution of Law in Britain had been substantial even before the colony was founded, and intellectual and bureaucratic change takes time: but the realities of politics and all the repercussions of colonising noted above were ever present.

In England in the 1720s, a Magistrate's Hearing was normally 20 minutes: so a Sentence of hanging or transportation was a quick affair based on character reference from the (white only) apprehending authority only: so the necessity in Law for a Defence Counsel, brought into American Courts through John Adams after 1776, was an absolute necessity of the Enlightened Chancellery, but did not reach Australia till Myall Creek. Cross-examination of witnesses came in also with this Myall Lakes Massacre trial in 1838, when the idea of 6 whites being charged for murdering Aboriginal people occurred to the authorities and Richard Windeyer's place as a legal Star in our legal history was assured. There was 'shock-horror' in the political world when the Death Sentence was handed down for the whites involved in the beheading of the 38 Aborigines, but this was at precisely the time when, in South Australia, the Squatter putsch was under way: so the 1838 Sentence only meant that blacks killed on the pioneering land-grabbing trail, or on the new holdings themselves, had to be burned then buried, so that no evidence could be found for the atrocity.

This latter method, unfortunately, is the Australian way, which proceeds from the sea-sawing of governments who manipulate public sensitivities for their own advantage (it so often seems), and (today) uses 'spin' both before and after their actions, to make sure their Decision does eventuate in Action, but is hidden afterwards as was the Deceit hidden beforehand. Presumption of Innocence is almost

## Law processes and wrong results

totally hidden today in the media-frenzied 24-hour News: but for Aboriginal people this 'presumption' never existed until mid-20th century; and the concept of an 'Appeal' for a misleading or false Verdict was seldom if ever allowed an Aboriginal until the Stuart Case in the 1950s.

As for the Rules of Evidence, it is arguable (from present Family Law practices and recent cases questioning police practices) that these have never been properly adhered to in Australian civil or criminal courts (except of course where the morals and/or spirituality of the individual Judge kept a critical mind). The Stuart case suggests that indigenous accused have only had the luxury of a developed Law system in matters of evidence, counsel, and judicial impartiality, since their 1967 Citizenship Gift. But the Equity reality was never – in real-reality – to do with individual civil or criminal cases in courts. The Aborigines were all over Australia's land-mass, and their land was wanted by the incomers who needed it for Security, Wealth-production, Trading-base and Prestige – all under orders from London in 1787. So the questions of Property and Citizenship in Australia, as these were based in arguments for Land, retained the close relationship engraved in British constitutional law; and proper Equity in the courts was never going to develop into real equity for the theft of their land. Even the incoming laws of Marriage were totally different from the Imulun, being to do with the Inheritance of Property and Wealth, genetic legitimacy of offspring meaning relation to Property and Wealth: the contrast with Imulun's concepts and realities of family care and companionship and long-term home and education for children if there is separation, is very large as it is responsible and rational compared to our Divorce in Family Law where truth is dismissed, and litigation for property and money moves marriage into matters of sex-surprise and personal mental and physical violence, instead of anything Good and Spiritual.

The slow trail to Aboriginal Equity in Australia was therefore already fixed in direct connection to the Aborigines-in-their-Land as the First Fleet took their land. So the problem has needed to be fixed ever since, as Political Masters, even in Mabo and the Land Rights legislation, have struggles with the ambivalences continue because lands must (in their scenario) not be allowed to be used as Aborigines wish, as in the 2007 Intervention where again their own land-with-community powers were overridden by special removal (for the 73 communities) of the Racial Discrimination Act, to prevent some powers over their own life. Governmental Spin pretends otherwise: but there is still no compensation for the Land-theft, nor for the continuing Land-control; and the reason today, with the military and mining build-ups spotlighted, is not economic as it is usually portrayed.

British Equity has itself had a long legal history. Land Title had always been based in customary law, and even in the 1532 finding that the land title 'even of infidels' was still absolutely valid, this followed the ancient legal tradition that King William had espoused in 1066 when he transferred the Sovereignty of England from the Viking King Harald to himself, but did not thief the defeated subjects' land. Nor did he seek to destroy the indigenous culture, on the basis that trust and a certain legal goodness brought dividends. Not only was the income from the traditional tax system (operated there normally by educated monks) very consistent as well as valuable, but

## Science and its spiritual idealism

intermarriage acknowledged by treaty made for a peaceful kingdom solved many land problems. The transferring of local knowledge by means of indigenous language, treaty, intermarriage – with Respect – was the Conqueror’s way; and this example of being honest and upright (and copying the Roman Empire’s law, might well have been successful in pre-1967, though instant wealth for London, the Squatters, and Sydney’s Establishment, might not have been so swift.

Now it is clear that the Norman King’s method would have been – for Australia – both morally right and a profound national need, as the development of co-cultural living, in our multicultural but still racist nation, is still a national problem that 200-plus years of enlightened political and legal thought would have solved. If the western religions had developed spiritually with a science-regarding Spirituality that moved out of the institutional problems noted above in this chapter, into something more akin to universal brotherhood, a story that Jesus would have loved would be told.

In the European story-history, the universities by the 13th century were producing complex perceptions of the world. Starting in Britain with the experimental methods of Roger Bacon, this nation developed the empirical-scientific tradition so clearly present today. But since all university teachers had to be clerics, and all students members of the Church of England, this empirical-experimental intellectual tradition that developed within a Christian Church always had religious parameters in the public discourse of knowledge. This was present in 1788 Sydney, and the Australian moral tradition attempts to keep to this precarious road: but this practical-pragmatic, scientific, survival-oriented culture seldom lets the weak spiritual-Spiritual residue have much power; and the lack of a true spirituality and a Good Christianity in its political practice has developed much ambiguity in Australian legislation, with only a few watersheds into an equitable philosophy and social reality intervening in the normally-racist spread of 224 years.

Nevertheless, Australian Equity is a brave expression of a spiritual humanity, and it follows many brave voices speaking within its British historical womb, almost always in a minority Cause. After the Habeas Corpus political, moral and legal revolution of 1213, the gradual transformation of the King’s (later Chancellor’s) travelling Court of Justice (ruled by his own personal judgment in accordance with the Common Law of the time and his own survival) it was in 1688 made clear by the (Protestant) William & Mary’s Parliament that ‘land appropriation’ whether in mainland Britain or Ireland, or the colonies, was to be stopped. But, following the 1763 land titles of the American Indians being reinstated as valid title, and Jefferson’s 1792 repudiation of the Pioneers’ taking of their land as ‘unjust’, the rules of the developing ‘Equity’ law began to conflict with the changed governments’ new financial and political needs.

Similar changes in local political powers developed in Australia, but always with ambiguities. Retired military dreamed of riches to be gained from farming in the seemingly-deserted Aboriginal lands, freed convicts perceived real freedom beyond the central military town, money-lenders in Sydney and the banks of overseas financial centres thought of their debt-collection needs and the treasures to

## Never enough good Law for the poor (Aborigines)

be gained by expanding rich farming lands. Fortunately for them but not for the Aborigines, it had been the 1765 view of Bester that it was not, in fact, ‘unjust’ to ‘take’ ‘waste’ land; and this view gained currency in those who sought to make commercial profit in the new lands and colonies, and those in power in Sydney, with whom they were connected. But white voices for the Aborigines were always present, as with John Dunmore Lang from 1823 onwards.

So it becomes clear that there were 2 streams of thought in 1788 Sydney, and both have remained here with their politico-legal and pragmatic-business concept-clusters, one with moral-spiritual dimensions to their world, the other without these.

Both gained momentum because both were based in the realities of life. First, most of the new continent did seem ‘unused’, presenting no agricultural practice (as Richard Windeyer reiterated in 1836 before moving closer to Wilberforce). But second, there were voices raised for the Aboriginal people. Early on these had been respected as admirable humans, very intelligent and engaging as men and women, and deserving of every sympathy because they could never stand up to the Might of Empire. But they were soon used and misused in increasing numbers, so as to be virtually enslaved by flour, tea, sugar, alcohol, and lured (as we now see it around us) by the valueless ‘trinkets of a consumer society’, which made them exploited by any ruthless employer. Unlike therefore the convicts who developed powerful ‘team spirit’ and seethed against their treatment until they became freedmen and pioneered farms and much else, the originals with their family groups were never able to muster much practical rebellion from their weakness in the face of the communal strength of the incomers. But gradually the formal Reports to London as well as individuals’ personal-spiritual concerns in response to anecdotal accounts by visitors and returning servicemen, became a source of reforming power; and concern for the indigenous people was expressed in Australia itself by brave minds (as it is today).

This second feeling had flowed through London’s 1787 Anti-Slave-Trade movement: it was followed later by the first British legislation, in 1807, and finally passed into law in 1835. This was a significant year in Australia because, retreating from Governor Macquarrie’s policies and visions, the Government moved in Law to possess all the continental lands, and begin the end of Transportation of convicts so as to develop wealth-gathering free enterprise in the outback lands, for the growing nation. This was understandably ambiguous because convicts were aided into freedom for their own work, but were now needed to join free settlers to open up and take the whole country: the basic independent financial and practical survival of the fledgling States was paramount, and tough convicts were to be part of this. Some empathy towards the remote indigenous populations was also being nourished, because their help was needed by the burgeoning States and their entrepreneurial ‘go-getters’, to explore and understand the pioneer lands they knew so well.

Yet the pretence grew (especially after Charles Darwin 1859, through misinterpretations of this work) that (so-called) civilised work-activity was superior – intellectually, technologically, morally – to indigenous activity in their culture; and they began to be treated as

## Corrundurrk as the symbol of Aboriginal history here

virtual non-beings who had no future in their own land because the new knowledge of writing and scientific technology would now prevail. Aborigines would therefore die out, or assimilate, it was asserted: so 'reserves' for them, growing in number since the 1820s in Victoria, became the 1840s method of taking the land without trouble. The idea continued to be so powerful in government circles that Bill Harney's sister and cousins were still in the island reserves in the 1940s, 100 years after the disastrous Tasmanian graveyards on the Bass Straits islands, and 50 years after the tragic government blindnesses of Corrandurrkk.

Nevertheless, the history of Equity kept being written. In British Law, since 1515, there was meant to be 'reason and justice' as 'equity' in the Law, and legislation in 1615 followed 1473's in adhering to the Spiritual belief that 'equity' was to work in relation to the 'laws of God'. This was still the belief of Buxton in the anti-slavery campaigns, and Wilberforce, the Quakers and other later-day Prophets, held to this Christian 'Evangelical' world, in the Victorian flowering where the formal Victorian belief in the British Empire was built upon the British Sovereign National political entity of Empire. This was becoming stronger as the imperial institution, gained the moral kudos of being the Noble Exemplar of Superior Civilisation, the Bearer of the Greatest and Truest Religion, and the Administrator of Justice and Equity for all its peoples (who must include Aborigines).

This was Queen Victoria's personal challenge as she became Empress: Mercy and Fairness and Kindness in all its Imperial Justice and Religious Faiths; and with this Noble British Empire now (by 1875) the very model for Mankind's Civilisation, it was naturally thought that the Australian States might join in its ideals: but this was not to be. My own relation in Brisbane discovered quickly that this would not happen. Pushed out in 1876 after stopping the whipping of Aboriginal women and having concern for the education and health of the black workers in the cane fields and elsewhere, he never spoke in the House of Lords on behalf of the Queensland Government, on his return, because 'The Good was not in them' (he knew which way Queensland would go, and would not speak for the blagards in power there).

The ambiguities of today were present then. Although 'Empire' was said to be the firm belief of Australians at Gallipoli and the Somme, the British Noble Empire's 'Spiritual Vision-with-its-Laws' was never carried properly into Law in Sydney or elsewhere when it was needed. The story of South Australia shows specific racist legislation beginning, and this continued through the Federation 'Independence' of 1901, to be put right only very recently, in 1992-2009. This means it could be reinstated under 'Rightist' (non-liberal) Government at any time; and the moral ambiguity of Australian politics-and-power, with its necessities and choices, being always for a mainly economic future (under a strong military eye) advances to the materialist target, dissembling spiritual conscience, and confident no majority will speak with 'equity' Spiritual in power.

## Legal failures and the prophetic stars urging Law

### **Legal matters with implications and possibilities for the historic future**

This completion chapter is, in part, an attempt to find why Governments' printed rhetoric has so often, in practice, failed the Aborigines: they were obviously a fragile entity in the violent trade-and-commerce, warrior-field of European history; and European States and their allies had violated and wasted indigenous and weaker people for over 2000 years, when these were in the way of their fears and desires. This mind-set seems to continue in spite of their vaunted superior religions and moralities, and anyway, British bureaucracies had produced economic and military practices and prowess that furthered their own people superbly: but in Australia's case, why were Aborigines not to be part of the successes from the start, when Governor Phillip was under orders to treat them well? Although racism and various bigotries were present, and the early colony found Aboriginal independence and freedom of spirit too difficult to harness, both educationalists and the lawyers also found the task too difficult. All along, the post-1788 governments in Australia did not follow British Parliamentary Law precedents with alacrity; and the movements from Sydney outwards were too full of competing interests for clear (and moral) decisions to be taken by the governments.

Perhaps this explains why Equity developments in London (from 1856) did not reach the colony's Laws until the 1870s; and the ambivalence is only underlined by the fact that, when the prime mover (Lord Cairns) had his brother (Governor Cairns) move in Council on these Equity matters, his brother was soon ousted (as noted above). Here and elsewhere in all the States, control and government were by this time in the hands of the Squatters; and although Queen Victoria gave (the now) City of Cairns its imperial title, the morality and legal vision of the 2 brothers never reached into Queensland laws until the 1950s (and perhaps the 21st century, judging by the difficulties placed in the way of Noel Pearson and the Cape York communities).

The Human Rights developments in the 1950s, however, came more from America than London or Canberra. President Eisenhower's Civil Rights Commission's 12 Recommendations, however, had followed the United Nations General Assembly's President, the Australian Dr Evatt, who himself followed Saint Andrew's College's Presbyterian Founder, John Dunmore Lang, and the Equity lawyers like Ashburner, in presiding over the U.N. Human Rights Charter gestation, in 1948. But, with Labour out of power, it had to wait for Sir Victor Windeyer's 1962 Address, for the Australian people to move towards 1967. Even then, our Aboriginal Citizenship Referendum actually followed that of the United States on Native American Citizenship (1966), so this slow and rather shameful story reflects the harsh realities of Australia's birth, the failed Noble Christian Empire that promised too much (and now perhaps 'doth protest too much'), and the bipolar

## The written Law and the political purpose

politics of the normal Australian mind and its Party-political commitments that come from the necessities of survival, and the attempts to remain free-spirited among the global convulsions of the most-modern scientific and economic worlds.

In truth, London had always been ambivalent in regard to Australia. Whatever the reasons for this (for instance those suggested in *The Secret River* by Kate Grenville 2006, and *MMM The Birth Stain* 2008, or Australia's growing economic and trade independence, and considerable success in many fields), this nation in practice post-WW2 was moving under the American power umbrella, and its general industrial and cultural sway. The close connection of Sydney to San Francisco began in the 1790s, the twin commercial interests of mining and agriculture being mutual: but ideas of political change occurred frequently in Australia, and by the 1960s the similarity of ideas and ideals included the story of frontier bravery and mateship, and were permanently on display and firmly cemented in the multi-national experience of the Vietnam War, and the independence and rights of all peoples now included a muted reverence for indigenous peoples world wide.

It was a situation so full of misunderstanding that only the reality can make sense of it: the full military power became apparent as the little colony grew; and in the world of ideas, Aboriginal Law had in fact been invaded by the different legal animal of urban-imperial Law; and this type, clearly present 6000 years ago in Sumeria, Babylonia, Egypt, India, and China dated to the early settled urban populations that burgeoned after the last Ice Age ... and would not be going away. Although Imulun therefore might be more spiritual, more Spiritual and more realistic-practical in making a beautiful, harmonious environment and culture, the newcomers-with-their-laws – their Law – would always have the military power to overrun Imulun. In this almost-immediate assessment by the Sydney Cove people, their intellectual acumen is highlighted (but interpreted by the whites as weakness). The laws of the 'civilisations' were an ominous sign for those of a Spiritual Nature.

In the great river valleys, the industrial and management technologies of farming and trade skill-specialisations, under military threat and control, had burgeoned within centralised, hierarchical power-structures. It is problematic as to where, when and how the 'Thieving' Phenomenon-and-Method of War emerged: but gathering land and goods from weaker peoples, perhaps in retaliation against scavengers, developed into planned and sometimes allied attack-for-profit. But the Law was the goddish-king culture in those days: the specific justice laws – 'If ... then...' in literary type – were based on empirical, historic precedent; and this type of Common Law, present in every land, was so much more powerful that an oral law-set, that it moved indigenous cultures into the written 'Civilised' cultures of towns, cities, nations, and empires wherever it went, while the original peoples could keep their own oral laws in their own places. So the Australian ambiguities begin long ago: not being allowed to live with their own law-system of Imulun does not follow the ancient 6000 year precedent used in the British Empire; and this Australian rejection has many consequences today, both at home when Australian Law fails with the Aborigines, and through its refusal to acknowledge the U.N. Human Rights Charter in its own land.

## The national sovereignty without the Spiritual Law

In Britain, Sovereignty evolved from the Royal House of King Alfred and his Law Code, to the end of then Stuart kings, when Parliament took over the making of the laws. Then, with the 1875-1948 Empress/Emperor bearing the Imperial Sovereignty, and the Imperial Institutions operating within the Sovereign Laws of Parliament, the embryonic virtual-equality and virtual-democracy ideas of the 1213 Magna Carta were fulfilled via the developments in 1689 in the revolution of William & Mary, preparing the way for the Noblest Law for All the Empire's subjects. So, while this long road to Equity and Human Rights was re-surfaced for Aboriginal people in Australia in 2010 when the Apology reiterated their full citizenship, its inner structure is not yet complete, and while the legal experts will be solving their puzzles, it needs the Parliament to not remove Customary Law but give it a regular sovereignty without prejudice, and to respect the spirituality of the indigenous cultures and their Spirituals as quite the equal (under Science) of the great religions' cultures, moralities and indeed histories, as well as their achievements.

Australia was therefore never under Spiritual Law. The 1875 British 'Noble Empire of Queen Victoria' had its Established Church in the House of Lords: but the parallel was never in Australian State or Federal legislation or practice; and the 'secular' ideal here, though in some circles meant well, has been a protection against prophetic voices and actions on Equity. Since 1901, therefore, the very secular bureaucratic system and its processes has been a major mark of modern Australian Commonwealth, with spirituality normally emanating from individuals not parties; and Australia's party politics and Parliament showing the bureaucracies are consumed by hierarchical process, with domination and power their focus. Ideals and spiritualities disappear in non-personal statistics, abstracted means, meaning-less averages probabilities projected by interest-focused selections. Majority numbers from populations to industry outputs then convey their consequences, financial industries persuade for risk-taking to gain their own opportunities, insurance prowess proves its power in capital finance, and social analyses count numbers for majority political domination at the expense of minorities. This world scarcely acknowledges anything spiritual; and the few adherents of the Spiritual find their numbers reflect thisd secular Australia.

### **Hidden prejudices and pseudo-spiritual ideas behind Australian political wrongs**

The global context of Bill Haney's world was nicely put in the Australian Literary Review (3 March 09) where David Malouf contrasted (via Homer) the 'agricultural' tribal Greeks with the 'city' (the dreaming spires as it were) of Illyrium. The inner violence of human beings and 'gods' were however the same in both (as Science knows): but Henry Reynolds reminded us of the ways in which the invading westerners kept quiet about their violence (and proceeded until recently to hide it, as per Windschuttle: see M 2010); and Jeremy

## Oral Law in a higher order versus Imperial Law

Beckett conveyed W.E.H.Stanner's insights into the hiddenness of the Aboriginal 'Higher Order' that had its mystical, ritual culture existing quite apart from the 'kinship and marriage customs' of their ordinary life. We are to remember the 'otherness' of this pre-urban, oral culture that was peaceful.

Part of Homer's serenely even-handed presentation of the 'gods' and their 'forces' is very modern story-telling by David Malouf; and the writings of W.E.Sargeant with William James and Donald Schon (amongst a myriad of modern scholars) reinterpret these worlds of Homer (and Joseph Campbell) by emphasising the intellectual-social powers of myth-making, reifying dogma and ceremonial ideology. Yet human beings remains the same, evolutionarily-speaking, the group's local context and environment produce the tradition's customs.

Invaders therefore brought with their valuable non-oral urban Tradition, the 'reified concepts', 'falsified data', and 'fallible theories' that underpin their old religions and its corollary of Sovereign and Divine Kingship; and these vestiges of the past included that of unseen but profound Authority, and thus the great 'dreamed up' 19th century political religion of The British Empire. So, written in an imperial city completely alien to anything they knew or had experienced, Aborigines could not begin to understand the imperial laws of this sophisticated European empire. Only when the newcomers' language, history and intellectual world was distilled in the Aboriginal mind – that is, probably only in this 21st century – has the volume of Aboriginal writers, scholars and lawyers developed into the critical mass necessary to begin the new era when proper Aboriginal culture and its thought-of orders are publicly expressed by their own people in the most modern way. Presently, in films and documentaries and theatre – this is at last happening; and its corollary will be that the incoming people and their massive populations will understand and respect them and their culture.

In time, these educated abilities become normal attributes of at least the elite citizens needed to refresh the systems. Fully described in the Roman Empire's histories, and expressed in succeeding codes after appearing in Egyptian and Babylonian libraries where the pragmatic world of imperial necessity always included Secret Police and the Army, the ancient Feudal Fear and Feudal Obedience filled the slave's life and indeed that of any 'Servant of the Emperor'. When the First Fleet appeared, the Kings of England in the previous five centuries, and their normal regal and imperial worlds, were witness to thousands of lawful beheadings of 'Enemies of the Crown'. Often the King's or Queen's personal fear and revenge had been involved, since his power was absolute: but Aborigines in 1788 only saw the Governor, the Gun and the Gallows ... the complexity of the history of Power and its Law summed up in practice in such ignorant action that only now are Aboriginal experts able to see the full picture of these 2 different worlds.

Nowadays such motives, while present, are normally hidden in clever obfuscation protected by law, because the smooth-running of authoritative government and its echelons of channelled power continue to deal with 'chaos' deemed dangerous to the population it seeks to protect. Authorities and their elites (even if directly elected) prefer the call 'Order!' even though a questioning populace

## Person and Law in the oral traditions

seeks 'Truth!' But even here the Aboriginal way calls out its differences: in the Imulun meetings the Men and Women Elders discuss the matter in hand, with personal memory of cases, experience of handling, knowledge of actual persons, and direct predictions of concrete outcomes: but all this is without writing because their 'writing' is etched in oral memory that was educated by Wuna Old questioning ancient ceremonial boards and making new ones in the tjuringi form which can only be interpreted by the maker and his or her descendants-in-office. (My Latin master could recite the Aeneid of Virgil by heart in 1950).

Imperial Law as Absolute Law was also impossible for the Aborigines to treat as the British did. Its totalitarian nature in 1788 had its roots in the Roman Empire where the Emperor Constantine had a Divine 'Face' both from the Egyptian model taken on by Octavian, and from Christianity's Constantinian takeover of Mithraism as the Empire's and Military's State Religion. In no historic reference does a 'goddish' reverence for another Aboriginal appear in western or Aboriginal scholarship or sources; and none of the ancient concepts, structures, or bureaucracies embedded in Middle-eastern precedents appear in Bill Harney's Imulun culture. But without these, how could the blacks understand, let alone obey this British Law that (we know now) pretended to the Spiritual Authority of The Creator, but was not even relating to the mythical Son whom the first settlement showed it did not follow?

This 'British Law affected the Australian Aborigines through what was formalised and institutionalised in the British The Crown's 'Establishment' of the Church of England in the House of Lords, after 1689, had meant that the Empire had its own religion, no other religion had similar validity, and the practices of the indigenous religions (they were not understood as non-bureaucratic spiritualities) were not Good, and not good for the People. So the Christian Missions were used by governments to remove Aboriginal people from their land in the Name of True Religion, with the secondary purpose of destroying pagan culture and religion.

But again, ancient precedent had developed when Cardinal Wolsey was the King's Archbishop in his Council. This Chancellor could read the early chapters of the Hebrew and Christian Bible for confirmation of his divine authority in 'Law': in their background, the imperial urban hierarchies of Mesopotamia had their actual Babylonian antecedent – the Gilgamesh Epic – with the 'god-like' king ruling his city, meeting and talking with, and then subverting, the indigenous Aboriginal Enkidu. Then, later, the reified concepts of the Moses story provided the 'Divine Law' in 'Commandments' from the direct voice of the Desert 'Sky-God': so this Voice commanded a totally Authoritative Spiritual Law.

In Britain's Sovereign Traditon, there developed this overwhelming Monotheistic message, used in its hidden structures, to control any 'polytheistic' tribal world. But Aboriginal tradition did not have a 'poly-theism' of reified 'gods', but Shadows of various 'Spiritual Presences' in their story of the world: yet ruthless Missions removed personal and tribal identity from the children they removed, and their group, and changed them into 'solid citizens', by subjecting them to their own institutionalised, self-authenticating ideology and pretentious religion.

## Pretences in the spiritualities of Law

How different it might have been if with the outback clan's Imulun had been seen as an all-embracing Spiritual Law for These Particular Humans. Epigenetic evolutionary circumstances had brought them into this land where their Spirituality had flowered: but the notions of Jesus Christ have not flowered in post-1788 history of the circumstances of original Aboriginal groups, or in the law-system that they have been subjected to. In their humility to Mystery beyond the Imulun story, they choose a reverence to 'What is' (although it is not known): but in their ceremony they meet Life in their own directness and creativities, and without a false reverence to reified concepts where truths are falsified, and listening to here-and-now truths is absent because the non-religious political planning and pragmatism casts every spiritual thought and feeling aside, in pursuit of power. How terrible that they were forced – violently, even now – to somehow 'obey absolutely' what is pretended as an Absolute Law for Australia in its Sovereignty under the Constitution, when present and past Aboriginal experience shows this law-corpus to have been uncaring, inaccurate, violent, unsuccessful – we can say, often without a minimum of Equity – and when, today, the mainly-white majority of Australians break the laws with impunity, both individually and in their bureaucratically-working businesses and government agencies and departments.

Translated into a global picture, religious ideologies changed in their own ways over time: the original oral-personal perceptions and Trinitarian revisions in the Imperial Christianity of early Rome became The 'God of the Noble British Empire' in the 19th century. Inasmuch as the First Fleet had spirituality in it, and had individuals in it who thought to 'build God's kingdom on earth' (in Sydney 'as it is in heaven'), this psycho-social ideology was a confidence-booster energising the settlers who needed a moral legal yardstick on which to gauge the building of this new piece of Empire. So this was to be a 'best-ever empire' in practice: morally and spiritually – in government, in law, commerce, technology, industry, trade and all else – presenting prayers, and living in the Name of the One Christian God whose His Divine Law was built on the best western Classical and European philosophies, and on the Once-for-All Revelation of Christ-Jesus, was to fulfil the British Ideal ... and those without it were never to have power, in any way, unless they changed to the Law of Christ.

The only problem was that this was an Elite and Christian hope that practical non-idealistic incomers could never countenance because it could never meet their real world: indeed, it was already being dismissed by the new physical, geological and biological sciences and post-Enlightenment philosophers. Sadly, the idealism also suggested the general 'superiority' of the British constitutional Law and Divine (Christian) Truth to all other cultures and religions. So, in Aboriginal life, there needed to be Elders who could dispute the introduced laws and their findings, their decisions, their actions, in the new world of Australia; and although the newcomers' formal Spiritual Law never came to live here in the nation's structure, the indigenous people in Australia in those early days of the colony began to suffer a terrifying 'Christian' residue as killings and diseases reduced their numbers; and it had to wait for David Uniapon to argue respectfully and intelligently from both cultures. The Aborigines had no written Scriptures, and had been deemed to hold to many other 'gods: so,

## Spirituality in the developments of equity

without white accuracy, they were taken to be racially inferior, and would never have power in this land; and by 1901, Aborigines were non-existent, and deleted from the Constitution, until 1967.

### **Developments in Law: Sovereignty, property, marriage, national interest and human rights**

The story is not without soft landings. With Parliament in Britain being the arbiter of Law in the British colonies in 1788, and Governor Philip under London's orders to apply it as necessary and to report back regularly and directly to the Minister of State and the Colonial Office, the first years were not unlike the normality in England itself. The indigenous people were intelligent, normal and peaceful; very curious and without writing, and their culture simply mystifying; and the women were found to be natural and intellectually interesting. But when the Governor reacted furiously in head-hunting mode a year later when his gamekeeper was killed (apparently for behaviours not appreciated by Aboriginal men with their wives) the earlier respect dwindled. The full military power, becoming apparent as the little colony grew, moving outwards from what had been an Aboriginal camping-ground and valuable spring (with its totemic rock art and therefore metaphor-based thought-world), they also moved away. Now without their land, there was a growing Aboriginal perception that these newcomers had no Law or spirituality, the Spirituality of the Chaplain had been phoney because it spoke only before punishments and death, they did not respect the land, its totemic ownerships, indigenous people per se or their culture. Respect being absent, this was the opposite of their own culture, where you wait respectfully in another person's land, until you are spoken to..

Some of the crass racist thinking against Aborigines began to diminish as 19th century Equity thinking and the laws it grew, took hold. Politicians looked to the industrial revolution's burgeoning workers groups in their constituencies, as well as the traditional-property elite of landowners who filled the British Parliament. With the group round Wilberforce and Buxton, the morality of Jesus had become a political calculation as the democratic idea began permeating the British Empire, flowering in Queen Victoria's reign; and, in America, thinking that eventually helped to develop the modern United Nations Human Rights arena, looked back to Judge Marshall and others (from 1820 following Adams and Jefferson) who, further back, had followed the idealisms of the French and American revolutions. Early on in Australia, the authorities had feared 'those revolutionaries': but there were times when progressive steps were taken within the conservative political structures that might have developed in a British direction, but did not.

In 1823, in the First State, the New South Wales Charter of Justice was passed, in 1840 the first Equity Judge took Office, and in 1857 the 'equity defence' was recognised (following the British miners' case in 1854). But the passing of Lord Cairns' 1858 (British) Property Act

## Equity fails to live when hidden interests have power

only in 1880, tells another side to the story. In London, Buxton had described slavery in the West Indies as 'wickedness', and the anti-slavery laws were passed in London for the whole of British interests and Empire in 1807 onwards. But these laws were not passed in Sydney; and this Christian morality had to wait in real terms until 1957 and 1967.

But in 1825 it had been affirmed by Harper – against Bester 1765, and following Jefferson and the earlier 'infidel' land title case of 1532 – that 'occasional hunting' over your land, reaffirms it as your land. But there was political and legal silence in Sydney at this. When John Dunmore Lang and Henderson in 1832 affirmed that Aboriginal tribal areas had 'well-known boundaries', there was silence; and, in 1840, colonial officials like Stephens (as well as the missionary Robin Auton, the CMS and the Quakers) stated formally that the indigenous people have 'proprietary in the soil', this Equity thinking did not pass into the Australian states' laws, burgeoning as they were, in anticipations of independent Statehood.

It seems, therefore, that the politics of opening up the country for modern work and commerce – agriculture and the pastoral businesses – was paramount. All through the socio-political collection and perception of the increasing population's data, pindividual and group selections (with informal and formal bias) were taking place. Then, even with Good data, the 'reason' used by a political or legal person was never 'pure reason'; and 'public' or 'civil service' values, not yet inculcated in Australia, were (to our way of thinking) inadequate, so that governments were hampered (as today) by ethical weaknesses, all through the 19th century.

During the 19th century, in Britain, the claim to a 'Noble Civilisation and Empire' was based in the beliefs of Evangelical Christians (via Kant) that the spiritual goodness of a Jewish or Christian individual's relation to their 'God' could be an executive power where social and reforming Goodness of such political and legal individuals could follow Amos and Micah in their Prophetic calls to work for the Good of our Neighbour and the Whole Community, and 'The Almighty would bring it to pass'. Indeed, their active selections, whether by 'pure' Reason or not, developed Equity with Head and Heart and Spirit, in London's parliamentary laws; so (except in the racist mind), it was Good for Aborigines that with Gladstone and Disraeli, with young Queen Victoria, and with my relation Sir Hugh (later Lord Chancellor), laws in Britain were developed that would care for and develop Aboriginal life. But when sent to Australia to bring in better systems and details of Law in the colonies, these were not immediately taken up: the modern industrial and imperial financial world was taking hold; and on the other hand, racism provided easy, lazy and selfish answers for the all-proprieted politicians, and their wealth grew.

Put simply, Governor Phillip had not followed the 1688 British Act that refused to countenance 'Land Appropriation', and his secret orders from London did not follow this equitable road. In other words, other interests were at work in London than equitable Law, and The Good in social morality. This second strand of thinking was what moved the later States and the 1901 Constitution: the morality of equitable Good was impossible to achieve for Aboriginal people, from the beginning.

## Hidden London and Military land-grabbing bring the loss of goodness

Military-political objectives had overpowered the Governor's inner instincts, perhaps: the protection of his men, the survival of convict men and women, his hidden part in national purpose were his paramount interest and responsibility (we can empathise with this, quite reasonably, today, as Clive Palmer calls for 'the future of our children' (on behalf of Australia's mining fortune). But later, with the unforeseen realities of freedmen, the ex-military and free migrants, this original choice by him became used for the wider British purpose, and any structures of land law had to be acceptable to new nation-builders who would not yield to the London outsiders who did not know the land itself, and its problems.

Early on, the Orders-from-London (to the Governor-in-Council) became impossible to carry out because they were undesirable and unacceptable to pioneer farmers and workers beyond the Blue Mountains.. First, the rebel military government of 1808-9 had the new (Rum Corps) crony-landowners beginning to be rulers. Then, the civilian institutions set up after Governor Macquarrie was ousted, in 1822-3, were mostly filled by the land-owning Elite, and pioneering Squatters, with the political power: the vision that was building in mind and heart was a British imperial vision: but these men decided that the land was for themselves.

London, in fact, was becoming unable to control the ambitions and greed that rode easily on the prime need of everyone: to survive. There was a world trade economy that Britain was entering strongly through Australia, vast riches of the Australian continental land-mass as well as a significant bulwark to imperial movements into Asia: but to the new Elite, the land's resources above ground and underground could be traded into India and the rest of the British Empire, into America too; so the land was of total – not just prime – importance (as it is today for Defence). So the reiteration in 1824 of the British Parliament's original orders, for the Aboriginal people to be respected and allowed their land, could not be countenanced, and the Constitutional Law in London could not possibly be enforced by London. No proper negotiation-processes would ever be arranged for Agreements or Treaties with the Originals, until the 1970s; and there was never a chance of Land negotiations happening or Aboriginal land titles becoming law in Sydney, in those first hundred years; nor would the other budding States follow far-away London, any more. In practice, while the presence of Churchmen in the House of Lords allowed the zealous call for equity and other reforms to be heard and regularly gain government power, Australia was not formally Christian in its local politics; and this was not, is not, and never will be, a Christian country.

In Britain, my family relation Sir Hugh McCalmont Cairns was, from within his new Evangelical faith, pressing the ideas of 'kindness' 'mercy' and humanitarian truth that Wilberforce had developed within the anti-Slavery movement; and as a normal Christian he was seeing that law needed to be developed within the Lord Chancellory, for Equity. This he was able to pursue as Lord Chancellor in the later Governments of Benjamin Disraeli, and here we can see the Hebraic Christian Faith flowering in a political cosmic morality. But even with Lang and Mannix working as Christian Prophets, this never happened here: even the Australian 20th century pioneer of Human Rights, Dr Evatt, never reached Government power (and Rudd vanished after his Apology).



## A prophetic voice in American law fails in the developing states' Law

In Australia, the watershed period was 1823 to 1843. By this time, it was quite clear that the Governors were little able to sway the Council members who did not wish to follow London's Parliament. Councillors were now not chosen by him or the general public, but by the 'propertied gentlemen'. Most of these now formed the Squattocracy who were committed (naturally) to the survival of their own and other families who were opening up the farming and pastoral lands of New South Wales, Victoria, South Australia and southern Queensland. The bravery and abilities of many of these people were admirable: they were the 'doers' of the nation's coming wealth. But discovering and providing new sources of the country's riches, they would normally let nothing stand in their way. Massacres like the later one outside Mount Isa, which left the mining resources secure after genocidal killing, were probably exceptions, since Reserves like Corrandurkk were more the public face of the taking of the land. The latter were at least vestiges of a Christian lovingkindness: but by 1882 consciences ceased to be assuaged by Reserves because the relentless pursuit of land-amassing had high-profile Victorian voices deeming them unacceptable, and the Aboriginal voice of Burok in walking to Melbourne to speak for the Aboriginal Cause was a watershed (in 1807) because 'Right' was in him. Then with David Unaipon's formal Presentation/Petition to Parliament 6 years later, the beginnings of a call for Equity for Aborigines increased apace, even though 'Reserves' only disappeared in the 1970s.

Judge Marshall in the U.S.A. had started on this track of Justice for American indigenous people, in 1823 and 1835. But though his judgments are today fully reflected in the United Nations 'Rights of Indigenous Peoples', his views were never in the majority in Australia, or America; and here the century-long, legal and political conversations with colleagues in Washington and London never reached 'Action for the Aborigines', except in muted forms that could take shape every now and then when a 'reformist' government was elected for a time; and this did not happen until Mr Whitlam in 1972.

The reason was, therefore, that, quite apart from the personal and individual desires for land, the rolling reality 'on the ground' was the acting, controlling power backing the land-grabbing, business-planning forces, for local white wealth, and to service overseas debt. Direct political-financial manipulation, and purposeful violence – not Reason, not Justice, not Equity – can be seen, even today, originating as a frame of mind, in Australia's traditional forms of personal violence – in public bar, street kids and gang warfare – that are tip-of-the-iceberg phenomena. They distract many viewers from the hidden brutalities that often have a violent Financial background, and cover up for the kangaroo-court bullyings, police manipulations, sporting cheatings, barrister competitivenesses that target of the vulnerable; and TV 'handouts' with insults and mockeries, and the Media's seeming disrespect for the law's Presumption of Innocence fall into this stream of behaviours that hide the realities of society., and even certain judicial witticisms, and sarcasms that mock the innocence of witnesses (and so on), can have darker purposes that work in relation to political scenario-decisions that use lurking violence contained in formal government institutions like the police, intelligence units, and secret services (or, as happened in Bourgainville, mercenary groups that cannot be traced to government).

## Fear, the lack of equity and some still small spiritual voices

Leading the spoken words of another person by changing unconscious selection processes when a source or witness is off-balance, deletes what is to be trusted; and the more hidden, displaced brutalities that range from pub punch-ups to language-attacks on the vulnerable (that seem so innocent or random) leave their mark; and if deliberate, can keep someone or something, in control. Bringing to pass some action or purpose that a powerful person or group desires, means that such vicious underground physical or psycho-physical attack can influence the sophisticated arena of the court; and modern judicial processes have to be alert so as not to be weakened morally, by behaviours outside the court, and so as to be vigilant to stop those within it. Needless to say, the transparent Imulun court and process is free of financial power and pressure, and the Elders form a self-regulating unit through their totemic roles and understandings.

All this has been in the 'equity' focus since the late 18th century; and the Imulun system of extended-family courts of male and female Elders was able to prevent these modern imperial behaviours. Judge Marshall had also decided in 1835 that if you find yourself living under another Sovereign or Sovereign State, 'your land is still your land'. Therefore, if others want some of your land, they must talk with you because it is your original land; and a treaty or formal agreement must be made between you, after negotiation (if you so wish). Then a fee or price must be handed over if the negotiation is successful, and sufficient land left to you, if you have agreed to sell, so that your complete culture will continue well. Finally, also, and most importantly, a full compensation must be paid in lieu of your land loss if in the Sovereign Interest you must release some land for reasonable and valid National Purpose.

In view of the Delamere use by the RAAF (and presumably 400 U.S. Marines who come from the Army's base in Bradshaw) the lack of any compensation (so far) for the Wardaman, after their removing their Native Title Claim to Land Title, on this basis, seems both strange and inequitable.

After Judge Marshall had found for Equity in relation to American Indigenous People and their lands, there were continuing moral protests in Australia by such as J.D.Lang and Archbishop Mannix. They refuted the 'non-occupant Aborigines' claims for the next twenty or more years, though the die was cast when the free-settler State of South Australia was set up with the direct formal refusal of Crown (Colonial Office) demands for proper processes, just after the Crown's British Parliamentary reforms of 1832.

Of course, London (Britain) was seething with worries to do with the necessity of meeting the political needs of the emerging industrial masses, and Australian States were going to allow none of this, as the military reality of Rouse Hill had long ago made clear; and as the extinguishing of the Eureka Blockade (and the Kimberly land's hero, the loner Jimumbuk) later reiterated. The Evangelical Christians here were immersed in the new causes – it seemed important for every person to be treated equally as a human – and Dunmore Lang led these in Sydney with limited political success. But in Adelaide, Torrens Title cut up the Aboriginal lands to meet the economic necessities

## Mr Justice Marshall, hero and star

for the adventurous pioneering farming and pastoral families. No Judge-Marshall-type values and processes in law were put in place, anywhere in Australia; and although some indigenous people on these new stations were appreciated and treated well, Australia is still feeling repercussions from the injustices, antagonisms and inadequacies of the law-systems, that provided Aboriginal people with nearly 200 years of suffering and wasted possibility. Aboriginal people were moved into the new reserves; and the 'Protectors' who were meant to care for them turned out to be government servants who were in their position to make sure the pioneering pastoral properties – after all, financed by loans from or bought with money borrowed normally from the London and Sydney banks and therefore under strict scrutiny – were really in total control of the country, with the indigenous people under total supervision by the Protectors, to ensure these loans were repaid with interest.

With the white urban population now spreading out over the whole land-mass of Australia, and protected militarily from the original owners whose skirmishes were defending their virtually-undefended interests, the easy, semi-apartheid pastoral ranges of the wealthy-with-their-influence depended on the lawyers and the law-enforcement officers, with potential military backing, to 'Keep the Peace'. This in practice depended on Aboriginal subservience and virtual slavery, was predicated on the Australian laws that did not come from London, and could result in crushing killing sprees, with bodies burnt and evidence suppressed. Under 'Empire' law in its idealism there was a stern British socio-legal reality and ethic: what was the normal happening now, in this outback development, was Murder and Theft.

Nearly forty years later (in 1887) the Privy Council in London again found that the Aboriginal people before them did have 'title' to their 'waste land': but in 2010 there is still no sign of the 'compensation' that both Mr Justice Marshall in 1835 and the Privy Council in 1887 found should, in British Empire Law, be paid to dispossessed indigenous people. The Privy Council might even have been following a study of Duty of Care in Common Law: for this was found (in 1873 and 1875) to include a need for a 'flexible equity' to fit 'requirements of time'; and in Equity there developed a (pre)requisite for there to be a proper 'conscience' present in a contractual situation, meaning 'good conscience', 'good faith' and 'clean hands'. Indeed, the use of these findings in 1882 was accepted in August 1997 as the need for there to be a 'higher trust' (as opposed to a 'lower kind') when 'fiduciary duty' is involved.

I can only speculate on the number of negotiations with Aboriginal people that did not show evidence of these 1870s-1880s 'duties' on the white side. But in 1933, Mr Justice Ashburner found it 'unconscionable' for a person or institution to produce a situation of 'transactional imbalance'; and I feel that, in Christian and Socratic really-real 'true-Truth', Aboriginal people have always found the Australian States' and Australian Commonwealth's laws to be in permanent 'transactionable imbalance' viv-a-vis themselves as persons, their ownership of lands, and their position in the incomers' laws and society. Now I believe that 'transactionable imbalance' is an accurate reality-testing method to be used for today's arenas of Senate Hearings of Aboriginal matters in Committees, maybe some Land Title Tribunals in which time is taking elderly witnesses away, even some Law Courts where the Aborigines do not have English

## Fear and pretence in the 2007 (Intervention)

even as their second language, and some other areas where Negotiation is meant to happen. It is also a good metaphor with which to summarise the injustices of Aboriginal situations where, for instance, in the Intervention, the imbalances in wealth and power meant that legal and interpretative services were inadequate to meet in legislative process and protest, and in political committee, to prevent by legal injunction and media conscience the rapid military-and-police take-over of 73 un-prepared communities by near-illegal Fiat.

In America, Chief Justice Marshall in Washington had began to pursue what we now see as Human Rights in his courts, from 1823, and following English findings that overturned the idea of 'hunted-over' common land having had no original owners, he found (by 1833) that indigenous people had the right of land ownership. So, if incomers needed land, they must first talk with these original inhabitants, then properly and respectfully negotiate with them; and this must necessarily lead to either a fully-legal treaty and/or the mutually-agreed buying of a parcel of land.

In South Australia, therefore, in the 1830s. the Aboriginal inhabitants might have been retaining such land as they wanted/needed for continuing their proper life as traditionally conceived it, living in this as the newcomer farmers, pastoralists and government enterprises and officers move in. This way, respect is mutual, and Goodness abounds in a Righteous situation. But remember the 2007 Intervention:

***'Mal Brough went to Kildurk, pushed in, shouted 'I own this house!' I own that-one house' '... went on like that!' Then this man organised the Perkins boat, ran it aground, cost \$80,000, wasted that money by running it aground! didn't sort it out straight! we don't think that right!***

***'Then he went off to Palumpa, Peppiminarti, BulliBulli, well ...! At least Binjari's not yet got the Intervention doing it all there, so much; and the Manbulloo Burial Site's owned by us under the pastoral excision, so Land Rights is really good for Aboriginal people if white and blacks got it listening together, sensible and work it out together properly'***

In retrospect, some sovereignty of family, and democratic integrity, would be present within the Constitution if by its law there were Aboriginal Senators in place ex officio. Mr Ashburner's 'transactional imbalance' is transparent if any white country community is queried as to whether they could be treated in this 2007 Intervention way, with the brusque method not allowing any discussion or negotiation, the false claims, and the police and military moving in, almost without notice.

Back in the 1840s, a (future) concept of 'transactional imbalance' would have found much that was brutal and against British Law, as was the Mapoon Clearance a hundred years later. But we need to remember that the 19th century South Australian expansion plans

## 19th century political-economic Clearances continue

and Clearances developed in what is now the Northern Territory (and Western Australia). So the Reserve System that Xavier Herbert uncovers in *Poor Fellow My Country* in the 20th century's 1950s, had emerged from Adelaide, the City of Churches; and from the practising Christian Church point of view, what happened could only be justified within the ideas of the 'Benefits of Christian Empire' (Jesus would not have left an Aboriginal victim at the side of the road). At least some good missionary work in schooling and health, and community recovery, did take place: Ernabella was one particularly good Mission that respected indigenous culture; and Hermannsburg was undoubtedly a crucial survival-refuge in times of drought and famine (and coincidentally, in law, one major benefit from the latter was the Strehlow family, father and son, where the latter broke white taboos when the Stuart case demanded accuracy and truth from police and witnesses, and this demonstrated that there is 'No Justice without Interpreters' (a reality not properly confronted, even now).

Generally speaking, the 'Protector' method, and the Missions' story-which-was-Law, were full of potential abuse and negative equity, in practice. When my own blood-relation the Lord Chancellor and his brother the Queensland Governor expanded the new Suez-produced Empire of Disraeli and Queen Victoria into a Christian vision, they aimed to help the Indigenous Cause directly, by stopping the whipping of Aboriginal women, and by calling for Free Education and Health for Aboriginal islander families and workers in Queensland. So I find my conscience empathising with both sides of the problem: both had their Spiritual Law; and the Imulun and the 'Noble Christianity of the Empire' could have been living together equitably, if the political move towards 1901 had been a Christian movement. But only with the majority of the population in the new States and over the whole Continent following a true-liberal, science-accepting, modern-world-progressing, and legal-Equity-developing form of Christianity could a new legal world have been introduced into Australia ... and then only if visionary politicians had gained the power to act.

For Aborigines before 1967, however, Australian laws were a 'Bad Dream' all over the land. As a writer I can now understand the depths of feeling, actual memory and rational thought that many non-urban Aboriginal people keep in their present 2000-plus communities; and I empathise with the call for the Sovereignty of their own Law in their own land, in its Traditional Form. To the Australia of today, the integrity of this original culture and this nation's reputation for 'ambiguous' behaviours and actions – from cricket field to court house to constitutional problem – means that the lack of equity, fairness and kindness and trust in our midst, needs to be redressed at the greatest rational, spiritual, political and legal depth. It is too real for it not to be endemic; and honesty in the historical story is a starting point for a Good ethos.

This week, I heard the major diplomat Dr Philip Flood wondering why India alone seemed unfriendly to Australia, of all the nations in Asia. Perhaps the Britisher's ancient imperial choice not to destroy the indigenous cultures it controlled as it expanded, and the consequent formal recognition of its Indian fighters in the World Wars is a major reason. Perhaps Indians know racism when they see it: the Australian Returned Serviceman's League's refusal to acknowledge the Aborigines who served in these same wars (who have

## Writing as bureaucratic and legal power (needed by Aborigines)

also not been allowed march with their mates on Anzac Day) as well as the Reserve system of concentration-type amalgamations, and the modern bureaucratic methods of containment such as Income-management now used to reduce them and their culture, are too obvious for the intelligent, democratic black nation's people to accept. Hypocritical Australian pretences may bolster our nation's Ego and self-proclaimed reputation in some world quarters: but others see through episodes like the Intervention because the racist element in Australian political reality and social survival-need is real, and come to stay.

Bill Harney's family and all Aboriginal people therefore have to begin to know-and-understand properly, in depth, what this white civilisation is, make their thought-through adjustments carefully, if they are to survive in their integrity and full identity. All over Australia, this is now happening, although the prison figures and Aboriginal health statistics strangely will curtain the volume of young Aborigines needed to enter into all the education needed if their own professionals are to understand it all, as a community.

### **Education as a major need if the second of the two cultures - the white - is to be understood today**

Back in 1788, the direct modern knowledge was needed also. To survive on equal terms, the Aborigines needed to know the English language and its oral dialects, the Convict languages and systems, and the civil-military bureaucracy from which the orders for life in Sydney Cove were emanating. But only reading and writing would grapple with the distinct languages of British Law, Business, Commerce, Mathematics, Religion, Military and Naval Power, Government Bureaucracy and Administration, and indeed the Governor and the later Governments themselves. These held the Sovereignty of Sydney in place then, under the Sovereignty of Empire, and they had taken 5000 years to evolve: without them, without being able to manipulate the world-of-today like the whites did, they would never be able to understand them, or control anything within the incoming developing situations.

Clearly, today Aboriginal people need their people in all these worlds, to understand and work within the 2 worlds. With their spirit intact in the traditional Imulun that Bill Harney demonstrates, and with the white ethic that Mick Pearce's father proclaimed as the proper white world (admittedly featuring tenacities and honesties and work-ethics rather missing post-the-1970s) the indigenous person will be better in white society than many whites; and the tragic surprises of non-democratic and racist legislation will be avoided.

From 1788 onwards, Aboriginal people have watched (as many poor people do in any modern society) the mysterious gathering of riches, wealth and powerful technologies that burst upon them: naturally inquisitive people, they wanted to learn; but how could they

## Modern civilisation as a corridor of deceit

understand without the concepts and methods of thought that Europe had been engaging with for over 2000 years before becoming The Power through practical elements such as War, Piracy, Slavery, General Violence, Feudal-Totalitarian Government, and Ruthless Religion? The wealth and disciplined learning gathered used researches in technology and the sciences, as well as logical techniques of Thought gained from the Greeks, and the practical applications of Discovery and Invention engineered by the Roman.

This can all be learned in History. But today's world is charged with political realities for which Science in its histories and depths are again needed. Think of the methods of Deceit uncovered in Psychology, the varieties of Theft known in Criminology and Sociology, the Intelligence Agencies needed to fight a modern Trade War, or control a military incursion, let alone the changes in peoples and government powers that warn of problems to come. 5000 years ago the Mediterranean empires had their Secret Services as well as their Bureaucracies; and the First Fleet had them too. So these must be thought-about, if the understanding of countries old and new is to be satisfactorily developed.

Then again, Luck and Chance are naturally present in every human situation, as in Nature itself; and the insights of Anthropology as well as the Physical Sciences are to be studied. Institutional ideologies as well as developments in Law give regular structures to the behaviors of individuals, communities and the bureaucracies; and the hierarchical power-structures that provide Law&Order are the result of massive sets of all these areas of knowledge, so that their powerful bureaucracies make what matters to them happen. Leaders therefore need wisdom in hand and mind. as well as heart and imagination, lest religious dreams descend into criminal worlds rather than Spiritual Mind. Part of the real-realities of nations and Empires, These religions pervade the general story of the workings of the modern state; and the roles of a Military Chief's Army/Police and Secret Police, or the Hierarchies of Elite Power headed by one Chief, or of a Financial Power-broker in a nation financed through Tax (in the old days the Tribute from the defeated, and the Thieved Booty from War) can be elucidated by a study of the Leading Person's religion or personal spirituality (or lack of it).

Perhaps above all, the Education of the Governing Elite affects their ability to exert Control everywhere, for instance in their ability to gather in Money through Institutions or Elite Power-brokers, thence the ordering of Financial Administration through the Bureaucracies they set up. Again, Religion also has its powers, for instance in the Ecclesiastical monies gathered through its own bureaucracy and traditions, Industry likewise. So the story of Power and how it is wielded in our society, while having ancient roots, can be researched as part of the Education that a community like Bill Harney's needs when it is confronted by problems thrown at them today by the legal system, tax calls, military presences, health necessities, or the sudden appearance without warning of Statutory Authorities or Government or police power.

## Education as a way to understand civilisation's impact on Aborigines

Wardaman need some real academic minds developed from their own family, for their survival, so that their own lawyers and judges and financial advisers can sift through challenging problems of the information available in our democracy, call out the potential solutions emerging, and gain the team necessary to deal with them all appropriately. The clear example of a vulnerable minority developing these protections are the refugee jewish individuals and groups who arrived in Australia after the various pogroms: gradually their lawyers, business, artists, bureaucrats, businessmen and politicians entered the areas where power is held; and these people's survival in Australia is not in question. Already some major gains in this regard have been made by Aboriginal workers, researchers and politicians in the above fields (and of course in many more important fields than I have noted in the paragraphs above). The point though, for the Wardaman, is that the concerted effort is now called for, since their land is full of resources, strategically important for Defence, economically valuable for Tourism and the Arts, and culturally important as a Spiritual People's Place; and therefore these necessities of Education are needed for protection, to remain People of the 2 Cultures, honouring and 'living-in' Imulun as a sovereign Law, and honouring and 'living-in' the modern Australian culture, legislations and possibilities-for-Good.

Now, History shows us that the Roman-British picture had been one of Serenity of Emperors, Monarchs and Peoples, all together. But the virtual slavery of workers in Europe 200 years ago (which Aboriginal people experience still with the non-payment of World War II wages) began to be rectified after the French Revolution, too soon for the riches of the 1788 Fleet to be coming from trade with Asia – the wealth seen by Aborigines in 1788 came from military engagements where resources were taken from unknowing populations without financial compensation, and from the developing Industrial Revolution which was underlying Britain's new imperial status. So, business-trading's financial genius (as well as visceral bravery) was to the fore, and new mathematical understandings were developing in the base-structures of the business-organisation wisdom that the Romans had built around the Mediterranean. Now there was knowledge of Probability and Risk by means of Mathematics; and (albeit with captive workers in the merchant ships as well as in naval military service) the traders of 1788 (and ever since) could grasp opportunities which were not from evil minds, but clarified probability-risk thinking which is the basic need for business enterprise today.

No thought was given to social consequences for vulnerable people, though, in those days; and the immense problems related to this developing business world included local matters of health (for instance in the smoke-laden, stench-filled towns and villages of new-built London) and the sufferings and waste of people all over the world, whose culture and ways of life were disappearing for ever (for instance on Pacific Islands where kidnapping and slavery destroyed family-systems, and western-type houses and streets could become the rude slums of London). Major losses of personnel and ships, on the other hand, meant financial losses for white individuals and companies that lent money for future profit, so imperial trade and ambition were not without cost: but the local peoples like the Australian Aborigines, who had land from which wealth could be created by careful work with crops and sheep and cattle, were caught

## Modern complexities and legal processes inviting change

in a 'pincer' movement where invasive newcomers would ride at you and fight if you got in their way, and enslave you at least virtually, if you stayed peaceful in your normal culture. (They would also act genocidally if you then rebelled as an individual or clan group who did not appreciate slavery, and often could not understand why they were there because the explanations given were deceitful as well as ignorant), and the indigenous people desired truth, the real-reality needed for their survival.

There were other sides to this scenario, and today Aboriginal people must know these, told them by their own people-with-education, the white knowledge helping them to understand. Western urban-industrial, global nations have bamboozled uneducated populations (and their own non-literate people) with the complexities and cunning marketing of Insurance, the sleight-of-hand of Banking Proposals, the feints of Game-Theoried Money Markets, and the whole gamut of probability-math deceptions. So the young need to learn to evade such modern bamboozeling by study of such real-realities as Predictability and Selection of information, the Prioritising Selections by Interest-groups, the Presence of Simple Corruption and Organised Crime, deceptions in Government method and even legislation, bureaucratic evasive tactics and regime crime; Intelligence work for Government preservation (as in the Assange case relating to Stockholm judicial panels led by politicians 2011), and Negligence admissions with no come-back (ie. buck passing). Then there can be Internet Hacking and phone-taps and hidden cameras, with no individuality or privacy conditions, and No Transparency (the WikiLeaks saga and Government's desire to control public knowledge); and overseas examples of No Public Engagement in 2011 as in the Egypt/Libya/Tunisian/Bahrain situations, and the Regime Secrecies against the People in Iran/Guatemala/Zimbabwe). Of course, we can see vividly today the Direct Violence (of bomb, semtex, forced suicide) used against The People in some countries, so that Planning and Trade can be endorsed by the Violence of Authority; and Wars that are wages from Fear, Greed, or Honour can cover Ideological Cleverness that were never open; and show the dishonesties of regimes rather than their people ... throwbacks to the Romano-European Empires, in today's world ... but also the dangers of human nature for tomorrow's people.

Apart from all this – and the sketch of it all above is a minimal part of the human puzzle in history and all the sciences ... the need for Aboriginal lawyers, judges, politicians, scientists, trade experts and media controllers ... all types of professional and disciplined thinkers and doers indeed ... is paramount. Since lawyers are the educated bases needed for many of these professions, it is good that Aboriginal lawyers are today growing in number: so, while the indigenous people need proper education for those who wish to enter the many stern areas in the western work world, the question of western law needs to be further considered because of the more focused needs of the Australian Aborigines as a whole, today.

Perhaps the 'Reinvestment' ideas can work with apprentice-like disciplined education, to deliver work-focused courses like Rio Tinto and Andrew Forrest appear to be trying to introduce: with an actual job already provided, the learning will have meaning which the present DHEP fail to do because the jobs are normally non-existent.

## Possible movements from the oral Law of the Imulun

### Legal matters

In the situation now of realising what the western culture-with-its-education-and-knowledge really is, we can perhaps acknowledge that it is never going to go away from Australia, it will always be in actual force-full power, it is brim-full of experience of imperial disciplines and violence that will always be used in problematic or difficult social, political, and environmental circumstances, and its laws that regulate the nation's life and that of its peoples will always be the basis on which developments in law will take place.

Thus our study of Customary Law can only result in changes for the good of Aboriginal people if these are discussed in relation to Australian Law today, with knowledge both from 'outside' and 'inside' this; and not being written by a lawyer, this can only move towards it close by the outsider's noting of what he feels is significant, and humble suggestions as to where changes might possibly need to be envisaged.

The legal history and problems in Australia are for experts to ponder and clarify. But to the Aboriginal world in its European history, and in a general 21st century perspective, some features of State and Federal Law stand out as having been inadequate from any spiritual as well as legal mind.

First, Rules of Evidence as applied to the indigenous inhabitants were not equitable, perhaps until 1967, because a white person's testimony always eclipsed the black man's. Perhaps the British 'class' views where voting citizenship depended on Property, and Writing denoted Culture, suggest this was not just 'racial prejudice', and industrial work defined usefulness and money-value. But to Aboriginal people, Evidence given in the Extended Family circle meetings where people who knew them personally could back defendants can have their backers (as in Bill's painting) was utterly different. All proceedings and material are understood here since they speak the same language, and trust in the Elders in their spiritual wholeness was total (so unlike the Intervention's suppression of local community languages, and the often superficial and artificial constructs concerning intention and selected facts presented by exponents of sociology and even medical and other experts in the sciences).

Second, Habeas Corpus takes a different form in a Family-type Justice System. From the spiritual point-of-view, the person accused has a valid totemic identity with a mentor-guardian who has responsibility for him or her, as part of the Spiritual Story ... a valid part of the Ancestral environment. As such, when a criminal or potentially-criminal or -blasphemous event has taken place, there is proper investigation-under-rules by Elders, and any arrest or holding of the person is under the eye of Men and Women Elders, both in relation

## Habeas corpus, bail rights, presumption of innocence but impersonal Christendom

to right detention and/or observed release into the community pending the Imulun court-councils that follow the investigations and checking of witnesses and stories. Since language and processes give transparency, and community as well as specialising Elders mark and observe the necessary detention-sequences, the person's personal safety and integrity is well kept, and no possibility of absconding is likely (sanctions such non-fatal spear-in-the-leg apply if an escape is attempted). All this provides a Habeas Corpus provision and Human Rights situation for the accused, without detrimental or unfair procedures, or a cruel or vengeful attack by unknown or vicious outsiders or inmates as found in modern prisons, or the detention of a vulnerable person by unlawful brutality. In other words, a class-or-money-based 'bail' exists for the privileged, but the 'revenge' world of modern police and prison systems has replaced a rules-based, transparent set of methods (in the Imulun) that had a good chance of reaching truths that are valuable to the community, not deleterious to the innocent (who may suffer greatly in prison when not changed with an offence), and in essence re-creative.

Third, Presumption of Innocence was never the formal prerequisite afforded an Aboriginal person by military colonial Law in the First Fleet years, nor in later years. Captain Phillip's vengeful headhunting displayed the opposite of benevolence; and as 'prosecutor, court and judgment' the Governor's lawless violence without intelligent investigation and process in language belied any vestige of Jesus' notions of truth and love, let alone the actions of understanding and forgiveness, so the British occupancy was shown to be wrong in spiritual as well as today's legal terms. While British Law of 1788, and Australian Law to the 1950s was often brutish and violent to its own people, with Capital Punishment (like War) accepted as a necessary morality in the socio-political perspectives of Christendom's, the treatment of Aboriginal people used a pseudo-scientific as well as absurdly religious racist argument of justification common among the political elites in north America and the British colonies, while in fact more land was needed to pay the interest on London and Sydney financial borrowings, at least. To make trade profits, the slavery industry had led lending banks and shareholders to expect real profits: abusing 'sub-human' blacks or 'dying-out species' assuaged such guilt-feelings the City's demands for profit might arouse.

More directly, the behaviour of Jesus to every type of person was utterly different: without later dogmatic presumption, he focused on the individual here-and-now, personally, even to one man in bureaucratic political power in the tax system. So the generalisations of ideological doctrine (fabricated within imperial ethos chosen by power-elites) which used Statistics and Capital Punishment, where the Presumption of Innocence became legally necessary, was far from Jesus' love, in which individual investigation and intelligent care for the individual is an Ideal 'The State caring for All the People'. In the Aboriginal family-group, the 'Presumption of Being a real Person with Richnesses of Character, Gift and Life' presumed real human individuality – the person always known to the family, Women Elders, the Uncles who 'grew them up', So an abstract idea of 'Innocence' was irrelevant: Spiritual Law is not a legal system, but a known reality.

## Practical ways in Imulun: Person, jury and society's need

Fourth, the idea of Bail could not operate in the Aboriginal Justice System because concepts and presence of Money and Bureaucracy did not and do not exist without the hierarchical structures and profit-taking urgencies of urban-imperial worlds (such as the corporate financial worlds of today). The built-up written laws such as Bail were not needed: in the Imulun Aboriginal community, an accused person was marked by special ochre and decoration so as to be immediately recognisable within the open community, which could keep tabs on him or her, and would also mentor them if psychological vulnerability might be creating a medical problem.

But if judged in Imulun to be dangerous or likely to try to abscond-escape, the person was placed under Kanin Man (or Woman) guard in the traditional 'Discipline' ('Punishment') Place, so that the processes of the Imulun Law would proceed in regular time. Thus the person found 'Not Guilty' has none of the ill-effects of modern, even temporary incarceration, if there has been no money or back-up for Bail; and the hoped-for 'Clearance' after disciplining, if the person is found Guilty, will produce both a more-knowledgeable member of the community, and an individual socially healthy, which is the final destination intended, for the processes of the Imulun Law. Since few in our Prison System escape a fatal destruction of their Person, this hurting of innocent or virtually-innocent people is far from an equitable method of distributing justice: 'Vengeance on the Guilty' is, we think, fair enough for the serious crimes; but where the adversarial system has to find a One-Zero result, inadequacies abound because human complexity is often not understood outside the family.

Fifth, Trial by Jury had been a revolutionary 17th century call put forward by progressives long before Governor Bligh is said to have, in exasperation, proclaimed he was Law, Judge and Jury. Most judicial killings of murder-charged Aboriginal people did not take place through a Myall Massacre jury with a good lawyer like Richard Windeyer: the racist trait in Australian politics, society and law meant that black people could not be jurors; and (even recently in 2007) interpreters were absent or not allowed when Aboriginal people were in trouble in the Intervention, when the Racial Discrimination Act was suspended (as it still is in 2012).

The Aboriginal Law System was oral, with symbolic intellectual presences in the art, music, dance and story, in the traditional Imulun meetings of the family concerned and the Councils of Elders. There were no 'outsiders' like the 'dispassionate jurors able-to-think' (who make up our present system) needed, because the extended Skin Clan System provided them, and the years of the Initiation-Educations System had been thorough (the oral culture not needing the special expertise of Writing). The idea of a jury as a backstop to a judge and lawyers, who might have inadequate data-thought to hand, was virtually present in the Imulun, which has the Women Elders and the Men Elders balancing the Wuna Seniors, the Clan representatives present as well as the Families of the Accused, and the various totemic knowledge-and-learning groups to give all-round understanding and presentation of data 'Facts' that encompass the case.

## Imulun culture as a way to benefit Australia in Law and process

As for a raging mob in Court (white or family), there were strong rules of behaviour in the Imulun Place, and the many years of the Elders learning Imulun meant that they have a certain equality/resemblance to the lawyers and judges of today, and rules in the process. But there is no way that Twelve Jurors from Sydney will represent any Aboriginal Community in Australia better than the traditional Imulun groupings: the former represent the urban-industrial societies of today's Australia, and live within Australia's historic bureaucratic and statutory laws which did not accept other cultures, or understand them, and serve the imperial hierarchical systems of the western world; and in practice the 2 paintings by Alex Dunn, as well as Samantha Wortelhock, spell out the horrors of Aboriginal difference.

Seventh, then, since original oral indigenous peoples, with their Imulun, were not accepted in British or Australian Common Law, and history shows these cultures and peoples being violated under these western laws until 1967-2003, a new set of understandings needs to develop within the white culture and all the multi-cultured newcomers to recent Australia. Some of the latter know full well such problems as I am raising; and will be working on them. But the original Australians have been dispossessed illegally, and are back on much of their land; and their existence and regeneration make their situation different from the migrants. When I say that black jurors are needed, just as black barristers and judges are needed, and that those set in judgment and juridical argument in the courts when Aboriginal people are on trial or in a Tribunal or Commission in Sydney will need to have knowledge and empathy for proper interpretation of the data, I am saying that this land and the Australian culture needs their particular Imulun because it is so Good to People, to the Land, and to the laws and government because of its straightness of thought and its democratic, personal base. That it gets these from its Spiritual may be paralleled in many cultures: but first and foremost, the traditional Imulun must be acknowledged, known and respected in the whiter settings, because it is Good and (except for such as the Jesus Story) emphasises The Spiritual in us all.

But, eighth, the 'adversarial' system, with its pretences of One-Zero reasoning to a 'Solution' (and its deceitful suggestion of Truth) is not what Aboriginal – or French – culture is used to, in Imulun: so the new architecture being used in the Northern Territory for the new Court-houses with their 'Circle Sentencing' symbolism-scenario within the court rooms, are very much respected by the Aboriginal communities. Surely (with an influx of interpreters) this more spiritual architecture will allow better understanding of Evidence, and a more certain presence of Human Rights when Aboriginal people are to be interrogated; and, if found Guilty, their sentencing will be more personal, the idea of further Education and eventual Proper Clearance giving the ambience a worthy Respect.

Now, this book can only breathe out some suggestions: where are the legal parameters? While only professional legal practitioners and experts in Jurisprudencelawyers will be able to assess the multitude of problems and anomalies that arise when questions of difference arise between Aboriginal and Australian constitutional cultures and Law are explored, these inquiries may yet miss the reality of the problems that Aboriginal people and their cultures have experienced since 1788. These have been political (and often noted in terms of history, in this book): so I believe the 1951 virtual-moot between Mr Justice Barwick and Dr Evatt (as described by Marr 2011) draws out

## Accountability in white Law and human rights

the concrete realities that Aboriginal people have never had a hope of changing. But almost all Aboriginal people were moved, down 125 years, by their own and their families' experiences, to live in the reality finally and formally recognised by David Unaipon and others (from 1913); and since 1925 their work and future has been to obtain Equity and Human Rights through moving into Politics and Law, and Media Truth. Even western institutions like 'Transparency International' raise white consciousness, not least in the matter of the lack of Transparency and Accountability in white history. It presents 21st century realities that the normally-white Australian governments may not admit, but which every day's newspapers review, because political pretences need to be revealed to the democratic nation.

### **Parliament, the Law and the High Court: human rights**

In the argument between 'the pretensions of the parliament and the powers of the High Court' (Marr 2010, p.85ff.), (Chief Justice) Barwick asserted that 'the court would be (bound by the rules of evidence), but the parliament is not'; and Marr goes on to explain: 'The rules of evidence have always posed problems for those conducting purges and political vendettas. Juries are wary of informers; suspicion and prejudice have a way of looking foolish under cross-examination; security agents lose both credibility and cover when they appear in the witness box; and revolutionaries have ways of turning trials to their own advantage as the State makes martyrs of them. But somehow dispense with the rules of evidence and the power of the State is untrammelled'. At all levels, then, these rules are of vital importance.

Now this is getting to the heart of the matter because, if (as Dr Evatt replied) 'the executive government (can) condemn property and take away the civil rights of citizens not upon established facts but on the mere say-so of the executive', then 'an extravagant, fantastic and tyrannical notion (is) introduced illegally into the constitution'; and in this situation the 2007 Intervention would be deemed (as this book has thought) very wrong indeed under the Australian Constitution, as well as spiritually and morally.

But now Marr continues with Evatt's realisation that Menzies and Barwick were using the High Court's acceptance of 'the exercise of defence power' in case of War as legitimate, but then trying to transfer this into the peace-time situation of 'prevention' – in other words trying to 'transfer the whole of (defence power) to the executive power, and give to the executive government of the day a discretion of the most extreme character completely unknown to the executive power of the King of England – at any rate since the Petition of Rights and the Bill of Rights' – and all this without justifying it by means of 'some rule of conduct or even thought which has been infringed' (Marr 2011 p.86).

in this little piece of recent history, then, we can acknowledge the massive work for Human Rights that has been carried out in Australia, from within the legal fraternity, the concerned politicians, and Australian Law; and then we find ourselves with the uncomfortable

## Democratic power to the people and in the Law

realisation that the Canberra parliament, with its executive government, can and in fact has tried to gain power over people's property and individual and social rights, by questionable or illegal means.

Some of the Wardaman story – as this book has sometimes suggested – has seemed to be of this uncertain nature. Bradshaw Station may see live firing by American marines with their massive transport planes on the new runway, and Delamere more live bombing: but Defence need not reply to outsider queries of fact, nor produce proper payment to the traditional owners for land usage of these huge areas. Yet Aborigines have been full citizens for 45 years; and the present predicament of Muckatty Station and the nuclear waste dump, is only the most recent example of morally illegitimate legislation in government.

Perhaps in looking at Law and Aborigines we need to once again look at history. Their's was a society of education, mutual responsibility, cooperative enterprise and ecological oneness, and a basic living-with-all, in a planetary family of all living-and-non-living being. As such, it was non-violent, in a totally natural environment. Both the similarity and the contrast are with the old Indian empire-and-then-buddhism of Ashoka, because in his idealism (which in some ways led to India's 1947-9 'Non-Violence' platform and idealist attempt, thence the U.N. Human Rights Charter) the rude fact is that his Wheel of Law tradition of non-deistic reason and empathy, was evolved within the town-city-empire reality of the Indian Ganges industrial-trade city-states, and therefore never had a hope of the natural environment that is the basis of Aboriginal reality. Unfortunately the Intervention becomes not only clearly wrong in morality, but is legal invalidity rests politically on the Menzies error of 'Prevention', not to do with economic costs in the social services, but Defence's fears, Tourism's fears, Land-grabbing fears, the Miner's fears, and the Food Lobby's fears: Aborigines have been slandered and libelled as a group, their behaviours generalised and castigated in the worst of lascivious falsities, and their families accused in general on the basis of lying statistics – because hidden powers wish to prevent the Originals' land being used for Aboriginal people, and not the Interest Groups that the Government backs to further the Economy f'or the good of all Australia'.

Is such a 'prevention' bad, if the profits will be for 'everyone'? This begs the question, not 'who's land is it? because it is Native Title for Aborigines, but why were and are the 'fears' involved not honestly dealt with, and proper compensation delivered to the cultural originals who do not need lies, to understand and adjust. xxxxxrefused and bypassed in the early days; and the Best of British Law never had a chance of a 'becoming' here, because the violence of the modern trade-and-industry, war-and-profit, fear and containment civilisation was (and maybe is) never able to restrain itself from the pattern of growth-and-gathering, wconomic needs, and number-crunching. Scattering seeds like Imulun (or Jesus-Spirit) would help society, in the long run, to become non-violent. But this is not to say that 'living in 2, 3 or more cultures', and accepting their integrity, is the answer to everything: but a generous approach to China's rise (for instance) might be better than a build-up of fear, marines, and trade war: in the 1930s, that pushed all the world to war.

## Worlds without spiritualities can learn from the world's Imuluns

The sadness of Australia, indeed, if we consider the Future, is that even the best of peaceful idealisms and harmonies may never be a reality in this country: these were refused and bypassed in the early days, and later the Best of British Law never had a chance of a 'becoming' here because of Voting numbers. The violence of the modern trade-and-industry, war-and-profit, fear-and-containment 'civilisation' was (and maybe is) never able to restrain itself from the ruthless pattern of growth-and-gathering; and minorities were never were able to scatter seeds (like Imulun or Buddhism or Jesus-Spiritual) that would help us become non-violent. This is not to say that 'living in two/three/more cultures', accepting their integrity, is the answer to everything: but a generous approach to China's rise (for instance) might be better than a build-up of fear and marines that may push us to war which (as the RSL continues to repeat) 'is inevitable'. They may be right: as an old soldier myself, I hope not. For me, the Beatles will, I hope, continue to sing: 'Give Peace a Chance'.

## Spirituality in Imulun, and western Laws failings in Australia

The secret of the Aborigines is in the totally-natural, epigenetic and peaceful, non-violent and personally-creative, truthful and family-based reality of the original humans. The spiritual Creation Story has its ecology and environment freed for being at one with Nature, in a way that is a picturesque idealism in art and metaphor, but a practical world of cognitive and active skills that many planetarians today would envy. Scientists trace the results of economic progress, finding malign pathways to a wasted planet: but humans who love the Earth, suffer in political weakness while juggernauts of power amass their wealth, control the laws, and remove resources from the lands of other peoples.

Thus, while modern politicians desire Aborigines to join what is not accepted by themselves – a violent modern world hellbent on leading its human species into making waste of itself (the only species on the planet to do so, I think) – their wastrel modern economies are normally failing to recognise that these same indigenous non-urban peoples of the world are those who hold key spiritualities that can preserve the planet ... if the Elite fly in their expensive rockets into a space that will lose them, Spiritual Creation will return here!

In this metaphorical scenario, the human laws will remain, back on the ground. In this book, then, it is important to make sure that our mooted modern Human Rights regime does not seek the destruction of the old Imulun culture: morally and cognitively equal to the West's post-imperial-Christianity, it may be valuable (in Australia's modern 'civilisation' and post-modern 'culture') to the making of amends by understanding and backing, and, by means of this Imulun, not carping at the Compensation now overdue by nearly 225 years. Setting the record straight, with honesty of spirit, will be a modern altruistic cleverness that develops the financial basis for these



## Casualties and compensations with the stars in Law and spiritualities

early people's survival as Australians, for it will unlock the distrust as it once locked up their lands. At last, in the eyes of the western world, providing Compensation honestly, in their lands, will bring this nation into the nobility of western nations, to which it aspires.

This is a challenge that only a brave Australia will take up and meet successfully. Only political powers that are under proper Law themselves – and this means, that it resides in the Spiritual and therefore in Proper Equity – will be strong enough to fulfil this radical-reformist mission. But think how many spiritual gifts will be enhanced and given properly to the Nation, when you consider the sports stars, the musical and theatrical stars, the legal and academic stars, as well as the other stars in other fields who have come from the miniscule groups of indigenous people who have emerged or be helped to emerge from their suffering, and poverty, and loneliness.

Now, there is no bigger backer of the Australian people and governments and Law than Bill Harney. Loving him is not difficult. There are many others in the Aboriginal communities who are like him: his childhood cousin in Katherine, Pat Dodson, holds to the Good in the 'essence' of Aboriginality, and is academically excellent. With such people working in the two worlds, why then the hesitation in politics and media, to give real value to Aboriginal culture and its inner core of Imulun Law? Meanness and foolishness. These people's land was thieved, too many innocents were killed in the sad tale. and white culture and laws have been of no use in preventing positive evils brought on them. Not honest, not valuable to Ludi's and Joe Jomornji's families, not adequate to Bill Harney's own family, how can western legal people look in the mirror without seeing what the painting Circles sees? and without then deciding on Better Law?

### **The possibility of better laws that will give Aborigines respect and the confidence of citizens**

The 40 forced years of his people in Katherine demonstrated the impotence of western urban policing – unexplained and disrespectfully applied without intelligent adjustment and understanding – in a land where original laws and culture were personal and honest, and so much more human and fruitful than the artificial law-system made for the commercial gain of imperial assets in Australia and beyond. Not yet balanced by the new Equity beliefs and findings coming into the 19th century, and without care for the original people whose land it was, the thieving of this (according to modern Human Rights Law) is now in the world spotlight, yet Aboriginal demands low.

Bill Harney has been living in the 2 conceptual and moral worlds, which are really 3: first Imulun, then Old Pearce's outback working ethos, and finally the practical modern complexity of today that can have spiritual morality in it through Spiritual individuals and groups

## Compensation as one of the impossible possibilities of equity

of all sorts. The second has the old morality of the pre-1980s working Briton, and this included the Old Anglican 'Service' and Union spiritualities: but the third type has little formal spirituality. Yet personal spiritualities and Spirituals exist there, although unrecognized in Australian laws or the Constitution: 'Presbyterian A-theists' like Kirby, Anglicans like Mason, Romans like Brennan, Hebrews like Einfeld have pressed movements of Equity, Judgments, Political Purposes within their institutions; and often the massive works of teachers, medics, bureaucrats and police (for instance) produce a human Cosmic Care for under-privileged people, that is responsible and kind and merciful morality, with processes the best Equity possibilities today.

That is the point: the 'impossible possibilities' are the spiritual calls, and are not 'built in a day'. So, generalised, The Hope is that the idealisms and faiths continue, and their 'possibilities' are better as Equity reigns. So: many Wardaman will be living in 3 worlds ... in the best of the white's pioneering west, in the knowledge of the most modern global scientists and scholars, and in the Imulun realisms and realities which the Spirituals bring to them in the family-communities (which they know to be Good); and the indigenous stars of the future will be able to form a right world within their communities both in the remote areas, and in the urban worlds where their spiritualities are so needed, and their Spirituals--with-their-Law so Good in their practical knowledge-moralities, that All will be Good.

When Bill Harney calls for the Imulun to be brought back in the Wardaman real-life communities, then, this is a call for white as well as black to bring all 3 Equity moralities into Australian life and laws; and while this will need massive political courage, and bureaucratic and legal skills, to make happen in 'this day and age', he is not wrong in thinking that Australia will be the better for living in its sub-group with 'sovereignties' of moral laws and lived-in orders. He reiterates that Sovereign Australia will be better for the Imulun back in the Aboriginal communities, because 'whites don't understand blacks'. The white law-systems have not worked, and do not often produce laws that work, youngsters who turn to creative lives, solutions that refresh the family, and happy and successful communities where the Good and the Happy and the Free have proper Life, and the Joy of Equality in Life.

When we are coming to Conclusions, we must acknowledge that irrational prejudice afflicts us all: some sets of ignorance and prejudice affect people and actions more than others, but Aboriginal history in recent years has suffered from 2 particular forms of ignorance that are deleterious to them and their Cause, and which need to disappear from the Australian political scene. The first concerns mis-translations of 'Child Abuse', 'Massacre' and 'Pay-back': fearful and abhorrent historical anecdotal fabrications are used emotively by non-liberal politicians of both Parties, to attack Aborigines and their Customary Law. The second concerns the word 'Compensation' which horrifies the civilised white European mind since it is arguably its main cultural motive: fears personal income and savings, and for their nation's economic well-being, rush madly through their brain, as it did always before 1833 when changes to historic laws of Compensation were made, with the result that the full Equity of Compensation are refuse to Aborigines, even now.

## Abuses against who, and why?

First, statistics show that 'child' abuses are no more prevalent in Aboriginal communities than in the white suburbs of Sydney; but white 'under age' laws, and Federal and State dereliction of duties to 'ALL' its people in the matter of housing, have often exacerbated difficult situations in the communities, including the unemployment realities and, of course, alcohol for bored men and women. But in the 73 Intervention communities, a maximum of one person has been charged for Child Abuse; and let's be clear, the law says a 'child' in this situation is taken to be 'under 16'; and in today's modern Sydney, this is a quite ridiculous ruling to blacks only, when white 13-year-olds are having babies galore here. As for 'infants' being involved, the white-trash of Europe and America send videos of such monstrosities to Australia by the million; and to attack Aborigines specially on this is also monstrous ... and racist, to boot.

When language is not understood by whites, and their kin-family and education system, and when white sex-neuroses coil up to strike, and white religious doctrinal fears of magic and strange religion are targeted by the arrogances of Reason, and when researchers are blindly scientific, and truth is hard to come by, the outcomes of white government research becomes rather dubious, since their land still breeds desire for material things in the hearts and minds of the planners, and the spiritual dies.

Suffice to say, the ancient culture, according to Bill Harney, asserts 'No child abuse!'; so that, with Imulun in the home and humpy, even with 4 out of 5 of their men being in prison (normally for ephemeral offences like pushing a policeman) the traditional male and female parental authority is hard to maintain. But if the Imulun family welfare system is back, the white law's nourishing of litigation by single mothers, will go. Then without the destructive Family Law apparatus, the unwelcome incarceration in hospitals (good as they often are in medical services) will minimise the stays where the family and the sick do not wish to be. So while the (anecdotal/hearsay-only) accusations of Child Abuse do not stand up in Australian Law, the renewal of Imulun will also aid the overcrowding and Australia-wide urban problems of drugs, sex and violence. None of these would not be happening if land and Imulun had not been taken away by the white occupiers, and its substitutes ineffecyive. With prison gone and proper education happening again, bringing back the Imulun would be for the good of all ... black, and white.

Then, there have been many misunderstandings along the history way of Aboriginal incarcerations. In Bill Harney's case, a 'massacre' means to him 'a Law-justified killing', 'punishment' means 'under a forced discipline for breaking the Law' (that is, one of the many spiritual, ceremonial, practical, social or relationship Customs-that-are-Law), and 'payback' means that 'the harm-doing, Law-breaking individual or group pays for the wrong they've done, by making recompense to the victims, in some way. But it also can mean that the victim or victimised group can initiate an action that some other cultures call an 'Honour' duty; and like these, it can include a killing which can be called a 'Massacre' (as a Law requirement).

While not acceptable today, this 1:1 killing is not the indiscriminate murdering that was perpetrated on many Aboriginal families,

## Prejudice as a white bulwark against equity

clans and tribes in the 19th and 20th centuries, and was really the family form of responsible Capital Punishment that only ended in Australia in the 1950s, is still in operation in the USA today, and is totally moral in a Biblical sense, compared to the indiscriminate killing of innocents in war. Bill Harney uses the word 'payback' in the first sense: but media and lawyers seem to take 'payback' in its second meaning, which allows a racist slur against the Aborigines, based on a retaliation theory that comes straight from white international history that is not the 'tit-for-tat' of normal human need for a mate (for family) but is a monstrous retaliation of war, (say with 'drones').

As for the matter of Compensation, second, when I lived in Britain in 1960, we paid Tax on unimproved land, to the Feudal owners. If we view Aboriginal land in 1788 as 'unimproved land', actually owned by the original people, with a value of \$xyz for every acre, giving a Feu duty rate of \$mmm p.a, the sum that the White Incomers should pay in Compensation can be worked out from the 1788 Sydney Cove area, to the Parramatta enlargements, and thence to white occupation of all Australia.

When this is considered in relation to what has been spent on their wages (c.\$zero) and housing and education and health (c.\$zero) since 1788 (or perhaps 1833-5 when Proper Compensation to Indigenous People for Land was being formulated by the legal avant-garde in Washington and London (as a legal and political necessity for the civilised English-speaking countries), the financial deficit owed (with interest) to Australia's Aborigines comes out in the multiple \$Billions of dollars– Sydney's CBD movers-and-shakers normally decrying funding programs for remote communities but should be ready to back requisite Compensation programs as per Proper Western Law, because they sit on much of that wealth that was exported overseas, and resides massively in modern investment houses.

Modern white bureaucracy can hide the answer with 'we don't know', 'not our problem', 'the buck stops somewhere else', or 'false model': but meanwhile the black communities have not received even the original Intervention commitments and monies; and we can be sure that the Aboriginal people themselves will be blamed for the Intervention failures, and that the seeming purpose of moving them all into the towns will be continued by measures like the Income-management legislation, until northern Australia is in total Government power for Defence, Mining, Tourism, Agriculture, and Water, at least, to the benefit of Others.

But bureaucratic inadequacies were rife in the Roman Empire: booty dissappeared, bribery was rife, the falsification of business minutes (a simple trickery by principals) happened on a massive scale. Today, with the Intervention, and Australia's slowness for Equity for Aborigines, we might recognise similar realities: rorting of contracts, processing-system manipulation, on-the-spot thieving, these are all here now, widespread in our nomal society. Self-perpetuating elites exist in all walks of modern life. Modern technologies like wind farms attract special incentive and investment schemes, but profit-making depends on special knowledge and special net-working. Ancient education was only for privileged members of the power-hierarchy: so writing and number records were at risk from white-

## Changes in white culture and its Laws

collar personnel. Accounting dishonesty was a major corruption in Rome; and Australian Governing Elites have known, suffered, and sometimes used such dishonesty in the bureaucracies, where aspects of it are endemic.

Groups such as the Rum Corps were manipulators of the import-export trades and profits: practices and laws were somewhat cleaned up by Governor Macquarie, but dishonesty in many fields is not uncommon in an unspiritual society. Australia's Parliament perhaps has individuals and groups that encapsulate and symbolize various levels of lying, deceit, dishonesty, cruelty and incompetence in private lives and hidden Party Politics, on both sides. In contrast, the Civil Service of the Noble British Empire, the pre-1980s Public Service of Australia (see Professor Richard Spann), the groups of dedicated New Testament devotees, and the Imulun Spiritual Law communities of 1788 present pictures of a Paradise Lost to modern white urban imperial societies, but they remain unrecognised or even less respected for being uncorrupted worlds where money and unpleasantness were never the way of life, and bureaucracy was non-existent.

Nevertheless, Good Culture is still present in some Aboriginal lands and in some western institutions; it is much needed, and is to be encouraged in Australian Law, within the complexities of urban political entities, and in all the normal life in this wonderful country. The great empires of the world found indigenous customary laws of advantage to the conquerors, because their subjects – who lived in an Imulun – were found to be Good, Fair, Honest, Kind, Personal, Loving, and Creative for Proper Humanity. A Good Alternative when white laws are 'no good for Aborigine', the Imulun here is a true Carer-for-the-Land-and-its-Peoples, in a world too often wasting the Earth.

In a general overview Imulun seems Good: but what can be done about the historical residue of so many wrongs to these people, since 1788? First, why not compensate Aboriginal communities in financial reality, to run their own schools and health situations, and to use this long-overdue capital for investment (in a Sovereign Aboriginal Compensation Fund) for developing businesses to help the Top End Originals? We know white knowledge led to corruption in white businesses and individuals: why not allow the Aborigines to build their communities again, in the modern world, with Imulun honesty, and the creativities that are overflowing in the original black cultures?

Second, why not give a political sovereignty to blacks, to have their own Senators in Parliament; and quickly get the Wardaman Justice System into proper operation in the Australian court-system, providing a listening culture operating within its own language, to make it work? With the whole Imulun Spiritual Law back in their culture, it would replace the residual and failed white detritus with what works when it is allowed. Their own language will be back in control (note the analogy of their languages in the music industry); and when the communities are free from the 'fear of 'the unexpected-then-misunderstood' military-type police Fiats and Invasions that burst into their life in the form of not-understood written documents, government agents and the urban Law that 'seems to 'come from nowhere', the world of history's interventionist violence will be reserved for police raids on criminals, only, and the Brough militariness will go.

## A sovereignty of integrity

In the Courts themselves, third, the Imulun corrective would make Truth the object of investigation, and the only mutually-acceptable data, in evidence. This changes law, from a 'quick-fix' solution artificially 'squeezed out' by barristers, to a form of Justice that demands proper solution which can have real respect from all parties, including the Aboriginal communities. Men and Women Elders giving Spiritual wisdom and Law-to-be-upheld in the community are the educational as well as judicial personnel, in Imulun; and their meetings will have the Authority of the long-term Carers for their people, in the Spiritual Way. This is transformative: the Court's shared, dutiful re-education of wrongdoers by means of accurate and creation-aimed Sentencing, will be the way in which Justice serves The People.

Furthermore, when Clearance is the Human Right replacing destructive and vengeful incarceration as punishment-revenge, the Wholeness of this society and culture will be retained, as the U.N. Charter demands. With the men and the women re-educated under Dingaree Law, and back in the family without unjust removal by racist-seeming legal or police activity, the community society as a whole will have a new start.

At last the seeming falsity and deception experienced under Australian Commonwealth laws – most recently in the 2007 Intervention with its removal of its own Anti-Discrimination Act – will be effectively removed. The history of post-1788 will still pretend its logics in the fantasies of a Windschuttle: but the time has come for injustices to be rectified, Imulun to be restored, and the ancient culture respected in its entirety.

Such Sovereignty-of-Culture today in Australia would mean the Crown-and-Parliament's Duty to All its People is fully endorsed and carried out, its original people's culture and tradition given its own Sovereignty in the Constitution, the full compensation for the historic thefts of land being completed according to the original American and British findings and according to today's Global Law, and the formal, legal ending of the destruction of families, communities, tribes and cultures that occurred in the post-1788 annexations.

The Feudalism that faded after Cromwell had paid the military; General Taxation had firmed the propertied classes; and the 1699 Constitution had (at last) affirmed The People ... all examples how history can change. Now, with Feu Duty paid to the inheritors of ancient regal largesse in 1960s Britain, so the Australian Commonwealth's residual largesse can set up this Compensation Fund. Worked out from the profits and investments derived from thieved Aboriginal land (that still accrue to the finances of the nation's monetary system, and to individual families, institutions and governments world-wide) this Fund has some analogy to the Holocaust and other War Reparations legislations in Europe. While fines for any finding of Guilt in relation to governmental actions in the 2007-present Intervention will be settled in the Courts, the proper compensation to be paid out by States and Federal Parliament to the Aboriginal victim-families and communities for government institutional failures, and crimes, will be a residue from the growing economy since 1788, and probably paid out in money and in kind.

## Spiritual glory in good change, with courage

Now, although all this seems impossible now (in Budget-stretched times), our man-made Australian Law cannot exonerate itself (or the Commonwealth or States that introduced it) from its human crimes that include 'crimes against humanity' in Australia. These demand Justice through the channels of Compensation, perhaps within International Law's processes if the 'Crown-Parliament Sovereignty' of the Executive in Canberra attempts to exonerate itself – its normal, historic way of evading such massive responsibility has been the use of Elections to impede reform. When a change of elected Government argues that 'The Mind of the People rejects this Change!', as they did in the 1830s, the world of proper compensation, like proper citizenship rights that had even then been long overdue for the Aborigines, may be nicely placed in the democratic mind as a negative; and in this case would await another long period of oblivion.

However, if Justice is to be done, Compensation for the Aborigines of Australia will not be shelved, but engineered courageously, soon.



*Alan Dunn's Aboriginal Home Landscape, N.T.*

*Ray Crooke: Laura River, Queensland.*

*Long Bay Jail: Dunn's Aboriginal*

## Coda-epilogue

Finally, a personal acknowledgement. In 2011, Idumduma did me the honour and gave me privilege of an invitation to be buried with him in his mother's Flora River land. This would be responsibility akin to integration into the Wardaman Skin System and a Cosmic Humanity: it would carry within it family love of traditional life, mine the Scots-Irish-Cornish-French concentration of an aboriginal Christian, and Bill's the Wardaman Imulun with its full Aboriginal life, caring for the earth as it cared for him. Certainly I expect my ashes to be spread-to-the-wind in Bill's country and in my kin's country in Scotland-Ireland-England-Cornwall, in my beloved Oxford, in Port Meadow, and in the glorious seas of Sydney, and the mysteries of Elvina Track. It is in this spirit of kinship that I have written this book for him and his people, and I have done my best.

## Respectful change as part of cosmic regeneration

That day we sat on the rocky outcrop at Ngard-ya. I can now see how my own Spiritual in the Ultimate and Everlasting God, whom Jesus portrayed as Father and I revere as the un-reified Christ-Kosmos Mystery (that charges the science-revealed, multi-dimensional, still-mysterious world we live in) is a western lived-in model not too different from the Creator Presences of Nardi Sky Boss, Rainbow, Dungdung and the other Spiritual Presences that model Wardaman Mystery. They too charge the lived-in Universe with energy and meaning, and the moralities are close ... the known 'Face' of 'Good' on the Wardaman Planet, as on the Presbyterian Planet. But I also see now that Bill Harney is loyal to his father as well as his mother: Old Bill was of the ilk of Old Man Pearce in its working morality and integrity; and Bill's resting place will be in his mother's Flora country. This means Bill Harney is a man-of-3-cultures, not just white and black – his father the pioneer bushman, strong adventurer and story-teller himself living in more than his original culture (Old Bill lived with the Aborigines for the later part of his life, and never shirked work, just like his son); his mother the Law Woman with supreme knowledge of the earth, the total environment, the reality of men, and the complexities of community regulated through the Imulun Spirituality; and his emerging final self, the Self-Ego who engages with everything modern, who listens and selects The Good as the traditional culture demands (beginning in the silence listening to the educating Elders), and keeps the integrities of his mother (and her love Joe Jomornnji), and of his biological father (the genetic behaviour-patterns) shine through in his own adventuring and investigating, as his Self-Ego discovers our modern life transforming itself as the Spirituals call him and the other Elders to adjust.

We are all, indeed, creatures of the complexities of change, and luck, and the love we know in family. In the spiritual world where our human thought-of models are our particular Spirituals, the way we live heralds our imaginations burgeoning into sensible paths; and the continual feedback can be our human search-images' adjusting run. Bill Harney's morality had its 2 original sources, first in Joe and Ludi, then in the old morality of the outback and working Australia, seen in Mick Pearce's father's strictures to his son, and in what Old Bill gave his little child during the infancy of his son (and of his sister). In my case my British and pre-Celtic Alban-aboriginal home was channelled into the Oxford intellectual mental milieu that eventually flowered (in me) into the evolutionary cosmos. Is the liberal thought-of model of a Spiritual World glimpsed in this? is 'Christ' emerging into what and who is found on the other planets? It is a Multi-universe of Cosmic Mysteries: who knows? Some people live without theoi, some only live in the here-and-now, but we can all respect each other.

Is any one human 'Way' of life and thinking 'better' than another? Is the mythical joy of a bodily 'Resurrection' different from the mythical understanding-in-depth of 'Cosmic Regeneration' in which all the real-realities we know have a part? The story-telling answer may be in the Cosmic Spirituality that includes all the creating forces we have discovered; but our stories will change with our personal and cultural integrity; and the Mystery of Ultimate Reality will remain as long as Humans and our Planet exist. The understandings and practices of human cognitive leaps, within the sciences and musics and arts and theatres and poetries and story-writings and warrings

## Bill Harney, equity and the challenge of three worlds

and sportings (and so many other human creativities and bio-physical and chemical genetic changes ... and whatever else) lead us back in our human reality – to the here-and-now of love-within-family, to our death that is our back-to-atomic life within the cosmic realities, and to any number of ‘Ways’ that take us through this Cosmic Life, personally, within creativity and love, and truth and joy.

Now, there is no bigger backer of the Australian people and government and Law than Bill Harney. Loving him is not difficult, and there are many others in the Aboriginal communities like him and his childhood cousin Pat Dodson who are good and Spiritual and working in the 2 and 3 worlds. Why then the hesitation in giving real value to Aboriginal people and their culture with its inner core of Imulun Law? after all, these people’s land was thieved, many innocents were killed in the sad tale, and white culture and laws have been of little use – in practice too often not honest, not valuable to Ludi’s and Joe Jomorrnji’s families, nor indeed to Bill Harney himself. The 40 forced years of his people in Katherine demonstrated the impotence of western urban policing – unexplained, disrespectfully applied, without intelligent adjustment and understanding, in a land where original laws and culture were personal and honest, and so much more human and fruitful than the artificial law-systems made for the abstractions that hid the commercial gain of imperial assets in Australia and beyond. Their effects were not yet balanced by the new Equity beliefs and findings coming into the 19th century: without care for the original people whose land it was, which was thieved according to modern Human Rights Law, they tell a sad story.

So, to conclude this book, it must be said that Australian Law, in Aboriginal experience, has not been equitable, moral, spiritual, transparent, accountable, Christian or clear. While individuals in the Imulun ceremonial world were and are no more perfect than a Hitler-jugund Pope, or a Self-preserving Judge, or an idealistic Political Leader, there is an underlying family-group morality in the Imulun that exceeds today’s Australian Law because it is person-to-person and honest, without the complications of the complexities of the urban-imperial hierarchies of power and deceit of today’s real-world. Idealisms of the White West remain, such as Jesus of Nazareth’s words, symbolic actions and really-real personal history; and many pioneer workers in the Outback remained within this morality and its equitable spiritual laws, and many still do. But Spiritual workers do not make the laws they work with Good: much needs to be changed.

Some younger Aborigines today will need to be scholars and experts in understanding (and teaching to their own people) the new western realities of Australia, as well as being committed to the ancient Imulun in its Sovereign Integrity in their people (as in a Christian group); and as well as living their own life in the old realities of earlier western spiritual ways, and as well as living within and knowing Australia’s laws as they are today. They will be living in at least 3 worlds ... the best of the White pioneering West, the knowledge of the most modern global scientists and scholars, and the Imulun realities which the Spirituals bring to them in the family-communities and moralities which they know to be Good. This is a hard task, but being tenacious is what it takes; and Bill Harney indeed has been living in 3 conceptual and moral worlds: first Imulun, then Old Pearce’s outback working ethos, and finally the practical modern complexity of today that can have spiritual morality in it through Spiritual individuals and groups of all sorts, and to which we all simply have to

## Knowing the good and knowing the wrong

adjust. This third type has no formal spirituality in it: but personal spiritualities and Spiritualities exist there, though unrecognised in the Australian laws or Constitution. Movements of Equity, Judgments of some judges, Purposes of some institutional sub-groups, the Work of teachers, medics, bureaucrats and police (and so on), when their care for non-privileged youth is responsible and kind and merciful in their moralities, surely process the best Equity possible today (Rev. Dr George MacLeod used to say : ‘Medics do 99.9% of miracles today!’

So when Bill Harney calls for the Imulun to be brought back in the Wardaman real-life communities, this is a call for white as well as black to bring all 3 Equity moralities into Australian life and laws; and while this will need massive political courage, and bureaucratic and legal skills, to make it happen ‘in this day and age’, he is not wrong in thinking that Australia will be the better for living in its sub-group sovereignties of moral laws and lived-in orders. Sovereign Australia will be better for the Imulun back in the Aboriginal communities. ‘Whites don’t understand blacks’: the white law-systems have not and do not produce laws that work, youngsters who turn to creative lives, happy and successful communities where the Good and the Happy and the Free have proper Life and the Joy of Equality in Life.

But Socrates has the last and best say: the point is not that a policy or religion is good because it is written with institutional authority or authoritatively spoken somewhere, or made to sound as if it comes from a superior person in some great guise. The ‘good’ policy is ‘good’ because ‘It IS GOOD!’ We know it existentially here-and-now in our best self, in our highest consciousness, in our most empathic person, in our critical mind, in our most-understood experience; and in our most far-seeing, visionary and most rational individual reality. It is simply that “we know what is Good” as Robert Persig reiterates in Lila:

### **We know what is good, so we recognise what is not-good**

If we take this view, it scarcely makes a difference if we are Christian, agnostic, atheist, a-theist, spiritual, Spiritual-committed, or Mystical. Where ‘God’ is a ‘Plus or a Zero’ (the answer is not known) the real question remains whether we recognise GOOD, or not. What happened in Australia after the British Fleet arrived in 1788 is simply – starkly – that the Aboriginal people did not see GOOD in what was being done by the incomers; and they have seldom seen or experienced GOOD in what has been done in their land, and to them, ever since.

Much of this book calls us to an eternal willingness to be humble parts of the human whole, and the Cosmic Whole. If that is happening to us here-and-now within the purvue and purposes of what is called ‘God’ or theistic Elohim (in a ‘Plus’ cosmos), or if, on the other hand we have a meaningless cosmos that is not worth modelling for meaning at all, the humble human modelling of either this Nothing-that-is-Something (of some but not all scientists), or this Whole-Mystery, is to be respected whether in Science or Spirituality or Religion, or in any other cultural form. The historic intellectual and spiritual inadequacies of people-and-their-institutions (and anarchistic nihilists)

## The Spiritual we know as good

are well marked, ensuring humility in all of our selves, so Ego does not invade us with irrationalities that destroy human beings and their cultures; and ideologies do not become vicious weapons of wrong metaphor or war, in their destructive guises.

In this cosmic humility I will be with Bill Idumduma Harney to the end, because he has had the cleverness and loyalty and love to walk me through this project in our book, and we both know it is worth-while. We are both part of the Cosmic Brotherhood that the Imulun scenario portrays in the Wardaman Creation Story, and which my own Spiritual Lord-and-Mystery reveals in the Universal-Jesus, the Cosmic Love and our Love to Each Other.

So here I acknowledge Bill Harney and his Wardaman family, and the Imulun, as profound nourishers of my personal worthwhile set of intellectual-world search-images that are found in my later life-and-work, that came from embryonic conceptual precursors channelled into me at the age of 6 by my mother in the Natural History Museum in Oxford, that grew in me via the Levy-Strauss lectures in Paris in 1968, that were leached into me by countless researchers in Australia and writers all over the world from 1975-2012, and which have been fulfilled in all I have tried to do, by my wife Hilary and my family, down 52 years. Art, Music, Mysteries, and Love: what a privilege.

Thank you everyone: as Psalm 23 calls us to the pastoralist's 'Shepherd' Lord (the plural 'Elohim'), which a child misreads in the faith-leap of imagination as the affirmation 'That's what I want to follow!'; Idumduma in his parallel universe paints his Tradition by didjeridu and song in his musical mind, and takes me to the Four Circles song-story art site that is the overhang of his childhood, and his mother's country. We can muse together, with both our Laws as Good as the other, I am sure of this. History, and our imagination, tells us this too. We both know that we know what is 'Not-Good': in my case, I experienced our Corporal's group-murder in the Army; and Idumduma Bill Harney has his own Aboriginal memories of Wrong to family, friends, and culture.

### **We both know what is GOOD.**

So, this is a serious world. People matter. But I can sign off with the humour of Irishman Dave Allen. Humour is a mark of the Aboriginal in his evolution-tested steadiness of mind, as he adjusts thought-fully to unexpected change (taken too often as slowness or casual lack of caring or fighting-spirit) in catastrophic times (man-made or not). The battle-weary comic used to call out as he signed off his TV series on comic, spiritual humans, with words Bill Harney might be saying to me – same lovely smile, face lighting up, eyes beaming: 'And may your God go with you!'

That is my thought now. Thank you, Bill Harney, for your kindness and goodness to many of us men and women travellers, and to your own family and mine, in your land and in both our worlds: 'And may your God go with you!'

**Hugh Cairns, Sydney, 30 April 2012**

## In a Promised Land



*Photo of Bill and Hugh on the Ngard-ya outcrop 2010 (Roz Cairns)*

**Senior Elder Bill Idumduma Harney 2010**

