

104 The Second Makarrata Process

In this podcast series, Rev. Dr. Djiniyini Gondarra OAM and Richard Trudgen discuss the second way the Makarrata restorative justice mediation process is used.

Through the first Makarrata process we saw how murder or manslaughter cases can be resolved. This second Makarrata process is used to resolve disputes where someone has stolen something such as an object, equipment, large assets or even people, such as a wife. The Makarrata process allows restorative justice to be achieved between the victims of crime and the criminal.

In these cases, the political leaders (dalkarra djirrikay) from the families of the thief and from the victims family will control the legal process. Any conversations will take place in a Makarr-garma, or a semi public arena. This arena will be in a Mukla Wäŋa, or legally safe place of the clan who are the victims. These safe places have legally protective symbols of that clan (such as the king brown snake or fire) that protect them so nobody can breach them. It also keeps other Yolŋu from interfering in the legal processes. These safe places are similar to old Scottish halls or embassies, and are similarly protected by guards, or djungaya, Yolŋu police. The djungaya police are painted with okra displaying the emblems of that clan group, which are similar to NT police uniforms with their own symbols representing authority. Djungaya have also taken an oath just like Balanda policemen take an oath, in order to keep the peace. They put up dilly bags (symbols of legal authority) in the safe place so people will see they can't go in, and they also hold milak (weapons) to show they have authority to exert 'reasonable force' against any intruders if necessary. Just like a Balanda government or court that will defend against anyone who does not abide by its legal proceedings.

During the proceedings, Yolŋu mel'ŋu (special witnesses) watch from both sides, not interfering or throwing spears. The victim will be full of fury and will want to throw a spear at the offender, but their dalkarra djirrikay (political leaders) instead get them to throw their spears at a mound of earth, or molu, instead. This mound of earth is not just an ordinary mound of earth, it is a special ceremony Maḍayin (legal) mound of earth that must be approached with absolute holiness. Otherwise it could become a grave for that person if abused. The victim and offender (or representatives) throw their spears into it, getting rid of all the anger inside them. And all the anger at the depth of their being will go into the shaft of the spear, and when it is broken, the conflict, the curse, between them is also broken.

After this, they then go and sit quietly – one on one side of the sacred mound and one on the other, with the dalkarra djirrikay, political leaders beside them. They talkout a settlement, what is the right sanction or punishment for the thief. This big peace process, māgaya, has many options. Perhaps the thief will have to give a gift, or build a new object that was stolen, or be sent away from their community until it is agree he can return. A restorative solution is only found when a ŋayanju wangany, a oneness of mind, body and soul is agreed upon by all involved.

Story No. 1: The way to law and order

Richard Trudgen: Yo, good morning Gamarraṅ (skin name for Rev. Dr. DjiniyiniGondarra OAM).

Djiniyini Gondara: Yo, good morning Wamut (skin name for Richard Trudgen).

RT: Gamarraṅ we've been talking about that Yolḷu law and your mägaya law.

DJ: Yo.

RT: We've been talking about your law, that big peace law called mägaya. And we've already talked about one way, one track, one way that you can resolve disputes between people even in cases of murder or manslaughter or anything likethat.

DJ: Yo.

RT: And we talked about that Makarrata, hey? And you wanted to talk about thesecond way where peace can be made, hey?

DJ: Yo Wamut this is the number two Makarrata law, mägaya, the big peace way. The way we can resolve disputes and find reconciliation where somebody has been athief. Maybe he has stolen a canoe or stolen the woman or stolen equipment or large assets. And now two Bäpurru corporate clan groups are in conflict with each other, disputing with each other.

RT: Yeah so, the second way, Gamarraṅ you are going to tell us how in the past when somebody was a thief, stealing something, has stolen something, a canoe orstolen some of the article or even stolen a wife, then you had a different way – doyou call this Makarrata too, or a different form of Makarrata?

DJ: Makarata too.

RT: Right, so it's a different form of Makarrata because a lot of people just think Makarrata is always like a spear challenge, yeah? But you're saying that this is a different form of Makarrata to looking for the mägaya peace, the big peace. Hey?

DJ: Hmm.

RT: And to bäyarra, to reconcile the law, because it's always about the law beingreconciled. It's always about reconciling the law, hey?

DJ: Yo, this is the way, the space, how we do number two, the way we do Makarrata mägaya, the mägaya to establish peace, law and order. If a member ofthe one Bäpurru corporate clan group steals equipment or a canoe or an article ofsome form or another.

RT: Hmm.

DJ: And on the other side where they have lost their equipment or articles or assets.They really want to do something. They want to throw a spear at him or something. They are

looking for a way they can sort it. But their dalkarra djirrikay (political leaders) want to control this legal process. They want to make sure that they do it through a process of law. So they get them to throw their spears at a mound of earth. This mound of earth is not just an ordinary mound of earth it is a special ceremony Madayin (legal) mound of earth. No go. Only the two (representatives of the two groups) come up to the mound of earth to face it. Two dalkarra (if it's controlled by the Dhuwa political leaders) or djirrikay (if it's controlled by the Yirritja political leaders) will say "let's spear the mound of earth. Let's turn the special mound of earth into a grave. You go for the mound of earth, don't throw the spear at yourself (each other), don't throw the spear at yourself (each other). Throw it straight into the mound of earth."

RT: So some of the political leaders, maybe the political leader from the family who was the thief, hey?

DJ: Yo.

RT: And also the family of the victim. The political leaders of those families would call those people together, hey?

DJ: Yo.

RT: The dalkarra djirrikay political leaders from both sides.

DJ: Yo.

RT: And they would say, "look, bring your spears. But you're not to throw your spears at each other, we're going to make a special mound of dirt, earth, mound of earth."

DJ: Sacred earth mound.

RT: Special mound of earth, which is molu. (The term 'molu', grave, is used here to name this mound of earth, as it is in many situations within the sacred njarra' Parliament where something must be approached with absolute holiness otherwise it could become a grave for that person if abused). Molu is sacred earth through a ceremonial process, is that it? Hey?

DJ: Yo.

RT: And you will throw the spears at that mound of dirt for...

DJ: And break the spear.

RT: And break the spear in the process, yeah?

DJ: Yo, you look at those two people really angry, you look at their face, they're angry, their eyes are full of fury. Inside they are struggling, "I wish I could throw the spear at this man."

RT: Yeah.

DJ: You see, but they can't do it, they just have to go for the mound of earth. They go straight at the mound of earth.

RT: So they throw the spear at the mound of dirt to get rid of all the anger out of them. Especially the victim of this person who has been stealing.

DJ: When the spear goes into that and is broken. At the time when the spear is broken, and all their anger inside them, in the depth of their being, the anger and everything they are carrying, will go into the shaft of the spear, and when it is broken, the conflict, the curse, between them is also broke. So they then go and sit quietly.

RT: So when the spear is thrown into this special mound of earth, according to Madayin law, the Madayin way.

DJ: Yo.

RT: Then all the energy and all the anger that might be against that thief, the person that stole the thing, is in that spear shaft and when it goes into the mound of earth it's broken and so that anger is broken also at that same time, yeah?

DJ: Yo, so they'll sit down and have a conversation.

RT: So you said then that they're told to sit on the mound of earth, hey?

DJ: Yo. They sit one on one side and one on one side, with the dalkarra djirrikay, political leaders, side by side with them.

RT: So they sit together with the leaders on that mound of earth and then they talk out a settlement.

DJ: Yo.

RT: They talk through what could be the right sanction, or punishment for the thief, hey?

DJ: Yo. Then they have this conversation. Then the settlement or conversational process, the māgaya big peace process, that process has many options. Maybe (the thief) will have to give a gift. Or maybe they will say we are not satisfied we just want to send him out somewhere and he can wander around somewhere, away from their community, until they agree he can come back. So, they work on a solution.

RT: Right.

DJ: You see?

RT: So they're talking together, they're looking for nayanju wangany, a oneness of mind, body and soul.

DJ: Yo.

RT: In what should happen, maybe he has to give a gift to the people he stole things from. Or maybe they want to send him away, exiled for a while until they say he can come back, hey?

DJ: Yo, or maybe he will do some work following what the people he has stolen from, want him to do.

RT: Right.

DJ: Hmm, maybe you make a new canoe. Cutting down the really big tree. Doing areally large amount of work cutting a big tree and forming it into a canoe. Or whatever, giving them a lot.

RT: Maybe the victims will ask him to do some work for them and to pay them backin that way where he might be asked even to make a new lipalipa, a new canoe, outof a big tree. He may have to work for a long time to make those people happy again, yeah?

DJ: Yo.

RT: Or, we're talking about bäyarra', how to reconcile the law, hey?

DJ: Yo, this legal process is the second way to do the Makarrata legal process.

RT: Right.

DJ: You don't go Yolŋu person for Yolŋu person. You don't go for any person to spear them. All your anger and everything is broken in the mound of earth.

RT: So this is the second way of doing it, the Makarrata.

DJ: Yo.

RT: And there's lots of different options that can be used for the dhägir'yun, or for the sanction, for the sanction at law.

DJ: Yo.

RT: To bäyarra', to reconcile the law and bring back that mägaya, big peace law.

DJ: Yo, mägaya. Make sure the mägaya big peace is restored.

RT: So the process is to make sure that mägaya law is returned to those two families, two clans. The thief's clan and also the victim's clan; peace is returned to both of them? Is that it?

DJ: Yo. So this is where they set down the terms and conditions. They sit there and talking about a settlement situation, and that's it.

RT: Yeah, that becomes a term and condition, so that's the second way of Makarrata.

DJ: Yo.

RT: Reconciling through a ceremonial process and talking together through a legal process. And it's interesting, Gamarran, you say that the dalkarra djirrikay the political leaders, are unfortunately not recognised by Balanda (mainstream Australians). But they are there to control it all, they become like the police, they become like the court officers, they become like those people who make sure it all happens according to law. Is that it?

DJ: Yo.

RT: Yo, yo.

DJ: Yeah that's good.

RT: Yo, Gamarran, I'd like to talk some more about this, so let's come back and talk some more.

DJ: Let's come back and talk some more about it.

RT: Yo. That'll be good.

Story No.2: Legal sanctuary and Mukla Wäṅa Yol Police

RT: So Gamarran, you want to say a bit more about that number two Makarrata way, do you?

DJ: Yo, in this one process, the Makarrata two, the conversation happens at the Makarr-garma, in a semi public arena.

RT: Right.

DJ: It's a public conversation.

RT: Yeah.

DJ: It's a public conversation but in a Mulka Wäṅa, legally safe place. Like for me it would happen in a Mändi Wanga (my legally safe place represented by fire).

RT: Yeah.

DJ: And for you it would be in the Burrthi Wäṅa (Richard's legally safe place represented by the king brown snake).

RT: Yes.

DJ: Where there's a mental image of the king brown snake and fire, or other legally protective images (of other corporate clan Barbara groups) that protect that Wäṅa place, so nobody goes against that or breaches it.

RT: Yeah.

DJ: To make sure other Yolḷu people don't interfere.

RT: Yeah, so this process will be done in a Mukla Wäŋa for that particular clan Bäpurru who are the victims of that man stealing stuff, hey? It will be done.

DJ: Yo.

RT: In their Mukla Wäŋa, which is like what we have said before (see Series 101, Makarrata Part 1). It is like the Scottish in the big hall of that particular clan, hey?

DJ: Yo. And it (the particular Mulka Wanga safe place) will be chosen by the dalkarra (political leaders), not ordinary people.

RT: So the dalkarra djirrikay political leaders will be the ones who will choose what particular "hall" that will be used. And I would stay in that hall also, that Mukla Wäŋa safe place, like an embassy place, like the...

DJ: Yo.

RT: Like the Scottish would say, the big hall of the McDonalds or something, there will also be security officers in there, like guards and so forth in that place too.

DJ: Yes, it will be a security place where Yolŋu mel'ŋu (special witnesses) watch the whole procedure.

RT: Yep.

DJ: There will be mel'ŋu to watch from both sides. Not interfering, not throwing spears.

RT: Hmm.

DJ: Not shouting, not doing anything.

RT: Hmm, so there will also be witnesses from both sides in that place, hey?

DJ: Yo.

RT: Making sure it's all proper yeah?

DJ: Yo.

RT: Would there be guards there too, armed with spears?

DJ: Yes djungaya (Yolŋu police) will be with the standing guard. They will have spears.

RT: Yeah, so there will be djungaya police, Yolŋu police, there?

DJ: They will be all painted up with okra on and have the dilly bags (symbols of legal authority).

RT: Yo, so the Yolŋu police will be there with their oche on them.

DJ: Yo.

RT: Their uniform, they will have the dilly bags to show that they have the authority of law, they'll all be there to make sure it's a peaceful proper process, like that, yeah?

DJ: Yo.

RT: Hmm.

DJ: And a special legal place is a big name, Gapan ga Milak Mulka-wäŋa.

RT: So a big name Gapan Milak Mulka-wäŋa.

DJ: Yo.

RT: We haven't been able to translate that fully yet, hey?

DJ: It's like the people, who's the people (there), who are armed with spears.

RT: Hmm.

DJ: The people are all painted up (dressed in official uniform). The people (who have) got the legal Madayin dilly bags. Gapan (where people are formally painted).

RT: Yep.

DJ: They are holding these things so the people will notice. We can't go there. Like they're all standing there to attention, with official uniforms on.

RT: It's like djungaya, the police have got their uniform on. And just like the police have got special uniforms, like Northern Territory police and all that. You won't have Northern Territory police, but you'll have the right painting emblems to say that person is the djungaya for that particular clan, that particular Bäpurru corporate clan group.

DJ: Yo. And Milak. Milak represents the spear and woomera.

RT: Yep.

DJ: Weapon.

RT: So the Milak shows just like a policemen carries guns and tasers and all those other things. The Milak is showing this person that these Yolŋu police have the authority to keep the peace. To keep the yindi mägaya, the big peace.

DJ: Yo, yo.

RT: And we should talk about that word mägaya, the big peace, maybe in the next program.

DJ: Hmm.

RT: Keep that yindi mägaya, to keep the big peace.

DJ: Mägaya is the law that creates the legal space of bałanydjarratjarra (free, no strings attached), like a bird set free. I am a free man.

RT: Bałanydjarratjarra.

DJ: Bałanydjarratjarra, nothing will be disturbed, nobody will come in and disturb you, no outsiders will be throwing in comments, nobody will be throwing a spear.

RT: Hmm.

DJ: Yo. It establishes the yindi mägaya rom, the big peace law and order.

RT: The big peace will be kept, bałanydjarratjarra. Yo.

DJ: Hmm. You Balanda say, it's a place to do with tranquillity.

RT: Tranquillity – peace and tranquillity.

DJ: Yo.

RT: And it's like a court, nobody can go in there, just like a court. Not even police can go in the court and arrest anybody.

DJ: No they can't.

RT: It's a safe place inside there, hey?

DJ: Nobody will go outside with spears. The only spears are carried by those people (inside the safe place), the Gapan Milak, Yolŋu police. They will have spears to

control any problems in relation to the mediation process.

RT: Yo. So, the people who are armed inside are the djungaya police, Yolŋu police, and they haven't got the authority outside, they've only got the authority inside the special protective place, Mukla Wäŋa (safe place), to make sure that the mägaya peace is kept, the big peace is kept. Peace and tranquillity is kept. I want to ask one other question. Those djungaya, also we've talked about it in the past, they have also taken an oath at law just like policemen take an oath to keep the peace. Yolŋu djungaya have also taken that big oath.

DJ: Hmm. Yeah they have dhawu'mirriyam, taken an oath. They have to say if there are outsiders throwing the spear. It is not two Bäpurru corporate clan groups (or the offended victimised group) only they will spear and challenge that man (the aggressor). Only they will spear or throw the spear. They will even wound if they need to. If they (the aggressors) come too close, they will wound that person. They have got every right. Because they are protecting the law. They have wäwun-kum, taken an oath. Why is this? Because they have the Madayin dilly bags (legal symbols). They put it under their bosom (under their armpit).

RT: Yo. So they have taken the big oath at law, according to the law, according to your Madayin law, that they will keep the peace. They are the peace officers for that special Mukla Wäŋa, that special safe place and that law in relation to their clan or Bäpurru corporate clan group. Hey?

DJ: Yo. If they see somebody running, try to break that mägaya, big peace law. It is not a family from the side of the victim or the one who stole the article.

RT: Yep.

DJ: It is the group of djungaya that will throw the spear at him. They say, "no, get away."

RT: Yep.

DJ: "If you come too close you will be wounded."

RT: Yep.

DJ: "We will throw the spear at you."

RT: And so they have the authority at Yolŋu law, if somebody comes to disturb the peace, say running in from outside with a spear in their hand, going to cause trouble, going to hurt somebody, the djungaya have the authority to use reasonable force back again and stop them. To wound them or whatever is necessary to stop them because they are breaking that special Mukla Wäŋa, yeah?

DJ: Hmm that's right.

RT: And they can wound them or if they have to, they could even probably kill them if they need to, to stop them, yeah?

DJ: Hmm.

RT: Yep. A bit like Balanda police.

DJ: Hmm.

RT: What Balanda call 'reasonable force', they've got the authority for reasonable force. I don't know how we say that in Yolŋu Matha hey? Does it make any sense to you?

DJ: Yes. I can see there is a law in existence, I've seen that in my mind before.

RT: Yo, yo.

DJ: Yes it is an expression I understood before, it's about taking care of the situation, if somebody is coming from outside, your job is to stop them.

RT: Yo.

DJ: Whatever you need to do because you're the djungaya, keeper of the peace. You have already taken that oath, made a solemn promise.

RT: Yeah.

DJ: You can throw the spear at him, you can give him a warning, "don't come too close, don't be stupid, don't come here, in here or you'll be wounded, barrakir." That's a warning bell being given.

RT: Don't come in here, don't bring trouble in here or you'll be wounded. Yeah?

DJ: Yo, or even worse.

RT: Gamarran lets come back again, we've got two more programs this morning and we'll keep talking about this more.

DJ: Hmm.

Story No.3: The foundation way of peace for Yolngu

RT: Gamarran you've got something else there that you want to now explain to me about this process. This mägaya process, this big way of peace process to bäyarra. To reconcile the law, hey?

DJ: Hmm. Well I want to introduce you to a new term here, djirrwar'yun.

RT: What? Djirrwar'yun?

DJ: Djirrwar'yun.

RT: Right.

DJ: The accused man, who is attending the mediation process at the mound of earth...

RT: Hmm.

DJ: The mound of earth in the second mediation process. That man (in the spear challenge Makarrata; in the first Makarrata process) is just standing there and he is saying, "here I am, I'm not going to run around, I'm not going to run somewhere else, I'm not gonna hide, I am djirrwar'yun, waiting for you. I am djirrwar'yun" (challenging them to throw their spears, perform the act). "Throw the spear at me, how many times you want to throw the spear at me."

RT: Yeah.

DJ: And then I know I'm still going to djirrwar'yun and I will come (up to you so you can) put the spear into my thigh. In the second Makarrata process, the same situation is in play. The mound of earth is saying "I am djirrwar'yun." Even though the mound of earth doesn't actually say it, the Madayin law is saying it to those two people, "come to me and not for yourself (each other)". That word is very important.

RT: Djirrwar'yun.

DJ: It's a dhäruk word of ours.

RT: Yeah. So in the first Makarrata case, the defendant, the wana-monunju, the person who has taken the life or committed manslaughter...

DJ: Yo.

RT: The defendant. He will djirrwar'yun. Is that it?

DJ: Yo.

RT: He will djirrwar'yun. He will say, "come for me with your spears, throw your spears." And then he will offer his thigh to be speared, one shot in the thigh. Not hard in, just enough to make the blood flow, in the thigh. And in the second case you're saying, it's the earth, the mound of earth that is saying to the people who are upset because that thief has stolen their equipment or whatever. The mound of earth is djirrwar'yun, saying "come for me, come for me, the earth. And break your spears in my earth." Hey?

DJ: Yo. This is true.

RT: And you say that this is important, why is that?

DJ: It's extremely important, it is an extremely good process. Don't run away, don't hide, do go for yourself (each other), don't spear yourself (each other) in the second one, hey don't do it.

RT: Yeah.

DJ: The mound of earth is saying, "come for me. Throw your anger into me".

RT: "Throw your anger into me. Break your spear here".

DJ: Yo.

RT: Get rid of your anger, get it out of you .

DJ: Yo, get rid of it.

RT: One man said to me at Ramingining when we had to have one of these peace making ceremonies, we organised one at Ramingining many years ago. And he said "I need to get the anger out of my arm." Like that, hey?

DJ: Yo, yo.

RT: Need to get the anger out of my arm. Hey?

DJ: Yo.

RT: And when he did that, he got the anger out, he threw the spear and he kept on running up to the other person who he was upset with before, and they just hugged each other. Hey?

DJ: Yo.

RT: They just hugged each other, like that. Hey?

DJ: Yo.

RT: Hmm, djirrwar'yun. What is the meaning of djirrwar'yun?

DJ: That you are performing, jumping from side to side, standing, you know, breaking the spear. This is an invitation given to you (given to the other person/people). You know, invitation given to the other person/them. Opportunity for you to throw the spear.

RT: Yeah.

DJ: He's not going to run away. He's not going to hide. "Here... I am here come for me. I know that I have broken the law. Come." You see this is the way.

RT: So in the first case, it's the defendant, the murderer, who is saying, "I'm not going to run away. Come for me, this is your opportunity to get rid of your anger." Hey?

DJ: Even though he's not saying anything.

RT: No.

DJ: He's just there performing that. Giving them the opportunity to throw a spear (at him) until finally (he will) come and present his thigh (to the djungaya legal officer who will carry out the sanction). The mound of earth is saying the same thing.

RT: And so the mound of earth is saying the same thing, "throw the spear at me, get rid of your anger". How do you say that again, djirrwar'yun?

DJ: djirrwar'yun.

RT: djirrwar'yun.

DJ: Yo

RT: Right, the way of solving disputes in community in Yolŋu law is to bring people back to the mägaya law, the big peace law. Have you got a picture of that mägaya?

DJ: Mägaya law is dhapirrk.

RT: Mägaya law is (dhapirrk), consistent with the source law.

DJ: Yo.

RT: As you said to us in those first programs, consistent with the law given by Djaŋ'kawu ga Barama manda, by the creating agents.

DJ: Djan'kawu ga Barama manda.

RT: So the mägaya (big peace) law has to be consistent with the source law.

DJ: Motitj rom. Motitj is like when you wake up early in the morning and the sea is like glass. Flat, no wind, very calm, it's good, it's mägaya. No waves, no wind, just motitj rom (tranquil state of law).

RT: When you wake up in the morning and you look down across the sea and it's like a flat piece of glass, there's no waves, there's no wind.

DJ: Yo.

RT: There is no disturbance on it, it is completely peaceful. Hey?

DJ: That is mägaya rom (mägaya, peaceful, rom, law, a peaceful law and order situation) motitj rom (a tranquil state of law).

RT: That is the mägaya. The big peace mägaya, motitj rom.

DJ: Yo.

RT: It's similar to that no disturbance, no trouble.

DJ: Yo.

RT: Everything calm, peaceful, tranquil. Like that.

DJ: Yo.

RT: And many other words we can use in Yolŋu Matha. Do you see it like that Jewish word Shalom, the peace?

DJ: Shalom. Yes it's like that.

RT: Yeah like Shalom, hey?

DJ: Yo.

RT: And you're saying it's Yolŋu law, Maḏayin law, that creates that big peace, that motitj, that tranquil situation. Like that, hey?

DJ: Hmm. Mägaya (peaceful) dhapirrk (consistent) gu (come) rom (law). Not goḏu marimirr law.

RT: Goḏu marimirr. Goḏu. What do you mean by goḏu marimirr?

DJ: Godu marimirr, you don't carry anything in you, your soul, spirit and mind, something to do with anger.

RT: Right. Where is godu inside you?

DJ: Godu means 'inside of you'. When you throw it away, destructive anger, you come into motitj.

RT: Right, so no anger boiling up inside of you. Like that, hey?

DJ: Yo, nothing there, yo.

RT: No godu marimirr.

DT: It will show in you, not only by your deeds (words), but also by action. Both things.

RT: Yes. So by looking at you, you can see that you are not godu marimirr.

DT: Yo.

RT: You are a quiet person, you're not boiling up in anger and you're not running around doing bad things, making trouble. Yeah you're calm and peaceful, motitj, calm and mägaya, peaceful.

DJ: Yo.

RT: Gamarran, I think a lot of people would be surprised to know that Yolŋu law has those deep foundations in it. Hey?

DJ: Yo.

RT: You keep saying the dhapirrk, which means 'is consistent with the source law', given to you by the creator spirits.

DJ: Yo.

RT: At the beginning of creation, yeah?

DJ: But not only by Djan'kawu munda (the two Dhuwa creator's spirit sisters).

RT: Hmm.

DJ: Not only Djan'kawu ga and Barama (the male Yirritja creator agent/spirit) have

given this.

RT: Yeah.

DJ: But they have set an example (taken the lead from) what I have been given by this unseen spirit of the universe.

RT: Right.

DJ: This mimay' (unseen unknown one, beyond all knowing), Waṅarr (the Great Creator Spirit).

RT: That mimay', that unknown spirit of the universe you call Waṅarr. They have taken that law from Waṅarr. And they have carried it and given it to Yolṅu. Hey?

DJ: Yo.

RT: They carried it down to earth, walked across the earth, named all the places, named all the people, named the languages, named all the Dhuwa and Yirritja moiety system. Named all the special places.

DJ: Hmm.

RT: They named even the trading sites, they named all the conservation places for animals, for fish, for birds, for crocodiles, for everything, emu, kangaroos. They named even how you look after the land, for example. They told you all that, and along with that they gave you your Maḍayin system of law. For everything, hey?

DJ: Yo.

RT: Incredible. Gamarraṅ let's come back.

DJ: Yes. Let's come back to it.

Story No.4: Djiniyini's speech 'We need to return to the way of peace'

In this fourth program, Djiniyini Gondarra delivers a speech to his Yolṅu colleagues about Maḍayin law. Richard Trudgen has followed the first half of his speech line by line in order to show the main Yolṅu Matha concept words used in each of Djiniyini's statements, translated into English. This format will assist those wanting to learn Yolṅu Matha terms as you listen to his speech in the podcast. The full English translation of Djiniyini's speech is available at the bottom of our website [here](#).

DJ: Yo...bulanbulan...

RT: Our law has existed from the beginning of time.

DJ: ...motitj rom...mägaya...ḍärrpik

RT: The law of tranquillity, the law of the big peace, the law that is consistent with the source law. Let's follow it.

DJ: Ym...maḍakarritj, angry, ferocious, dangerous, bad tempered.

RT: Our law is not an aggressive law. You know.

DJ: Ym...

Närra' Yolḅu closed chamber of law. What Yolḅu refer to as their Parliament. Only the people's dalkarra djirrikay, political leaders, djungaya, executive officers, chamber staff, and invited personnel are able to attend.

dhuni To start any legal process and organise things, the ḍalkarra djirrikay political leaders meet together in a closed meeting called a dhuni; a dhuni is like a confidential closed meeting much like a cabinet meeting or a corporate board meeting.

Each Ringitj Nation State has a dhuni and the smaller ringitj alliances each have their own dhuni. There is also a dhuni for both the top Dhuwa and Yirritja Närra'. The ḍalkarra djirrikay political leaders represent the wishes and interests of their own Bäpurru corporate clan in all of these dhuni meetings.

makarr-gärma public legal chamber, public gatherings of the citizens.

RT: This age old law of ours that existed with our inside (Närra') parliaments, our (dhuni) semi-public chambers of law and our (makarr-gärma) public gatherings, were all based on mägaya, the big peace.

DJ: Ym...

ḅoy 1) underneath part of anything. 2) seat of emotion, innermost feeling.

marimirr troublemaker

godu inside. Godu marimirr (the trouble or hate a person or someone is carrying within them)

RT: It was not filled with aggression within our soul. Anger boiling up in us all the time.

DJ: Ym... njäpaki another term for Balanda European/s.

RT: Now we seem to be using it different, the law. Law that comes from the Balanda.

DJ: Wiripu, other, another, different. Bäki, use

RT: It's another law, it's not really law of Balanda which we've taken on. It's another law where we seem to be copying them, and we're following that.

DJ: Yätjkurru bad, naughty, disgusting.

RT: And it's disgusting.

DJ: Ym...

RT: The law that is ours is good.

DJ: Djaŋ'kawu, the Dhuwa female creator sisters. Barama, the Yirritja male creator.

RT: The creator spirits Djaŋ'kawu and Barama were given this law.

DJ: Mimay', unseen, unknown one. Waŋarr, Great Creator Spirit. Waŋarr is mimay', beyond all knowing, undefinable.

RT: By the great unknown one. Waŋarr, the great creator spirit.

DJ: Mägaya, the big peace. Motitj, tranquillity.

RT: We don't know how Waŋarr instructed them. But we know it is the way of peace that we are now destroying.

DJ: Ym...

RT: This is our way of law that our ancestors have used.

DJ: Ym...

RT: And now we're not using it.

DJ: Hmm. Ym...

RT: It's like our law doesn't exist anymore.

DJ: Barrarirri, frightened. Litjalangu, our (dual inclusive). Yätjkurru, bad, naughty, disgusting.

RT: It is though we're frightened of this other law that wants to pronounce our law as repugnant.

DJ: Yo, ym... yätjkurru, bad, naughty, disgusting.

RT: As though our law is disgusting.

DJ: Bäjny, none, nothing, not at all. Yätjkurru, bad, naughty, disgusting.

RT: But our law is not disgusting or repugnant.

DJ: Ym... protect their nation, ym...

RT: Balanda has a law where they go to war to protect their own nation.

DJ: Ym...

(Note, just the main English translation is included from here)

RT: We have similar laws where things can get very aggressive. Where we kill one, they kill one.

DJ: Ym...

RT: Why is this. It's so we can create peace and order across our lands.

DJ: Ym...

RT: You see.

DJ: Ym...

RT: And these processes of law exist so we can correct and even destroy wicked and deceitful ways.

DJ: Ym...

RT: And disgusting and evil ways exist where some people are breaking the law, stealing, and taking what is not theirs.

DJ: Ym...

RT: You see. There is a system of law of the big peace and a rule of law that creates order and justice. Let's return to that rule of law.

DJ: Ym...

RT: The way of peace through a good way of living. Freedom for all even.

DJ: Ym...

RT: That's another way of naming it. To live as free people.

DJ: Ym...

RT: To live in a legally secure community where our rights are fully protected.

DJ: Ym...

RT: This is our law that can break real disputes between people.

DJ: Ym...

RT: How we can stop trouble.

DJ: Ym...

RT: It can only happen through a process of law.

DJ: Ym...

RT: Not through lawlessness.

DJ: Ym...

RT: Not through lawlessness. Only through a process of law and the way of peace can we correct things.

DJ: Hey yo ym...

RT: And this is what I'm saying to you here. We've forgotten this.

DJ: Ym... Balanda ym...

RT: We've gone on to use a lot of the Balanda law.

DJ: Ym...

RT: You see.

DJ: Ym...

RT: We use their law but we misunderstand it.

DJ: Ym...

RT: As though it's similar to our law. But no, it's different. Ours is a good law.

DJ: Yo ym...

RT: The law of forgiveness.

DJ: Ym...

RT: Of invitation and hospitality.

DJ: Ym...

RT: Of diplomacy between families and corporate clan groups.

DJ: Ym...

RT: Of breaking disputes and division.

DJ: Ym...

RT: Of resolving and ending disputation.

DJ: Ym...

RT: The peace mound is flattened out and everything is made clean.

DJ: Ym...

RT: It's a great process. Where our leaders can say, "it's resolved, it's finished everyone".

DJ: Ym...

RT: And they turn to the parties in dispute and say, "it's finished resolved wiped away".

DJ: Ym...

RT: "Let's return to the consistent foundational law of the past".

DJ: Yo ym...

RT: "Now you can live in the way of peace and tranquillity."

DJ: Hey ym...

RT: Where you can practice hospitality with all your neighbours.

DJ: Ym...

RT: Process of law that creates real unity amongst us.

DJ: Ym...

RT: You see, where we sit in unity together.

DJ: Ym...

RT: The mothers clan and their children's clan together.

DJ: Ym...

RT: A grandmothers clan on the mother's side and their grandchildren two clans over.

DJ: Ym...

RT: A grandmother's grandchildren and all the other relatives together in different clans.

DJ: Ym...

RT: This is the way of our law in the past.

DJ: Ym...

RT: We need to see to it that our younger people understand this.

DJ: Ym...

RT: You see. And live according to this way.
That's good, Gamarraḻ.

DJ: Yo.

RT: We'll come back another day and we'll talk about this subject some more. Okay.

DJ: Yo, good Wamut.

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RT: Yo, yo.

DJ: Very good.

