

Epilogue

Stars, it seems, still play a very significant role in the lives of Aboriginal and Torres Strait Islander people. Their appearance quite recently in a well-lit and highly scrubbed court room of the nation's capital illustrates well the importance Aboriginal people still attach to their customary beliefs and practices.

The much celebrated *Mabo* Case concluded on 3 June 1992 with a resounding victory for the Meriam people of the Torres Strait Island of Mer (Murray Island), when six of the seven High Court judges ruled that the Meriam people 'are entitled as against the whole world to possession, occupation, use, and enjoyment of the island of Mer'.¹ The Meriam people's claim to native title was recognised and became a precedent for mainland Aboriginal people in their ongoing struggle for recognition of land rights, as well as effectively ending the fiction of *terra nullius*.

During the court case itself, extensive evidence was taken about traditional law concerning the continuity of principles of land ownership, as set down by Malo (an ecologically oriented spirit ancestor, *Malo ra Gelar* in the Meriam language). Malo's Law as explained by the plaintiffs to the court, is a *lived* law, interwoven into the fabric of everyday life, and handed down orally from one generation to the next.² Malo's Law includes laws against trespass, laws about keeping to one's secret ways, laws prescribing that the land be productive under cultivation and laws demanding that unneeded fruit be left to drop to the ground. Interestingly, most of the plaintiffs delivered the allegorical invocation

1 Except for the land previously leased to the Anglican Church's Australian board of Missions. *Mabo and Others v the State of Queensland and the Commonwealth of Australia* in the High Court of Australia, 3 June 1992, Judgement per Brennan J. 66 Australian Law Journal Reports.

2 Sharp 1994:7,15–16.

‘Stars follow their own path’, when asked about land tenure, succession and trespass. The invocation directly addresses all three.³

This invocation is inspired, as an ongoing source of instruction, by the vast night time constellation of the *Tagai*, the ancient sea hero, as previously discussed. Since ancient times, he has represented the charter for the Meriam people, to follow their own cultural traditions inherited from their forebears, and which in due course, they must pass on to the next generation. And as a corollary, they must not trespass or encroach on what does not rightly belong to them: ‘I cannot walk the path that is *Usiam’s* (the Pleiades) nor can I walk the path that is *Seg’s* (Orion) ... for I must follow *teter mek*, the footprints made by my ancestors.’⁴ From eons past, to this day, the *Tagai* represents this charter.

The continuing significance of the stars for the Meriam is profound, as the stars for them have their own ongoing course in the heavens, each star having its own journey to make. Likewise, everything has a place in the cosmos; its own time, its own place and its own destiny to fulfil.

Having lived with the Meriam, Nonie Sharp has made this comment: ‘The pattern of (Meriam) social life ... is written in their layout of the stars. Its movement is inscribed in their trek across the sky. The pattern of the stars becomes the language of a cultural statement.’⁵

The rights and duties of the Meriam to their land are regarded by them as being sacred, backed up and given authority by other dimensions integrally linked to the land: totems, winds and, of course, the stars.⁶

When Edward Koiki Mabo left his home on Mer Island under the exhortation from one of the custodians of traditional culture—‘whatever you do, Koiki, wherever you go, always remember (to) bring back the idea (you learn) to Murray Island’⁷—little did he know that, like a

3 Sharp 1994:7.

4 Lawrie 1937:373; Sharp 1993:71.

5 Sharp 1994:6.

6 Sharp 1994:19.

7 Sharp 1994:8.

star following its own path, he would bring back some thirty years later, even after his own personal demise, the great gift of native title. Koiki Mabo (as he is known by his people) became the first plaintiff in the landmark case which was to bear, posthumously, his name.