

4.16 marks, 1.2 marks, 1.0 marks, 1.0 marks)

Week 4/5: Indigenous legal perspectives and Critical Race Theory

Indigenous legal systems

Spirituality and law

- Law refers to a body of knowledge, not a system of rules but a way of being, and that way of being is deeply spiritual. That is why aboriginal people prefer it to ILAW which refers to a system of rules made by people and applied to everyone.
- No separation between humans and nature all "one"
- Everyone is responsible for each other
- Land is aboriginal spirituality, it was the land who gave birth to us and when we die we return to the land. Nature in its natural state is perfect, they did not engage in industrial technologies because it destroys the environment.
- Their legal system is designed so that the natural processes flourish. Aboriginal culture is about ensuring that nature flourishes and survives.
- Aboriginals were farmers not just hunters and gatherers, the way they connected with the land would ensure that it could always produce, there is no goal of improvement, the purpose of humanity is not to improve but to preserve the world in the way it was created.

Aboriginal law and nature

- Country comes first. We place importance on what we do and not where we are (from) Nature provides everything.
- The origins of aboriginal law is nature, they observe nature and see that it is perfect the way it is, and their legal system tries to live in it, or to emulate natural law (the way nature works).
- The main aim is to ensure nature in its perfect state continues to exist in its perfect state. Their purpose is to not have an impact on the earth, everything they have is natural and made from the earth, not because they could not advance but because they did not want to.
- No separation between law and culture, aboriginal law keeps things straight, everyone knows the laws.
- Energy. All of the energy of the world = all of the matter in the universe. Balance and harmony is what the aboriginal people are all about.
- Law includes knowledge of what plants and animals are edible, how to build structures from natural materials for survival.

Aboriginal law and community

- A body of rules something that we pretend to separate from culture/identity (Our laws)

Akers And Sellers Study Guide

**Larry J. Siegel, Gary Thompson, Joseph J
Senna**

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