

Sub-group: philosophy of law in the Arctic

Aim

The aim is to establish a network of Arctic philosophers of law and scholars interested in legal philosophy in the Arctic.

It seems that Western philosophers of law must rethink own concepts, theories, models, methodologies, and narratives while conducting research on the Arctic, Arctic law, customary law and indigenous law in the Arctic. They should pay more attention to the real economic, political, environmental, and cultural processes actually happening in this region as well as to indigenous perspectives, concepts, and meanings.

The group may include scholars with different academic backgrounds, who are interested in the mentioned topic (i.e. not only lawyers, but also Arctic anthropologists of indigenous religions and communities, historians, cultural ecologists or just philosophers). Interdisciplinary is the clue. The group includes also indigenous scholars because they enjoy a kind of internal perspective or perception of what a law is for indigenous peoples (IP).

Activities

The group organises conferences, seminars, and other meetings and events or online discussions to exchange or share ideas. Joint writing or funding applications are also appreciated activities.

Description

In particular, the aim of the group is to try, by many academic activities, to answer two questions:

- 1) What is "Arctic indigenous peoples' law" from the point of view of Western philosophy of law?
- 2) What is "law" for indigenous peoples in the Arctic?

Question 1 concerns: concepts of law, justice, morality; sources of law and status of customary law in constitutional hierarchy of sources of law; relations between law and morality; jurisdiction and legal pluralism; the rule of law, nation state, sovereignty; rights, human rights; multiculturalism, political and cultural autonomy, self-government, self-determination; the role of international law in recognising indigenous customary law and legal pluralism in the Arctic; the role of international law in resolving conflicts between states while in the Arctic. Here are the problems of moral and philosophical justification of the right of indigenous peoples to their own law as well.

These problems are new issues in the Western philosophy of law, which must finally redefine own paradigms and seriously take a look at some challenges, which have appeared in the Arctic recently (like climate change, indigenous rights movements).

Here we use Western terminology, models, and meanings to describe the phenomena.

Question 2 covers problems of: relations of law and indigenous religions, cosmologies, mythologies or shamanism. The important relations are: relation to land (like *sieidi*), ancestry and the history/past (spiritual heritage); relation to people, Nature, the cosmos (cosmology); the other serious issues are: "sustainable development" (relation: man-society-Nature); unwritten law as customary laws in particular areas (like reindeer husbandry, natural resources management; fishing waters, hunting ground, shamanism); organisation of villages or communities (like *siida*); indigenous redistribution of wealth; transmission of knowledge of *own* law; indigenous perception and value of law.

Here we use indigenous terminologies, narratives, and meanings to describe the phenomena, following the anthropological theory by Juha Pentikäinen.

Indigenous scholars were invited to the group and are still very welcome to cooperate with the group, but Western scholars are not excluded if they follow Pentikäinen's advice that scholars should use indigenous meanings and terminologies.

Perspectives and topics

To sum up, we have two perspectives:

1) Western philosophy of law on indigenous law in the Arctic (Q1),

2) Arctic indigenous philosophy(ies) of law (Q2).

Therefore, although indigenous law seems highlighted in *Question (problem, perspective) 1*, not only indigenous peoples' law in the Arctic is the most important subject there, but also other philosophical-legal issues, which are very related to indigenous law and interests, are equally crucial. These are as follows:

- values of law (international, state, indigenous, customary etc.) in the Arctic: justice, diversity, peace, energy justice, environment,
- transnational governance, indigenous governance beyond state borders, changing sovereignty, change of the rule of law, political decisionism (Schmitt etc.), multiculturalism, justice and injustice in the Fourth World,
- Western legal theory about environmental law, the right to clean climate, and restorative justice,
- some classic topics in Western legal theory (like functions of law, sources of law) or legal anthropology (like interlegality).

While Q1 says what we (West) say about them (IP, IP's law, rights, cultures, the Arctic) or how we want to use our theories (like legal pluralism) to describe their legal artefacts or just help them, Q2 says what they say about themselves (law, culture) and us (theories, law, culture).

Invited scholars (the scholars who have been invited and agreed)

1. *Professor Dr. René Kuppe* (Austria; University of Vienna, Department of Legal Philosophy, Law of Religion and Culture), rene.kuppe@univie.ac.at

2. *Senior Researcher Dr. Leena Heinämäki* (Finland; University of Lapland, Northern Institute for Environmental and Minority Law), the vice-leader of the University of the Arctic Thematic Network on Arctic Law), leena.heinamaki@ulapland.fi

3. *Emeritus Professor Dr. Patrick Dillon** (UK; University of Exeter, College of Social Sciences and International Studies), P.J.Dillon@exeter.ac.uk

4. *Postdoctoral Researcher Dr. Dawid Bunikowski* (Finland; University of Eastern Finland Law School), the chair of the sub-group on philosophy of law in the Arctic, dawid.bunikowski@uef.fi
5. *Assistant Professor in International Law Dr. Agnieszka Szpak* (Poland; Nicolaus Copernicus University, Faculty of Political Science and International Relations), aszpak@umk.pl
6. *Assistant Professor in Legal Theory Dr. Karol Dobrzeniecki* (Poland; Nicolaus Copernicus University, Faculty of Law), kardobrz@law.uni.torun.pl
7. *Associate Professor Dr. Tatiana Zykina* (Russia; Northern (Arctic) Federal University, Department of Labour Law and Legal Science), t.zykina@narfu.ru
8. *Associate Professor of Community Health Dr. Elisabeth Rink*** (US; Montana State University, College of Education, Health and Human Development), elizabeth.rink@montana.edu
9. *Adjunct Professor Dr. Reetta Toivanen**** (Finland; University of Helsinki, The Erik Castrén Institute of International Law and Human Rights), reetta.toivanen@helsinki.fi
10. *Professor Diana Ginn* (Canada; Dalhousie University, Schulich School of Law), D.Ginn@Dal.Ca
11. *Professor Rebecca Johnson* (Canada; University of Victoria, Faculty of Law), rjohnson@uvic.ca
12. *Professor of Philosophy and Public Policy, Dr. Makoto Usami* (Japan; Kyoto University, Graduate School of Global Environmental Studies), usami.makoto.2r@kyoto-u.ac.jp
13. *Researcher and PhD candidate Francis Joy#* (Finland; University of Lapland, Arctic Centre), francis.joy@ulapland.fi
14. *Professor of Anthropology of Law Anne Griffiths* (UK, Scotland; University of Edinburgh, Edinburgh Law School), Anne.Griffiths@ed.ac.uk
15. *Professor Emeritus Tom G. Svensson^α* (Norway; University of Oslo, Museum of Cultural History), tomgs@extern.uio.no

16. *Professor Dr. Ko Hasegawa* (Japan; Hokkaido University, School of Law), hasegawa@juris.hokudai.ac.jp

17. *Professor of Comparative and Institutional Law Dr. Jaakko Husa* (Finland; University of Lapland, Faculty of Law), jaakko.husa@ulapland.fi

18. *Associate Professor Dr. Christina Allard* (Sweden, Luleå University of Technology, Division of Social Sciences / Law unit; Norway; the Arctic University of Norway), Christina.Allard@ltu.se

19. *Research Fellow Dr. Brendan M. Tobin* (Australia, Griffith University, Griffith Law School, Nathan Campus), brendan.tobin@griffith.edu.au

Part-Mi'kmaq and a band member (Canada)

20. *Assistant Professor and Program Chair Dr. Maura C. Hanrahan##* (Canada, Memorial University, Grenfell Campus, Environmental Policy Institute), mhanrahan@grenfell.mun.ca

Indigenous (Sámi) scholars:

21. *Researcher and PhD candidate Pii Nuorgam* (University of Lapland), pii.nuorgam@ulapland.fi

22. *Researcher and PhD candidate Anne Nuorgam* (University of Lapland), anne.nuorgam@ulapland.fi

23. *Researcher and PhD candidate Anne-Maria Magga***** (University of Lapland and University of Oulu), anne-maria.magga@ulapland.fi

All the mentioned scholars are lawyers, with some exceptions.

* English cultural ecology professor (visiting professor in Eastern Finland since mid-90s).

** American public health professor working with the Inuit in Greenland and the Sioux in Montana.

*** Finnish social anthropologist interested in human rights, minority rights, and indigenous issues.

**** Indigenous social scientist (also finishing Master's Programme in International and Comparative Law - The MICLaw Master Programme, with specialisation in Arctic Law and Governance, at the University of Lapland).

English historian of religion interested in the Sami culture and religion (shamanism).

⌘ Norwegian social anthropologist conducting research on the Sámi in both Sweden and Norway, and for comparative reasons, similar studies among the Nisga'a, B.C., Canada and the Ainu (Japan).

Canadian-indigenous scholar with a very mixed background: sociology, anthropology, political science and her PhD in Sea-Use Law, Economics and Policy. Chair of the humanities program at her campus.

All interested scholars who would like to be a part of this team are pleased to write the Chair Dr. Dawid Bunikowski (UEF), dawid.bunikowski@uef.fi