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On Lives Lived With Law: Land as Healer

Abstract

Senior Law Man Bill Neidjie asks us to listen carefully to the land, just as Sir Humphrey is asking us to be mindful of the impact of the Land's capricious nature, for both have a deep understanding of the powerful impact Nature has on human wellbeing. And perhaps it is worth considering that this is why the colonist is obsessed with time and resources, whilst the Indigenous are concerned with place and space. It all comes back to Nature.

On Lives Lived With Law: Land as Healer

C F Black*

Listen carefully this, you can hear me.
I'm telling you because earth just like mother
And father or brother of you.
That tree same thing.
Your body, my body I suppose,
I'm same as you...anyone.
Tree working when you sleeping and dream

(Neidjie 1989: 3).

Of all the climes in Europe, England seems to me, says Sir Humphrey Davy, the most fitted for activity of mind and the least suited for repose. The alterations of the climate so varied and rapid, constantly awaken new sensations; and the changes of the sky from dryness to moisture, from blue ethereal to cloudiness and fogs, seems to keep the nervous system in a constant state of excitement. In the changeful and tumultuous atmosphere of England, to be tranquil is a labour, and employment is necessary to ward off ennui

(Black et al 1866: v).

Senior Law Man Bill Neidjie asks us to listen carefully to the land, just as Sir Humphrey is asking us to be mindful of the impact of the Land's capricious nature, for both have a deep understanding of the powerful impact Nature has on human wellbeing. And perhaps it is worth considering that this is why the colonist is obsessed with time and resources, whilst the Indigenous are concerned with place and space. It all comes back to Nature. B R Middleton argues:

Political ecology has long focused on land-based struggles. Yet it has not usually delved deeply into how 'land' can be much more than simply a source of material livelihood, especially but not exclusively for Indigenous peoples (Middleton, 2015: 563).

In this paper the concept of Land as Healer is posited as jurisprudence rather than a political debate. As I argue in my book *Land is the Source of the Law: A Dialogic Encounter with an Indigenous Jurisprudence* there is a need for a 'refocusing of jurisprudence towards the "rights" of the Land and the "responsibilities" of the human towards the Land' (Black 2011: 168). I argue here that legal pluralism from the North needs to acknowledge that within Indigenous legal traditions individuals are patterned into Nature, not outside of Nature; and, with that patterning comes responsibilities.

The *logos* of law is in the land. There is a symbiotic relationship between humans and the earth/cosmos, and more specifically, between humans and place (Black 2011). Further, land and place are sites of healing. The symbiotic relationship between land/place/people needed for healing rests on laws and lawful conduct. A life lived lawfully patterns human behaviour into an alignment with the laws of a fully sentient Nature: a nature that offers healing and 'repose' for the weary traveller. That weary traveller might well be the rather highly-strung Englishman mentioned by Sir Humphrey above, for whom, in the English climate, tranquillity is a 'labour' and work is the only relief from 'ennui'. We might extrapolate the above-mentioned English experience of the land, and all its vagaries, as a cosmological source for discontent that is driving the exponential growth in wellness tourism peopled by stressed or depressed citizens living in large cities (Smith & Kelly

2006). They explain the surge in states of depression and stress as the outcome of 'the anomie of western, capitalist societies, the breakdown of traditional religions, and the fragmentation of communities' (Smith & Kelly 2006: 1). Here it is argued that this breakdown or 'disconnect' between people and place is a sign of lawlessness that is having significant and detrimental impacts on the web of relationships between humans and the environment.

This paper revisits the three themes addressed in the *On Lives Lived With Law* symposium: 1) the ways in which a life might be experienced and narrated in relation to law; 2) the conducts and forms of life that cross or engage with law; and 3) what it means to live in a 'lawful' rather than a 'lawless' South. The first section will look to the new ways that life might be experienced through the advent of developments in artificial intelligence. The second section examines how Indigenous healers conduct their lives and engage in lawful behaviour. The third section investigates hallucinogenic plants as law-bearers. It examines the lawlessness of the North in relation to the taking and abusing of the healing properties of the powerful plants-beings of the South. A jurisprudential reading of two films – *Renegade* and *While We're Young* – is given to illustrate these insights.

1 First: A New Experience of Life

It is pertinent, at this point, to raise some larger questions that are currently reshaping how lives are experienced and narrated in relation to law. Reflecting on the future of artificial intelligence, the inventor and futurist Ray Kurzweil made the following observations at the beginning of the 21st century:

One often reads predictions of the next several decades discussing a variety of demographic, economic and political trends that largely ignore the revolutionary impacts of machines on their own opinions and agendas. Yet we need to reflect on the implications of the gradual, yet inevitable, emergence of true competition to the full range of human thought in order to comprehend the world that lies ahead (Kurzweil 2000: 6).

In *The Age of Spiritual Machines: When Computers Exceed Human Intelligence* Kurzweil (2000) argued that the most fundamental questions facing us in decades to come – and we are well amongst those decades today – would be about ‘what makes us human?’ How will humans live in a new frontier of exponential speed, manned by robots and Hal-like computers, where humans become cyborgs and live extended lives? In other words, what will make us different from the humanoid robot? These fundamental questions intersect with the questions addressed in this paper – What are lives? And how are they to be lived in relation to law? These questions are asked in an increasingly lawless terrain due to the unregulated domain of innovation. One must surely begin to be concerned that something is not quite right when you hear leading entrepreneurs such as Elon Musk – the man who would see us colonise Mars – making the following comments in an interview with Samuel Gibbs of *The Guardian*:

‘I think we should be very careful about artificial intelligence. If I had to guess at what our biggest existential threat is, it’s probably that. So we need to be very careful,’ said Musk. ‘I’m increasingly inclined to think that there should be some regulatory oversight, maybe at the national and international level, just to make sure that we don’t do something very foolish.’ (Gibbs 2014)

In January 2015, Elon Musk joined Stephen Hawking and dozens of artificial intelligence experts in signing *An Open Letter: Research Priorities for Robust and Beneficial Artificial Intelligence* (Future of Life Institute). This letter supported a robust regulatory framework for the development and use of autonomous weapons which we are now seeing in the form of drone bombings.

From the perspective of an Indigenous law of relationships the development of artificial intelligence is also happening in a lawless terrain. The nomenclature of ‘discovery’ ‘exploration’ and ‘social good’ pays scant regard for responsibilities that live within a symbiotic relationship between land/law/people. There is an unflinching faith in science and markets to deliver lawful uses of new technologies in the 21st century. We’re seeing a replication of a 19th century colonial mentality

with utter faith in a natural hierarchy where human life is prized most highly and human intelligence is the panacea for any real or potential problems and consequences. This will have an impact on how we make sense of what it means to be human and how we live our lives with law.

2 Second - Healing Ways

There are very different ways to think, to process information, or to view and approach matters, all of which involve how one views the world. In this case, I am thinking of western and Indigenous ways of knowing or thinking. To maintain an Indigenous worldview, to value Indigenous knowledge, and to draw upon it is to maintain Indigenous mental sovereignty. It is the cure for the colonial mentality, in which the native is eclipsed by thinking the colonizer's way is more worthy or superior (Zuni Cruz 2008: 632-33).

In endeavouring to 'maintain an Indigenous worldview' and to 'value Indigenous knowledge' for the maintenance of 'Indigenous mental sovereignty', to borrow the terms used by Zuni Cruz (2008), this section looks at ways in which Indigenous healers conduct their lives and engage in lawful behaviour with other forms of life. Using the lens of Indigenous healing knowledge, I build on some commonalities in the ways in which lawful behaviour might be understood.

My involvement in the UN Convention on Biodiversity (CBD) Working Group on Article 8(j) gave me an insight into the commonalities amongst Indigenous healers globally. Article 8(j) states that all signatories should, 'as far as possible and as appropriate' and 'subject to national legislation' should:

... respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.

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In 2003 I was invited to a CBD Meeting in Montreal to act as a 'witness' to speak about the issue of the protection of Indigenous genetic material in relation to Genetic Use Restriction Technology (GURTS). I also participated in the Working Group that gathered together Indigenous Peoples from across the world including a select group of healers. The healers were in the process of making a film about healing and asked me to review the film. It was whilst viewing the film that I was struck by the commonalities amongst the healers in their journey to becoming healers and their conduct and relationship with other life forms. These commonalities, described in the following overview of sources from Australia and the Americas, are found in the laws of relationships and the intrinsic knowing of the importance of that relationship, and in the way Indigenous healers conduct their lives and engage in lawful behaviour with other forms of life.

In *Hand-in-Hand: Report on Aboriginal Traditional Medicine*, Francesca Panzironi (2013: 16) argues that there is a law and an associated code of conduct that the traditional healers (*ngangkari*) of Central Australia, South Australia and parts of Western Australia abide by in caring for the communities' mental health as well as physical alignments. Whilst researching and writing policy on traditional healers for the Aboriginal and Torres Strait Islander Healing Foundation (ATSIHF) I was brought into contact with the *ngangkari* from central Australia. In 2013 a group of *ngangkari* visited the ATSIHF in Canberra and offered me an opportunity to experience their healing energy first hand. I was amazed at the distinctive feeling of a separate energy surrounding my body. The healing energy was palpable. With this energy comes a distinct feeling of calm.

Ngangkari healing abilities are fundamentally reliant on their relationship to the land and to particular plants that contain a healing energy from which *ngangkari* draw. Their relationship to the land, when understood as coming from a law premised on the symbiotic relationships between humans and the land, brings about a definitive experience, in that one can 'feel' the healing power as against 'having faith' that a pill will cure a particular ailment.

This understanding of the symbiotic relationships between humans and land crosses the Pacific and finds resonance in the Americas. Blackfoot scientist Leroy Little Bear teaches that it is 'space' and 'place' rather than 'time' and 'things' that are the important referents in the Aboriginal worldview:

Aboriginal paradigms include ideas of constant flux, all existence consisting of energy waves/spirit, all things being animate, all existence being interrelated, creation/existence having to be renewed, space/place as an important referent, and language, songs, stories, and ceremonies as repositories for the knowledge that arise out of these paradigms (Ross 2014: 41).

To demonstrate this worldview Rupert Ross, a magistrate with many years of experience in the First Nations of Canada, tells this story about his encounter with an Anishinaabe woman. His story illustrates how law can shape the narrative and conduct of life. He throws into relief the different experience of life lived in law when it is bound by time and resources on the one hand, and on the other hand, when it is grounded in relationships with the land and other life forms:

I encountered an Anishinaabe Grandmother hitchhiking in North-Western Ontario and I gave her a lift. Knowing that a lot of the old people gathered blueberries at that time of year to raise a little cash, I asked her how the blueberry crop was that summer. She immediately replies, 'Oh, I was at the garbage dump last night, and there were sixteen bears out there!' That's all she said, apparently satisfied that it was a complete answer to my question. Fortunately, I had lived in the North long enough to understand her answer: bears thrive on blueberries, and a bumper crop means all the bears are back in the blueberry patches sporting huge purple grins. A failed crop, however, causes hungry bears to converge on the nearest dumps in search of food (Ross 2014: 7).

As Ross learnt, things weren't separate for the old woman, but instead all things acted within complex webs of relationships. He also came to a startling realisation, for a man embedded in the Rule of Law, that the Indigenous understanding of a relationship to the Earth

goes further than an appreciation of the interconnectedness between things, and a responsibility to accommodate the natural world for the preservation of humans. An Indigenous jurisprudence also requires ‘that we carry ... an ethical responsibility *identical* to the one we recognise when we deal with other human beings’ (Ross 2014: 30, my emphasis). He pointed to the way that Vine Deloria Jr expresses this responsibility:

The world, and *all its possible experiences*, constituted a social reality, a fabric of life in which everything had the possibility of intimate, knowing relationships because, ultimately, *everything was related* (cited in Ross 2014: 31, my emphasis).

To put Deloria’s understanding in context I turn to an account from the woodland Cree healer, Russell Willier from Northern Alberta:

The whole idea of giving back to Mother Earth is that you have to open up, get in a state of mind where you’ll be talking with or getting help from the spiritual world. ...You have to be humble, you have to get off your high horse and realize that the blade of grass is worth more than you are. You have to have an open mind (in Young et al 1989: 60).

Willier urges us to ask questions about the natural world, to show curiosity and compassion for all sentient things, not just humans. Take notice, he says. Ask why a particular plant or animal is on this earth. Wonder about how they live, how they breathe. ‘If you think about the Arctic, for example, look how many animals and plants there are there. What is their purpose?’ (Young et al 1989: 58).

There is another dimension of the law of relationships to highlight here: the reciprocal responsibilities of plants and healers. Willier explains that giving back when taking medicine is essential for future healing gifts to the healer; that there is a code of conduct that governs the relationship between the plant and the healer. Indigenous healers have a keen sense of the potential for harm that can come from powerful healing energies. A code of conduct serves as a constant reminder that the healer carries ‘heavy medicine’, a heavy load for any human being.

This ability to harm people and the need for a code of conduct is clearly understood in Australia too. Kathleen Kemarre Wallace, from

Ltyentye Apurte in central Australia, conveys the demanding level of rigour required in the training of a traditional healer in her book *Listen Deeply* (2009), co-authored with Judith Lovell. Wallace learned as a young woman the dangers of the powerful energies:

In the end I had to go to an old lady who was *ngangkere*, living at Ltyentye Apurte. She had the power to take him away, to get him to go to her. That old woman told me the little caterpillar man was trying to give me a really strong *ngangkere* and if I had taken it I would have been very powerful, but that sort of power means I could also make people really sick. I didn't want to! (2009: 78).

Wallace had been taught by her grandfather, a well-respected *ngangkere*, that the power to become a healer can be given to you by '... anything: perhaps from a little caterpillar or even a snake that comes to you. It could be any live thing, even a bird. It depends on many things as to what power comes to you to make you a healing person' (2009: 78). It is this deep respect for the healing power which makes it a sacred calling, one that calls for intellectual rigour. Wallace spent many years learning her *ngangkere* practice, which included remembering songs, stories and healing places and their efficacy. She also had to remember a mental map for travelling underground in a dream state and surfacing at correct places to find the sources of healing energy. This takes many years of rigorous intellectual discipline and should be given due recognition in the academic world. There are no reference books or Google websites to prompt the initiate's mind. *Ngangkere* knowledge is imbued through experience and emotion. It is this that lead Wallace to produce magnificent visual accounts of those experiences in a series of surreal paintings of healing spirits in her book *Listen Deeply* (2009).

Wallace's account in *Listen Deeply* is a journey into a different spiritual space and place and requires a disciplined ethical mindset, without which havoc can be caused in communities. Havoc can also occur in the absence of *ngangkere* who understand the 'spirit-side' of Indigenous realities. This lack of empathy and knowledge of the power of healing energies to cause sickness can contribute to an increase in states of depression and sadness. Such is the importance of maintaining

the symbiotic law of relationships and the protocols that govern the education and training of Indigenous healers and their practice.

The Anangu Ngangkari Tjutaku Aboriginal Corporation (ANTAC) provide *ngangkari* health care services and supports the ‘maintenance and handing down of ... ancient healing practices and knowledge to future generations’ (ANTAC). A statement on ANTAC’s website explains:

We are Pitjantjatjara and Yankunytjatjara ngangkari healers that live throughout Anangu Pitjantjatjara Yankunytjatjara lands ... We are helping all our people to be well and happy so they will not feel sad or depressed.

3 Third – Plants that take prisoners

To further the discussion of health and healing, and ‘maintain Indigenous mental sovereignty’, I use this section to reinterpret the legal status of hallucinogenic plants that come out of South America, by valuing them within an Indigenous worldview and by drawing on Indigenous knowledge. ‘It is the cure for the colonial mentality’, as Zuni Cruz (2008: 632-33) puts it, ‘in which the native is eclipsed by thinking the colonizer’s way is more worthy or superior’.

This section frames hallucinogenic plants as law-bearers, and investigates the abuse of their powers through the lawless behaviour of the North. Perhaps the most familiar case is tobacco, a sacred plant meant for ceremony and offerings that has been turned into a lethal agent of cancer by abusive corporations. The victims □ Indigenous and non-Indigenous □ are preyed upon by these clever masters who have synthesised, commodified and profited from the original plant. Tobacco, like coca and *ayahuasca* which are discussed below, contains healing spirit-beings that have for centuries brought healing benefits to the Indigenous peoples of the South.

Before I begin this section I want to highlight some observations from Native Scientist Cajete (2000) who describes the interrelationships between illness and health in the cycle of lives lived by individuals and

communities:

The concept of two complementary forces was combined with a universal 'life path' or purpose. Illness and health were understood as mirror images, each having a role in an individual's and/or community's life process. Illness played a distinct role in the perpetuation of the idea that life was indeed a process of creation and destruction. For life to exist, there had to be death and illness. In order for us to grow and evolve as humans and community, there had to be times when a particular situation arose that caused dissension or illness, which in turn had to be addressed through restoring a level of harmony. (2000: 119).

In Cajete's (2000) description of the relationship between human disease and the spirit world, the plant □ a natural and spiritual entity □ is an intermediary for diagnosis and the restoration of health.

Displeasure of the spirits of nature could take many forms, such as a stomach ailment, a rash, sores and boils, and/or psychological spiritual illness. All of these illnesses could be understood in relationship to the natural entity or spirit underlying a particular disease (2000: 120).

Once again we are reminded that there are symbiotic relationships between the conduct of persons and other life-forms. The rebalancing of these relationships that is needed when disease and dissension occur, is a part of both a society's and an individual's life journey and maturation. For the Huichol of Northern Mexico, this process of maturation is understood as – 'finding a life'.

The Huichol say their pilgrimage is 'to find our life'. Pilgrims go in search of their true selves and a glimpse of the whole, utilizing a psychoactive plant. In all religious traditions, practices like these exist for contacting the universal life force (Cajete 2000: 127).

The two powerful plant-based entities that hold a sacred status in South American traditions are coca and *ayahuasca*. The coca spirit-being is a sacred plant that gives focus, stamina and suppresses appetite, all necessary for living in the high altitudes of the Andes. In other words this prolific plant that covers the Andes allows the Indians to live in their sovereign domain. *Ayahuasca* is the hallucinogenic mixture of two

plants used by shamans for healing deep and destructive memories. These mental health healing capacities have been in use for many centuries before the arrival of Western psychiatry. *Ayahuasca* takes back the role of Freud as healer and returns healing to a lawful relationship between the patient and the plant spirit in which the patient travels deep into their mind where the path to healing is revealed. The shaman accompanies the individual as a guide on the healing journey.

A Coca

Powerful plants are not passive victims and their potential is not easily inhibited or disrupted. Thus, right relationships are very important. Abusive relationships with the Coca plant has led to destructive states of dependency that we see in the North, and the rise of parasitical cartels in the South.

In Indigenous societies in the Americas, these plants are powerful beings. The coca plant is a gift from Pachamama (Mother Earth) that has allowed the Indians to live in the high altitudes of the Andes for over four thousand years (Schultz et al 2008: 183). The coca plant was used in moderation and mixed with ash. Its use was essential to the ability of the pre-Columbian peoples to spread throughout the High Andes (McGraw 2004: 188). As ceremonial peoples they understood coca as a gift from the spirit world and used it as ordained by the plant's spirit. This sacred bond was maintained and uses of the plant was bound by protocols that ensured the gift was not are not tampered with or abused by relationships of dependency.

It was not until the arrival of colonisers that these powerful plants began to take prisoners in response to new and abusive relationships. The history of destructive relationships with the coca plant begins with arrival of the Spanish invaders. The inauguration of the criminalisation of coca was a response to the reverential status of the coca plant in Indigenous society, which was an affront to the ecclesiastical powers of the Spanish Catholic Church. However, the coca plant was soon valued as a commodity, as Cusicanqui (2005) explains:

Coca leaves have been produced, circulated and consumed in the Andes for several thousand years. Soon after the Spanish conquest of the Inka state in 1532, and overcoming the initial attempts by the *conquistadores* to satanize and ban the trade, coca leaves became in fact, along with minted silver and Andean textiles, grains and tubers, one of the key commodities of the trade ... of the Andean colonial and postcolonial markets (2005: 24).

McGraw (2004: 181) further points out that the Spanish Colonialists treated the coca plant as a 'slave', concerned only with increasing production. This behaviour and mentality, I would argue, eventually attracted its own payback when the 'active' properties of coca were discovered by German scientists (McGraw 2004: 181). The unlawful production of cocaine, unlawful because devoid of respect for the coca plant's sacred power, makes cocaine the perfect 'vehicle' for taking prisoners. And cocaine found the ideal 'pusher' in the European bourgeoisie, including Sigmund Freud and even Ulysses Grant and the reigning Pope at the time (Schultz et al 2008: 183). As Paul Gootenberg (2009: 23) points out, in *Andean Cocaine: The Making of a Global Drug*, once Freud achieved fame he would try and cover up this part of his life. Freud may have achieved this cover up, but Coca was on the move □ taking prisoners.

The most infamous use of coca was as the secret ingredient in Coca-Cola, another ubiquitous drug and commodity linked to, amongst other things, the modern epidemic of obesity in children and adults. John Pemberton included the coca leaf in the ingredients, as well as cocaine, to give the drink its euphoric effect:

In 1886, the popularity of the drug got a further boost when John Pemberton included coca leaves as an ingredient in his new soft drink, Coca-Cola. The euphoric and energizing effects on the consumer helped to skyrocket the popularity of Coca-Cola by the turn of the century (Mays 2013: 221).

While the cocaine extract was removed, I argue that the spirit of the coca plant is still taking prisoners in much the same way that the ingredients of colonialism □ discrimination and poverty □ still pervade

the Indigenous populations of the post-colonial world. In a variety of ways this powerful plant has been able to take millions of prisoners across the Western world.

At the same time, as the abuses of coca have been criminalised by modern legal systems, South American Indigenous societies are penalised for their own lawful uses of the plant which have been redefined as unlawful criminal behaviours. This presents an enormous quandary for the cultivation of coca by Indigenous growers who are caught up in the cycle of abuse of the plant, in terms of both Indigenous and Western laws. Growers, who have cultivated the plant for centuries, are now driven by poverty to provide it for the market.

The coca plant is a powerful being who deserves due respect for its ability to cure, sustain and bring about social cohesion; as well as due respect for its ability to kill and □ in the case of abusers – take prisoners. This lesson that has not been learnt, let alone acknowledged, by the North whose lawless behaviour continues in the ‘War on Drugs’ that at best is resisting the tide, and at worst is completely impotent.

B Ayahuasca

Let us now turn to the Amazonian ‘psychoactive brew’ *ayahuasca* which has been used amongst the Indigenous South American peoples for centuries. *Ayahuasca* is the Quechua name for the *yaje* brew in Iquitos, in the Peruvian Amazon: *aya* means ‘spirit’, ‘ancestor’ and ‘dead person’, and *huasca* means ‘vine’ and ‘rope’ (Luna and Amaringo 1999: 12). Luna and Amaringo (1999: 12) explain that the mestizo shamans refer to themselves as *vegetalistas* ‘to indicate that they derived their knowledge and personal powers from plants’. *Vegetalistas* and Indigenous Indian shamans of the Upper Amazon ‘claim to derive healing skills and powers from certain plant teachers – often psychoactive – believed to have a *madre* (Mother)’ (Luna and Amaringo 1999: 12). Once again we can see how in an Indigenous worldview, plants – like animals, matter and natural phenomenon – are sentient and powerful beings in constant interaction with other beings and spirits.

It is the plant that gives the *vegetalista* knowledge. A Western scientific method makes knowledge via evidentiary processes of trial and error, or by deductive investigation. The knowledge of the *vegetalista*, also robust and rule bound, is achieved through a law of relationships, described by Luna and Amaringo (1999):

Knowledge – particularly medicinal knowledge – comes from the plants themselves, the senior shaman only mediating the transmission of information, protecting the novice from the attack of sorcerers or evil spirits, and indicating to him or her the proper conditions under which this transmission is possible (1999: 12).

There is a full engagement with the plant spirit which in turn gives the shaman medicinal knowledge, as well as an array of other information, through the power of songs known as *icaros* (Luna & Amaringo 1999: 12). The plant, it should be remembered, is also an intermediary of the spirit of the *madre* (Mother). Lawful conduct is of the utmost importance as serious consequences come from any kind of disrespect for the plant. From these ancient medical practices, Western pharmaceutical companies have made excessive profits whilst disavowing the intellectual property rights of Indigenous peoples as well as farmers (Oguamanam 2016). These companies and their agents have shown no respect for the plant's wisdom.

Among the Indian and mestizo population of the Upper Amazon, the Orinoco Plains and Pacific coast of Colombia and Ecuador, *ayahuasca* is 'widely used in a shamanic context' and 'plays a central role in the religious and cultural lives of the people' (Luna & Amaringo 1999: 10). Furthermore, as Luna and Amaringo (1999: 13) explain, *Vegetalistas* 'contribute significantly to the physical and mental health of the people of rural areas and the urban poor, and they are often the only help available to them in critical situations'. They also remind us of the cultural and historical complexity of these Indigenous healing arts, underpinned as they are by a belief system that amalgamates 'various religious traditions', including 'Amazonian beliefs, elements of traditional Catholic religion, and in some cases, of esoteric European ideas' (Luna & Amaringo 1999: 12).

Going on a journey of self-discovery with the aid of a shaman rather than a psychiatrist, appears to be taking the West by storm. The faux shamans of course are making a show of it all, but a true journey is one in which the experienced shaman goes on the journey with you, and travels into your mind to make sure you are travelling well. Once again it is the land in the form of the *ayahuasca* that appears to take back the role of Freud and reveal in vivid technicolour the human's deep psychological trauma of the past. The seeker must endure several days, if not weeks of fasting before going on this journey. Evidence of the great benefits of this treatment has seen the practice transverse the globe (Znamenski 2007: 80). Chris Kilham, in *The Ayahuasca Test Pilots Handbook*, states that gallons of *ayahuasca* are being transported to international cities such as New York, Los Angeles, London, Tokyo and Paris. He also offers a caution that while there are highly trained shamans in practice, there are also those who are 'alarmingly lacking in skills' (Kilham 2015: 6).

The search for connectivity through *ayahuasca* by citizens of the urban North resonates in dramatic and comedic narratives in film. I will briefly mention two. The first is Noah Baumbach's comedy *While We're Young* (2014), and the second is Jan Kounene's 'Western cowboy' and psychonaut cult film *Renegade* (2004).

In *While We're Young* middle-aged couple Cornelia and Josh befriend young couple Jamie and Darby. Cornelia and Josh, energised by their new friends, accompany them to an *ayahuasca* ceremony – a *faux* shamanic roadshow – where they vomit up (figuratively and literally) their past traumas. Josh is a chronic procrastinator and Cornelia has been unable to bring a pregnancy to full term. At its core the film is about finding an authentic self in a world of competitive intergenerational relationships. The story, I suggest, is also an analogy for the inner journey of users of *ayahuasca* and the healing benefits of resolving personal issues.

Based on the director's personal experiences, *Renegade* (2004) is best known for its realistic depictions of hallucinations and the effects on a person's psyche of *ayahuasca*. The protagonist Mike Blueberry is

a young Cajun man sent to live with his Uncle in Southern Arizona where he is caught up in a fight with the white sorcerer Wallace Sebastian Blount. The conflict results in the death of his Maria, his first love. The grieving Blueberry wanders into the Sacred Mountains over the Mexican border where he is found by a shaman, a Shipibo *Vegetalista* (played by Ketsenbetsa), who sings a genuine *icaros* (song). Jan Kounen's personal experiences with Ketsenbetsa and *ayahuasca* inspired the *ayahuasca* journeys recreated in the film. The intake of the *ayahuasca* begins Mike's healing. It allows him to understand the power of the plant and the protection it provides against the attacks by the White Sorcerer Blount.

Years pass and Mike becomes the Sheriff, keeping peace between the Indians of the Sacred Mountains and the townspeople. In time he again confronts his rival Blount, who is on the trail for the ingredients for *ayahuasca*. Initially we understand Blount as a man in search of gold, like his Prussian companion. But his true intentions are uncovered as the film progresses. Blount is well aware of the plant's powerful abilities 'to know thyself' through self-mastery of the ego and control over the energies of the plant. Blount can be seen as a representation of the lawless North in search of the spiritual gold of the South. Mike's confrontation with the White Sorcerer is transformed into a confrontation with his own suppressed memories. He realises or remembers that it was not Blount who killed Maria, but himself. Tragically, his efforts to kill the sorcerer had ended in the accidental shooting of his first love.

There are many opportunities in this story for jurisprudential analysis of the different layers of lawful relations. However, the purpose of this paper is to focus on the potency of the land-based plant which can be used as a guide to mental health. So why is there all this pursuit of the 'other's' healing plants? For in the North, the humble mushroom has much to offer the partaker if taken with a sacramental intent, not unlike the *ayahuasca* ceremony. Terence McKenna (1993), the late American ethnobotanist, advocated for the responsible use of naturally occurring psychedelic plants and especially the mushroom. McKenna

was maligned as an acid junky but this is misleading. He encouraged the use of psychedelic plants, in safe and controlled environments, to the end of breaking down inhibiting borders in the human psyche and to enable possibilities in thought and behaviour. He was indeed a threat to the established academy, especially when he hypothesised that early humans in the North were more likely to survive if they had access to the sacramental use of mushrooms. He argued that this brought about a contemplative state which fostered wisdom, but also an appreciation of the feminine, not unlike that of the Native Americans (McKenna 1993: xvii). McKenna appreciated the important role of the shamanic properties and healing capacities of the mushroom plant spirits in ensuring a civilisation's survival (McKenna 1993: xvii).

Now it appears that *ayahuasca* is on a mission to re-colonise the North with a new sacramental plant. It can be hoped that this prompts the North to appreciate their own powerful healing plant in the mushroom, and the knowledge it carries for bringing about wellbeing and for healing the many mental illnesses that plague the North. Freud developed treatments for hysteria, depression and many other ailments without any acknowledgement of the sacred gifts of plants. The greatest gift therefore that the plants can bring is to return the North to its authentic civilisation in which lives are lived with a law that acknowledges their contributions to a society's mental health, as well as their individual properties.

The jurisprudential lesson made here, by engaging with Zuni Cruz's (2008) call for Indigenous mental sovereignty, is that the law of relationships that govern the use of sacred plants has been breached, especially in the case of Coca. A sentence has been imposed by the plants themselves on those, including Indigenous peoples, who would abuse them. Furthermore, its sister in the form of *ayahuasca* is also on the move, but this time to take back their rightful role as healer of mental illnesses. In other words, to be respected as spiritual gold.

4 Conclusion

To conclude my discussion of health and healing within the Indigenous law of relationships, and of the historical and ethical pressures that have corroded lawful lives in colonial and postcolonial societies, I want to begin by it recalling this little story from Leslie Marmon Silko's *Ceremony*:

The old man shook his head. 'That is the trickery of the witchcraft,' he said. 'They want us to believe all evil resides with white people. Then we will look no further to see what is really happening. They want us to separate ourselves from white people, to be ignorant and helpless as we watch our own destruction. But white people are only tools that the witchery manipulates; and I tell you, we can deal with white people, with their machines and their beliefs. We can because we invented white people; it was Indian witchery that made white people in the first place' (2006: 122).

As an Indigenous scholar it has become clear to me that as the cyclical nature of time becomes evident in the environmental debates, Indigenous and non-Indigenous peoples are becoming more aligned in their understanding of the importance of the environment to human wellbeing. In particular, this alignment is increasingly understood as being contingent upon understanding that lawful conduct is framed within their respective laws. Shaun McVeigh offers a particularly sensitive reading in relation to the conduct of the engagement of laws over the issue of repatriation:

In so far as questions of lawfulness continue to be important to those living within a common law jurisdiction, questions about the meeting of laws also remain significant - as does the concern with the sense of honour and shame with which it is possible to live with law. A meeting of laws can be arranged in many ways and with many degrees of engagement. It could be imagined as two people meeting and acknowledging a lawful relation (2014: 475).

McVeigh further purports that an understanding of lawful behaviour in relation to the dead can bring about 'a meeting of the laws'. McVeigh's positioning of two laws able to 'meet' helps us move

away from absolute and essential differences between Indigenous law and Eurocentric law that are asserted by legal academics such as James (Sakej) Youngblood Henderson:

While Eurocentric laws separate humanity from the natural world, there is no such separation in First Nation's law. Rather, a deep spiritual connection exist between humanity and the natural world (cited in Ross 2014: 31).

Rather there is a movement into alignment through the engagement of laws, as Olivia Barr in her recent book states:

Placing the blame squarely in the Anglo Australian common law, as I do, in this book, the landscape shifts and we are reminded that those who represent common law in matters of reconciliation must take responsibility for the basic forms of law for which they conduct their lawful lives (2016: 2).

Taking responsibility for the conduct of Anglo-Australian common law should also include taking responsibility for how knowledge has been attained. This is because the source of pharmaceutical and psychological healing traditions are drawn from the knowledge of Indigenous shamans and healers. The battleground for this acknowledgment of law and life is the Convention of Biodiversity.

This brings me back to the Introduction and Kurzweil's (2000: 2) questions about the meaning of being human. My answer is that to be fully human one must undertake to live a life with law that is drawn from a relationship to the Land. This is essential not only for one's wellbeing and orientation in the world, but also for a relationship with all who draw their spirit from the earth. So a life lived with law becomes a life that turns to the Land as Healer. The healing abilities of Land and its plants are found through a symbiotic relationship or the law of relations that brings the human into healing alignment. The abuse of the powerful plants brings its own punitive process that may not be evident to the materialist world other than as an illegal behaviour the North assumes it can regulate.

In this way the concept of Land as Healer is understood as

a jurisprudence rather than as a political debate. And I reiterate Middleton's argument:

Political ecology has long focused on land-based struggles. Yet it has not usually delved deeply into how 'land' can be much more than simply a source of material livelihood, especially but not exclusively for indigenous peoples (Middleton 2015: 563).

As I argued in my book *Land is the Source of the Law*, there is a need for a 'refocusing of the jurisprudence towards the "rights" of the Land and the "responsibilities" of the human towards the Land' (2011: 168). Deloria Jr reinforces this point:

Indians do not talk about nature as some kind of concept or something 'out there'. They talk about the immediate environment in which they live. They do not embrace or love all rivers and mountains. What is important is the relationship you have with a particular tree or a particular mountain. (Deloria B et al 1999: 223)

That relationship as we saw in section 2, *Plants that take Prisoners*, calls into question the 'rights' of the North to appropriate plants without understanding their 'responsibilities' to that powerful being. Middleton describes the Native American understanding of a lawful relationship as a <covenant> with other species of the planet:

... Native American jurisprudential history in which there was a time in which these other species – as older brother – made a covenant with the people (younger brother) to offer themselves for the survival of the human species in the Americas (2015: 567).

Middleton also observes that 'while Indigenous political ecology attends to broader multi-scale flows of capital and politics, the main focus is on how these flows pertain to direct relatives in the land where people live' (2015: 567). And this is the crux of this paper: it contributes to a shift in perception where the Land as Healer has as much to do with healing as it has to do with how we Live our Lives with Law.

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This paper is part of my current research on Land as Healer. It is the product of several intersecting research projects. First, it draws on my involvement in the Convention on Biodiversity in 2003. All Meeting Documents can be viewed at <https://www.cbd.int/doc/?meeting=WG8J-03>. Second, it draws on a presentation I gave to the symposium *On Lives Lived with Law*, Melbourne Law School. I would like to thank Shaun McVeigh, Ann Genovese and Peter Rush for their invitation to speak at the symposium and their kind hospitality. Finally, this paper continues my theoretical work on Indigenous jurisprudence in *The Land is the source of the Law: A Dialogic Encounter with an Indigenous Jurisprudence* (2011). I would also like to thank Louise Goebel for her editorial assistance in preparing this article.

References

- Barr O 2016 *A Jurisprudence of Movement: Common Law, Walking, Unsettling Place (Space, Materiality and the Normative)* Routledge London
- Black A and Black C 1866 *Where Shall We Go? A Guide to the Watering Places in the British Islands* A & C Black Edinburgh
- Black C F 2011 *The Land is the Source of the Law: A Dialogic Encounter with an Indigenous Jurisprudence* Routledge London
- Bryant R L ed 2015 *The International Handbook of Political Ecology* Edward Elgar Publishing Cheltenham
- Cajete G 2000 *Native Science: Natural Laws of Interdependence* Clear Light Publishers New Mexico
- Cusicanqui S 2005 *R Invisible Realities: Internal Markets and Subaltern Identities in Contemporary Bolivia* SEPHIS-SEASREP Amsterdam
- Deloria Jr V 1979 *Metaphysics of Modern Existence* Fulcrum Press USA
- Deloria B, Foehner K and Scinta (eds) 1999 *Spirit and Reason: The Vine Deloria Jr Reader* Fulcrum Publishing Golden Colorado
- Gootenberg P 2009 *Andean Cocaine: The Making of a Global Drug* University of North Carolina Press Chapel Hill
- Kilham C 2013 *The Ayahuasca Test Pilots Handbook: The Essential Guide to Ayahuasca Journeying* North Atlantic Books USA

C F Black

- Kurzweil R 2000 *The Age of Spiritual Machines: When Computers Exceed Human Intelligence* Penguin Books New York
- Luna L E and Amaringo P 1999 *Ayahuasca Visions: The Religious Iconography of a Peruvian Shaman* North Atlantic Books CA
- McGraw J 2004 *Brain & Belief: An Exploration of the Human Soul* Aegis Press CA
- McKenna T 1993 *Food of the Gods: The Search for the Original Tree of Knowledge: A Radical History of Plants, Drugs and Human Evolution* Bantam Books USA
- McVeigh S 2014 'Law As (More or Less) Itself: On Some Not Very Reflective Elements of Law' *UC Irvine LR* 4/1: 471-492
- Mays J 2013 *Prescription Drugs: A Clear and Present Danger* Xlibris Gordon, NSW
- Middleton B R 2015 'Jahát Jatitòdom: Toward an Indigenous Political Ecology' in Bryant 2015: 651-75
- Neidjie B 1989 *Story about Feeling* Magabala Books WA
- Robb G 2013 *The Ancient Paths: Discovering the Lost Map of Celtic Europe* Picador London
- Ross R 2014 *Indigenous Healing: Exploring Traditional Paths* Penguin Toronto and New York
- Schultz J and Draper M 2008 *Dignity and Defiance: Stories from Bolivia's Challenge to Globalization* University of California Press Berkeley
- Sharpley R and Jepson D 2011 'Rural Tourism: A Spiritual Experience?' *Annals of Tourism Research* 38/1: 52-71
- Silko L M 2006 *Ceremony* Penguin New York
- Smith M and Kelly C 2006 'Wellness Tourism' *Tourism Recreation Research* 31/1: 1-4
- Wallace K and Lovell J 2009 *Listen Deeply* IAD Press Alice Springs Australia
- Weir J K, Stacey C and Youngetob K 2011 *The Benefits of Caring for Country* Australian Institute of Aboriginal and Torres Strait Islander Studies for the Department of Sustainability, Environment, Water, Population and Communities Commonwealth of Australia
- Young D, Ingram G and Swartz L 1989 *Cry of the Eagle: Encounters with a Cree Healer* University of Toronto Press Canada

Znamenski A A 2007 *The Beauty of the Primitive: Shamanism and the Western Imagination* Oxford University Press Oxford and New York

Zuni Cruz C 2008 'Shadow War Scholarship, Indigenous Legal Tradition, and Modern Law in Indian Country' *Washburn Law Journal* 47/3: 631-52

Film

Renegade. Motion Picture. Directed by Jan Kounen. 2004; UGC International, USA

While We're Young. Motion Picture. Directed by Noah Baumbach. 2014; Scott Rudin Productions, USA

Internet Sources

Anangu Ngangkari Tjutaku Aboriginal Corporation (ANTAC) available at <http://antac.org.au/> last accessed 12 May 2016

Angelica A D 'Will This New "Socially Assistive Robot" From MIT Media Lab (or Its Progeny) Replace Teachers?' *Kurzweil AI* 15 March 2016 available at <http://www.kurzweilai.net/will-this-new-socially-assistive-robot-from-mit-media-lab-or-its-progeny-replace-teachers> last accessed 2 April 2016

'An Open Letter: Research Priorities for Robust and Beneficial Artificial Intelligence' *Future of Life Institute* available at <http://futureoflife.org/ai-open-letter/> last accessed 12 May 2016

'Article 8(j) – Traditional Knowledge, Innovations and Practices' *Convention on Biodiversity* available at <https://www.cbd.int/traditional/> last accessed 10 April 2016

'Cocaine: A Short History' *Foundation for Drug-Free World* available at <http://www.drugfreeworld.org/drugfacts/cocaine/a-short-history.html> last accessed 10th April 2016

Gibb S 'Elon Musk: Artificial Intelligence Is Our Biggest Existential Threat' *The Guardian* 27 October 2014 available at <https://www.theguardian.com/technology/2014/oct/27/elon-musk-artificial-intelligence-ai-biggest-existential-threat> last accessed 10 May 2016

Oguamanam C 'Inside Views: Drawn out Battle Over Genetic Resources Dampens Africa's Hopes' *Intellectual Property Watch* 27 April 2016 available at <http://www.ip-watch.org/2016/04/27/drawn-out-battle-over-genetic-resources-dampens-africas-hopes/> last accessed 30 April 2016

C F Black

Panzironi F 2013 *Hand-in-Hand: Report on Aboriginal Traditional Medicine* ANTAC available at <http://antac.org.au/wp-content/uploads/2016/04/Hand-in-Hand.pdf> last accessed 10 May 2016

Wall M 'Now Is the Time to Colonize Mars, Elon Musk says' *Space.com* 16 December 2015 available at <http://www.space.com/31388-elon-musk-colonize-mars-now.html> last accessed 10 May 2016