

# A Short Story about UArctic Activities from the Sub-group of Philosophy of Law in the Arctic

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One of the largest and most active networks of the University of the Arctic is the Arctic Law Thematic Network. There are more than one hundred members of the Network. This Network consists of four sub-groups. One of them is the Sub-group of Philosophy of Law in the Arctic. This short story is to present some activities of this Sub-group.

## 1. The Sub-group of Philosophy of Law in the Arctic

The Sub-group of Philosophy of Law in the Arctic is the "youngest" of the sub-groups of the Network. It was established in the end of 2015. This was a grass-roots level initiative (by Dr. Dawid Bunikowski from the University of Eastern Finland that time) that was

supported by the Leadership of the Network (then Prof. Timo Koivurova) and the Authorities of the University of the Arctic (the UArctic President). The first Leader became D. Bunikowski. All the members of the Sub-group were invited by the Leader. In few cases they were recommended by the Leadership of the Network. There are twenty six members of the Sub-group now (December 2018). There are both older/distinguished and younger/talented scholars in the team. Many members are in their mid-careers though. Anyway, eleven professors and six associate professors as well as five senior researchers/assistant professors and four doctoral candidates form this Sub-group.

The aim of the Sub-group is "to establish a network of Arctic philosophers of law and scholars interested in legal philosophy in the Arctic".<sup>1</sup> The Sub-group includes "scholars with different academic backgrounds", i.e. "not only lawyers, but also Arctic anthropologists of indigenous religions and communities, historians, cultural ecologists or just philosophers".<sup>2</sup> This is a very interdisciplinary and

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<sup>1</sup> *Thematic Network on Arctic Law establishes new sub-group: Philosophy of Law in the Arctic*,

<https://www.uarctic.org/news/2015/11/thematic-network-on-arctic-law-establishes-new-sub-group-philosophy-of-law-in-the-arctic/> (08.12.2018).

<sup>2</sup> *Ibidem*.

international team. And, that was indeed the key idea in the process of establishing the Sub-group.

Substantially, what is the most important aim of the Sub-group in doing common research? As stated in other place, it is to try “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?"<sup>3</sup>

## **2. Activities of the Sub-group of Philosophy of Law in the Arctic**

The Sub-group is active as a place of sharing information about the members' publications and research ideas or projects. Also, this is to inform about events concerning the Sub-group's main research field. Anyway, the Sub-group is to do common research as well. Generally, activities of the members of the Sub-group might be described in this way: writing a common book/common book proposal, other publications, and other activities (presentations, organisation of seminars, courses, handbooks, book launches).

First of all, in mid-2016 the Sub-group published an e-book with a title

*Philosophy of Law in the Arctic*.<sup>4</sup> The e-book was edited by D. Bunikowski and formally supported and released by the University of the Arctic (the Oulu headquarters). This was the first book of this kind in the literature. As it was stated and advertised at the UArctic website, “The book is a result of research conducted by many members of the Sub-group of Philosophy of Law in the Arctic. The aim of the book is to define and systematize Arctic legal philosophy problems. In this book, there are five thematic parts, with sixteen short articles all together”.<sup>5</sup>

One of the relatively recent but very important common activities of the Sub-group is a new book proposal. In 2017, the Sub-group was intensively working on the book proposal on philosophy of law in the Arctic. The book proposal was finally written by the Leader and sent to Routledge in November 2017. The proposal was approved by the Routledge Publishing Committee in January 2018, with some thematic modifications, and is under contract that was signed in February 2018. The book title is *Philosophies of Polar Law* (in the Polar Law Series). The book is edited by D. Bunikowski and Adjunct Professor Dr. A. D. Hemmings (New Zealand/Australia). The book project concerns philosophies of law in both

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<sup>3</sup> Ibidem.

<sup>4</sup> *New e-publication: Philosophy of Law in the Arctic*, <https://www.uarctic.org/news/2016/7/new-e-publication-philosophy-of-law-in-the-arctic/> (09.12.2018).

<sup>5</sup> Ibidem.

poles (not only in the Arctic as it was initially planned) and is the first project of this kind in the worldwide literature. This ambitious book should be published in 2020.

Therefore, the members of the Subgroup are active in publishing their research results. For example, the most active members in this field in 2017 were: Emeritus Professor Patrick Dillon of the University of Exeter (UK) and the University of Eastern Finland, Associate Professor Elena Gladun from Tyumen State University (Russia), Associate Professor Maura Hanrahan from the University of Lethbridge (Canada), Senior Researcher Leena Heinämäki from the University of Lapland (Finland), Dr hab. Agnieszka Szpak from Nicolaus Copernicus University (Poland), and Dawid Bunikowski (Leader).

Some activities and other elements from 2017-2018 should be highlighted here. (However, it is impossible to note all the research activities or writings.) Thus, **Maura Hanrahan** published a book with a title *Unchained Man: The Arctic Life and Times of Captain Robert Bartlett* (2018, St. John's, NL: Boulder Publications). Maura told the author of this short

article that "the book examines Arctic exploration using feminist and Indigenous lens while keeping the focus on a compelling narrative".<sup>6</sup> She also has a blog called All Things Arctic.<sup>7</sup> Moreover, she developed and delivered (January-April 2018) the University of Lethbridge's first Inuit Studies course: *Native American Studies 3850: The Inuit of the Arctic and subarctic*. The class limit was 40 and it was filled with other students wanting to register but they had no room. **Elena Gladun** issued the handbook *Law and Policy for Sustainable Development of the Russian Arctic*<sup>8</sup> (2018; by German researchers and Elena Gladun). It is the first (academic and international) experience of the kind. She also published a book chapter on *Preservation of Territories and Traditional Activities of the Northern Indigenous Peoples in the Period of the Arctic Industrial Development* in the book *The Interconnected Arctic* (Springer 2017).<sup>9</sup> **Leena Heinämäki** co-edited a book with a title *Experiencing and Protecting Sacred Natural Sites of Sámi and other Indigenous Peoples: The Sacred Arctic* (Springer 2017) and published four book chapters with Springer, Routledge and Brill (this concerns only one year - 2017). **Giorgio Baruchello** published his four volumes

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<sup>6</sup> By the way, Maura is not only an acclaimed scholar but also a Canadian writer/author (e.g. see her best-seller *Tsunami*).

<sup>7</sup> For more see: <https://captainbobbartlett.com/> (09.12.2018).

<sup>8</sup> This is the link to the book:

<https://yadi.sk/mail?hash=I6dP81GA5epeHWDumDy7zZL9VggvW5Uf%2ByexsjEYG7s%3D> (09.12.2018).

<sup>9</sup> The book is under the link:

<https://www.springer.com/gp/book/9783319575315#otherversion=9783319575322> (09.12.2018).

of philosophical essays in 2017-2018 (1. *Mortals, Money, and Masters of Thought*; 2. *Philosophy of Cruelty*; 3. *The Business of Life and Death, Volume I: Values and Economies*; 4. *The Business of Life and Death, Volume II: Politics, Law, and Society*; all by Gatineau, Canada: Northwest Passage Books).

Dawid Bunikowski and **Patrick Dillon** developed their research on combining the theories of cultural ecology and of legal pluralism, with particular reference to the Arctic. Their research results were published in: 1) D. Bunikowski, P. Dillon, *Arguments from cultural ecology and legal pluralism for recognising indigenous customary law in the Arctic* (chapter), [in:] *Experiencing and Safeguarding the Sacred in the Arctic: Sacred Natural Sites, Cultural Landscapes and Indigenous Peoples' Rights*, eds. Leena Heinämäki, Thora Martina Herrmann, Springer 2017, and 2) P. Dillon, D. Bunikowski, *A framework for location-sensitive governance as a contribution to developing inclusivity and sustainable lifestyles with particular reference to the Arctic*, *Current Developments in Arctic Law*, vol. 5 (2017), eds. Kamrul Hossain, Anna Petrétei, Rovaniemi 2017. Bunikowski also developed these considerations in a legal context in a paper entitled *The Right of Indigenous*

*Peoples to their Own Law* (*Nordic Journal of Law and Justice*, Retfærd, Nr. 2, 2017) and many other articles in 2016-2018. Dillon continued to research and write in the field of cultural ecology (see his latest chapter *Making and its cultural ecological foundations*<sup>10</sup> from 2018).

There was also some great honour for the Sub-group in the end of 2017. Elena Gladun was nominated as a Fellow of the Fulbright Arctic Initiative program in 2018-2019, which is unique as its second cohort unites 16 researchers from all the Arctic countries for one and a half year of international interdisciplinary research<sup>11</sup> and sharing information about all the participants and their activities (including Elena's research).<sup>12</sup> One of the recommendations in the application process was written by the Leader of the Sub-group. That said, this award is a great honour for the Sub-group as well.

### 3. Recent activities

However, from the last months in 2018 we shall remember that **Agnieszka Szpak** published a book in Polish (September 2018, Torun) about human security of indigenous peoples in the Arctic (the Sami case). The title in English sounds like that: *Human Security*

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<sup>10</sup> This is available here:

[https://www.researchgate.net/publication/325119506\\_Making\\_and\\_its\\_cultural\\_ecological\\_foundations](https://www.researchgate.net/publication/325119506_Making_and_its_cultural_ecological_foundations) (09.12.2018).

<sup>11</sup> Here is the link to the program press release: <https://www.cies.org/sites/default/files/FAI-Press-Release-2018-Scholar-Announcement.pdf> (09.12.2018).

<sup>12</sup> See: <https://www.cies.org/fulbright-arctic-initiative/2018-2019-scholars> (09.12.2018).

of *Indigenous Peoples in the Arctic. The Sami Case. Selected Issues*. It is the first book of this kind written in Polish. It covers both political sciences and international law issues. It is good that the Sami problem is presented to the 38-million Polish audience: the worldwide literature (Hossain, Koivurova, Heinämäki, Tobin, Dillon etc.) that is analysed in the book becomes more known in one of the (relatively) northern countries.

Also, as we know, the UArctic congress was held in Oulu and Helsinki in September 2018.<sup>13</sup> One of our members, **Tahnee Prior** co-organised a side event on women of the Arctic.<sup>14</sup> This event was a spectacular success. As we realize, there are many serious problems concerning women (not only indigenous women) and their status in the Arctic. Tahnee is continuing her efforts to highlight this topic.<sup>15</sup>

#### 4. Conclusions

The Leadership of the Sub-group does hope that there will be many activities to come in the near future. There have been many activities so far. Generally speaking, this seems important to develop a philosophical (and moral,

ethical, axiological) approach to legal states of things and legal considerations while in the Arctic. Finally, all this what we do here is about justice (*ius*) and law (*lex*) in the Arctic.<sup>16</sup> However, we have many different perspectives, *approaches*, and ways of thinking here.

#### Attachment: **The list of the members of the Sub-group of Philosophy of Law in the Arctic (December 2018):**

1. *Professor René Kuppe* (Austria; University of Vienna, Department of Legal Philosophy, Law of Religion and Culture),
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,
3. *Emeritus Professor Patrick Dillon\** (UK; University of Exeter, College of Social Sciences and International Studies; former Visiting Professor at the University of Eastern Finland, Philosophical Faculty),
4. *Leader of the Sub-Group Dr. Dawid Bunikowski* (based in Finland), the chair

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<sup>13</sup> See about the congress: <https://www.uarctic.org/calendar/uarctic-congress-2018/> (09.12.2018).

<sup>14</sup> See the programme: <https://congress.uarctic.org/program/side-events/women-of-the-arctic/> (09.12.2018).

<sup>15</sup> More about her project is here: <http://www.genderisnotplanb.com/> (09.12.2018).

<sup>16</sup> See also more: D. Bunikowski, *Why am I Interested in the Philosophy of Law in the Arctic? On Some Chosen But Essential Ethical Challenges of Conducting Research in the Field*, Current Developments in Arctic Law, vol. 4 (2016), eds. Timo Koivurova, Waliul Hasanat, Rovaniemi 2016.

of the Sub-group on Philosophy of Law in the Arctic,

5. *Associate Professor in International Law* Agnieszka Szpak (Poland; Nicolaus Copernicus University, Faculty of Political Science and International Relations),

6. *Assistant Professor in Legal Theory* Dr. Karol Dobrzeniecki (Poland; Nicolaus Copernicus University, Faculty of Law),

7. *Associate Professor* Tatiana Zykina (Russia; Northern (Arctic) Federal University, Department of Labour Law and Legal Science),

8. *Associate Professor of Community Health* Elisabeth Rink\*\* (US; Montana State University, College of Education, Health and Human Development),

9. *Professor* Reetta Toivanen\*\*\* (Finland; University of Helsinki, Helsinki Institute of Sustainability Science HELSUS),

10. *Professor* Diana Ginn (Canada; Dalhousie University, Schulich School of Law),

11. *Professor* Rebecca Johnson (Canada; University of Victoria, Faculty of Law),

12. *Professor of Philosophy and Public Policy* Makoto Usami (Japan; Kyoto University, Graduate School of Global Environmental Studies),

13. *Researcher* Dr. Francis Joy# (Finland; University of Lapland, Arctic Centre),

14. *Professor of Anthropology of Law* Anne Griffiths (UK, Scotland; University of Edinburgh, Edinburgh Law School),

15. *Emeritus Professor* Tom G. Svenssonx (Norway; University of Oslo, Museum of Cultural History),

16. *Professor* Ko Hasegawa (Japan; Hokkaido University, School of Law),

17. *Professor and Chair of Law and Globalisation* Jaakko Husa (Finland; University of Helsinki, Faculty of Law),

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

19. *Research Fellow* Dr. Brendan M. Tobin (*Adjunct Lecturer*, Ireland; National University of Ireland, Irish Centre for Human Rights, Galway; *Ashoka Fellow*; formerly: Australia; Griffith University, Griffith Law School, Nathan Campus),

20. *Associate Professor* Elena Gladun (Russia; Tyumen State University; executive editor BRICS Law Journal),

21. *Professor* Giorgio Baruchello\*\*\*\*\* (Iceland; University of Akureyri, Faculty of Humanities and Social Sciences), Part-Mi'kmaq and a band member (Canada),

22. *Associate Professor* (in Native American Studies & PhD program, Cultural, Social and Political Thought) *Maura C. Hanrahan##* (Canada;

University of Lethbridge, Southern Alberta);

### **Recent members:**

23. *Researcher and PhD candidate* Tahnee Lisa Prior (Canada; University of Waterloo),

24. *Researcher and PhD candidate* Dominika Tarinova (Slovakia/Austria; University of Vienna, Faculty of Law);

### **Indigenous (Sámi) scholars:**

25. *Researcher and PhD candidate* Anne Nuorgam (Finland; University of Lapland),

26. *Researcher and PhD candidate* Anne-Maria Magga\*\*\*\* (Finland; University of Lapland and University of Oulu),

All the mentioned scholars are lawyers, with some exceptions:

\* English cultural ecology professor (visiting professor in Eastern Finland since mid-90s till 2018).

\*\* 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).

\*\*\*\*\* Italian-Icelandic philosopher. Editor of *Nordicum-Mediterraneum*.

# 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.



# UArctic