

Corinna Erckenbrecht, Cologne, Germany

**Person – Land – Ownership: South-Slavic, British and Australian Law
versus indigenous Law in Aboriginal Australia.**

A comparative study.

English abstract: On the basis of the empirical and multidisciplinary approach of the South-Slavic historian, lawyer, anthropologist and codificator Valtazar Bogišić toward the anthropology of law, this contribution shows the premises and perceptions that led the British colonial power in Australia – in contrast to Bogišić's approach – to disregard and disacknowledge an indigenous system of law in Aboriginal Australia. There, the unique British colonial ruling system of land use and ownership, its understanding of labour/work, personhood and political structure met head-on with the Aboriginal system of law. This contribution examines their religious beliefs, their hunter-gatherer economy, social system and their general attitude toward life and land resulting in the specific „Aboriginal law.“ The historical, colonial, ethnocentric and philosophical foundations of the centuries-long denial of sovereign rights to the Australian Aborigines are presented and discussed, based on several relevant examples. After a discussion of the different stages of the cultural, political and legal movement for a revitalization of indigenous culture and the struggle for land rights, I consider the significant change of paradigms that took place in Australian jurisdiction pertaining to Aboriginal ownership and land use at the end of the 20th century. This progress as well as its setbacks are discussed in the final chapters, where once again I indicate how useful the empirical and codificatory approach of the South-Slavic lawyer and anthropologist Valtazar Bogišić could have been for Australia, especially since relevant political and scientific references were already available at that time.