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# **Raw Law: The Coming of the Muldarbi and the Path to its Demise**

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In writing this thesis I have engaged in a personal struggle to decolonise myself, so it is written in a style which is part of that ongoing process of decolonisation, it is a writing of a song that still sings within. A song circles, so does the written form it does not always follow the rules of grammar or 'normal' academic structure, although I would argue the ideas and arguments are there, they are perhaps just positioned differently.

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## ABSTRACT

This thesis is about the origins and original intentions of law; that which I call raw law. Law emanates from Kaldowinyeri, that is the beginning of time itself. Law first took form in song. In this thesis I argue that the law is naked like the land and its peoples, and is distinguished from that known as law by the colonists, which is a layered system of rules and regulations, an imposing one which buries the essence and nature of law.

The thesis is a writing from 'inside', it is from my Nunga - Aboriginal -perspective that I write. In writing this thesis I have engaged in a personal struggle to decolonise. The thesis is written in a style which is part of that ongoing process of decolonisation. It is a writing of a song that still sings within.

I write about nakedness, of naked law, land and people. The loss of nakedness and the clothing of the body, where dress was imposed by force and domination, is the movement away from being naked in body and in law. Terra nullius of the land, law and people, is what the coloniser clothed the land and its peoples in.

Law has a dimension which is spiritual; we believe that we are descended from beings of the dreaming. They are called ngaitji or totems. The ngaitji represent our spiritual attachment to our ancestral beings. Our ngaitji teaches us about the unity we share with all things in the natural world. That is law. The spiritual relationship we have with the natural world is one which is in opposition to a western perspective of the natural world being like a supermarket where all things become a commodity for use and consumption. The colonists have no concept of the natural world as a relation. The use the land as a commodity has the same meaning to us as the consumption of one's mother.

I write about the historical and contemporary faces of the muldarbi and its past and continuing policies of genocide against indigenous peoples. I also discuss how the mainstream in Australia cannot see the muldarbi behind the masks it wears. The masks are many; some of them are protection, assimilation, native title, cultural rights, and international laws. Native title is a muldarbi because it is a killer of raw law. Native title is 'known' to recognise indigenous rights to land, but it is an illusion. Instead, it will open our lands to further rape of their natural resources.

In this thesis I explore the availability of space away from the genocide, and the possibility of re-establishing an indigenous horizon. In finding that space I journey through the trauma of all peoples to include those who call themselves non-indigenous; I look at issues of co-existence, treaties, and international law, and its development of an indigenous rights discourse, and how it is we can travel a path of peaceful co-existence.

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