

**"JUST PILES OF ROCKS TO DEVELOPERS BUT PLACES OF WORSHIP TO  
NATIVE AMERICANS"\* - EXPLORING THE SIGNIFICANCE OF EARTH  
JURISPRUDENCE FOR SOUTH AFRICAN CULTURAL COMMUNITIES**

**MM Ratiba\*\***

**SUMMARY**

Throughout the years cultural communities across the world have borne witness to many unending attempts at the destruction of their places of worship. This endemic problem has arisen in a number of places, such as in the USA and in most of the world's former colonies. Having been colonised, South African cultural communities have experienced the same threats to their various sacred sites. This article seeks to argue and demonstrate that cultural communities in South Africa stand to benefit from the properly construed and rich earth jurisprudence arising out of the courtroom experiences of some of the cultural communities identified elsewhere in the world. It also proposes several arguments peculiar to South Africa which could be advanced by cultural communities seeking to protect their sacred lands.

**KEYWORDS:** constitutional law; earth jurisprudence; cultural practices; freedom of religion; religious rituals; protection of sacred lands.

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\* Borrowed from Taliman 2002 <http://www.sierraclub.org/sierra/200211/sacred.asp>.

\*\* Matome M Ratiba. BA (Law) LLB (Wits). Senior Lecturer in Private Law at the University of South Africa. E-mail: Ratibmm@unisa.ac.za.