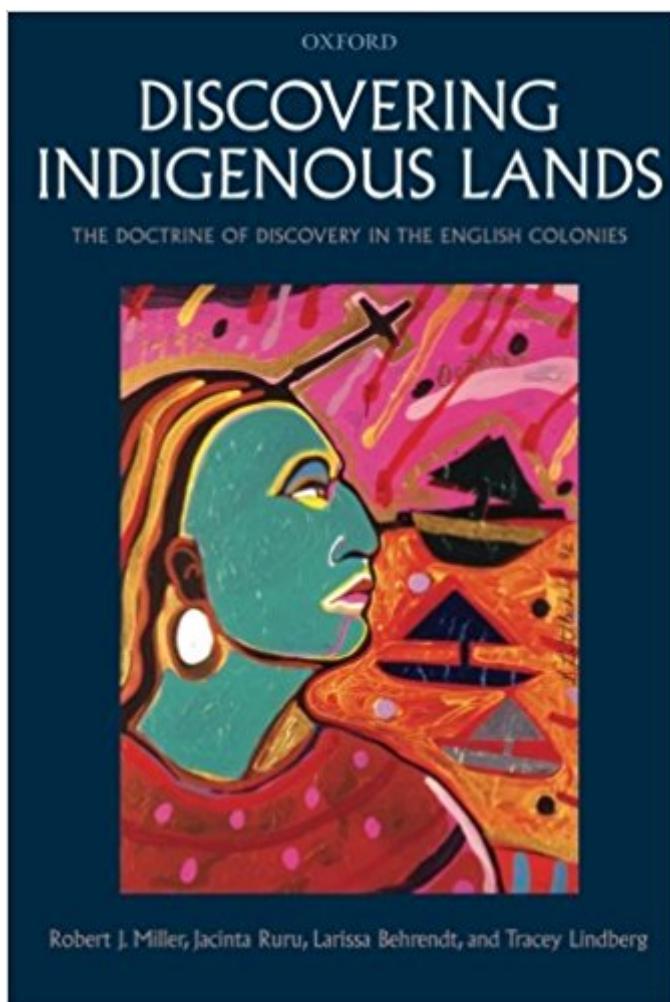


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Discovering Indigenous Lands: The Doctrine Of Discovery In The English Colonies



Synopsis

This book presents new material and shines fresh light on the under-explored historical and legal evidence about the use of the doctrine of discovery in Australia, Canada, New Zealand, and the United States. North America, New Zealand, and Australia were colonised by England under an international legal principle that is known today as the doctrine of discovery. When Europeans set out to explore and exploit new lands in the fifteenth through to the twentieth centuries, they justified their sovereign and property claims over these territories and the Indigenous peoples with the discovery doctrine. This legal principle was justified by religious and ethnocentric ideas of European and Christian superiority over the other cultures, religions, and races of the world. The doctrine provided that newly-arrived Europeans automatically acquired property rights in the lands of Indigenous peoples and gained political and commercial rights over the inhabitants. The English colonial governments and colonists in North America, New Zealand, and Australia all utilised this doctrine, and still use it today to assert legal rights to Indigenous lands and to assert control over Indigenous peoples. Written by Indigenous legal academics - an American Indian from the Eastern Shawnee Tribe, a New Zealand Maori (Ngati Rawkawa and Ngati Ranginui), an Aboriginal Australian (Eualayai/Gammilaroi), and a Cree (Neheyiwak) in the country now known as Canada - Discovering Indigenous Lands provides a unique insight into the insidious historical and contemporary application of the doctrine of discovery.

Book Information

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Customer Reviews

Robert Miller is Professor of Law at Lewis & Clark Law School in Portland, Oregon. He serves as

the chief justice for the Court of Appeals for the Grand Rone Community of Oregon. He is an enrolled citizen of the Eastern Shawnee Tribe of Oklahoma. Jacinta Ruru is Senior Lecturer at the University of Otago, and is of Ngati Raukawa (Waikato), Ngati Rangi and Pakeha descent. Larissa Behrendt is Professor of Law and Director of Research at the Jumbunna Indigenous House of Learning of the University of Technology, Sydney. She is an Eualeyai/Gamillaroi woman. Tracey Lindberg is Associate Professor of Law at the University of Ottawa and Associate Professor of Indigenous Studies at Athabasca University. She is a member of the Saskatchewan bar. She is a Cree citizen (Neheyiwak) whose family is from the Kelley Lake Cree Nation.

This is an excellent overview of the international law of colonialism and how it was applied by England and the colonies of the United States, Canada, Australia and New Zealand against Indigenous Peoples and how the Doctrine of Discovery is still being used today.

Thought provoking!

Sent as a gift

Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg make a compelling case that efforts to equitably respond to the demands of an estimated two hundred and fifty million individuals belonging to five thousand distinct indigenous communities in 70 nation-states around the world must break free of latter-day renditions of paternalistic and exploitative theories that received their legal sanction in the discovery doctrine. The authors show how, in distant lands separated by oceans and continents, discovery doctrine was established during a time in which there was an earnest debate over the humanity of Indians and other conquered indigenous peoples around the world---i.e., whether they could be exploited and "Christianized," which was seen as a more humane and altruistic act and one, to be sure, not always practiced by conquering empires. In the United States the legal status and rights of Indian Nations were determined by foreign and exploitative norms derived from these Euro-centric notions. U.S. Indian law originated with a doctrine that refused legal status or rights to indigenous tribal peoples because they were "heathens" and "infidels," and therefore legally presumed to lack the rational capacity necessary to assume an equal status or exercise equal rights under the Europeans' world view. Discovering Indigenous Lands shows how solutions based on discovery doctrine mindsets are the fruit of a poisonous tree, and their very provenance mocks modern legal standards and practices, and will likely be

ineffectual in enlisting popular support from those who inhabited the land before it was taken up by colonial societies and who believe themselves to be fundamentally different from those currently governing those lands. As Miller, Ruru, Behrendt and Lindberg eloquently demonstrate, any remedy to rid the world of its last colonial legacies needs to avoid past errors, any solutions to problems affecting areas where indigenous peoples live must begin with those communities themselves. Discovering Indigenous Lands is a must read, for failure to act now on the legitimate aspirations of indigenous peoples will surely fuel ethnic conflicts based on inequitable access to power and resources. -- Martin Edwin Andersen, author of Peoples of the Earth; Ethnonationalism, Democracy and the Indigenous Challenge in "Latin" America

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