



# **RECOGNIZING ABORIGINAL TITLE**

The Mabo Case and Indigenous Resistance  
to English-Settler Colonialism

**P E T E R   H .   R U S S E L L**

# Recognizing Aboriginal Title The Mabo Case And Indigenous Resistance To English Settler Colonialism

**RM Cervero**



## **Recognizing Aboriginal Title The Mabo Case And Indigenous Resistance To English Settler Colonialism:**

**Recognizing Aboriginal Title** Peter H. Russell, 2005-12-15 A judicial revolution occurred in 1992 when Australia's highest court discarded a doctrine that had stood for two hundred years that the country was a terra nullius a land of no one when the white man arrived The proceedings were known as the Mabo Case named for Eddie Koiki Mabo the Torres Strait Islander who fought the notion that the Australian Aboriginal people did not have a system of land ownership before European colonization The case had international repercussions especially on the four countries in which English settlers are the dominant population Australia Canada New Zealand and the United States In Recognizing Aboriginal Title Peter H Russell offers a comprehensive study of the Mabo case its background and its consequences contextualizing it within the international struggle of Indigenous peoples to overcome their colonized status Russell weaves together an historical narrative of Mabo's life with an account of the legal and ideological premises of European imperialism and their eventual challenge by the global forces of decolonization He traces the development of Australian law and policy in relation to Aborigines and provides a detailed examination of the decade of litigation that led to the Mabo case Mabo died at the age of fifty six just five months before the case was settled Although he had been exiled from his land over a dispute when he was a teenager he was buried there as a hero Recognizing Aboriginal Title is a work of enormous importance by a legal and constitutional scholar of international renown written with a passion worthy of its subject a man who fought hard for his people and won

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**Settler Colonialism** L. Veracini, 2010-11-10 A vivid exploration of the history of a very powerful and

long lasting idea building European worlds outside of Europe Veracini outlines how the founding of new societies was envisaged and practiced and explores the specific ways in which settler colonial projects tried to establish ideal and regenerated political bodies *Settler Colonialism* Lorenzo Veracini, 2024-09-30 Exploring the history and politics of a powerful and long lasting idea the creation and maintenance of European worlds outside of Europe This textbook provides a broad overview of settler colonialism in the modern era The author outlines how the founding of new societies was envisaged and practiced around the world illustrating the specific ways in which settler colonial projects tried to establish ideal and regenerated political bodies With an updated introduction and an additional chapter examining decolonisation and Indigenous recognition this second edition brings the study of settler colonialism up to the present day Canadian Law and Indigenous Self-Determination Gordon Christie, 2019-08-22 For centuries Canadian sovereignty has existed uneasily alongside forms of Indigenous legal and political authority Canadian Law and Indigenous Self Determination demonstrates how over the last few decades Canadian law has attempted to remove Indigenous sovereignty from the Canadian legal and social landscape Adopting a naturalist analysis Gordon Christie responds to questions about how to theorize this legal phenomenon and how the study of law should accommodate the presence of diverse perspectives Exploring the socially constructed nature of Canadian law Christie reveals how legal meaning understood to be the outcome of a specific society is being reworked to devalue the capacities of Indigenous societies Addressing liberal positivism and critical postcolonial theory Canadian Law and Indigenous Self Determination considers the way in which Canadian jurists working within a world circumscribed by liberal thought have deployed the law in such a way as to attempt to remove Indigenous meaning generating capacity Aboriginal Title P. G. McHugh, 2011-08-18 Aboriginal title represents one of the most remarkable and controversial legal developments in the common law world of the late twentieth century Overnight it changed the legal position of indigenous peoples The common law doctrine gave sudden substance to the tribes claims to justiciable property rights over their traditional lands catapulting these up the national agenda and jolting them out of a previous culture of governmental inattention In a series of breakthrough cases national courts adopted the argument developed first in western Canada and then New Zealand and Australia by a handful of influential scholars By the beginning of the millennium the doctrine had spread to Malaysia Belize southern Africa and had a profound impact upon the rapid development of international law of indigenous peoples rights This book is a history of this doctrine and the explosion of intellectual activity arising from this inrush of legalism into the tribes relations with the Anglo settler state The author is one of the key scholars involved from the doctrine s appearance in the early 1980s as an exhortation to the courts and a figure who has both witnessed and contributed to its acceptance and subsequent pattern of development He looks critically at the early conceptualisation of the doctrine its doctrinal elaboration in Canada and Australia the busiest jurisdictions through a proprietary paradigm located primarily and constrictively inside adjudicative processes He also considers the issues of inter

disciplinary thought and practice arising from national legal systems recognition of aboriginal land rights including the emergent and associated themes of self determination that surfaced more overtly during the 1990s and after The doctrine made modern legal history and it is still making it *First Nations, First Thoughts* Annis May Timpson, 2010-01-01 Countless books and articles have traced the impact of colonialism and public policy on Canada's First Nations but few have explored the impact of Aboriginal thought on public discourse and policy development in Canada *First Nations First Thoughts* brings together Aboriginal and non Aboriginal scholars who cut through the prevailing orthodoxy to reveal Indigenous thinkers and activists as a pervasive presence in diverse political constitutional and cultural debates and arenas including urban spaces historical texts public policy and cultural heritage preservation This innovative thought provoking collection contributes to the decolonization process by encouraging us to imagine a stronger fairer Canada in which Aboriginal self government and expression can be fully realized **A Brief History of Australia** Barbara A. West, Frances T. Murphy, 2010 Basic facts a chronology a bibliography and a list of suggested reading make up the appendixes Book Jacket *A Stolen Life* Antonio Buti, 2019-07-01 On Christmas Day 1957 Joe Trevorrow walked through the blistering heat to seek help for his sick baby boy When relatives agreed to take Bruce to the hospital Joe was relieved his son was in safe hands but within days Bruce would be living with another family and Joe would never see his son again At the age of ten Bruce was returned to his Indigenous family sparking a life long search for an identity that could never truly be known and a court case that made history

**Conflict in Caledonia** Laura DeVries, 2011-11-07 On 28 February 2006 the Six Nations of the Grand River blocked workers from entering a half built housing development in southern Ontario They renamed the land Kanonhstaton the protected place The protest drew national and international attention to the issue of Aboriginal land rights and sparked a series of ongoing events known as the Caledonia Crisis Laura DeVries powerful account of the dispute links the actions of police governmental officials and locals to entrenched non Aboriginal discourses about law landscape and identity It encourages non Aboriginal Canadians to reconsider their assumptions to view facts such as the rule of law as culturally specific notions that prevent truly equitable dialogue DeVries not only reveals the conflicting visions of justice held by various parties to the dispute she also seeks out possible solutions in alternative conceptualizations of sovereignty over land and law embedded in the Constitution *Beyond Communal and Individual Ownership* Leon Terrill, 2015-10-05 Over the last decade Australian governments have introduced a series of land reforms in communities on Indigenous land This book is the first in depth study of these significant and far reaching reforms It explains how the reforms came about what they do and their consequences for Indigenous landowners and community residents It also revisits the rationale for their introduction and discusses the significant gap between public debate about the reforms and their actual impact Drawing on international research the book describes how it is necessary to move beyond the concepts of communal and individual ownership in order to understand the true significance of the reforms The book's fresh perspective on land reform and careful assessment of key

land reform theories will be of interest to scholars of indigenous land rights land law indigenous studies and aboriginal culture not only in Australia but also in any other country with an interest in indigenous land rights *From Treaty Peoples to Treaty Nation* Greg Poelzer, Ken S. Coates, 2015-07-28 Canada is a country founded on relationships and agreements between Indigenous peoples and newcomers Although recent court cases have upheld Aboriginal title rights the cooperative spirit of the treaties is being lost as Canadians engage in endless arguments about First Nations issues Each new court decision adds fuel to the debate raging between those who want to see an end to special Aboriginal rights and those who demand a return to Aboriginal sovereignty Greg Poelzer and Ken Coates breathe new life into these debates by looking at approaches that have failed and succeeded in the past and offering all Canadians from policy makers to concerned citizens realistic steps forward Rather than getting bogged down in debates on Aboriginal rights they highlight Aboriginal success stories and redirect the conversation to a place of common ground Upholding equality of economic opportunity as a guiding principle they argue that the road ahead is clear if all Canadians take up their responsibilities as treaty peoples Canada will become a leader among treaty nations

**An Appreciation of Difference** Melinda Hinkson, Jeremy Beckett, 2008 WEH Stanner was a public intellectual whose work reached beyond the walls of the academy and he remains a highly significant figure in Aboriginal affairs and Australian anthropology Educated by Radcliffe Brown in Sydney and Malinowski in London he undertook anthropological work in Australia Africa and the Pacific Stanner contributed much to public understandings of the Dreaming and the significance of Aboriginal religion His 1968 broadcast lectures *After the Dreaming* continue to be among the most widely quoted works in the field of Aboriginal studies He also produced some exceptionally evocative biographical portraits of Aboriginal people Stanner's writings on post colonial development and assimilation policy urged an appreciation of Indigenous people's distinctive world views and aspirations Hinkson and Beckett have drawn together some of Australia's leading academics working in Aboriginal studies to provide an historical and analytical context for Stanner's work as well as demonstrating the continuing relevance of his writings in the contested field of Aboriginal affairs

**Rights and Parliamentary Systems in Canada and Beyond** Emmett Macfarlane, 2025-08-26 *Rights and Parliamentary Systems in Canada and Beyond* brings together political scientists and legal scholars to explore rights and their limitations along with the governmental and legislative processes affecting them within Canada's parliamentary system It also examines how these elements shape broader institutional relationships under the Canadian Charter of Rights and Freedoms and in comparative perspective This interdisciplinary volume offers valuable in depth analyses of timely issues cases and controversies involving rights and institutional dynamics The book employs an array of methods including legal analysis qualitative case studies content analysis legal theory research interviews and policy analysis With a forward looking perspective *Rights and Parliamentary Systems in Canada and Beyond* investigates how rights based processes influence specific policies and offers new insights into the framing of rights including administrative law and Aboriginal treaty rights during the COVID 19

pandemic It also explores how aspects of parliamentary democracy affect governments legislators and the public The book ultimately reveals how the institutional relationships at stake operate to protect or fail to protect rights in relation to government policy objectives Earth into Property Anthony Hall,2010-08-23 *Earth into Property The Bowl with One Spoon* Part Two explores the relationship between the dispossession of Indigenous peoples and the making of global capitalism Beginning with Christopher Columbus s inception of a New World Order in 1492 Anthony Hall draws on a massive body of original research to produce a narrative that is audacious encyclopedic and transformative in the new light it sheds on the complex historical processes that converged in the financial debacle of 2008 and 2009 *Israel/Palestine in World Religions* S. Ilan Troen,2024-04-24 The struggle over Israel Palestine is not just another contest by competing nationalisms or an instance of geopolitical competition It is also about control of sacred territory that involves local Jews Muslims and Christians as well as worldwide faith communities each with their own interests and stake in what transpires This balanced introduction to a complex subject presents the multiple positions within the great monotheistic traditions It demonstrates that the secular discourses in the public square concerning ownership privileges historical precedence political rights and justice that have allegedly replaced religious claims actually coexist with and often complement the theological It explores the century long tangle of secular and theological debates about Israel s legitimacy Whether readers support a Jewish state or are resolutely opposed the serious and substantial scholarship of this well reasoned and innovative book will contribute to a nuanced and better informed understanding of this persistent issue that has entered its second century on the international agenda

**The Australian Study of Politics** R. Rhodes,2009-11-11 The Australian Study of Politics provides the first comprehensive reference book on the history of the study of politics in Australia whether described as political studies or political science It focuses on Australia and on developments since WWII also exploring the historical roots of each major subfield Anthropology in the Mining Industry Glynn Cochrane,2017-01-14 This book outlines how Rio Tinto one of the world s largest miners redesigned and rebuilt relationships with communities after the rejection of the company during Bougainville s Civil War Glynn Cochrane recalls how he and colleagues utilized their training as social anthropologists to help the company to earn an industry leadership reputation and competitive business advantage by establishing the case for long term on the ground smoke in the eyes interaction with people in local communities around the world despite the appeal of maximal efficiency techniques and quicker easier answers Instead of using ready made formulaic toolkits Rio Tinto relied on community practitioners to try to accommodate local preferences and cultural differences This volume provides a step by step account of how mining companies can use social anthropological and ethnographic insights to design ways of working with local communities especially in times of upheaval Law, Politics, and Responding to Injustice Coel Kirkby,Wojciech Sadurski,Kevin Walton,2024-12-04 This book examines the issue of injustice and our responses to it in a range of contemporary contexts In her ground breaking book *The Faces of Injustice* 1990 Judith Shklar draws attention to our

tendency to view injustice as an abnormality Of course it is not injustice is ubiquitous But how should we respond to it The book brings together leading legal and political theorists to explore the nature of injustice its relationship to law and responses to it in a variety of contexts Their chapters cover issues such as protest resistance violence the moral obligation to obey the law civil disobedience democratic reform and transitional justice They all though share a concern to examine such issues through a Shklar inspired focus on injustice This book will appeal to academics and advanced students in law politics and philosophy     *Three Plays of Maureen Hunter* Hunter, Maureen, 2003 Book is clean and tight No writing in text Like New



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