Indigenous Crime And Settler Law White Sovereignty After Empire Palgrave Macmillan Socio Legal Studies

Settler SovereigntyAustralian Feminist JudgmentsThe Oxford Handbook of Ethnicity, Crime, and ImmigrationIndigenous People, Crime and PunishmentTraditional, National, and International Law and Indigenous CommunitiesThe Colonial ProblemAustralian Journal of Legal HistoryCanadian Justice, Indigenous InjusticeSettler Colonialism, Race, and the LawIndigenous Data SovereigntyIndigenous CriminologyKeeping Hold of JusticeIndigenous Crime and Settler LawUnsettling the Settler WithinA Third University Is PossibleEthnic Cleansing and the IndianColonialism Is CrimeIndigenous Crime and Settler LawThe Cunning of RecognitionNorth American GenocidesResponding to Human TraffickingSettler SovereigntyBetween Indigenous and Settler GovernanceThe Oxford Handbook of Food EthicsGenocide and Settler SocietyPOSSESSING THE PACIFICThe Legal Protection of Rights in AustraliaQuestioning Indigenous-Settler RelationsIndigeneity: Before and Beyond the LawFragile SettlementsIndigenous People, Crime and PunishmentThe Limits of Settler Colonial ReconciliationEthnicity and Group RightsJustice in a New WorldDisability, Criminal Justice and LawIndex to Theses with Abstracts Accepted for Higher Degrees by the Universities of Great Britain and Ireland and the Council for National Academic AwardsOne Law for All?On Being Here to StayIndigenous Peoples, Consent and RightsEssays in the History of Canadian Law

Settler Sovereignty

Within Western political philosophy, the rights of groups has often been neglected or addressed in only the narrowest fashion. Focusing solely on whether rights are exercised by individuals or groups misses what lies at the heart of ethnocultural conflict, leaving the crucial question unanswered: can the familiar system of common citizenship rights within liberal democracies sufficiently accommodate the legitimate interests of ethnic citizens. Specifically, how does membership in an ethnic group differ from other groups, such as professional, lifestyle, or advocacy groups? How important is ethnicity to personal identity and self-respect, and does accommodating these interests require more than standard citizenship rights? Crucially, what forms of ethnocultural accommodations are consistent with democratic equality, individual freedom, and political stability? Invoking numerous cases studies and addressing the issue of ethnicity from a range of perspectives, Ethnicity and Group Rights seeks to answer these questions.

Australian Feminist Judgments

The essays in this volume deal with the legal history of the Province of Quebec, Upper and Lower Canada, and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867. The backbone of the modern Canadian provinces of Ontario and Quebec, this geographic area was unified politically for more than half of the period under consideration. As such, four of the papers are set in the geographic cradle of

modern Quebec, four treat nineteenth-century Ontario, and the remaining four deal with the St. Lawrence and Great Lakes watershed as a whole. The authors come from disciplines as diverse as history, socio-legal studies, women's studies, and law. The majority make substantial use of second-language sources in their essays, which shade into intellectual history, social and family history, regulatory history, and political history.

The Oxford Handbook of Ethnicity, Crime, and Immigration

In a brilliant comparative study of law and imperialism, Lisa Ford argues that modern settler sovereignty emerged when settlers in North America and Australia defined indigenous theft and violence as crime. This occurred, not at the moment of settlement or federation, but in the second quarter of the nineteenth century when notions of statehood, sovereignty, empire, and civilization were in rapid, global flux. Ford traces the emergence of modern settler sovereignty in everyday contests between settlers and indigenous people in early national Georgia and the colony of New South Wales. In both places before 1820, most settlers and indigenous people understood their conflicts as war, resolved disputes with diplomacy, and relied on shared notions like reciprocity and retaliation to address frontier theft and violence. This legal pluralism, however, was under stress as new, global statecraft linked sovereignty to the exercise of perfect territorial jurisdiction. In Georgia, New South Wales, and elsewhere, settler sovereignty emerged when, at the same time in history, settlers rejected legal pluralism and moved to control or remove indigenous peoples.

Indigenous People, Crime and Punishment

Between Indigenous and Settler Governance addresses the history, current development and future of Indigenous self-governance in four settler-colonial nations: Australia, Canada, New Zealand and the United States. Bringing together emerging scholars and leaders in the field of indigenous law and legal history, this collection offers a long-term view of the legal, political and administrative relationships between Indigenous collectivities and nation-states. Placing historical contingency and complexity at the center of analysis, the papers collected here examine in detail the process by which settler states both dissolved indigenous jurisdictions and left spaces – often unwittingly – for indigenous survival and corporate recovery. They emphasise the promise and the limits of modern opportunities for indigenous self-governance; whilst showing how all the players in modern settler colonialism build on a shared and multifaceted past. Indigenous tradition is not the only source of the principles and practices of indigenous self-determination; the essays in this book explore some ways that the legal, philosophical and economic structures of settler colonial liberalism have shaped opportunities for indigenous autonomy. Between Indigenous and Settler Governance will interest all those concerned with Indigenous peoples in settler-colonial nations.

Traditional, National, and International Law and Indigenous Communities

Analysing how Indigenous Peoples come to be identifiable as bearers of human rights, this book considers how individuals and communities claim the right of free, prior and informed consent (FPIC) as Indigenous peoples. The basic notion of FPIC is that states should seek Indigenous peoples' consent before taking actions that will have an impact on them, their territories or their livelihoods. FPIC is an important development for Indigenous peoples, their advocates and supporters because one might assume that, where states recognize it, Indigenous peoples will have the ability to control how non-Indigenous laws and actions will affect them. But who exactly are the Indigenous peoples that are the subjects of this discourse? This book argues that the subject status of Indigenous peoples emerged out of international law in the late 1970s and early 1980s. Then, through a series of case studies, it considers how self-identifying Indigenous peoples, scholars, UN institutions and non-government organizations (NGOs) dispersed that subject-status and associated rights discourse through international and national legal contexts. It shows that those who claim international human rights as Indigenous peoples performatively become identifiable subjects of international law – but further demonstrates that this does not, however, provide them with control over, or emancipation from, a state-based legal system. Maintaining that the discourse on Indigenous peoples and international law itself needs to be theoretically and critically re-appraised, this book problematises the subject-status of those who claim Indigenous peoples' rights and the role of scholars, institutions, NGOs and others in producing that subject-status. Squarely addressing the limitations of international human rights law, it nevertheless goes on to provide a conceptual framework for rethinking the promise and power of Indigenous peoples' rights. Original and sophisticated, the book will appeal to scholars, activists and lawyers involved with indigenous rights, as well as those with more general interests in the operation of international law.

The Colonial Problem

Using rarely discussed documents, Pope reveals how the complexities played out and where, despite the rhetoric, Aboriginal people were treated poorly."--Pub. desc.

Australian Journal of Legal History

This book brings together feminist academics and lawyers to present an impressive collection of alternative judgments in a series of Australian legal cases. By re-imagining original legal decisions through a feminist lens, the collection explores the possibilities, limits and implications of feminist approaches to legal decision-making. Each case is accompanied by a brief commentary that places it in legal and historical context and explains what the feminist rewriting does differently to the original case. The cases not only cover topics of long-standing interest to feminist scholars – such as family law, sexual offences and discrimination law – but also areas which have had less attention, including Indigenous sovereignty, constitutional law, immigration, taxation and environmental law. The collection contributes a distinctly Australian perspective to the growing international literature investigating the role of feminist legal theory in judicial decision-making.

Canadian Justice, Indigenous Injustice

Indigenous People, Crime and Punishment examines criminal sentencing courts' changing characterisations of Indigenous peoples' identity, culture and postcolonial status. Focusing largely on Australian Indigenous peoples, but drawing also on the Canadian experiences, Thalia Anthony critically analyses how the judiciary have interpreted Indigenous difference. Through an analysis of Indigenous sentencing remarks over a fifty year period in a number of jurisdictions, the book demonstrates how judicial discretion is moulded to dominant white assumptions about Indigeneity. More specifically, Indigenous People, Crime and Punishment shows how the increasing demonisation of Indigenous criminality and culture in sentencing has turned earlier 'gains' in the legal recognition of Indigenous peoples on their head. The recognition of Indigenous difference is thereby revealed as a pliable concept that is just as likely to remove concessions as it is to grant them. Indigenous People, Crime and Punishment suggests that Indigenous justice requires a two-way recognition process where Indigenous people and legal systems are afforded greater control in sentencing, dispute resolution and Indigenous healing.

Settler Colonialism, Race, and the Law

A historical and legal examination of the conflict and interplay between settler and indigenous laws in the New World As British and Iberian empires expanded across the New World, differing notions of justice and legality played out against one another as settlers and indigenous people sought to negotiate their relationship. In order for settlers and natives to learn from, maneuver, resist, or accommodate each other, they had to grasp something of each other's legal ideas and conceptions of justice. This ambitious volume advances our understanding of how natives and settlers in both the British and Iberian New World empires struggled to use the other's ideas of law and justice as a political, strategic, and moral resource. In so doing, indigenous people and settlers alike changed their own practices of law and dialogue about justice. Europeans and natives appealed to imperfect understandings of their interlocutors' notions of justice and advanced their own conceptions during workaday negotiations, disputes, and assertions of right. Settlers' and indigenous peoples' legal presuppositions shaped and sometimes misdirected their attempts to employ each other's law. Natives and settlers construed and misconstrued each other's legal commitments while learning about them, never quite sure whether they were on solid ground. Chapters explore the problem of "legal intelligibility": How and to what extent did settler law and its associated notions of justice became intelligible—tactically, technically and morally—to natives, and vice versa? To address this question, the volume offers a critical comparison between English and Iberian New World empires. Chapters probe such topics as treaty negotiations, land sales, and the corporate privileges of indigenous peoples. Ultimately, Justice in a New World offers both a deeper understanding of the transformation of notions of justice and law among settlers and indigenous people, and a dual comparative study of what it means for laws and moral codes to be legally intelligible.

Indigenous Data Sovereignty

Examining contested notions of indigeneity, and the positioning of the Indigenous subject before and beyond the law, this book focuses upon the animation of indigeneities within textual imaginaries, both literary and juridical. Engaging the philosophy of Jacques Derrida and Walter Benjamin, as well as other continental philosophy and critical legal theory, the book uniquely addresses the troubled juxtaposition of law and justice in the context of Indigenous legal claims and literary expressions, discourses of rights and recognition, postcolonialism and resistance in settler nation states, and the mutually constitutive relation between law and literature. Ultimately, the book suggests no less than a literary revolution, and the reassertion of Indigenous Law. To date, the oppressive specificity with which Indigenous peoples have been defined in international and domestic law has not been subject to the scrutiny undertaken in this book. As an interdisciplinary engagement with a variety of scholarly approaches, this book will appeal to a broad variety of legal and humanist scholars concerned with the intersections between Indigenous peoples and law, including those engaged in critical legal studies and legal philosophy, sociolegal studies, human rights and native title law.

Indigenous Criminology

"This manuscript, the second in the Indigenous Justice series, explores the "use and misuse of the law to the detriment of Indigenous people." It is sorted around three major themes: it highlights the marginalization of Indigenous law; argues that European-based law has been used to "destroy Indigenous human rights by enacting laws about forced assimilation, political disenfranchisement, and the destruction of social institutions"; and shows that "law is often a tool of exploitation" that has been "used to justify slavery, massacres, land and resource theft, and treaty-breaking.""--

Keeping Hold of Justice

This book examines contemporary Indigenous affairs through questions of relationality, presenting a range of interdisciplinary perspectives on the what, who, when, where, and why of Indigenous–settler relations. It also explores relationality, a key analytical framework with which to explore Indigenous–settler relations in terms of what the relational characteristics are; who steps into these relations and how; the different temporal and historical moments in which these relations take place and to what effect; where these relations exist around the world and the variations they take on in different places; and why these relations are important for the examination of social and political life in the 21st century. Its unique approach represents a deliberate move away from both settler-colonial studies, which examines historical and present impacts of settler states on Indigenous peoples, and from postcolonial and decolonial scholarship, which predominantly focuses on how Indigenous peoples speak back to the settler state. It explores the issues that inform, shape, and give social, legal, and political life to relations between Indigenous and non-Indigenous peoples, both in Australia and globally.

Indigenous Crime and Settler Law

This book investigates whether and how reconciliation in Australia and other settler

colonial societies might connect to the attitudes of non-Indigenous people in ways that promote a deeper engagement with Indigenous needs and aspirations. It explores concepts and practices of reconciliation, considering the structural and attitudinal limits to such efforts in settler colonial countries. Bringing together contributions by the world's leading experts on settler colonialism and the politics of reconciliation, it complements current research approaches to the problems of responsibility and engagement between Aboriginal and non-Aboriginal peoples.

Unsettling the Settler Within

Argues that North American settler colonialism included episodes of genocide of Indigenous peoples as defined by the United Nations Genocide Convention.

A Third University Is Possible

Fragile Settlements compares the processes by which British colonial authority was asserted over Indigenous peoples in south-west Australia and Prairie Canada from the 1830s to the early twentieth century. At the start of this period, in a humanitarian response to settlers' increased demand for land, Britain's Colonial Office moved to protect Indigenous peoples by making them subjects under British law. This book highlights the parallels and divergences between these connected British frontiers by examining how colonial actors and institutions interpreted and applied the principle of law in their interaction with Indigenous peoples "on the ground."

Ethnic Cleansing and the Indian

Indigenous peoples are vastly overrepresented in the Canadian criminal justice system. The Canadian government has framed this disproportionate victimization and criminalization as being an "Indian problem." In The Colonial Problem, Lisa Monchalin challenges the myth of the "Indian problem" and encourages readers to view the crimes and injustices affecting Indigenous peoples from a more culturally aware position. She analyzes the consequences of assimilation policies, dishonoured treaty agreements, manipulative legislation, and systematic racism, arguing that the overrepresentation of Indigenous peoples in the Canadian criminal justice system is not an Indian problem but a colonial one.

Colonialism Is Crime

Responding to Human Trafficking provides a new framework for critical analyses of anti-trafficking and other rights-based and anti-violence interventions.

Indigenous Crime and Settler Law

DIVA critique of liberal multiculturalism through a study of state-aboriginal relations in Australia, employing an innovative hybrid of theoretical approaches from anthropology, political theory, linguistics, and psychoanalysis./div

The Cunning of Recognition

Indigenous People, Crime and Punishment examines criminal sentencing courts' changing characterisations of Indigenous peoples' identity, culture and postcolonial status. Focusing largely on Australian Indigenous peoples, but drawing also on the Canadian experiences, Thalia Anthony critically analyses how the judiciary have interpreted Indigenous difference. Through an analysis of Indigenous sentencing remarks over a fifty year period in a number of jurisdictions, the book demonstrates how judicial discretion is moulded to dominant white assumptions about Indigeneity. More specifically, Indigenous People, Crime and Punishment shows how the increasing demonisation of Indigenous criminality and culture in sentencing has turned earlier 'gains' in the legal recognition of Indigenous peoples on their head. The recognition of Indigenous difference is thereby revealed as a pliable concept that is just as likely to remove concessions as it is to grant them. Indigenous People, Crime and Punishment suggests that Indigenous justice requires a two-way recognition process where Indigenous people and legal systems are afforded greater control in sentencing, dispute resolution and Indigenous healing.

North American Genocides

" Often new, probing and rich examinations of the takeover of a continent by white Anglos and the long-term impact the book is replete with detailed and meticulously sourced information on the scope, scale and persistence of the cruelty and violence involved - actual and structural - over a 200-year periodthere is a great deal in this excellent volume that demands grounds for deep reflection on how Australia came to be what it is." * Patterns of Prejudice "The value of this stimulating collection of historical essays is that it points to both the usefulness of a transnational framework for analysing race thinking and the necessity for close attention to the historical specificity of particular moments and places." * Australian Book Review "[This volume] is an outstanding collection, a challenging conversation between differing viewpoints where discussion is ongoing and cooperative." * Australian Historical Studies Colonial Genocide has been seen increasingly as a stepping-stone to the European genocides of the twentieth century, yet it remains an under-researched phenomenon.This volume reconstructs instances of Australian genocide and for the first time places them in a global context. Beginning with the arrival of the British in 1788 and extending to the 1960s, the authors identify the moments of radicalization and the escalation of British violence and ethnic engineering aimed at the Indigenous populations, while carefully distinguishing between local massacres, cultural genocide, and genocide itself. These essays reflect a growing concern with the nature of settler society in Australia and in particular with the fate of the tens of thousands of children who were forcibly taken away from their Aboriginal families by state agencies. A. Dirk Moses teaches European History and comparative genocide Studies at the University of Sydney, Australia. He is editing another volume in this series entitled Genocide and Colonialism.

Responding to Human Trafficking

How taking Indigenous sovereignty seriously can help dismantle the structural racism encountered by other people of color in the United States Settler

Colonialism, Race, and the Law provides a timely analysis of structural racism at the intersection of law and colonialism. Noting the grim racial realities still confronting communities of color, and how they have not been alleviated by constitutional guarantees of equal protection, this book suggests that settler colonial theory provides a more coherent understanding of what causes and what can help remediate racial disparities. Saito attributes the origins and persistence of racialized inequities in the United States to the prerogatives asserted by its predominantly Angloamerican colonizers to appropriate Indigenous lands and resources, to profit from the labor of voluntary and involuntary migrants, and to ensure that all people of color remain “in their place.” By providing a functional analysis that links disparate forms of oppression, this book makes the case for the oft-cited proposition that racial justice is indivisible, focusing particularly on the importance of acknowledging and contesting the continued colonization of Indigenous peoples and lands. Settler Colonialism, Race, and the Law concludes that rather than relying on promises of formal equality, we will more effectively dismantle structural racism in America by envisioning what the right of all peoples to self-determination means in a settler colonial state.

Settler Sovereignty

In a break from the contemporary focus on the law's response to inter-racial crime, the authors examine the law's approach to the victimization of one Indigenous person by another. Drawing on a wealth of archival material relating to homicides in Australia, they conclude that settlers and Indigenous peoples still live in the shadow of empire.

Between Indigenous and Settler Governance

The Oxford Handbook of Food Ethics

In August 2016 Colten Boushie, a twenty-two-year-old Cree man from Red Pheasant First Nation, was fatally shot on a Saskatchewan farm by white farmer Gerald Stanley. In a trial that bitterly divided Canadians, Stanley was acquitted of both murder and manslaughter by a jury in Battleford with no visible Indigenous representation. In Canadian Justice, Indigenous Injustice Kent Roach critically reconstructs the Gerald Stanley/Colten Boushie case to examine how it may be a miscarriage of justice. Roach provides historical, legal, political, and sociological background to the case including misunderstandings over crime when Treaty 6 was negotiated, the 1885 hanging of eight Indigenous men at Fort Battleford, the role of the RCMP, prior litigation over Indigenous underrepresentation on juries, and the racially charged debate about defence of property and rural crime. Drawing on both trial transcripts and research on miscarriages of justice, Roach looks at jury selection, the controversial “hang fire” defence, how the credibility and beliefs of Indigenous witnesses were challenged on the stand, and Gerald Stanley's implicit appeals to self-defence and defence of property, as well as the decision not to appeal the acquittal. Concluding his study, Roach asks whether Prime Minister Justin Trudeau's controversial call to “do better” is possible, given similar cases since Stanley's, the difficulty of reforming the jury or the RCMP, and

the combination of Indigenous underrepresentation on juries and overrepresentation among those victimized and accused of crimes. Informed and timely, Canadian Justice, Indigenous Injustice is a searing account of one case that provides valuable insight into criminal justice, racism, and the treatment of Indigenous peoples in Canada.

Genocide and Settler Society

As the global ‘data revolution’ accelerates, how can the data rights and interests of indigenous peoples be secured? Premised on the United Nations Declaration on the Rights of Indigenous Peoples, this book argues that indigenous peoples have inherent and inalienable rights relating to the collection, ownership and application of data about them, and about their lifeways and territories. As the first book to focus on indigenous data sovereignty, it asks: what does data sovereignty mean for indigenous peoples, and how is it being used in their pursuit of self-determination? The varied group of mostly indigenous contributors theorise and conceptualise this fast-emerging field and present case studies that illustrate the challenges and opportunities involved. These range from indigenous communities grappling with issues of identity, governance and development, to national governments and NGOs seeking to formulate a response to indigenous demands for data ownership. While the book is focused on the CANZUS states of Canada, Australia, Aotearoa/New Zealand and the United States, much of the content and discussion will be of interest and practical value to a broader global audience. ‘A debate-shaping book … it speaks to a fast-emerging field; it has a lot of important things to say; and the timing is right.’ — Stephen Cornell, Professor of Sociology and Faculty Chair of the Native Nations Institute, University of Arizona ‘The effort … in this book to theorise and conceptualise data sovereignty and its links to the realisation of the rights of indigenous peoples is pioneering and laudable.’ — Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, Baguio City, Philippines

POSSESSING THE PACIFIC

What, other than numbers and power, justifies Canada’s assertion of sovereignty and jurisdiction over the country’s vast territory? Why should Canada’s original inhabitants have to ask for rights to what was their land when non-Aboriginal people first arrived? The question lurks behind every court judgment on Indigenous rights, every demand that treaty obligations be fulfilled, and every land-claims negotiation. Addressing these questions has occupied anthropologist Michael Asch for nearly thirty years. In On Being Here to Stay, Asch retells the story of Canada with a focus on the relationship between First Nations and settlers. Asch proposes a way forward based on respecting the “spirit and intent” of treaties negotiated at the time of Confederation, through which, he argues, First Nations and settlers can establish an ethical way for both communities to be here to stay.

The Legal Protection of Rights in Australia

Questioning Indigenous-Settler Relations

How do you protect rights without a Bill of Rights? Australia does not have a national bill or charter of rights and looks further away than ever from adopting one. But it does have a range of individual elements sourced from common law, statute and the Constitution which, though unsystematic, do provide Australians with some meaningful rights protection. This book outlines and explains the unique human rights journey of Australia. It moves beyond the criticisms long made of the Australian position – that its 'formalism', 'legalism' and 'exceptionalism' compromise its capacity for rights protection – to consider how the many elements of its novel legal structure operate. This book analyses the interlocking legal framework for the protection of rights in Australia. A key theme of the book is that the many different elements of a fragmented scheme can add up to something significant, albeit with significant gaps and flaws like any other legal rights protection framework. It shows how the jumbled influences of a common law heritage, a written constitution, differing paths taken by jurisdictions within a single federal state, statutory and common law innovations and a strong dose of comparative legal influences have led to the unique patchwork of rights protection in Australia. It will provide valuable reading for all those researching in human rights, constitutional and comparative law.

Indigeneity: Before and Beyond the Law

Academic food ethics incorporates work from philosophy but also anthropology, economics, the environmental sciences and other natural sciences, geography, law, and sociology. Scholars from these fields have been producing work for decades on the food system, and on ethical, social, and policy issues connected to the food system. Yet in the last several years, there has been a notable increase in philosophical work on these issues-work that draws on multiple literatures within practical ethics, normative ethics and political philosophy. This handbook provides a sample of that philosophical work across multiple areas of food ethics: conventional agriculture and alternatives to it; animals; consumption; food justice; food politics; food workers; and, food and identity.

Fragile Settlements

This title provides comprehensive analyses of current knowledge about the unwarranted disparities in dealings with the criminal justice system faced by some disadvantaged minority groups in all developed countries.

Indigenous People, Crime and Punishment

In a brilliant comparative study of law and imperialism, Lisa Ford argues that modern settler sovereignty emerged when settlers in North America and Australia defined indigenous theft and violence as crime. This occurred, not at the moment of settlement or federation, but in the second quarter of the nineteenth century when notions of statehood, sovereignty, empire, and civilization were in rapid, global flux. Ford traces the emergence of modern settler sovereignty in everyday contests between settlers and indigenous people in early national Georgia and the colony of New South Wales. In both places before 1820, most settlers and indigenous people understood their conflicts as war, resolved disputes with

diplomacy, and relied on shared notions like reciprocity and retaliation to address frontier theft and violence. This legal pluralism, however, was under stress as new, global statecraft linked sovereignty to the exercise of perfect territorial jurisdiction. In Georgia, New South Wales, and elsewhere, settler sovereignty emerged when, at the same time in history, settlers rejected legal pluralism and moved to control or remove indigenous peoples.

The Limits of Settler Colonial Reconciliation

Mention “ethnic cleansing” and most Americans are likely to think of “sectarian” or “tribal” conflict in some far-off locale plagued by unstable or corrupt government. According to historian Gary Clayton Anderson, however, the United States has its own legacy of ethnic cleansing, and it involves American Indians. In Ethnic Cleansing and the Indian, Anderson uses ethnic cleansing as an analytical tool to challenge the alluring idea that Anglo-American colonialism in the New World constituted genocide. Beginning with the era of European conquest, Anderson employs definitions of ethnic cleansing developed by the United Nations and the International Criminal Court to reassess key moments in the Anglo-American dispossession of American Indians. Euro-Americans’ extensive use of violence against Native peoples is well documented. Yet Anderson argues that the inevitable goal of colonialism and U.S. Indian policy was not to exterminate a population, but to obtain land and resources from the Native peoples recognized as having legitimate possession. The clashes between Indians, settlers, and colonial and U.S. governments, and subsequent dispossession and forcible migration of Natives, fit the modern definition of ethnic cleansing. To support the case for ethnic cleansing over genocide, Anderson begins with English conquerors’ desire to push Native peoples to the margin of settlement, a violent project restrained by the Enlightenment belief that all humans possess a “natural right” to life. Ethnic cleansing comes into greater analytical focus as Anderson engages every major period of British and U.S. Indian policy, especially armed conflict on the American frontier where government soldiers and citizen militias alike committed acts that would be considered war crimes today. Drawing on a lifetime of research and thought about U.S.-Indian relations, Anderson analyzes the Jacksonian “Removal” policy, the gold rush in California, the dispossession of Oregon Natives, boarding schools and other “benevolent” forms of ethnic cleansing, and land allotment. Although not amounting to genocide, ethnic cleansing nevertheless encompassed a host of actions that would be deemed criminal today, all of which had long-lasting consequences for Native peoples.

Ethnicity and Group Rights

A Third University is Possible unravels the intimate relationship between the more than 200 US land grant institutions, American settler colonialism, and contemporary university expansion. Author la paperson cracks open uncanny connections between Indian boarding schools, Black education, and missionary schools in Kenya; and between the Department of Homeland Security and the University of California. Central to la paperson’s discussion is the “scyborg,” a decolonizing agent of technological subversion. Drawing parallels to Third Cinema and Black filmmaking assemblages, A Third University is Possible ultimately presents new ways of using language to develop a framework for hotwiring

university “machines” to the practical work of decolonization. Forerunners: Ideas First is a thought-in-process series of breakthrough digital publications. Written between fresh ideas and finished books, Forerunners draws on scholarly work initiated in notable blogs, social media, conference plenaries, journal articles, and the synergy of academic exchange. This is gray literature publishing: where intense thinking, change, and speculation take place in scholarship.

Justice in a New World

In a break from the contemporary focus on the law's response to inter-racial crime, Heather Douglas and Mark Finnane examine the foundations of criminal law's response to the victimization of one Indigenous person by another. Against the changing background of settler encounters with Australian Indigenous peoples, they show that the question of Indigenous amenability to imported British criminal law in Australia was not resolved in the nineteenth century and remains surprisingly open. Through a study of the policing and prosecution of Indigenous homicide, the book demonstrates how criminal law is consistently framed as the key test of sovereignty, whatever the challenges faced in effecting its jurisdiction. Drawing on a wealth of archival and case material, the authors conclude that settlers and Indigenous peoples still live in the shadow of empire, yet to reach an understanding of each other.

Disability, Criminal Justice and Law

Index to Theses with Abstracts Accepted for Higher Degrees by the Universities of Great Britain and Ireland and the Council for National Academic Awards

Indigenous Criminology comprehensively explores Indigenous people’s contact with criminal justice systems in a contemporary and historical context. It addresses both the theoretical underpinnings of the development of a specific Indigenous criminology, and canvasses the broader policy and practice implications for criminal justice.

One Law for All?

Through theoretical and empirical examination of legal frameworks for court diversion, this book interrogates law’s complicity in the debilitation of disabled people. In a post-deinstitutionalisation era, diverting disabled people from criminal justice systems and into mental health and disability services is considered therapeutic, humane and socially just. Yet, by drawing on Foucauldian theory of biopolitics, critical legal and political theory and critical disability theory, Steele argues that court diversion continues disability oppression. It can facilitate criminalisation, control and punishment of disabled people who are not sentenced and might not even be convicted of any criminal offences. On a broader level, court diversion contributes to the longstanding phenomenon of disability-specific coercive intervention, legitimates prison incarceration and shores up the boundaries of foundational legal concepts at the core of jurisdiction, legal

personhood and sovereignty. Steele shows that the United Nations Convention on the Rights of Persons with Disabilities cannot respond to the complexities of court diversion, suggesting the CRPD is of limited use in contesting carceral control and legal and settler colonial violence. The book not only offers new ways to understand relationships between disability, criminal justice and law; it also proposes theoretical and practical strategies that contribute to the development of a wider re-imagining of a more progressive and just socio-legal order. The book will be of interest to scholars and students of disability law, criminal law, medical law, socio-legal studies, disability studies, social work and criminology. It will also be of interest to disability, prisoner and social justice activists.

On Being Here to Stay

There is powerful evidence that the colonization of Indigenous people was and is a crime, and that that crime is on-going. In this book Nielsen and Robyn present an analysis of the relationship between these colonial crimes and their continuing criminal and socially injurious consequences that exist today.

Indigenous Peoples, Consent and Rights

In 2008, Canada established a Truth and Reconciliation Commission to mend the deep rifts between Aboriginal peoples and the settler society that created Canada's notorious residential school system. Unsettling the Settler Within argues that non-Aboriginal Canadians must undergo their own process of decolonization in order to truly participate in the transformative possibilities of reconciliation. Settlers must relinquish the persistent myth of themselves as peacemakers and acknowledge the destructive legacy of a society that has stubbornly ignored and devalued Indigenous experience. A compassionate call to action, this powerful book offers a new and hopeful path toward healing the wounds of the past.

Essays in the History of Canadian Law

Keeping Hold of Justice focuses on a select range of encounters between law and colonialism from the early nineteenth century to the present. It emphasizes the nature of colonialism as a distinctively structural injustice, one which becomes entrenched in the social, political, legal, and discursive structures of societies and thereby continues to affect people’s lives in the present. It charts, in particular, the role of law in both enabling and sustaining colonial injustice and in recognizing and redressing it. In so doing, the book seeks to demonstrate the possibilities for structural justice that still exist despite the enduring legacies and harms of colonialism. It puts forward that these possibilities can be found through collaborative methodologies and practices, such as those informing this book, that actively bring together different disciplines, peoples, temporalities, laws and ways of knowing. They reveal law not only as a source of colonial harm but also as a potential means of keeping hold of justice.