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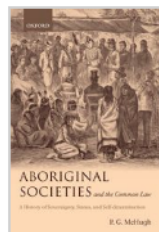
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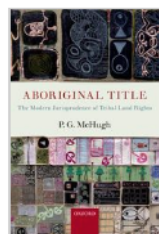


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P.G. McHugh

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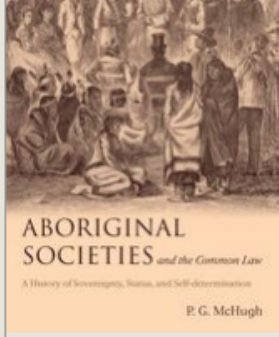
Original Societies and the Common Law: A History of Sovereignty, Status, and Self-Determination

P.G. McHugh

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ABSTRACT

This book describes the encounter between the common law legal system and the tribal peoples of North America and Australasia. It is a history of the role of anglophone law in managing relations between the British settlers and indigenous peoples. That history runs from the plantation of Ireland and settlement of the New World to the end of the 20th century. The book begins by looking at the nature of British imperialism and the position of non-Christian peoples at large in the 17th and 18th centuries. It then focuses on North America and Australasia from the early colonial national periods in the 19 ... [More](#) ▾

Keywords: common law legal system, North America, Australasia, anglophone law, British settlement, rights-integration

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Contents

Go to page:

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[+] Front Matter

1 Introduction

Sovereignty

2 The Juridical Status of Non-Christian Polities (to the End of the Eighteenth Century)

3 Aboriginal Sovereignty and Status in the 'Empire(s) of Uniformity'

4 A History of Aboriginal Status—the Legal Recognition of the Individual and the Group in the 'Apparent Twilight'

Intermezzo

5 Aboriginal Societies and International Law: A History of Sovereignty, Status, and Land

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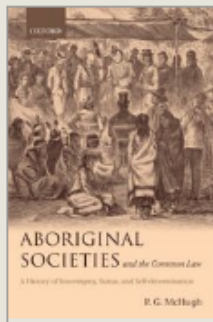
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Contents

(+) FRONT MATTER

1 Introduction

Sovereignty

2 The Juridical Status of Non-Christian Polities (to the End of the Eighteenth Century)

3 Aboriginal Sovereignty and Status in the 'Empire(s) of Uniformity'

4 A History of Aboriginal Status—the Legal Recognition of the Individual and the Group in the 'Apparent Twilight'

Intermezzo

5 Aboriginal Societies and International Law: A History of Sovereignty, Status, and Land

Self-Determination

6 An Overview of the Era of Aboriginal Self-Determination: from Rights-Recognition to Rights-Integration and -Management

7 The 'Era of Recognition' During the 1970s and '80s—Foundations for a Modern Jurisprudence

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The Juridical Status of Non-Christian Polities
P.G. McHUGH
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This chapter looks at the manner in which the Crown established political authority in territory inhabited by non-Christian people in the 17th and 18th centuries. In that time, the main theatres of imperial activity were the East Indies and North America. The notion of sovereignty then evident in British practice remained a substantially feudal one, conceiving Crown *imperium* (right of governance) in a jurisdictional sense. In this early period, non-Christian polities were not regarded as subjects of the Crown, but rather as the foundation for British imperial activity. The management of relations between the Crown and these polities was the foundation for British imperial activity, especially once the nature of British imperial practice began forming a new, more deliberative view of sovereignty and relations with tribal societies.

Keywords: British imperialism, political authority, sovereignty, non-Christian policy

Overview

This chapter looks at the manner in which the Crown established political authority in territory inhabited by non-Christian people in the seventeenth and eighteenth centuries. In that first burst of sustained encounter, the main theatres of imperial activity were the East Indies and North America. The notion of sovereignty then evident in British practice remained a substantially feudal one, conceiving Crown *imperium* (right of governance) in a jurisdictional rather than the absolutist and territorialized sense that emerged in British

目次セクションから読みたい章に
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