

# Locating the State in Postcolonial New Zealand, Australia, Canada, and the UK: A Comparative Legal Analysis

The state is a complex and contested concept. In postcolonial societies, the state is often seen as a foreign imposition, and its legitimacy is often questioned. This article provides a comparative legal analysis of the location of the state in postcolonial New Zealand, Australia, Canada, and the UK. It examines the ways in which the state has been defined and conceptualized in these four countries, and the implications of these different understandings for the relationship between the state and its citizens.



## The Shapeshifting Crown: Locating the State in Postcolonial New Zealand, Australia, Canada and the UK by Jeff Rasley

★★★★★ 5 out of 5

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## The State in Postcolonial New Zealand

In New Zealand, the state is often seen as a Pākehā (European) construct that was imposed on Māori society. This view is reflected in the Treaty of Waitangi, which was signed in 1840 between the British Crown and Māori chiefs. The Treaty recognizes Māori as the tangata whenua (people of the land), and it guarantees their rights and freedoms. However, the Treaty has been interpreted in different ways over the years, and some Māori argue that it has not been fully implemented.

The relationship between the state and Māori is complex and ongoing. There have been significant advances in Māori rights and self-determination in recent years, but there are still many challenges that need to be addressed. The state has a responsibility to work with Māori to address these challenges and to build a more just and equitable society.

### **The State in Postcolonial Australia**

In Australia, the state is often seen as a British construct that was imposed on Aboriginal and Torres Strait Islander peoples. This view is reflected in the doctrine of terra nullius, which was used to justify the British colonization of Australia. The doctrine of terra nullius held that Australia was an empty land that was not owned by anyone, and it allowed the British to claim the land for themselves.

The relationship between the state and Aboriginal and Torres Strait Islander peoples is complex and ongoing. There have been significant advances in Aboriginal and Torres Strait Islander rights and self-determination in recent years, but there are still many challenges that need to be addressed. The state has a responsibility to work with Aboriginal and Torres Strait Islander peoples to address these challenges and to build a more just and equitable society.

## **The State in Postcolonial Canada**

In Canada, the state is often seen as a product of the British and French colonial powers. The Canadian state has a long history of relations with Indigenous peoples, and these relations have been shaped by colonialism. The Indian Act, which was passed in 1876, is a key piece of legislation that governs the relationship between the Canadian state and Indigenous peoples. The Indian Act has been criticized for its paternalistic and assimilationist approach, and it has been amended many times over the years.

The relationship between the state and Indigenous peoples is complex and ongoing. There have been significant advances in Indigenous rights and self-determination in recent years, but there are still many challenges that need to be addressed. The state has a responsibility to work with Indigenous peoples to address these challenges and to build a more just and equitable society.

## **The State in Postcolonial UK**

In the UK, the state is often seen as a product of the British Empire. The British state has a long history of relations with its former colonies, and these relations have been shaped by colonialism. The British state has been accused of exploiting its colonies and of suppressing their independence movements. However, the UK has also made some efforts to address its colonial legacy, and it has provided financial and other support to its former colonies.

The relationship between the UK and its former colonies is complex and ongoing. There are still many challenges that need to be addressed, such as the legacy of colonialism and the ongoing economic and political

inequalities between the UK and its former colonies. However, there is also a growing sense of cooperation and partnership between the UK and its former colonies, and this is a positive development that should be encouraged.

The state is a complex and contested concept in postcolonial societies. The different ways in which the state has been defined and conceptualized in New Zealand, Australia, Canada, and the UK have implications for the relationship between the state and its citizens. It is important to understand these different understandings of the state in order to build a more just and equitable society.

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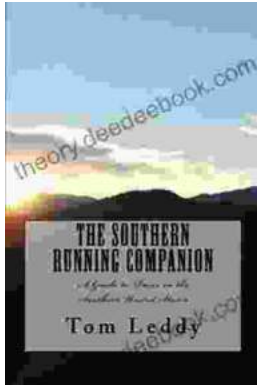


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