

## Contents

*List of Figures* page ix

*List of Maps* xi

*List of Contributors* xii

1. Editors' Introduction 1

PETER CANE, LISA FORD AND MARK MCMILLAN

PART ONE  
CULTURES OF LAW

2. Plural Legal Orders: Concept and Practice 19

SHAUNNAGH DORSETT

3. English Legal Culture in the Late Eighteenth Century: Institutions  
and Values 40

DAVID LIEBERMAN

4. Challenging Settler State Legal Fantasies: Basic Precepts of First Law 61

MARY SPIERS WILLIAMS

PART TWO  
PUBLIC AUTHORITY

5. Colonial Settlement to Colony 87

BRUCE KERCHER

6. Colonial Self-government 108

ANN CURTHOYS AND JESSIE MITCHELL

*Contents*

7. Federation 132  
 BRENDAN LIM

8. Constitutionalism in Australia 161  
 CHERYL SAUNDERS

9. Indigenous Governance 186  
 9.1 Mparntwe/Alice Springs: Towards a History of Indigenous and Settler  
 Jurisdictions 186  
 TIM ROWSE AND JENNIFER GREEN  
 9.2 Gunditjmara and Ngarrindjeri: Case Studies of Indigenous  
 Self-government 204  
 DARYLE RIGNEY, DENIS ROSE, ALISON VIVIAN, MIRIAM  
 JORGENSEN, STEVE HEMMING AND SHAUN BERG

PART THREE  
 PUBLIC AUTHORITIES IN ENCOUNTER

10. The Challenge of Indigenous Polities 227  
 KIRSTY GOVER AND EDDIE CUBILLO

11. Australia as Empire 258  
 MIRANDA JOHNSON AND CAIT STORR

12. Australia and the World 281  
 COEL KIRKBY

PART FOUR  
 LAND AND ENVIRONMENT

13. Settlement and Dispossession 305  
 LISA FORD AND DAVID ANDREW ROBERTS

14. Australian Land Law 328  
 MAUREEN TEHAN

15. Aboriginal Land Rights, Subjection and the Law 354  
 AMANDA KEARNEY

16. Land Justice 377  
 JASON BEHRENDT AND SEAN BRENNAN

*Contents*

17- Environment 402  
 RUTH A. MORGAN AND JUDITH S. JONES

PART FIVE  
 SOCIAL ORGANISATION

18- Colonial Law and its Control of Aboriginal and Torres Strait Islander  
 Families 433  
 TERRI LIBESMAN, KATHERINE ELLINGHAUS AND PAUL GRAY

19- The Legal History of Non-Indigenous Marriage 456  
 ALECIA SIMMONDS

20- Protection Regimes 482  
 AMANDA NETTELBECK

21- Economic and Social Welfare 502  
 ANNE O'BRIEN

22- Civil Rights and Indigenous People 523  
 GARY FOLEY AND CRYSTAL MCKINNON

23- Rights 536  
 FRANK BONGIORNO

24- Citizenship and Immigration 556  
 RAYNER THWAITES

PART SIX  
 SOCIAL ORDERING

25- Criminal Law and the Administration of Justice in Early New South Wales  
 and Van Diemen's Land 581  
 DAVID ANDREW ROBERTS

26- Criminal Justice after the Convicts: A History of the Long Twentieth  
 Century 605  
 ANDY KALADELFOS AND ALANA PIPER

27- Indigenous Peoples and Settler Criminal Law 629  
 MARK FINNANE

*Contents*

28· Civil Wrongs 651  
MARK LUNNEY

29· Labour Law 671  
DIANE KIRKBY

30· Place and Race in Australian Copyright Law: May Gibbs's and Albert  
Namatjira's Copyright 693  
KATHY BOWREY

PART SEVEN  
RECKONINGS

31· Indigenous Legal Traditions and Australian Legal Education 721  
NICOLE WATSON

32· Reckoning with the Past 740  
SHINO KONISHI

*Index* 765

*The plate section can be found between pp 396 and 397*