

# Contents

<i>Table of Cases</i>	vii
<i>Table of Legislation</i>	xii
<i>Preface</i>	xiv
<i>Maps</i>	xvii
<b>Introduction: Histories</b>	1
<b>1 'Troublesome Friends and Dangerous Enemies'</b>	13
White and black	16
Custom and jurisdiction	22
'Their private broils'	25
Towards intervention	27
Conclusion	34
<b>2 Amenable to the Law</b>	35
Contesting jurisdiction	37
Consolidating jurisdiction	41
Transforming the subjects of law	51
Witnessing	55
Remnants of jurisdiction	59
<b>3 The Exercise of Jurisdiction</b>	65
Aboriginal suspects and witnesses – the logistics of justice	67
Protection, security and the control of settler violence	71
The meaning of 'custom'	78
Conclusion	86
<b>4 A Question of Custom</b>	89
The ordeal of Wongacurra	90
Anthropology and government	93
The limits of intervention	96
The opacity of custom	103
The failure of institutional innovation	108
Absentee justice?	118
<b>5 Equality before the Law</b>	121
Assimilation	122
The law is settled	125

Patrol officers: failing to charge	129
Criminal responsibility	131
Sentencing	135
Aboriginal people between two worlds	143
Critical shifts	146
<b>6 Towards Formal Recognition</b>	<b>148</b>
Contesting sovereignty	149
The ambivalence towards formal recognition	159
Recognition in the courts	163
Criminal responsibility	163
Procedural matters	167
Evidence of custom	168
Bail and sentencing: considering 'the Aboriginal way'	170
The effects of recognition in the courts	180
Conclusion	182
<b>7 'Benign Pessimism': A National Emergency</b>	<b>183</b>
The refusal of formal recognition	185
Multiculturalism and the Racial Discrimination Act	188
Women, harm, legal protection and human rights	193
Violence and its relationship to colonization	204
The Intervention	207
And still the possibility of continued recognition	210
<b>Conclusion: Sovereignties</b>	<b>214</b>
<i>Bibliography</i>	222
<i>Index</i>	247