

ONE LAW FOR ALL?

Aboriginal people and criminal law in early South Australia

Alan Pope

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When South Australia was established in 1836 it was an experiment by the British government: no convicts, no indigenous segregation and no racial discrimination before the law. Unlike all other Australian states, Aboriginal people in South Australia were to be considered British subjects, meaning they were both subject to English law and entitled to its protection. At the same time, settlers would be punished for violent or unjust crimes committed against Aboriginal people. In short, there would be one law for all.

In his book by that title, Alan Pope explains how and why this policy failed so spectacularly.

We learn how it was possible – in the state that was supposed to be more enlightened in its approach to Aboriginal people – that indigenous Australians fared no better in South Australia than anywhere else. We learn why – in the state that introduced land rights for Aboriginal people as early as 1836 – Aboriginal people were never really equal before the law. Most importantly, we learn that the lessons from South Australia during those first 25 years of settlement still apply to us all, in every state, today.

Pope reveals that ‘the very law which was meant to protect indigenous Australians was often used as just another means of assisting in what was the essential aim of the colony – to make profits based upon the occupation and alienation of the lands of the Aboriginal people’.

In *One Law for All?*, Pope’s approach is thematic rather than chronological, covering topics such as: ‘Amenability and Jurisdiction, Admitting Aboriginal Evidence’, Language Problems’ and ‘Protected by the law?’. Pope explores several alternatives to the policy of ‘one law for all’ and demonstrates that it’s only when we look back that we can start to look forward.

ABOUT THE AUTHOR

Alan Pope became interested in contact history as teacher on the Eyre Peninsula. His archival research led to a series of articles and his first book: *Resistance and Retaliation*. Since then he has completed a PhD in history, worked as a curriculum writer and now manages an Australian training program for Iraqi public servants.

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