“THE WHITE MAN NEVER WANNA HEAR NOTHIN ABOUT WHAT’S DIFFERENT FROM HIM”: REPRESENTATIONS OF LAW’S ‘OTHER’ IN AUSTRALIAN LITERATURE

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DECLARATION

I declare that this thesis is my own account of my research and contains as the main content work which has not previously been submitted for a degree at any tertiary institution. To the best of my knowledge, this thesis contains no material previously written or published except where due reference is made in the text.

Naomi Sidebotham
ABSTRACT

Law controls our everyday. It regulates our lives. It tells us what is and is not acceptable behaviour, it confers and protects our rights, and it punishes us for our indiscretions. But law does much more than this. It creates normative standards which shape the way people are treated and the way that we relate to each other and to society generally. The law defines people. It constructs identity. And it creates the ‘other’. This is a legacy of positivism’s insistence on identifying that which is ‘inside’ law, and so accorded legitimacy, and that which is not. That which does not conform to law’s constructed standards and values is identified as ‘other’ and marginalised and silenced. In this thesis, I demonstrate the way that the law constructs ‘other’, in particular, the Aboriginal ‘other’. I consider the way that Aborigines have been defined by the law to show the consequences that this has had for Aboriginal people beyond the purely legal. I argue that law’s construction of Aboriginality has contributed to the marginalisation of Aboriginal people and their exclusion from many aspects of the legal and the social, and that it has silenced them within the dominant domain, denying them the ability to challenge the wrongs perpetrated against them. I examine these issues through the medium of literature. I argue that literature’s contribution to exposing, critiquing and challenging law’s construction of ‘other’ is invaluable. It informs the reader about the way that the law has treated Aboriginal people and, more generally, about the structures and limitations of our positivist legal system. It thereby contributes to the community’s perception and understanding of the way the law works, and the impact that it has on the lives of its subjects. Perhaps most importantly, it also educates towards social change and reform.
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Finally, to Roger …
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