# Contents

| Acknowledgments | ix |
|-----------------|----|
|                 |    |

#### Introduction 3

## Part One: Setting the Stage

- 1 Preparation of an Indigenous Challenger 17
- 2 Western Imperialism and Its Legal Magic 30
- 3 Eddie Mabo's Project and Its Obstacles 51

#### Part Two: Indigenous Colonization and Its Contestation

- 4 The Distinctive Foundations of Australian Colonialism 69
- 5 Colonialism Contested and the Winds of Change 120

#### Part Three: Build-Up to the Mabo Case

- 6 The Land Rights Movement 155
- 7 Ten Long Years of Litigation 196

## Part Four: The Mabo Case and Its Consequences

- 8 The High Court's Decision 247
- 9 Consequences I: Legislating Native Title 279
- 10 Consequences II: Wik and a Country Deeply Divided 315

#### viii Contents

11 International Dimensions and Reconciliation 335

12 The Limits of Judicial Power 366

Notes 383

Bibliography 425

Index 451

Maps 20, 21