

## Chapter 2

# A Comparative Analysis of Laws Amongst Western Powers Through the 20th Century

### ABSTRACT

*This chapter focuses on the laws of America, Australia, Britain (i.e., as a foundation for America, Australia, and South Africa), and South Africa. By exploring the laws of these countries, the author hopes to establish a timeline of events. While Britain is not a main focus of this book, the British Empire has influenced multiple countries worldwide. Moreover, due to colonization, Britain played a major role in America, Australia, and South Africa. By analyzing precipitating events, one can examine when new laws were implemented and the effects of said laws. Then these laws, i.e., the laws of each country/region can and will be compared for a final analysis.*

*“I don’t give a damn about your legislation, middle finger until we are talking about reparations...”-Neelam, Ride on My Enemies (2020)*

*“We are the ones, ‘Cause Pac did a lot more for me than Barack, so look – ladadadadada... The pen is greater than the sword!” -Andy Mineo, Vendetta (2015)*

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## **INTRODUCTION**

The first study abroad program that I completed was offered by Michigan State University (Simmons, 2011). I went to Sydney and Canberra in 1997-1998 to study Comparative Legal Systems, Criminal Justice and the like. I was able to study at NSW and at Canberra University and was taught by professors such as Dr. John Hudzik as well as attend lectures from native Australians (Simmons, 2011). Even while in Australia, my interactions with some police were questionable. And yet, I was also trained by a number of the police detectives or got a drink with them from the bar and sat and chatted about everything from criminal apprehension to the treatment of Aborigines and the issue of Aborigines “suiciding.” It was in this country that I became twenty (20) years old and was challenged almost every day to see situations “rightly.”

To be frank, it does not matter whether one lives in the United States or Australia or anywhere in between if their civil liberties (i.e., as citizens) are threatened for no reason. Lockwood (1970) addresses this point in stating the following in regard to the United States of America: “The sad truth is that civil liberties and constitutional guarantees are largely a myth in this country in A.D. 1970. Anyone who has ever stood in a police station in a large city watching prisoners being booked will know what I mean” (p. 30). Lockwood (1970) continues and notes that the individual rights that were initially written or listed in documents such as the Bill of Rights “[...] are often applied by our so-called law enforcement agencies in such a way as to deny many people their rights [...]” (p. 30). The referenced bill of rights are codified (Gardbaum, 2013), and yet, can still be violated by law enforcement officials, etc. This is not only the truth when it comes to the United States but also to countries like Australia and South Africa.

## **MAIN FOCUS OF CHAPTER**

This chapter will focus on comparing significant laws across the three cases listed in Chapters 3-5. Thus, the main focus of this chapter will be examining the acts, amendments, bills and laws that were passed that affected Black Africans and Aborigines and Black Americans for at least the last 100 years or so. In each country, separateness was valued. This separateness meant

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