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Relativity and the a-theory
The Routledge Companion to Philosophy of Physics, 2021 / Knox, E., Wilson, A. (ed./s), Ch.7, pp.86-98

8 Amanda Nettelbeck, 'From humanitarianism to humane governance: Aboriginal slavery and white Australia'. In Humanitarianism, empire and transnationalism, 1760–1995 ed. Joy Damousi, Trevor Burnard and Alan Lester (Manchester University Press, 2022), pp. 369.

Please note: This is a pre-publication version made available for researchers according to the open access requirements of the Australian Research Council. Research for this chapter was conducted with the support of a Discovery Project grant (DP150100914).
Please consult the final published version here:

https://www.manchesterhive.com/display/9781526159564/9781526159564.00014.xml

In 1896, as Australia's self-governing colonies prepared to unite as a federated commonwealth, a press editorial called attention to the evils of Aboriginal indenture as 'slavery under a convenient name', and argued that its solution lay in a stronger 'humane and practical native policy'.[1] The editorial reflected a much larger public commentary that peaked between the 1880s and the 1910s. This commentary circulated widely to condemn a system akin to Aboriginal slavery in the booming economies of northern Australia, and lobbied for stronger forms of government intervention. These decades also coincided with the period when all of Australia's mainland jurisdictions introduced a suite of new laws designed to bring Aboriginal people within the state's powers of protection.[2] Settler governments rationalised these laws as humanitarian measures that held a number of practical capacities: to regulate the labour relationships between Aboriginal workers and unprincipled employers, to prevent the sexual exploitation of Aboriginal women, and to safeguard Aboriginal interests more broadly. This folding of a settler humanitarian discourse into a statutory programme of humane governance endowed the settler state with new powers to intervene in race exploitation. It did so just at the moment when an idea of white Australian sovereignty was being shored up in other areas of law and policy.[3]

A growing body of scholarship has revisited humanitarianism's historical entanglements with nation-building projects to unpack how humanitarians' long-term objectives, so often grounded in values of universal humanity, allowed new sovereign powers to flourish in ways that perpetuated rather than dismantled structural inequalities.[4] A rich seam of this work has considered how a fluid humanitarian politics accommodated itself in various ways to colonising agendas.[5] Such work has helped to map humanitarianism's nineteenth-century transitions from an abolitionist focus on civil rights to more conservative forms of

governmentality, and to disentangle the sometimes contradictory agendas of colonial humanitarianisms across place and time.[6] This chapter addresses one place and time in the history of this symbiosis between humanitarianism and colonialism - Australia at the turn to Federation around 1900 - to ask how an ambivalent settler humanitarianism manifested as concern about Aboriginal slavery, and how government responses to that concern helped to consolidate the priorities of the settler state. More particularly, it explores how settler uses of humanitarian vocabularies to protest the sexual enslavement of Aboriginal women by predatory male employers - a longstanding and largely unspoken problem on Australia's remote frontiers - contributed to an emergent system of humane governance that enabled the stronger policing of racial borderlines in a social climate of 'white ascendency'.[7]

Humanitarian debates about states of un-freedom had a complicated trajectory after the legal end of chattel slavery in the British Empire, as social unease took root about enslavement of other kinds.[8] Arguments that slavery was tolerated under another name plagued the vast system of indentured labour that replaced slavery in Britain's plantation colonies.[9] In the settler colonies, the violence and exploitation associated with indigenous dispossession also generated concern that slavery was reborn in other forms.[10] These post-abolition uses of slavery talk had their roots in older humanitarian anxieties about the fate of the Empire's non-white peoples, but they did not remain focused there. From the 1880s, as workers' rights and gendered codes of respectability became more scrutinised around the industrialised Victorian world, the language of enslavement expanded further to encompass the perceived economic threat of white men's wage exploitation and the moral threat of a 'white slave' traffic in prostitution.[11] As historians Fiona Paisley and Jane Lydon note, the language of slavery was enlisted to describe social ills even in settings where a formal history of slavery had never existed.[12] By the end of the nineteenth century, a diversified discourse of slavery was circulating on a global scale, aligning local concerns with international campaigns to protect the rights of varied groups.[13]

Settler humanitarianism and Aboriginal slavery in multiracial Australia

The diversified talk of modern slavery had some complex expressions in Australia on the cusp of the twentieth century. At the same time as the concept of 'white slavery' was being deployed to articulate perceived threats to the moral integrity of white women and the economic entitlements of white men, the abduction and enforced indenture of Aboriginal and Pacific Islander workers continued to feed settlers' labour needs on the continent's northern

frontiers, where pastoral stations, fisheries and sugar plantations flourished through the last decades of the nineteenth century. Queensland was the Australian colony most vigorously charged with toleration of slavery, reflecting its complex dependence upon the indenture of Pacific Islanders to work its sugar plantations, the exploitation of unwaged Aboriginal workers to build its pastoral and sea frontiers, and the violence of the Native Police Force to protect thriving pastoral hinterlands.[14]

Besides Queensland, Western Australia was the other Australian colony most persistently accused of modern slavery, particularly from the 1880s, as the colony's northern industries became ever more reliant upon Aboriginal workers who were paid only in rations and bound by written contracts without clear consent.[15] Unlike Queensland, Western Australia did not engage in the large-scale recruitment of Pacific indentured labour and, despite the opaque violence of its paramilitary policing strategies, did not formally employ a native police force on Queensland's model.[16] Nonetheless, the abusive labour practices and casual violence of the colony's northern frontiers, including the abduction of Aboriginal women, were all sufficiently well known to make these reputational differences just a matter of degree.[17] By the time Australian Federation arrived in 1901, reports of slavery across the northern half of the continent had been broadcast for more than a generation (see figure 8.1).[18]

[Figure 8.1 near here]

From the late 1860s onward, Australian colonial governments turned to legislation as the means of checking such abuses, particularly kidnapping in the indentured labour trade and the captivity of Aboriginal women in the pearling sector. Local interventions - beginning with Queensland's *Polynesian Labourers Act 1868* and Western Australia's *Pearl Shell Fishery Act 1871* - were boosted by the British imperial government's *Pacific Islanders Protection Act 1872*. These legal responses to modern slavery in northern Australia were part of a larger trend towards addressing labour abuses within the indentured labour system that spanned the British world. Through the 1870s, commissions of inquiry into the Indian indenture system and the passage of new laws to regulate it reflected the translation of humanitarian concern into a globalised legal framework of humane governance.[19] As historians have often argued, however, this sequence of government investigations and laws did little to repress widespread

practices of abduction, violence and colonial exploitation. Indeed, the creation of a late colonial legal bureaucracy as the proxy for humane policy actually allowed labour abuses to escape punishment more often than not because their successful prosecution demanded such a high level of proof.[20] In this way, the juridification of humane governance - its accumulation of laws into a regulatory framework - contributed to the 'shrinking of humanitarian space'.[21]

In late colonial Australia, the scope of settler humanitarian space was circumscribed not only by the available channels of this growing legal bureaucracy but also by the racially porous nature of the regional north. On Australia's lucrative pastoral, sea and tropical northern frontiers, settler masters coexisted in intimate proximity with Aboriginal, Pacific Islander, Chinese and Southeast Asian workers, the last of whom were routinely bundled together in settler vocabulary as 'Malays' or 'Asiatics'. Historians have mapped the ways in which life and work on these multiracial frontiers evolved under conditions of closer familiarity than tended to prevail in the earlier-settled southern regions.[22] Labour relations were structured by an assumption of white entitlement, but also by domestic intimacy with and economic dependency upon racial others.[23] The layered codes of racial privilege and racial anxiety generated by such everyday proximities were complex and ambivalent. A publicly circulating voice of settler humanitarianism condemned the slave-like status of non-white workers in the multiracial north as something that had no place within the modern British Empire, but it also often included a more pointed anxiety about interracial proximity, and in particular about Aboriginal women's sexual accessibility under the guise of labour contracts.[24]

As historians have shown, white men's presumption of sexual access to Aboriginal women, especially in the northern pastoral sector where women were widely employed in multiple capacities, was so established that it was common practice to keep women on pastoral stations as a form of labour enticement. It was also well known, though largely unspoken, that such arrangements led to the birth of 'half-caste' children whose fathers responded with anything from acceptance or tolerance to denial.[25] The mutually uncomfortable visions of Aboriginal women's exploitation and allure produced an equivocal kind of settler humanitarian sentiment. It was 'a reproach to our civilisation' and an 'everlasting shame to think that this slavery should exist in a British community', ran one editorial in 1904, but so too was it 'a menace to the future development of the country'.[26]

Commentaries such as these were infused with an element of the anti-slavery rhetoric that had fuelled humanitarian arguments in the pre-abolition era. Nevertheless, they were framed

by a more specific settler colonial philosophy. By the late nineteenth century, faith in indigenous peoples' future capacities for colonial citizenship had all but vanished in the British settler world. Retained was an earlier nineteenth-century belief in the state's role of trusteeship over indigenous interests through humane oversight.[27] But largely dispensed with was a once-anticipated promise of indigenous 'improvement' through access to legal rights, education and ameliorative labour. In its place was acceptance of a fixed racial hierarchy that invested the settler state with moral responsibility to check exploitation of the most vulnerable, but not to activate their rise to fuller rights.[28]

A parallel shift in the race politics of the late nineteenth-century settler world was the diversification of slavery discourse itself to envisage new forms of 'white slavery' that were exacerbated by the proximity of racial others. The lost status of racial entitlement supposedly exposed white women to the risk of slavery when they entered into intimate relationships with non-white men.[29] The adoption of white children into non-white families also raised fears about child slavery, prompting state rescues by settler states even as those states were removing indigenous children from their families to be apprenticed as workers in settler homes.[30] This self-conscious racial ranking was apparent in the way that settler humanitarian arguments against Aboriginal enslavement at the end of the nineteenth century often included a level of distaste toward interracial contact that was much more pronounced than it had ever been within an earlier nineteenth-century philosophy of colonial amalgamation.[31] As one press editorial put it, the 'dusky handmaid' was both 'slave' and 'siren', and she posed a constant 'problem' for government officials.[32]

This conception of Aboriginal slavery as a twin problem - one of widespread abuse within the colonial labour sector and a more morally complex one of employers' presumed entitlement to Aboriginal women's bodies - brought scandal upon north-west Australia in 1886. In a series of widely circulated protests and a published pamphlet, the missionary John Brown Gribble alleged that Aboriginal people across the north-west were contracted to abusive masters on the shallowest pretence of consent, making them 'slave[s] in effect', and that an equal 'sign of slavery' was the assignment of Aboriginal women on labour contracts 'for purposes of immorality'.[33] Gribble's allegations were transmitted not only through the colonial press but also in direct appeals to the Aborigines' Protection Society and Colonial Office.[34] Obliged to respond, Western Australia's Governor, Frederick Napier Broome, reassured the Colonial Office that his Government was doing everything possible to prevent

abuses against Aboriginal people, and that the anticipated passage of new legislation - the *Aborigines Protection Act 1886* - would encircle all Aboriginal labour arrangements with 'every possible precaution'.[35] Yet, as he readily acknowledged, sexual relations with Aboriginal women was a matter difficult to regulate through the law.[36] This continued to be true as the years passed. In 1901, the year of Australian Federation, one press report speculated that '99 out of every 100 white men' in the pastoral north-west kept Aboriginal women as their 'exclusive property'.[37]

If the image of the Aboriginal woman as 'slave' and 'siren' carried ambivalent messages about the moral failures and risks of settler governance, intimate relations between Asian men and Aboriginal women produced the strongest moral disapprobation in contemporary discourse. As historian Regina Ganter has shown, the prospect of Aboriginal–Asian intimacy was 'tendentially immoral' and inherently 'pernicious' in settler sentiment because 'Asian men were seen as such'.[38] The greatest level of settler suspicion was reserved for the Chinese who constituted a substantial percentage of the population in the multiracial north. Chinese workers and entrepreneurs were key contributors to the development of local economies and were rival employers of Aboriginal workers in ways that challenged a settler presumption of economic and racial entitlement. The investment of Chinese and other Asian migrants into northern economies also led to intermarriage and familial ties with Aboriginal communities in ways that further undermined 'officially sanctioned notions of home and nation'.[39]

Anti-Chinese sentiment played out in the press not only in reports about their 'heathen' activities and 'salacious' appetites, but in the adoption of an anti-slavery discourse that posed the Chinese as slave drivers. Chinese men sold their own wives and daughters as sex slaves, ran such accounts, and turned their Aboriginal workers into slaves.[40] Particularly abhorrent, because it subjected the most vulnerable people on the social ladder to slavery, was an alleged Chinese trade in Aboriginal women and children. This was the 'most terrible scandal in Australia', stated a press commentary in 1906, one able to proliferate in the north because the 'white population is so sparse'.[41] This construction of the Chinese as slavers - something supposedly given greater rein in the north by the insufficient presence of white settlement to check it - had a parallel in broader arguments that 'Asiatics' were the worst traffickers of women for prostitution, to a degree that overshadowed white settler abuses.[42] Although 'consorting with black women' was an unfortunate practice by white men in some remote regions, wrote a press correspondent in 1901, 'friends of the natives would be working more

to the point if they were to interest themselves in removing their protégés from Asiatic degradation': there would be opportunity 'to reform the lesser abuse practised towards the blacks by the whites when the graver evils resulting from Asiatic corruption are put an end to'.[43]

Settler arguments about saving vulnerable Aboriginal women from enslavement, prostitution and other moral evils did not only target Chinese and other 'Asiatics': Aboriginal men were also widely blamed for prostituting and ill-using their women.[44] As historian Jessie Mitchell points out, this settler construction of Aboriginal men as 'deviant' and violent was as old as colonisation itself. Indeed, it had its roots in the civilising agendas of early missionaries and protectors, the appointed saviours of Aboriginal people whose views carried influence in wider humanitarian circles.[45] In these ways, a self-referential settler discourse of moral authority helped to shift the larger weight of responsibility for Aboriginal women's bondage from white men to 'yellow' and 'black' men, and by virtue of racial privilege, settler society became less the source of Aboriginal women's enslavement than its solution.

Intimate indenture and state intervention

Conditions in the first decade of the twentieth century illustrate how global, national and local influences came together in a system of humane governance that sought to address Aboriginal exploitation through the legal reinforcement of racial borderlines. On the global stage, the amalgamation of the British and Foreign Anti-Slavery Society and Aborigines Protection Society in 1909 reflected the continuation of an internationalised humanitarian agenda to expose twentieth-century forms of enslavement disguised within modern labour practices.[46] At the national level, the Federation of the Australian Commonwealth in 1901 exacerbated already-existing tensions between an aspirational, urbanised white Australia to the south and a multiracial north still shaped by a fluid frontier culture.[47] From state to state, the bureaucracy of Aboriginal protection that rolled out across Australia between the 1880s and 1910s demonstrated how legal interventions supposed to prevent the mis-treatment of Aboriginal people served to strengthen the powers of modern settler governments. At the local level, all these concerns found a focal point in north-west Australia with the establishment in 1904 of a Royal Commission to inquire into 'the condition of the natives', led by Queensland's Protector of Aborigines, Walter Roth.[48]

Roth's report was scathing about the lack of legal checks to prevent violence against Aboriginal people in north-west Australia. It described a labour indenture system devoid of measures to guarantee Aboriginal workers' consent or access to minimum entitlements, a system of policing Aboriginal people that was irregular if not illegal, and a lingering culture of settler entitlement that tolerated Aboriginal women's 'defilement'.[49] The report helped to ensure the passage of Western Australia's *Aborigines Act 1905*, a stronger piece of protective legislation than its predecessors, which granted the Chief Protector or his proxies greater legal powers, among other things, to monitor Aboriginal employment arrangements and to remove Aboriginal women from the company of non-Aboriginal men.[50] In his role as Northern Protector in Queensland, Roth had already worked to support the introduction of similar legal provisions in that jurisdiction.[51]

Western Australia's Chief Protector of Aborigines, Henry Prinsep, had been arguing for several years for such capacities of intervention, having felt frustrated since the creation of his office by its lack of legal leverage.[52] No specific laws allowed him to prosecute those who abducted Aboriginal women, and when asked what could be done to prevent men from 'forcing the [Aboriginal] women against their will', he could only respond that he was trying to have the laws amended.[53] Reports continued to filter through to his office about the 'barbarous treatment' of Aboriginal workers in the north, and Prinsep hoped that the passage of the *Aborigines Act 1905* would 'put a stop' to such injustices, as well as help 'to regulate the conduct of the blacks themselves so as to prevent them becoming willing victims of debauchery'.[54]

The Roth Inquiry and its influence in creating a stronger protective bureaucracy did not eradicate public commentary about the existence of Aboriginal slavery, however. Had recent government action 'ameliorated the tortures of slavery that existed in the pre-Roth days?', asked one editorial in 1905. 'No, slavery flourishes like a green bay tree. The black is as much the helot of the squatter as ever he was.'[55] A 1906 press editorial entitled 'Australian Slave Trade: Some Tales From the Far-Off North' queried the efficacy of the latest protective legislation and of the Chief Protector himself.'[56] The 'Nor-West Horrors' of slavery were even put to verse.[57] Yet, as historians have often argued, moral concern about modern forms of slavery rarely triggered a revision of labour practices.[58] Instead of seeking to overhaul the colonised labour system, the approach of settler governments was to fortify their avenues of legal oversight. Accordingly, Prinsep's response to continuing reports of Aboriginal slavery

and ill-treatment in the north was to forward them to the relevant local police for further inquiry.[59]

In November 1906, while the Chief Protector was fielding ongoing allegations of Aboriginal slavery in the north-west, a police investigation into conditions at Minderoo station was unfolding. Owned by the powerful family company of the Forrest brothers, Minderoo was a large pastoral property located 40 kms inland from Onslow, a pearling town at the heart of the north-west coastal frontier. Gazetted only in 1885, Onslow and its pastoral surrounds had a strongly multiracial composition and a relatively small white male settler population. The region's pearling and pastoral economies were heavily dependent upon Aboriginal and Asian labour, which was widely available and readily exploitable.[60] Police attention alighted on Minderoo when the station's Chinese cook, Chi Coon, came forward to state that the manager, George Burrows, compelled an Aboriginal servant, Nellie, to remain at night with him at the homestead rather than return to the 'native camp' with her husband, Dicky Dad, and the station's other Aboriginal workers. Chi Coon said that Burrows refused to release Nellie even when confronted by Dicky Dad, who had left the station as a result. Questioned by the local policeman, Constable Barry, Nellie confirmed Chi Coon's account, saying that Burrows 'catch me, he catch me a long time' and 'no let me go'. Nellie's statement was corroborated by the depositions of two other Aboriginal station workers.[61]

Burrows's conduct was not unusual in a late frontier setting where often only the station manager permanently occupied the pastoral homestead. Three months before the Burrows investigation, J. Bailey, manager of the Nannatharra station in the mid-west, was investigated for the same reason. According to the police report, Bailey admitted keeping a young Aboriginal servant with him at the homestead at night but claimed 'he took her there for protection' from the risk of being beaten by another Aboriginal station worker. Despite her rightful husband coming 'several times to Nannatharra to get [her], Mr Bailey would not allow her to go'. The police held 'not the slightest doubt' that Bailey kept the young woman 'for immoral purposes,' and otherwise considered him of bad character 'as regards his action to the natives'; but the matter did not on face value yield 'sufficient evidence to convict'.[62]

But although the case at Minderoo station was not especially remarkable, it is notable for what official responses to Nellie's circumstances revealed about the settler politics of humanitarian intervention. This was a politics driven by the state's belief in its obligation to redress Aboriginal exploitation, including the longstanding problem of women's sexual

exploitation when bound by labour contracts. But this obligation did not extend to investing in Aboriginal people's larger civic freedom, in the sense once imagined by anti-slavery campaigners; rather it furnished the state with moral authority - an authority bolstered by legal capacity - to better regulate the indenture system and its unsanctioned intimacies. In exemplifying this concern, the police investigation at Minderoo station highlights how an ambivalent settler project of humane governance undertook to 'rescue' Aboriginal women from sexual bondage by more forcefully patrolling racial boundaries.

When the investigation into Minderoo station took place in late 1906, the region around Onslow had three 'fit and proper persons' to serve as Protectors of Aborigines, as was mandated by the *Aborigines Act 1905*.[63] The government practice of appointing Protectors was to bestow the role on local officials such as stipendiary magistrates, policemen and Justices of the Peace (JPs), the last of whom were usually pastoralists.[64] This mix of officials was represented in the district's three serving Protectors of Aborigines: the Resident Magistrate Dr Gurdon, Police Constable Barry, and a local JP and station manager, George Burrows himself. Just a few months earlier, Burrows had written to the Chief Protector in his capacity as a JP and Aboriginal Protector to relay that he had brought Nellie and another Aboriginal woman from Onslow to Minderoo station because they were being prostituted there by 'Malays' and other men. The women properly belonged under the protection of Minderoo station, he wrote. He would guarantee their employment there and he would look after them as the *Aborigines Act* directed.[65] As a JP and Protector, Burrows was empowered to remove the women from Onslow and to place them under his protection, but as a pastoral station manager he was part of the culture of Aboriginal exploitation.

Based on the depositions of Chi Coon, Nellie and the two other Aboriginal station workers, the Resident Magistrate, Dr Gurdon, charged Burrows with suspected breach of section 43 of the *Aborigines Act 1905*, which prohibited non-Aboriginal men from 'cohabiting' with Aboriginal women. Countering the charge, Burrows presented himself as Nellie's rescuer from exploitation by the Asian and Aboriginal men around her. The Chinese cook Chi Coon was habitually drunk and unreliable, he said, and as a consequence Burrows had now dismissed him. Chi Coon himself wanted to sell Nellie to 'travellers & teamsters on the road' in exchange for grog, Burrows stated.[66] In addition to protecting her from Chi Coon, Burrows claimed to be protecting Nellie from her Aboriginal husband, Dicky Dad, who would otherwise prostitute her to 'teamsters and others for grog'. Dicky Dad was so dangerous that

Burrows was periodically compelled to have him ‘chained up’ for his own and others’ protection. Finally, appealing to the word of his settler neighbours, Burrows asserted the ‘opinion of other right thinking men’ that ‘there was no justification’ for the case against him.[67] Apart from this statement by Burrows, the only other European evidence came from Kimberley Forrest, the 24-year-old son and nephew of the Forrest brothers who owned Minderoo station. Forrest’s deposition was equivocal but not damning. He stated that he did not know if there was truth in the allegations, although he hinted that he thought it likely.[68]

Sifting through these claims and counter claims, the magistrate Dr Gurdon felt ‘no doubt in my own mind of the defendant’s guilt’. Despite this, he dismissed the charge against Burrows, and did so on grounds that ‘I did not feel justified in finding him guilty’ on the word of a discharged Chinese cook and the Aboriginal servants.[69] In effect, it was not an absence of evidence that released Burrows from the probability of prosecution under the *Aborigines Act*, but the weight of prejudice against Chinese and Aboriginal testimony when unconfirmed by settler testimony. Officials had long tolerated such bias in the legal process, whereby convictions depended upon the corroborating evidence of Europeans.[70] However, the magistrate’s decision to acquit Burrows, in spite of his personal conviction of Burrows’ guilt, indicated more than a normalised distrust of non-white testimony. It also indicated the magistrate’s concession, even if a reluctant one, to a more ubiquitous culture of settler moral authority that was supported by law and that sustained a cultural narrative of non-white men as inherently pernicious.

Although Gurdon allowed Burrows to avoid prosecution, he recommended that power over Aboriginal women should not be further ‘placed in the hands of the squatters or their managers by making them protectors’.[71] Constable Barry, the district’s other Aboriginal Protector, also wrote to his Inspector asking whether the Aboriginal employment permits of men like Burrows and Bailey could be restricted to a condition ‘that no native women be employed day or night at the house - [otherwise] the natives cannot be protected from them’.[72] A press report about Nellie’s case voiced a similar caution. Tales ‘waft themselves down from the Nor’-West’ about wrongdoings relating to ‘dusky maids of the bush’, it stated, and ‘[h]istory has proved that the squatter is not the man to be trusted with the care of the blacks’. But while this report mirrored a wider discourse of moral disapproval towards white men’s unspoken ownership of Aboriginal women, its disapproval was inextricable from distaste for the multiracial north itself. Burrows ‘was the boss, and could do as he liked’, the

writer complained, and there was ‘sufficient color in the evidence to show that the co-habitation of blacks and whites in the Never is an everyday occurrence’.[73]

If moral objection to Aboriginal women’s sexual indenture in labour relationships was intermixed with distaste for porous racial boundaries, the deeper challenge to aspirational whiteness in the newly federated nation was interracial marriage. As historian Ann McGrath writes, intermarriage ‘enacted the future nation in tangible and intangible ways’, confounding ‘both the color line and the colonizing line’ and challenging a vision of settler sovereignty in ways that casual relations did not.[74] Anxiety about the north-west’s blurred coloured line rose to a head the month before the police investigation into Nellie’s case, when the local squattocracy gathered to protest the extent to which the Chief Protector allowed intermarriage to take place under the provisions of the *Aborigines Act 1905*. The Act empowered the Chief Protector to give or withhold consent for a non-Aboriginal man to marry an Aboriginal woman, and local settlers complained that he was ‘degrading white Australia’ by granting his consent too freely.[75]

In fact, Prinsep supported the reinforcement of racial borderlines in ways that aligned his approach to that of Protectors in other jurisdictions during the early twentieth century.[76] He preferred that an Aboriginal woman should marry within ‘her own people’ and that young men of settler families should be protected wherever possible from their ‘youthful ardour’ for Aboriginal women.[77] But, he argued, the interests of both humanity and economy demanded his consent to marriage when white men fathered children who, with their Aboriginal mothers, would be a financial burden on the state if not supported by fathers and husbands. Those who preferred ‘the old order of things’, he concluded, were ‘perhaps afraid of being brought to book themselves’.[78] In this hierarchy of humane governance, marriage trumped the preference for racial segregation only when it avoided ‘the old order of things’ in which Aboriginal women and children held no claims to protection beyond that of the state. On the same grounds, the Protector gave his assent to marriages between Aboriginal women and Asian or other non-European suitors.

In reality, as many historians have shown, no amount of policing or government intervention could prevent the existence of interracial relationships, consensual or otherwise.[79] Yet when it came to the idea of Aboriginal women’s continuing sexual exploitation in the multiracial north, the weight of suspicion still remained firmly placed on ‘yellow’, ‘black’, or ‘coloured’ men.[80] This was especially visible in the policing of northern goldfields and pearling towns

where different racial groups mixed freely. Reporting in 1903 on police efforts to 'cleanse' the town of Broome, for instance, Corporal Feely described a setting of 'all colours', where Aboriginal men prostituted their women in exchange for grog, and the 'Chow, Malay & Manillaman' kept Aboriginal women for immoral purposes. Blurring the language of humanitarian concern with that of racial exclusion, he justified stronger policing measures 'in the interest of humanity … to alleviate the misery of these poor people, and to remove this danger from our midst'.[81] In his annual report the following year, the Chief Protector was pleased to note that an increase in police patrols around the northern pearling districts had been helpful in preventing 'Manillamen' and other 'Asiatics' from 'soliciting native women' and 'hunting for them on the shore'.[82]

And what of Nellie's fate? Beyond her deposition in which she described how Burrows 'catch me' and 'no let me go', it is impossible to trace the degree, if any, to which she may have consented to the terms of her sexual indenture. Historians have cautioned us neither to overstate nor understate the scope of Aboriginal women's agency in colonial relationships, so just as it is likely that Nellie was without choice in the matter, it is also possible that she found some strategic advantage in her bonded relationship to her employer. Likewise, historian Ann McGrath stresses that while humanitarian campaigners and government policy-makers were setting out to 'save' Aboriginal people, Aboriginal people were securing their own futures through various means, which included interracial relationships, participation in settler industries and trade in resources.[83]

Rather than revealing anything specific about Nellie's circumstances, then, the investigation file of her case speaks more clearly to a struggle of settler moral authority, in which settler men who held positions of guardianship in a juridified system of humane governance competed with one another as the Aboriginal woman's most legitimate rescuer. After Burrows's acquittal, Constable Barry made a determined effort to have him dismissed as a Protector of Aborigines, to restrict his right to employ Aboriginal women and to remove Nellie permanently from his custody. In following this plan through, the policeman removed Nellie from Minderoo station and placed her in his own household as a domestic servant to his wife. Undeterred, Burrows 'pestered' to have Nellie returned to Minderoo station, persisting to the point where Barry threatened to lock him up.[84] Through a hired lawyer, Burrows continued to argue his case on grounds of his record as a respectable JP and

employer of Aboriginal workers, the immorality of the Chinese cook Coon Chi, and the bad character of Nellie's husband, Dicky Dad.[85]

Ultimately, Burrows was not successful. Although he escaped prosecution, his certificate as a Protector of Aborigines was withdrawn and he was deemed unfit to employ Aboriginal women in the future. A short time later, the Forrest brothers released him from his duties as manager of Minderoo station.[86] In these ways a public sentiment of disapprobation washed over him, leaving him untouched by the law but reputationally tarnished. Nellie remained for the time being as a servant in the household of Constable and Mrs Barry, rescued from her sexual servitude to a settler master by her alternative indenture as a domestic servant in the household of a policeman protector.[87]

Conclusion

The investigation at Minderoo station was not a singular case, but its timing brings into relief a coalescence of social unease around the turn to Federation about Aboriginal enslavement, the intimacies entailed in labour indenture, and the perceived need for a more legally robust system of humane governance in multiracial settings. The legally braced protective bureaucracy that applied to all Aboriginal people by the early twentieth century emerged in part as an administrative response to complaints about labour slavery and colonial violence that had aired for decades. It also emerged as a response to the hardening priority of settler society to consolidate its own racial sovereignty.

In such settings, the diversification of anti-slavery discourse that occurred through the late nineteenth century did not necessarily undermine a philosophy of white settler privilege. Rather, it provided an available vocabulary through which settler privilege could be bolstered. This was seen, especially in relation to the multiracial north, in the ways that greater culpability for Aboriginal slavery shifted discursively from white employers to pernicious 'Asiatics'. It was also seen in the way that moral objections to the slave-like systems of Aboriginal and Pacific Islander indenture became conflated with economic objections to the risk of white wage slavery. The problem with 'Slavery in the Nor'-West', ran one such commentary, was not just that it forced Aboriginal people 'to enter into lifelong bondage with the squatter', but also that it 'encourages cheap labour' across a market in which 'white workers have to compete'.[88] Similar arguments drawing out the causal relationship between non-white labour slavery and white wage slavery targeted Queensland's

Pacific Islander indenture system and the indenture system across the British Empire, ultimately contributing to their decline.[89]

Of course, the rhetorical value of an early nineteenth-century humanitarian politics - one tied to the anticipated extension of individual rights and freedoms - did not disappear altogether. Scholars have traced how the legacies of older anti-slavery arguments were carried forward into the twentieth century in campaigns that challenged the embedded inequalities of settler societies and linked to a new international discourse of human rights.[90] However, arguably more influential in the settler world by the late nineteenth century was a double-edged colonial humanitarianism that could be put to the service of settler interests, while still appearing to uphold the interests of humanity. The translation of this settler humanitarianism into an increasingly juridified regime of humane governance in twentieth-century Australia worked less to protect Aboriginal people from systematic exploitation than to protect the sovereignty of the white settler polity. Yet although it was not anchored to the evangelical humanitarianism of the past, this protective bureaucracy was not entirely separate from it. Rather it was part of an historical continuum of humanitarian interventions which had always had a 'troubled rapport' with the demands of sovereignty.[91]

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[1] 'The Native Question', *Coolgardie Miner* (Western Australia), 19 October 1896, p. 7.

[2] *Aborigines Protection Act* (50 Vict. No. 25) 1886 (WA); *Aborigines Protection Act Amendment* (50 Vict. No. 912) 1886 (Victoria); *Aborigines Act* (6 Vict. No. 5) 1897 (WA); *Aboriginals Protection & Sale of Opium Act* (61 Vict. No. 17) 1897 (Qld); *Aborigines Act* (5 Edw. VII No. 14) 1905 (WA); *Aborigines Protection Act* (Act No. 25) 1909 (NSW), the *Northern Territory Aboriginals Act* (1 GeorgII V, No. 1024) 1910 (NT); *Aborigines Act* (2 GeorgII V, No. 1048) 1911 (SA). [I don't understand the use of braces in this note: they seem to have been imported from something like an Equation Editor. IF they are needed, please use the braces on the keyboard and they should all be roman, not italic – I can't access them to fix them. If you are using them to set off the form used in your article (is that the significance of the XE as well?) then try a comma after the full name, and 'hereafter *Name*;' as this is preferred by MUP.]

[3] *Pacific Island Labourers Act* (No. 16 of 1901); *Immigration Restriction Act* (No. 17 of 1901).

[4] For instance, Samuel Moyn, 'Empathy in history, empathizing with humanity', *History and Theory*, 45:3 (2006), 397–415; Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca, NY: Cornell University Press, 2011); Fabian Klose (ed.), *The Emergence of Humanitarian Intervention* (Cambridge, UK: Cambridge University Press, 2016).

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[7] Russell McGregor, 'Drawing the local colour line', *Journal of Pacific History*, 47:3 (2012), p. 345.

[8] For instance, Kevin Grant, *Civilised Savageries: Britain and the New Slaveries in Africa, 1884–1926* (London: Routledge, 2004), pp. 11–37; Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca, NY: Cornell University Press, 2012), pp. 5–20.

[9] Hugh Tinker, *A New System of Slavery: The Export of Indian Labour Overseas, 1830–1920* (Oxford: Oxford University Press, 1974); Kay Saunders (ed.), *Indentured Labour in the British Empire, 1834–1920* (London: Croom Helm, 1984).

[10] Jane Lydon, 'The bloody skirt of settlement: Arthur Vogan and anti-slavery in 1890s Australia', *Australian Historical Studies*, 45:1 (2014), pp. 46–70.

[11] Jonathan Hyslop, 'The imperial working class makes itself "white": White labourism in Britain, Australia and South Africa before the First World War', *Journal of Historical Sociology*, 12:4 (2002), pp. 398–421; Brian Donovan, *White Slave Crusades: Race, Gender and Anti-Vice Activism, 1887–1917* (Urbana, IL: University of Illinois Press, 2006).

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[13] Adele Perry, 'Vocabularies of slavery and anti-slavery: The North American fur-trade and the imperial world', *Australian Historical Studies*, 45:1 (2014), pp. 34–35; Fiona Paisley,

‘An echo of black slavery: Emancipation, forced labour and Australia in 1933’, *Australian Historical Studies*, 45:1 (2014), pp. 106–10.

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