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Absorbing the 'Aboriginal problem': controlling interracial marriage in Australia in the late 19th and early 20th centuries

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[A]ssimilation is our word. Many Aboriginals take it as meaning they are to be bred out. They wish to be a distinctive people ... The desire of the Aboriginals to be a distinctive people is something we should respect.¹

What did the word 'assimilation' really mean in the mouths of white Australian politicians when they referred to Aboriginal people in the late 19th and early 20th centuries? This paper, part of a larger project which compares interracial marriages of white women and Indigenous men in Australia and the United States, begins from the assumption that umbrella terms such as 'assimilation' can mean different things in different times and places. Comparative historians are urged not to assume that 'because they bear the same label, ideas, institutions, or groups ... perform the same function everywhere'.² As this paper will show, such insights prove valuable when seeking to understand the particular policies aimed at Indigenous people in a unique settler society such as Australia.

In Australia of the late 19th and early 20th centuries, whites envisioned the 'assimilation' of Indigenous people in two very different ways. Some believed in the possibilities of teaching Indigenous people to live and support themselves as white people ('cultural assimilation'), others focused on the loss of Indigenous physical characteristics through interracial relationships ('biological absorption'). In most instances, however, the politicians, public servants and anthropologists involved in solving the 'Aboriginal problem' were cryptic when they referred to the future of Aboriginal peoples. A full explanation was never given about whether they envisioned assimilation being hastened by the births of mixed-descent children who did not physically appear to be Indigenous, or whether they simply wanted to teach Indigenous people to live in the manner of white people.

This paper has stemmed from a comparative investigation into the rudimentary attempts to promote cultural assimilation in Australia and the United States through

1. Commonwealth Parliamentary Debates 1, 1967: 286.

2. Grew 1985: 98.

the education systems set up for Aboriginal and Native American people in the late 19th and early 20th centuries. In the United States, legislation such as the Dawes Act (1887) attempted to turn Native Americans into self-supporting farmers by allotting them each a portion of their reservations and rewarding those that took up the offer with citizenship. Significant government funds were spent on setting up a comprehensive system of education with on and off-reservation schools dedicated to teaching Native American children how to live like whites. The rhetoric of improvement, citizenship, and education which shaped the Dawes Act (which, it should not be forgotten, caused immeasurable suffering and loss of land to Native Americans) was completely absent from Australian legislation. The legislation passed by each Australian state and colony rarely if ever mentioned cultural assimilation, or put in place policies aimed at educating Aboriginal people; the substandard Aboriginal education system has been well-documented by several scholars.³ In addition there is evidence that, as Barry Morris has discovered in rural NSW, Aboriginal families who attempted to farm and become self-sufficient (as the Dawes Act encouraged Native Americans to do) were often discouraged and undermined in various ways.⁴ Nor did the legislation ever allocate land for Aboriginal people's own use. There were no treaties equivalent to those signed between Native Americans and white Americans in the United States; instead the doctrine of *terra nullius* (which presumed that the land was empty) left Aboriginal people little legal status under the law, and certainly much less of a basis from which to claim sovereignty than the Native Americans' admittedly limited position as 'domestic, dependent nations.'

As Henry Reynolds has shown, from the earliest years of settlement white Australians debated whether Aboriginal people should be amalgamated with or segregated from mainstream settler society. Unfortunately, as he points out, white Australians simply 'couldn't deliver on the promise' of amalgamation.⁵ It was not that white Australians were uninterested in cultural assimilation of Aboriginal people; on the contrary, the need to 'civilise' Aboriginal people was a common refrain in the speeches and articles of those interested in the 'Aboriginal problem.' However, these sentiments were rarely translated into efforts to help them in this respect. What Reynolds has called a 'promise' of assimilation was made to Aboriginal people: that by acculturating they would improve their status, live more comfortably, and be treated with greater respect. This promise was not kept.

If cultural assimilation was not the focus in this country, then what was? In this paper, I undertake a state-by-state analysis of exactly how the incorporation of Aboriginal people into mainstream Australian society was imagined by those who created the many pieces of legislation aimed at Indigenous people in the late 19th and early 20th centuries. Although they were known as 'protection' Acts, the actual protection of Indigenous rights, bodies, and land was far from the outcome of these laws. Historians have, for the most part, studied the separate sets of legislation passed by individual states and territo-

3. See Trudinger 1973; Fletcher 1989; Brooke and Kohen 1991; McGrath 1995: 24-5; Milnes 1985; Austin 2000.

4. See Morris 1989 and Goodall 1996 for accounts of Aboriginal families living in NSW in the early 20th century.

5. Reynolds 2000: 233, 284.

ries.⁶ In this nation-wide investigation of this legislation, I demonstrate that although white Australians often spoke about their obligation to 'civilise' the Indigenous peoples they had displaced, they demonstrated little faith in the possibilities of cultural assimilation. Instead, Australian policies in the late 19th and early 20th centuries swiftly began to emphasise biological absorption of the mixed-descent population, and only rarely contained measures designed to encourage the three aspects of cultural assimilation: Christianisation, education, and the ownership of private property. In this paper I argue that, although approaches varied, in all but one Australian state or territory there are clear indications of absorptionist policies and practices. The clearest and best documented examples, Western Australia and the Northern Territory, are discussed first.⁷ The slightly different, but nevertheless clearly absorptionist, methods used in the southern states of Victoria, NSW and South Australia are then examined. Queensland, the exception, is discussed last. These variations between the states cannot be explained simply by the size of their white or Indigenous populations, as might be expected. Instead, the important factor appears to be the presence of Asians, Pacific Islanders, and other non-white, non-Indigenous peoples who lived, albeit in relatively small numbers, in some Australian states, particularly in the north and west.

In the United States, scholars are beginning to document the importance of broad national ideologies about race, or the entire racial 'landscape', to white ideas and obsessions about seemingly unrelated events and issues: female suffrage and the assimilation of Native Americans are just some examples.⁸ In Australia, too, the different racial groups which existed and the attitudes towards them can be seen to have a considerable influence in shaping Aboriginal policy. Unlike the almost open-door policy on immigration which resulted in a large, multi-ethnic population in the United States, white Australia's immigration policy attempted to keep their largely British population racially homogeneous. Early concerns about the numbers of Asian immigrants (characterised as the 'yellow peril') in the late 19th century consolidated as Australia became a federated nation in 1901. The first government in power after Federation, led by Edmund Barton, placed great emphasis on restricting the immigration of non-white groups. Indeed, as eminent Australian historian Manning Clark has argued, 'White Australia' was 'the first principle by which the Commonwealth was to be administered and guided'.⁹ In its first year, the Commonwealth of Australia put in place the *Immigration Restriction Act 1901* which consolidated the various measures the colonies had already put in place into a system of restrictions based on a hierarchy of desirable (European, especially British) and undesirable (Asians, Indians, Pacific Islanders) immigrants. The goal of a 'White Australia' was openly stated.¹⁰ What was rarely or never mentioned in the debates surrounding this policy was the fact that Australia as a nation was not completely 'white' to begin with — instead significant populations of Aborigi-

6. While there have been many histories of the impact of the legislation on the Aboriginal people of the states, one of the few efforts to approach the subject from a national perspective is Chesterman and Galligan 1997. See Austin 1992, 1993; Christie 1979; Haebich 1988; Kidd 1997; Read 1988; Reid 1990.

7. See Anderson 2002: 216–43; McGregor 2002; Jacobs 1986; Austin 1990, 1993.

8. Newman 1999; Hoxie 1995; see also Bederman 1995.

9. Clark 1981: 200.

10. For more information on these policies see Markus 1994: 110–54.

nal people lived in the north and the west, including growing numbers of people of mixed descent. The ideology of biological absorption helped to reconcile the existence of these populations with the objective of a 'White Australia'.¹¹

Absorption

In the late 19th and early 20th centuries, Australian policy-makers planned the disappearance of the Aboriginal people, but not through their adoption of white ways of earning a living and their incorporation into the nation's economy. Rather, it was to be a two stage process: firstly, the 'doomed race' theory posited that people of full descent would soon 'die out';¹² and secondly, it was believed that Aboriginal physical characteristics, and it was hoped, Aboriginality itself, would disappear altogether through biological absorption. The latter theory relied on the dubious scientific idea that Aboriginal genes would not create any 'throw-backs,' or children who physically resembled stereotypes of 'the Aboriginal', after a few generations of 'inter-breeding'.¹³ Ideas about who was or was not 'fit' to 'breed' were closely related to the rhetoric of eugenics which had been filtering into Australia since the 1890s and which gained in popularity during the inter-war years.¹⁴ Emphasis on biological absorption was more conspicuous in some states than in others, but, in combination with the idea that Aboriginal people of full descent would 'die out,' it dominated the strategies which white Australians devised to rid themselves of their 'Aboriginal problem'.

In the Northern Territory and Western Australia, clauses in protection legislation which allowed one of the many forms of control over Aboriginal people's lives – control over whom they could marry – were the basis of the system of biological absorption in these places. Interracial relationships were both a source of anxiety about racial purity and a means through which the demise of the Aboriginal population could be imagined. In the south-eastern states (South Australia, NSW and Victoria; Tasmanian Aboriginal people were supposedly 'extinct') slightly different methods were adopted, but these were still on the whole driven by the underlying aim of biologically

11. For a fascinating discussion of the ways in which absorption can be understood as part of a unique Australian concept of 'nation', see McGregor 2002.

12. Tasmania, the smallest state, had an important role to play in keeping what Russell McGregor has labelled the 'doomed race theory' alive, having in a sense 'proved' it by allowing the rest of the world to believe that the Tasmanian Aboriginal people had become 'extinct' with the death on 8 May 1876 of the 'last' full-descent person (a woman called Truganini). See McGregor 1997.

13. For example, it was argued in the South Australian state parliament that: 'Many well known ethnologists have advocated the assimilation of our Australian natives into the white race. Some people hold up their hands in horror at the thought of the black race mingling with the white, but ethnologists and archaeologists have agreed that it is a logical solution of this vexed problem. The Australian aboriginal is different from the negroid races of other countries, as he does not throw back.' *South Australian Parliamentary Debates* 1938: 845 (hereafter SAPD).

For a discussion of the scientific justifications for Western Australian attempts at biological absorption see Jacobs 1986.

14. Tony Austin has analysed the Northern Territory's policies under Chief Protector Cecil Cook as an 'eugenicist solution' (Austin 1990, 2000). Stephen Garton and Russell McGregor, however, have pointed out several reasons why absorption was not strictly eugenic thinking and stress the importance of not labelling it as such (Garton 2000; McGregor 2002: 297-9).

assimilating the Indigenous population. Only the state of Queensland did not accede to this policy. As the following description of Western Australia and the Northern Territory will show, a crucial factor in each state or territory's particular solution to the 'Aboriginal problem' was the size of its non-white, non-Indigenous population. For the most part these were Pacific Islander and Asian men who had immigrated to Australia in search of work or had been brought there by force as slave labour. The presence of these populations can be seen to be closely connected to the existence of legislation restricting whom Aboriginal people could marry.

Western Australia and the Northern Territory

As the 20th century began, politicians' anxiety in Western Australia intensified about the prevalence of interracial sexual relationships between white men and Aboriginal women. In 1904 Walter Roth, the Protector of the Indigenous peoples of Northern Queensland since 1899, worked for a Royal Commission which inquired into the condition of Western Australian Aboriginal people.¹⁵ Much to white settlers' discomfort the evidence taken by Roth included graphic stories of the sexual habits of Western Australian white men, not just itinerant workers and shepherds, but also station owners and police. "'Kombo"-ism [casual relationships between white men and Aboriginal women],'¹⁶ said Roth bluntly in his report which was presented to Parliament in 1905, 'is rife'.¹⁶

The Western Australian *Aborigines Act 1905* was based partly on an earlier Act passed by Queensland in 1897 and was partly a response to Roth's report. It attempted to regulate casual liaisons between white men and Aboriginal women by a variety of measures. These included the creation of reserves which anyone other than an Aboriginal person was forbidden to enter without good reason; provisions designed to force white fathers to support their children financially; and the transfer of guardianship of mixed-descent children to the Protectors. The latter consequently acquired the power to remove the children from their mothers and send them to live in government institutions. The Act also made the Chief Protector's approval a requirement for all marriages of Aboriginal women to non-Aboriginal men. Like Anna Haebich, most historians have seen this last measure as one of a group of 'sweeping powers allowing for the rigid control of Aborigines', and as yet another way of reducing the births of children fathered by white men with Aboriginal women.¹⁷ However, while certainly related to the

15. Legislation aimed at Aboriginal people was first passed in Western Australia in 1886. The 1886 *Aborigines Protection Act*, however, ignored the issue of interracial sex and concentrated instead on regulating the employment of Aboriginal people. Accurate measurements of the size of the Aboriginal population living in Western Australia during this period do not exist. In 1891 and 1901 the state government counted only those 'full-bloods' living in settled areas, and included 'half-castes' as part of the white population. They counted 6,245 and 6,212 respectively, while the white population hovered around 200,000. Fraser 1906: 110; *Statistical Register of Western Australia* 1903: 5.

16. 'Royal Commission on the Condition of the Natives', *Western Australian Minutes and Votes and Proceedings of Parliament* 1(5), 1905: 25.

17. Haebich 1988: 85. Christine Choo's recent book is an exception, in which she argued that: '[b]y the turn of the century, Aboriginal women in Western Australia (and other parts of Australia, especially the tropical north) were seen as an even greater threat when they chose to have sexual relationships with non-European, particularly Asian, men' than when they had relationships with white men. Choo 2001: 4.

growing mixed-descent population, the section of the Act which dealt with marriage was not specifically directed at the problem of casual liaisons between white men and Aboriginal women. Rather, its inclusion reveals much about the significant role that the presence of other ethnic groups played in the minds of legislators who aimed to control the Aboriginal population.

As a result of its rich mineral resources and pearling industry, Western Australia had a small but significant Asian and Pacific Islander population. They were mostly men employed in these lucrative industries. The 1901 census recorded that out of a total population of 184,124 there were 3,615 people who were born in one of the 'Asiatic' countries.¹⁸ It was this group which came to dominate the discourse about interracial relationships.¹⁹ No doubt the fact that this population was almost completely comprised of adult males contributed to legislators' anxieties. In evidence given before the Roth Royal Commission, both those answering questions and those posing them frequently mentioned this group of men when discussing problems of interracial sex and the production of mixed-descent children. Despite their comparatively small numbers, this group was singled out with extraordinary frequency in the minutes of evidence. For example, when asked which people he would object to as employers of natives, a police sergeant from Carnarvon gave the example of a 'Malay' man, 'who has a native woman with him — practically living with him ... I object to this, not because of his nationality, but because he is a very dirty and disreputable man'.²⁰ A sergeant from Broome answered similarly. To the question 'Do you know of any blacks working without contract where you would object to the employers?' he answered 'Yes. Cases where the employers are Asiatics, for instance. I would like to have the power to object.'²¹ A similar bias was evident in those asking the questions. Witnesses were asked if they knew of any 'Europeans or Asiatics carrying native women around the country', or if they knew of 'any cases of defilement of young native girls by Europeans or Asiatics'. A direct link was made between the issue of interracial marriage and this group of men. Henry Charles Prinsep, the Chief Protector of Aborigines, was asked whether he had the 'power to prevent a female aboriginal from being married to a person other than an Aboriginal'. When he replied in the negative, the question which followed revealed exactly which 'person other than Aboriginal' the questioner had in mind: 'Are Asiatics being legally married to aboriginal females?' A similar coupling of concerns about marriages of Aboriginal women and Asian or Pacific Islander men appears in the parliamentary debates on the 1905 Act the following year. James Isdell, prospector, station manager, and member for Pilbara, spoke at length in support of the clause controlling interracial marriages, arguing that Asian men mistreated their Aboriginal wives and that there was 'great evil in connection with this inter-marriage with aliens, and it is disgraceful'.²²

18. Vanden Driesen 1986: 158; Fraser 1906: 297.

19. For more information about the Asian population of Western Australia, and European anxieties about them, see Choo 1994, 1995, 1999, 2001.

20. Evidence of Thomas Houlahan, 'Minutes of Evidence Given at the 1905 Royal Commission on the Condition of the Natives', in *Papers Respecting the Treatment of Aboriginal Natives in Western Australia*: 330-1.

21. Evidence of John Byrne, 'Minutes of Evidence': 616.

Similarly, in parliamentary debates Asian and Pacific Islander men served as convenient scapegoats when sensitive topics were being discussed. In 1905 Frederick Piesse, the member of the Legislative Assembly for Katanning, blamed the 'unfortunateness of natives' on their 'connection with the darker races from the Islands of the East'.²³ In 1929 when Edward Angelo quite rightly blamed the decimation of the Aboriginal population of Western Australia on diseases introduced by Europeans, a colleague interjected 'What about the diseases introduced by Asiatics?'²⁴ Surprisingly, given the very considerable number of children born of white and Aboriginal parents, it was the growing, but still small, population of children of Aboriginal and Asian or Pacific Islander parents which obsessed parliamentarians and motivated the legal controls on interracial marriage. For example, James Isdell concluded a diatribe against marriages between Aboriginal women and Asian men in 1905 with a simple warning: 'We are talking about a White Australia, and we are cultivating a piebald one.'²⁵ Isdell was not worried so much about the shades of 'black' and 'white' in his colour-schemed view of the future of Western Australia; it was the possibility of other hues introduced by Asian and Pacific Islander men that raised his ire.

In the Northern Territory (which was administered first by South Australia, and, after 1911, by the Commonwealth government), white people had similar concerns about interracial sexual relationships. In the very first Chief Protector's report for 1910, William Stretton expressed his belief that the 'aboriginal is, undoubtedly, capable of great improvement, but this can only be effected by separating them from their intercourse with Asiatic races. ... Among these people a most undesirable race is rapidly increasing'.²⁶ A clause controlling interracial marriage remained unchanged from its original appearance in the South Australian *Northern Territory Aboriginals Act 1910*, the first and only piece of legislation South Australia passed concerning Aboriginal people in the Northern Territory.²⁷ The clause simply forbade the celebration of the marriage of a 'female aboriginal with any person other than an aboriginal ... without the permission, in writing, of a Protector'.

22. Evidence of John Byrne, Robert Anderson and Henry Charles Prinsep, 'Minutes of Evidence': 647, 960, 174-5; *Western Australian Parliamentary Debates* (hereafter *WAPD*), 28, 1905: 427.

23. *WAPD*, 28, 1905: 324.

24. *WAPD*, 83, 1929: 2105.

25. *WAPD*, 28, 1905: 427.

26. 'Report of the Government Resident for the Year 1910', *Commonwealth Parliamentary Papers* 3(66), 1911: 42 (hereafter *CPP*).

27. The *Northern Territory Aboriginals Act, 1910* defined who was to be classed as Aboriginal, set up a department to control and 'promote the welfare' of Northern Territory Aboriginal people, prevented white people from moving Aboriginal people around the country and from entering reserves, gave the Chief Protector the power to say where Aboriginal people could live and who they could work for, made it an offence to sell a gun to an Aboriginal person, restricted Aboriginal women from marrying non-Aboriginal men, and set up a system to make the white fathers of mixed-descent children contribute to their maintenance. A 1911 Ordinance, passed by the Commonwealth government, added to, rather than replaced, the 1910 Act. It gave the Chief Protector greater powers over Aboriginal people's lives and changed the system of licensing white employers to use Aboriginal labour. *Aboriginals Ordinance, 1911* (Commonwealth).

In 1913, anthropologist and temporary Chief Protector W Baldwin Spencer demonstrated clear bias against interracial sexual relationships between Aboriginal women and Asian men (as opposed to white men) in the Northern Territory, claiming that sexual contact with Chinese people caused 'rapid degeneration of the native'.²⁸ Spencer was specifically worried about mixed Aboriginal, Asian, and Pacific Islander children. He recommended that the legislation 'be amended to include a more clear definition of a half-caste than it now does. ... It must be remembered that they are also a very mixed group. In practically all cases, the mother is a full-blooded aboriginal, the father may be a white man, a Chinese, a Japanese, a Malay or a Filipino'.²⁹

While much of the legislation passed by Western Australia and the Northern Territory contained clauses which attempted to regulate non-marital interracial sex between white men and Aboriginal women, the clauses specifically targeting marriage were aimed mostly at Asian and Pacific Islander men. It was not envisioned, in any case, that many white men would stoop to make their relationships with Aboriginal women public and long-term, but a vague feeling that these relationships and their offspring were integral to the demise of Aboriginal identity was also at work. Marriages between Aboriginal women and 'alien' men could only complicate this process. This vague feeling, however, was soon given more explicit expression in the policies of two particular chief administrators.

In the late 1920s and 1930s both the Northern Territory and Western Australia were under the direction of strong-willed Chief Protectors who attempted to use the anti-interracial marriage clauses in the legislation to promote biological absorption. In Western Australia Augustus O Neville and in the Northern Territory Cecil E Cook endeavoured to set up a process by which the mixed-descent population would gradually be 'absorbed' into the white population through interracial sexual intercourse. These men were perhaps the most influential advocates of the elimination of Aboriginal physical characteristics during this period of Australian history.

In a book published in 1947, Neville outlined his views on the future of the Aboriginal population, policies which he had tried to implement during his administration:

It would seem proper that like should mate with like — full-blood with full-blood, half-blood with half-blood or lighter — but because so many are near-white we must expect, and have experienced already, legal unions between us and them. It is to the benefit of our own race that the full-blood should not any longer be encouraged to mate with other than full-blood; on the contrary, he should be rigidly excluded from any association likely to lead to any other union.³⁰

Neville was instrumental in the decision to include a clause in the Western Australian *Aborigines Act Amendment Act 1936* which dictated that no marriage of *any* Aboriginal person could be celebrated without the permission of the Chief Protector. Previously the restrictions had related only to the marriage of Aboriginal women to non-Aboriginal

28. Spencer 1913: 43.

29. Spencer 1913: 46.

30. Neville 1947: 56. For an examination of Neville's policies of biological absorption see Jacobs 1986. For a fictional treatment of the effect of Neville's policies on Western Australian Aboriginal people see Scott 1999, and for a case study of how they impacted on the lives of one interracial couple, see Rajkowski 1995.



THREE GENERATIONS

(Reading from Right to Left)

1. Half-blood—(Irish-Australian father; full-blood Aboriginal mother).
2. Quadroon Daughter—(Father Australian born of Scottish parents; Mother No. 1).
3. Octaroon Grandson—(Father Australian of Irish descent; Mother No. 2).

Figure 1: In his 1947 book about Australian race relations, AO Neville provided visual support for his biological absorptionist theories. From Neville, *Australia's Coloured Minority*, facing p72.

men. Biological absorption depended on those of mixed Aboriginal and white descent having children with those who had fewer Aboriginal ancestors than themselves. Control of marriages was necessary to implement this theory, as was the separation of those of mixed descent from those of full descent. As Craig argued in 1936, '[t]he colour must not be allowed to drift back to black. If we can only segregate the half-castes from the full-bloods we shall go a long way towards breeding the dark blood out of these people'.³¹ Far from an earlier moral concern to prevent 'miscegenation' between white men and Aboriginal women, by 1936, according to the government, 'the best thing that [could] happen to a half-caste [was] to marry a white'.³²

Dr Cecil E Cook, who held dual posts of Chief Protector and Chief Medical Officer of the Northern Territory from 1927 until 1939, was another outspoken advocate of biological absorption. Perhaps to a greater extent than any other high status official on record, Cook subscribed to the philosophy that the Aboriginal people could be absorbed into the white population through interracial marriage. Cook was open about his belief that people of mixed descent should marry each other or white partners, but not Aboriginal people of full descent, and used the powers granted to him by the *Aboriginal Ordinance 1911* to attempt to ensure that this would occur. Like his colleague in

31. WAPD 98, 1936: 823.

32. WAPD 98, 1936: 987.

Western Australia, Cook was also adamant in his belief that this solution to the 'Aboriginal problem' was being hampered by the births of children with Asian or Pacific Islander fathers. In 1930, immediately after he wrote of the permission he had given to the marriage of seven 'female half-castes with persons other than aboriginals', he recorded that '[a]ction was taken to discourage any association which was calculated to result in or encourage marriage between coloured persons other than half-castes and female aboriginals'.³³ Tony Austin argues that, especially in the early years of his office, Cook was careful not to make overly strong statements of his views in his official writing because of his many vociferous critics. In private correspondence, however, he was wont to argue openly, for example, that:

In the Territory ... the preponderance of coloured races, the prominence of coloured alien blood and the scarcity of white females to mate with the white male population, creates a position of incalculable future menace to the purity of race in tropical Australia ... If [women of mixed descent are] permitted to mate with alien blood, the future of this country may very well be doomed to disaster.³⁴

It is hardly surprising that the Northern Territory, where the unique population included large proportions of Asian and Pacific Islander people, produced a Chief Protector with views as strong as Cecil Cook. In 1911, the census recorded that only 1,729 white Australians, most of whom were men, lived in the territory. A total of 1,633 Chinese people lived there, along with unrecorded numbers of Japanese, Pacific Islander, Maori, and various other peoples. The Aboriginal population was estimated at between 20,000 and 50,000.³⁵

Legislation concerning Aboriginal people in the Northern Territory and Western Australia, with their considerable non-white populations, reflected a multi- rather than a bi-racial society. While government rhetoric often indicated an implicit acceptance of interracial sexual relationships between white men and Aboriginal women, it remained adamant in its condemnation of relationships between men of other ethnic backgrounds and Aboriginal women. Legislators fought a losing battle to create a society which would eventually be 'bred' white. When the 1937 Aboriginal Welfare Conference, at which all the state administrators had gathered, recommended that the destiny of Aboriginal people of mixed descent was their 'ultimate absorption by the people of the Commonwealth', it was Neville who claimed that 'Western Australia ha[d] gone further in the development of such a long-range policy' than any other state with its policy of controlling marriages, and emphasised the inevitability of the process. 'How can we keep them apart from the community?' he asked, 'Our own population is not increasing at such a rapid rate as to lead us to expect that there will be a great many more white people in the area fifteen years hence than there are at present'.³⁶

Cook also supported the idea of absorption as the only alternative to the horrifying possibility that 'in fifty years, or a little later, the white population of the Northern

33. 'Report on the Administration of North Australia for the year ended the 30th June, 1930', CPP, 4(216), 1929-1931: 6. The effect of these policies on one particular couple can be seen in Camfoo 2000.

34. Cook to Morley, 28 April 1931, as quoted in Austin 1993: 133-4. See also Austin 2000.

35. Powell 1996: 126.

36. Commonwealth of Australia 1937: 10-11.

Territory will be absorbed into the black.³⁷ To these men, responsible for the control of significant Aboriginal populations and familiar with the results of casual interracial sex on the frontier, biological absorption through the birth of more and more mixed-descent children seemed the obvious solution. It was an answer, however, which had some drawbacks. One of these was the 'pollution' of Indigenous blood with Pacific Islander and Asian 'blood'. Hence the effort to prevent these unions through the restriction of whom Aboriginal people could marry.

Victoria, NSW and South Australia

In the south-eastern states, biological absorption was promoted using slightly different methods. Rather than controlling the parenting of mixed-descent children, politicians tried to engineer the 'disappearance' of their Indigenous populations by physically dividing Aboriginal people from one another, removing families and individuals from the reserves, and removing children from their families. These solutions to the 'Aboriginal problem' were certainly a response to the characteristics of white settlement in these areas. Not only did white settlement happen earlier than in the northern and western states, it grew faster. In Victoria, NSW, and South Australia, the period during which white settlers and Aboriginal groups physically and violently clashed was short and devastating for the Aboriginal populations. By the time Victoria, for example, began legislating to control its Indigenous population in the 1860s, the Aboriginal population officially numbered only 1,869.³⁸ Furthermore, unlike those in the north and the west, the southern and eastern states did not have significant non-white, non-Aboriginal populations.³⁹ Consequently these states displayed fewer anxieties about controlling or preventing interracial sexual relationships, and, unlike the northern and western states, did not enact legislation which imposed official control on interracial marriages.

In NSW, Victoria, and South Australia the humanitarian idea that white people owed Aboriginal people something for the theft of their land quickly dissipated and was replaced by resentment of Aboriginal people's supposed 'cost' to the state. It was this problem which obsessed white administrators. Two solutions were found for the financial aspect of the 'Aboriginal problem', both of which were applied in varying degrees in all the Australian states at different times. The first method attempted to divide Indigenous populations along racial lines into 'mixed-descent' and 'full-descent' groups, and to remove financial support from the former (the latter were expected to succumb to the 'doomed race theory'). The second method divided the Indigenous community in a different way: by singling out children, again mostly according to racial classification. The models for this policy were the Acts passed by NSW in the

37. Commonwealth of Australia 1937: 14.

38. Christie 1979: 175.

39. There had been a large influx of non-European, predominantly Chinese, immigrants to Victoria during the goldrush decades (1850s-80s), but by 1891 the Chinese population had fallen from 25,424 in 1857 to 7,349 in 1901, making up less than 0.8% of the total population. Cronin 1982: 136, 140. NSW did have a significant Chinese population during the mid-19th century due to the gold rushes, when there were around 17,000 Chinese in the state. In 1881 white anxieties about this group resulted in the *Chinese Influx Act* which restricted their immigration, all but solving the 'problem' by the time the colony began to concentrate on assimilating its Indigenous population.

early 20th century. Although very different from the methods of biological absorption championed by Cook and Neville, these policies too, with their emphasis on merging those of lighter-skin with the white community, are clear applications of an absorptionist philosophy.

In Victoria in the 1870s and early 1880s, what historian Michael Christie has called 'a fully-fledged absorptionist policy' was developed and duly enshrined in law by the *Aborigines Protection Act 1886*. This Act, Christie has argued, 'virtually ensured that "Aborigines" ... would eventually die out'.⁴⁰ In various debates in the Victorian parliament and in evidence taken by an 1877 *Royal Commission on the Aborigines*, white people repeatedly expressed their opinion that Aboriginal people of full descent were destined to succumb to the 'inevitable fate of an inferior race to disappear before a superior', as CM Officer, the member for Toorak, put it.⁴¹ By contrast, those of mixed descent were increasing in numbers, and the solution proposed for these people was to deprive them of the government support to which they had previously been entitled by removing them from the reserves and stopping their rations. In other words, as one of the authors of the policy explained, these people should be 'treated as Europeans, and separate[d from] the pure blacks'.⁴² On the surface this form of 'absorption' appeared to imply little more than an assimilation into the white economies. Mixed-descent people were denied their Aboriginal identity, and the government support that went with it, and sent out into mainstream society to sink or swim. However, the racial categorization on which the policy was based – those of mixed descent, who already had some white ancestry, were targeted – indicates its similarity to the methods of biological absorption attempted in Western Australia and the Northern Territory. Not only would these people live and work alongside white people, but their partially white ancestry rendered them possible contributors to a process of absorption, should they marry each other or white people. They were prevented by the Board for the Protection of Aborigines from marrying those of 'full-descent' to encourage this process.⁴³

Although the 1886 Act failed, for a variety of reasons, to force Aboriginal people of mixed descent to support themselves financially, the cruel and pragmatic nature of Victorian policy became, as has been recognised by John Chesterman and Brian Galligan, an important 'precursor' to practices in the other states.⁴⁴ Thus it was clear that the NSW Board for the Protection of Aborigines was, from its inception, aware of and in complete agreement with the ideas circulating in Victoria.

From 1898 the NSW Board had sent out circulars to missionaries and station managers asking them to ensure that no able-bodied Aboriginal people were receiving government assistance.⁴⁵ Removing people from the stations, however, could not be achieved with encouraging circulars, and the Board's report for 1908 lobbied for the

40. Christie 1979: 201.

41. 'Royal Commission on the Aborigines', *Victorian Parliamentary Papers* 3, 1877–8: 111 (hereafter VPP).

42. 'Royal Commission on the Aborigines' 1877–8: 52.

43. For more information about the regulation of interracial marriages during this period see Ellinghaus 2001.

44. Chesterman and Galligan 1997: 20.

45. 'Aborigines (Report of Board for 1898)', *Journal of the Legislative Council of New South Wales*, 61(1), 1899: 3.

introduction of legislation giving the Board power 'more especially with respect to the children, who, under existing conditions, must sooner or later become a burden on the State'.⁴⁶ The NSW government's legislative attempts to control the lives of Aboriginal people in the early part of the 20th century, while similar to those made in Victoria, are also unique in their blatant and single-minded focus on absorbing the Aboriginal population by means of removing children from their parents. Although all Australian states participated in the removal of children from their parents, the NSW government placed the earliest and greatest emphasis on this method of destroying Aboriginal identity. Pale-skinned children were targeted for removal in the hope that they would 'pass' for white, and boys and girls were sent to different regions of the state to keep them apart.⁴⁷ Bain Attwood has shown that this time was one in which the lives of NSW Aboriginal people steadily worsened: 'Hundreds, even thousands, of Aboriginal men and women were prohibited from remaining on or entering into reserves', while the amount of land reserved for Aboriginal people was halved between 1910 and 1928. It has been 'estimated that approximately 2000 Aboriginal children were separated from their families by the Board' between 1909 and 1938.⁴⁸ By 1937, NSW felt that it came second only to Victoria in having found a solution to the 'Aboriginal problem'. BS Harkness, a member of the Board, told the 1937 Aboriginal welfare conference that '[o]ur problem is not so difficult as that of other States, excepting Victoria', and added his support to the prevailing view that people of mixed descent should be 'merged' with the white population.⁴⁹

South Australia put in place policies of dispersal and removal similar to those applied in NSW and Victoria. Interestingly, South Australia originally considered restricting the marriages of Aboriginal women when it was still in control of the area which became the Northern Territory. Indeed, South Australia's period of governing this area (1863-1911) provides a revealing case study of the differences in policy between the south-eastern and north-western regions of Australia. Perhaps calmed by the same forces that delayed the development of Aboriginal policy in NSW and Victoria, it was not until 1911, just after the legislation for the transfer of control of the Northern Territory to the Commonwealth had been passed, that the South Australian government enacted legislation for the 'Aboriginal and Half-Caste Inhabitants of the State of South Australia'.⁵⁰ The clauses omitted from this legislation, compared with those included in the Northern Territory legislation, are revealing. South Australian parliamentarians obviously believed their constituents to be better employers than those in the Northern Territory, and the possibility of violence by Aboriginal people in

46. 'Aborigines (Report of the Board for the Protection of, for year 1908)', *New South Wales Parliamentary Papers* 2, 1909: 4.

47. See Morris 1989: 110. The 1909 Act defined an 'Aborigine' as any 'full-blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who applies for or is in receipt of rations or aid from the board or is residing on a reserve'. The measures it put in place to remove 'able-bodied' Aboriginal people from the reserves were even more drastic than Victoria's policies, which at least gave some years of warning before people of mixed descent had to vacate the reserves. The Act also gave the Board the power to dictate where Aboriginal people could camp, and made it illegal, as in the other states, to supply Aboriginal people with alcohol.

48. Attwood et al 1994: 8.

49. Commonwealth of Australia 1937: 14.

possession of firearms was seen as less substantial. More significantly, and no doubt due to the smaller populations of Asians and Pacific Islanders in the southern state, there was seen to be no need to monitor the marriages of Aboriginal people.⁵¹

A Royal Commission to investigate the Aboriginal population of South Australia was appointed just after the 1911 Act was passed. In 1913, it produced a Progress Report which suggested policies similar to those operating in Victoria and NSW in the previous decades: people of mixed descent were not to be supported by the government, and the merging of the populations was to be accomplished by the removal of children from their parents. As in Victoria and NSW, it was thought that there should not 'be an obligation on the general taxpayer to support the people of [another] race as loafers'.⁵² By 1923, the South Australian government felt it necessary to enact legislation which concentrated on the removal and institutionalisation of Aboriginal children, its main provision allowing the Chief Protector to place any Aboriginal children in an institution until they turned 18.⁵³ South Australia's firm commitment to biological absorption was reaffirmed at the 1937 conference, at which a federal Aboriginal policy was discussed for the first time. The South Australian representative, Professor JB Cleland, expressed concerns about a growing mixed-descent population in his state which was not the result of an 'additional influx of white blood, but following on inter-marriage with themselves'. He asked for Commonwealth funding for a study about the 'best method for the gradual absorption of the half-caste' and suggested that a scheme be implemented 'by which the two sexes can have opportunities of meeting and so marrying'.⁵⁴

The removal of children became common practice in all Australian states as the century progressed. Peter Read has described the impact of the policies in this way:

[I]t used to be said that by the end of the First World War, there wasn't a single British family that had not been touched, by injury or death, by the fighting in Europe. It is probably fair to say that except for the remotest regions of the nation, there was not a single Aboriginal family which had not been touched by the policy of removal. Everybody had lost someone.⁵⁵

50. Like its rejected predecessor, the *Aborigines Act, 1911* (South Australia) was very similar to the 1897 Queensland legislation. It created the Aborigines Department and a Chief Protector, who became the legal guardian of all children under 21 years. It made it an offence to remove any Aboriginal person, female 'half-caste', or child from a district; attempted to keep non-Aboriginal people out of reserves, made provisions for treating contagious diseases, and attempted to regulate employment through inspections rather than a permit system. It gave the department the power to remove any Aboriginal person from a reserve or force them to stay on one, to move Aboriginal camps away from towns, to allot blocks not exceeding 160 acres to Aboriginal people. Provisions were also included which forced fathers of mixed-descent children to contribute to their maintenance.

51. See 'Report of the Select Committee of the Legislative Council on the Aborigines Bill', *South Australian Parliamentary Papers* 2(77a), 1899, (hereafter *SAPP*); Austin 1992: 168-9; *SAPD* 1899: 38 and 1911-12: 231. The legislation, however, as Peggy Brock has argued, continued to focus on controlling Aboriginal women's sexuality. See Brock 1995.

52. 'Progress Report of the Royal Commission on The Aborigines', *SAPP* 2(26), 1913: 12.

53. *Aborigines (Training of Children) Act, 1923* (SA).

54. Commonwealth of Australia 1937, 10. In 1938 and 1939, a study of Aboriginal people of mixed descent was conducted under the auspices of the University of Adelaide and Harvard University. See Tindale 1940.

55. Read 1998: 9. See also Haebich and Delroy 1999; Haebich 2000.

White Australians are only just beginning to learn of the extent of Aboriginal peoples' suffering as a result of these policies. In 1997, the Human Rights and Equal Opportunity Commission released a report which investigated the removal of Aboriginal and Torres Strait Islander children from their parents. One of its many conclusions was that the removal of children was an act of genocide according to the Convention on Genocide ratified by Australia in 1949. 'The essence of genocide is acting with the *intention* to destroy the group,' the report argued, '[a] major intention of forcibly removing Indigenous children was to 'absorb,' 'merge' or 'assimilate' them, so Aborigines as a distinct group would disappear'.⁵⁶

The exception: Queensland

That racial policies, particularly those which restrict interracial marriage, cannot be explained without examining the entire racial landscape in which they were adopted (in other words, all the racial groups which lived in that particular area) is borne out by the huge body of anti-interracial marriage legislation passed in the United States: from 1661, when the Maryland General Assembly passed the first colonial anti-miscegenation statute, and operational until 1967, when the US Supreme Court declared such laws unconstitutional.⁵⁷ Created to keep the white race 'pure,' these laws varied greatly in terms of the restrictions and punishments put in place and the groups targeted (although the majority of these laws focused on African Americans). They make the Australian legislation, which restricted but did not forbid interracial marriages in three of the seven colonies/states, look mild by comparison. They also served a very different purpose: to prevent interracial marriages rather than to encourage certain types of them, as occurred in Western Australia and the Northern Territory. In Queensland, however, although a clause restricting interracial marriage almost identical to that enacted in Western Australia and the Northern Territory was included in its protection legislation, initial anxieties about racial mixing resembled those in the United States more than those in neighbouring Australian states. As in many American states, the object of the law was to prevent interracial marriages altogether, rather than to encourage certain types that would lead to biological absorption.

Queensland was the first state to pass a law which enabled the Chief Protector to control the marriages of Aboriginal people. The 1901 Act, which amended the Queensland government's first attempt at protection legislation (the 1897 *Aboriginals Protection and Restriction of the Sale of Opium Act*), contained a clause which made the marriage of Aboriginal women to any person other than an Aboriginal man conditional on written permission from a Protector.⁵⁸ In debating the clause, however, legislators displayed subtly different anxieties about interracial relationships between Aboriginal women and Asian and Pacific Islander men than those prevalent in Western Australia and the Northern Territory.⁵⁹ Although men of non-white ethnicities (mostly Pacific Islander and Asian), who lived in Queensland in significant numbers, were still regarded in some quarters as undesirable sexual partners for Aboriginal and mixed-descent women, the good qualities of Pacific Islander husbands were a familiar refrain in the Protector's reports over the next few years.⁶⁰ Between 1899 and 1913 the reports of the

⁵⁶ Human Rights and Equal Opportunity Commission 1997: 27. See Curthoys and Docker 2001.

⁵⁷ See Lay 1993.

Chief Protectors displayed an implicit acceptance of marriages between Aboriginal or mixed-descent women and Pacific Islander, Asian, or European men. The concern of Walter Roth and Richard B Howard, the Chief Protectors for this period, was the prevention of immorality and cruelty, not the long-term consequences of the sexual mixing of the different groups. In his report for 1899, which attempted to estimate the number of mixed-descent children in the north, Roth's preoccupation was not with their growing numbers, but with alleged infanticide and the 'future welfare, care, and happiness of the children themselves'.⁶¹ In the next year's report he called interracial marriages 'a great moral wrong' not because of anxieties about 'miscegenation' but because they might take place 'without previous careful inquiry being made as to whether [Aboriginal women] are not already married in the tribal sense of the term'.⁶² Again, in his report for 1901, he complained that:

the general morality of some of the settlers etc., in these same districts is at so low an ebb that the presence of such (especially half-caste) [female] children acts as a sort of premium on 'kombo'-ism. For as long as the Asiatic or low-class European realises that no Governmental action is taken with regard to his half-caste children, he will continue cohabiting with his aboriginal paramour.⁶³

So while anxieties certainly existed about a growing 'hybrid population', Roth did not use the law restricting marriages to try to prevent Aboriginal-Pacific Islander marriages altogether.⁶⁴ After describing nine such 'marriages, etc.' between Aboriginal women and Chinese or Pacific Islander men in which the women worked as prostitutes, Roth revealed that his personal agenda was always to 'exert my influence in the direction of trying to put a stop to these mixed marriages, but cases repeatedly occur where they may be considered both expedient and justifiable'. When deciding whether to allow a marriage, Roth gave great weight to the 'general character and repute of both individuals, the number of years during which there has been cohabitation, and, where children have been born, the manner in which they have been reared, cared for, and schooled'.⁶⁵ He had given permission for 40 such marriages that year. In each case he listed the district, ancestry of both husband and wife, and occupation of the husband. In some cases Roth even saw marriage as the least of a number of evils. In his report for 1905, he wrote:

58. The 1897 Act was used as the model for legislation passed in Western Australia (1905), in South Australia (1910), and the Northern Territory (1911). It defined 'Aborigines' and 'half-castes' (placing many of the second category into the first, and therefore subjecting them to the Act), attempted to segregate the races by creating reserves, appointed Protectors, and made the employment of Aboriginal people dependent on a permit issued by a Protector. It also made it an offence to harbour Aboriginal people or female 'half-castes' (a hint here of anxieties about sexual relationships between white men and Aboriginal women), or to remove Aboriginal people from one district to another or out of the state, or to supply an Aboriginal person with alcohol or opium. It also tightened controls of the employment of Aboriginal people on pearling and *bêche de mer* vessels, forbade Aboriginal women or half-castes or children from being employed on ships, made it an offence for anyone (except a Superintendent or Protector) to frequent a place where Aboriginal people or female 'half-castes' were camped, made fathers of mixed-descent children liable for support of their child, and placed the burden of proof of age onto men accused of having carnal knowledge of underage Aboriginal girls.

59. For a discussion of anxieties surrounding relationships of Aboriginal women and Asian men in the far north, see Ganter 1998, 1999.

It is a practical impossibility to prosecute all the men — Europeans, Asiatics, and Islanders — living with aboriginal females, under the harbouring clauses of the Act, and hence my action has been to encourage marriage where the parties persist in cohabiting, rather than lay my department open to the reproach of sanctioning concubinage and prostitution.⁶⁶

The appointment of John W Bleakley to the office of Chief Protector in 1913–14 heralded a new era which put Queensland even further out of line with the rest of Australia. In his first report for the year 1913, Bleakley wrote of his belief that mixed-descent women should marry only Aboriginal or mixed-descent men.⁶⁷ It appears that Bleakley did his best to discourage interracial relationships. In 1916, he mentioned that a 'policy of encouraging legal marriage to [Aboriginal women's] own country men is proving successful, as in twenty-eight cases the husbands chosen were aboriginal or half-castes'.⁶⁸ By 1928, his policy had become 'to check as far as possible the breeding of half-castes, by firmly discouraging miscegenation, and, in conformity with this, every effort is made to encourage marriage of those now with us to people of their own race'.⁶⁹ By 1931, Bleakley was even attributing the success of this policy to the desires of the Aboriginal women themselves: 'It is noteworthy,' he wrote in his report for 1931, 'that in very few instances any desire has been shown to marry outside of their own race; in fact, in the institutions, they seem to show a preference for the full-blood'.⁷⁰ Finally, in 1932 he noted the change in departmental policy towards marriages with white men:

The efforts of this Department in the past have been directed to the checking of this evil, by sternly preventing miscegenation, as far as the limited machinery made possible. The marriage of whites and aboriginals, unfortunately not discour-

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60. For example the Home Secretary argued that: '[t]he reason why the legislation is asked for is that an Asiatic, who is known to have been convicted of offences against the Act — for supplying blacks with opium, for instance — upon a prosecution being attempted against him for a breach of the Act with regard to harbouring a gin and her family, perhaps portion of that family being his own children, does this: He goes through a form of marriage with that gin, and defies the law. There are many such instances. He is a nomad, and that marriage bond is no more to him than a snap of the finger. If he wants to sever it he packs up his traps and goes elsewhere. But he is able, by going through that form of marriage, to defy the protector, and say, "You cannot remove this woman from my premises; she is my wife".' *Queensland Parliamentary Debates* 1901: 223.
61. 'Report of the Northern Protector of Aboriginals for 1899', *Queensland Votes and Proceedings* 5, 1900: 10 (hereafter *QVP*).
62. 'Report of the Northern Protector of Aboriginals for 1900', *QVP* 4(2), 1901: 9.
63. 'Annual Report of the Northern Protector of Aboriginals for 1901', *Queensland Parliamentary Papers* (hereafter *QPP*) 1, 1902: 7.
64. 'Annual Report of the Northern Protector of Aboriginals for 1901': 8.
65. 'Annual Report of the Northern Protector of Aboriginals for 1901': 9.
66. 'Annual Report of the Chief Protector of Aboriginals for 1905', *QPP*, 1906: 15.
67. 'I lean strongly to the view that it is less cruel to these unfortunates to keep them among the race to which they belong, half by blood and almost wholly by nature, than to expect them to take a place with their white sisters, where uncongenial conditions and company condemn them very often to what can only be an unhappy lonely existence.' (Annual Report of the Chief Protector of Aboriginals for the year 1913', *QPP* 3 (1914), 11). Bleakley published his opinions about assimilation at length in Bleakley 1961.
68. 'Annual Report of the Chief Protector of Aboriginals for the year 1916', *QPP* 3 (1917), 8.

aged in the earlier years, has been absolutely prohibited, and every encouragement given to these women to marry amongst their own race.⁷¹

Far from encouraging the idea of absorbing Aboriginal identity altogether, Bleakley went out of his way to rid Queensland of its mixed-descent population by absorbing it into the Indigenous population rather than the white.⁷² In this, he made Queensland the exception to every other Australian state and territory.

Although Bleakley's policies certainly showed the same anxieties about the problem of a growing mixed-descent population, he was not in agreement with the Chief Protectors of Western Australia and the Northern Territory, Neville and Cook, who by this time were advocating the absorption of Aboriginal physical characteristics into those of the white population. The reasons for Bleakley's unconformity can perhaps be found in his 1936 and 1937 reports, as he grappled with his unpopular ideas about the future of Australia's multiracial society. He wrote in 1936:

Considerable interest in the case of the half-caste has been awakened by suggestions from different quarters, resulting in a side controversy, that the solution of the problem of their future lay in their absorption into the white race by marriage of young women to white men.⁷³

Interestingly, his reason for objecting to this idea was also regarded as one of the biggest 'problems' faced by supporters of the absorption policy – the 'impurity' of mixed-descent 'blood':

Unfortunately, such a proposal, although suitable in some special cases of quadroon and lighter types with definite European characteristics, overlooks the many complexities of this difficult problem. Not every half-caste is the product of European breeding – quite a large proportion are of alien blood more akin to the

69. 'Aboriginal Department – Information contained in the report for the year ended 31st December, 1928', *QPP* 1, 1929: 5.

70. 'Aboriginal Department – Information contained in the report for the year ended 31st December, 1931', *QPP* 1, 1932: 8.

71. 'Aboriginal Department – Information contained in the report for the year ended 31st December, 1932', *QPP* 1, 1933: 9. Historian Noel Loos suggests that Queensland authorities had another motivation for discouraging white men from marrying their Aboriginal partners: the threat to the status quo that such state and church-sanctioned unions represented. Loos 1982: 36.

72. Although the only official criteria for accepting or rejecting applications for interracial marriages expressed in the Protector's reports remained those given by Roth in 1901 (character, length of cohabitation, children etc), the differing policies of the three Protectors during the period between 1884 and 1939 are reflected in numbers and kinds of marriages approved by them. Until 1916, under the Protectorships of Roth and Howard, in the first few years of Bleakley's office, the majority of marriages approved were to Pacific Islanders. From 1917, the majority of approved marriages were between Aboriginal men and women, or 'half-castes' (presumably descended from European and Aboriginal parentage). By 1928, only marriages between Aboriginal women and Aboriginal men or men of mixed descent were approved. In the following decade growing numbers of such marriages took place (reaching a peak of 113 in 1936), while there were at most one or two cases of interracial marriage between Aboriginal women and other ethnic groups.

73. 'Aboriginal Department – Information contained in the report for the year ended 31st December, 1936', *QPP* 2, 1937: 10.

aboriginal race itself, such as Pacific Island, African, Malay, and others of Asiatic origin.⁷⁴

The following year Bleakley reiterated this objection when commenting on the 1937 Aboriginal Welfare Conference's support of the policy of 'absorption'. According to Bleakley,

Queensland's cross-breed problem was probably more complex than that of any other State, owing to the greater percentage of Pacific Island and Asiatic crosses, and the views of most of the authorities on the subject in this state disputed the wisdom of measures to encourage the absorption of these breeds.⁷⁵

Despite, or perhaps because of, the lack of unease about Aboriginal and Asiatic relationships voiced in Queensland, it appears that the phenomenon had reached greater prominence in that state. At the conference itself Bleakley recommended that people of mixed descent should be absorbed, not by the white population, but by the 'native community'.⁷⁶

There does not appear to be one simple explanation for Queensland's aberrant use of its ability to control Indigenous marriages. Although it is arguable that the difference in Queensland's policy can be attributed to the opinions of Bleakley personally, his belief that Queensland's 'crossbreed problem' was more 'complex' than any other state suggests that the white population of Queensland was also perhaps not so confident of being able to absorb such a large Indigenous community. It has been estimated that the area that later became the state of Queensland was home to 100,000 Aboriginal people at the time of initial white settlement. Although that figure had fallen to 26,670 by 1901, it was still the largest recorded Aboriginal population of any state in Australia.⁷⁷ Queensland also had a significant Chinese population and a sizeable Pacific Islander minority population created by the sugar industry.⁷⁸ Just as in the United States, non-white populations of significant size caused the idea of biological absorption to be vetoed in the minds of Queensland administrators.

According to the discussions surrounding the legislation, Queensland adopted the 1901 interracial marriage clause to prevent Aboriginal women who were already married according to their own traditions from marrying a different man under the laws of the state, and to prevent men from using marriage to escape prosecution for 'harbouring' Aboriginal women. Bleakley then used it to prevent interracial marriages between Aboriginal and mixed-descent women and non-Aboriginal men, thus imped-

⁷⁴. 'Aboriginal Department Report, 1936', 10. Bleakley's own solutions ranged from a separate 'half-caste' colony to, according to Rosalind Kidd, privately considering the sterilisation of Aboriginal women (Kidd 1997: 137).

⁷⁵. 'Aboriginal Department — Information contained in the report for the year ended 31st December, 1937', *QPP* 2, 1938: 11-12.

⁷⁶. Commonwealth of Australia 1937: 8.

⁷⁷. Chesterman and Galligan 1997: 31. The Northern Territory's Aboriginal population was merely *estimated* to be between 20,000 and 50,000 — Queensland's figure was based on more reliable statistics.

⁷⁸. In 1906 a government report estimated that over 5,000 Melanesian men were resident in Queensland. Approximately 20,000 Chinese people arrived in Queensland in the last decades of the 19th century, many attracted by the gold rushes of the period, although many returned home again after a short stay (Evans, Saunders and Cronin 1988: 218, 332).

ing rather than encouraging biological absorption. This model was then taken over by other states and manipulated to fit their own anxieties about interracial 'miscegenation,' anxieties that only appeared in Queensland much later. So the laws prohibiting marriage of Aboriginal women to non-Aboriginal men actually grew from quite different concerns in the various states. Although, as many historians have noted, the Queensland legislation was the basis of that of Western Australia, South Australia, and the Northern Territory, in practice legislators and administrators interpreted clauses with similar wording to suit their own ends.

Perhaps another explanation can be found in the argument of several Australian historians, most recently Nikki Henningham, that relationships between white settlers and Aboriginal people in Queensland, particularly in the north, was in many ways unlike that in other regions in Australia.⁷⁹ Henningham argues that, as well as the anxieties created by the isolation and small size of the white population, labour shortages in the early years of settlement had produced a unique situation in which Aboriginal people were indispensable, unpaid 'family members' on many outback Queensland stations.⁸⁰ Although, as Henningham points out, this situation was one of the reasons why many Queensland white men resented the 1897 Act for interfering in what they saw as their personal lives, its blurred racial boundaries might also have been behind the reluctance of Queensland administrators and politicians to consider biological absorption as a solution to their 'Aboriginal problem'. As late as the 1960s – in the United States a period of increasing racial tolerance – Bleakley was still arguing that, because of the inferior natures of white people willing to engage in interracial sexual relationships and:

the present half-civilised state of the aborigines, the process of absorption would be through the least desirable channels on both sides. There is much to be eliminated from, or changed in, the aboriginal ideology before the race can mate on a level with that of a higher culture without incurring grave social dangers.⁸¹

Despite the genocidal implications of biological absorption, as these comments imply it can also be seen to entail a kind of equality: the equality of two groups of people who felt compatible enough to allow for intimate acquaintances to be formed. Such issues demonstrate the complexities of comparative history. This kind of equality was a rare occurrence in the United States' 'Jim Crow' South, infamous for its intolerance of interracial marriages. In Queensland, too, it was unthinkable.

Conclusion

Leaving aside Queensland, a broad comparison of Australian state policies with reveals some subtle national differences. White Australians relied on interracial sexual relationships to bring about assimilation through a generation-by-generation loss of Aboriginal physical identity. In Western Australia and the Northern Territory, where large non-white, non-Indigenous populations existed (such as Pacific Islander or Asian peoples), controls were put in place to prevent the production of children with mixed Asian or Pacific Islander descent, who did not fit into the absorption project. In the south-eastern

^{79.} Henningham 2000. See also, among many others, Evans et al 1988, Loos 1982 and Kidd 1997.

^{80.} Henningham 2000: 257–8.

^{81.} Bleakley 1961: 314.

states of Victoria, NSW, and South Australia, smaller populations of Aboriginal people allowed white people to be quite content to let biological absorption occur 'naturally', helping it along with methods such as dispersal and the removal from Aboriginal homes of children of mixed descent, but not feeling the need to control marriage through legislation. Only policy makers in Queensland were squeamish about the absorptionist project and tried to prevent racial mixing and to ensure the 'purity' of the white race.

Patrick Wolfe's comparative work on interracial sexuality and its place in the colonial project is useful here. In Australia, Wolfe has argued, a small Indigenous population in conjunction with various scientific works proposing the suitability of Aboriginal 'blood' for absorption, led to same belief as in the United States, that 'the category 'White' [could] stand admixture' of Indigenous identity without its purity being compromised. On the other hand, 'Aboriginality', like 'Indianness', could not; it immediately became 'half-caste', 'quadroon', or 'octoroon' by the addition of white 'blood'.⁸² The intensity of the effort to absorb Aboriginal people biologically is not only thrown into relief when the inadequate efforts to culturally assimilate them are compared with the more concerted efforts in the United States. In addition, the Australian emphasis on absorption can be partially explained by comparing Australian racial landscape with that of the United States. Wolfe proposes that the absence of an Australian equivalent of the African American population meant that white Australian anxieties were diffused over a number of groups. In Australia, Wolfe has argued, the lack of a significant 'third race' meant that 'miscegenation discourse focused from the outset on Indigenous people' and emphasised their segregation from the smaller numbers of Asian and Pacific Islander people who might 'pollute' the process of their absorption.⁸³

In this investigation of the legal controls of interracial marriage in the late 19th and early 20th centuries, I hope I have demonstrated that historical analysis which crosses national boundaries can give us valuable perspectives on the past. Here in Australia, where the cruel treatment of Indigenous people has frequently been rationalized as the product of 'good intentions at the time', white Australians would do well to realise that dealings with the original owners of the land might have been different: other possibilities were explored elsewhere, and the situation in which we find ourselves in the year 2003 was not in all ways the inevitable outcome of the past.

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^{82.} Wolfe 1994: 116. For a discussion of the level of acceptance of Indian-white absorption see Smits 1991.

^{83.} Wolfe 2001: 872.

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