INSTITUTE OF CURRENT WORLD AFFAIRS

EPW-20
Race Relations I:
Two Systems of Law

P.O. Box 628,
Port Moresby,
Papua,
Territory of Papua
& New Guinea

October 23, 1969

Mr. Richard H. Nolte,
Executive Director,
Institute of Current World Affairs,
535 Fifth Avenue,
New York, New York 10017,
United States of America

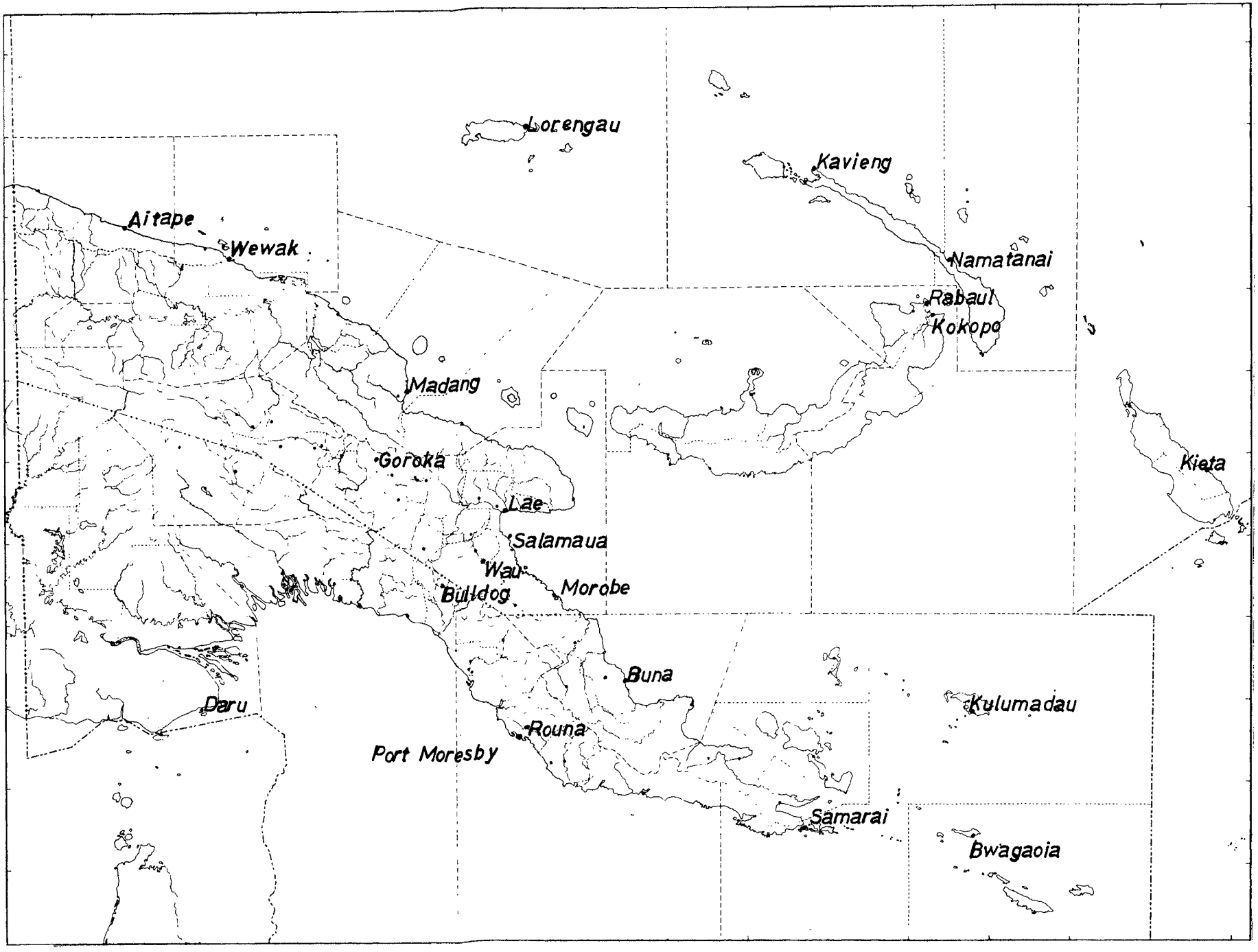
Dear Mr. Nolte,

Most of the available writing on race relations in Papua and New Guinea tends to be descriptive of the situation at the time of writing, and essentially impressionistic. Very little serious attention has been paid either to the historical background, or to an analysis of the sociological parameters, of present tensions and problems. The aim of this "Newsletter", then, is to examine the historical development, and to evaluate the impact, of some of the laws and governmental institutions through which interracial relations have been conducted. In carrying out this aim, it will concentrate especially upon those laws and offices that most directly affected indigenous society at village level, and when Papuans and New Guineans began to come to town.

Restraint without Control

> "At the outset, the attention of ...[colonial] administrations was directed primarily to the establishment of law and order, and the provision of those requirements ... which would enable the population to satisfy its more elementary needs."

Both Papua and New Guinea, however, remained exceptions to Lord Hailey's dictum for at least the first few years of their administration by outside powers. In both cases, lack of men, money and interest at home were primarily responsible for their comparative neglect, although, for the first few years at least, the administration of British New Guinea faced a special set of legal limitations upon its ambitions.


Lorengau
Kavieng
Aitape
Wewak
Namatanai
Rabaul
Kokopo
Madang
Goroka
Kieta
Lae
Salamaua
Wau
Bulldog
Morobe
Buna
Daru
Kulumadau
Rouna
Port Moresby
Samarai
Bwagaoia

Modern forms of government were imposed upon Papua and New Guinea. Where the imposition was noticed, it was, at best, acquiesced in, and sometimes even approved of in due course. Given this sequence of events, then, the motives of the colonisers were probably of less longterm importance than their actions. Nonetheless, the Reverend Chalmers seemed rather pleased to report that he had overheard one Papuan confide to another in the vernacular that the proclamation of a British protectorate over the southeastern portion of New Guinea should be welcomed. "Now we are satisfied," he said, "now we know that Queen Victoria is our protector."

Europeans first came to Papua and New Guinea for the same variety of reasons which had taken them to Africa and Australia: the desire to make money; to save souls; and to explore. The British government reluctantly declared a protectorate over British New Guinea (later Papua) in November 1884, under pressure from the Australian states, which feared a putative German interest in the area, and in order to control the depredations of the British fortune-, soul- and adventure-seekers there. The protectorate was only a partial success on both counts: the German government annexed the northeastern portion of the mainland and its island outliers in December, and thereby became a power in the area; while the protectorate administration was legally unable to do more than to restrict foreign activity, and to protect the Papuans. It had no legal authority to intervene directly in indigenous affairs.

The actual proclamation establishing the British protectorate has become quite famous over the years for its promises "that evil-disposed men will not be able to occupy your homes .... Your lands will be secured to you, your wives and children will be protected." Indeed, many Papuans know just these portions of the declaration off by heart, and are not at all loth to repeat them when arguing the demerits of government policy, especially in relation to land matters.

As soon as the protectorate had been declared, however, the Australian states, which had pledged themselves to its financial support, lost interest, and by 1887, South Australia, Western Australia, Tasmania and New Zealand had begun to renege on their payments. Great Britain, New South Wales, Victoria and Queensland alone kept up their payments, until 1898, albeit at a gradually decreasing level.

The protectorate administration was not only in financial difficulties, however, but it was legally hamstrung too. It was empowered by law only to control the entry of foreigners to the area, and to legislate only for its non-indigenous population. If, say, a group of Papuans attacked a European, or a battle between rival Papuan groups threatened European security, there was technically no redress possible. Until such time as it could legally intervene in indigenous society, the administration could only admonish indigenous wrongdoers, as was done when a group of Papuans, who had clearly just arisen from a cannibalistic feast, attended a repeat performance of

the protectorate's proclamation near their village. "Queen Victoria," they were told, "doesn't like her children to do that sort of thing!"

Otherwise, the protectorate's administrators had no real alternative to "shutting up the country", and thereby incurring the wrath of potential investors. As J. J. Romilly, at that time the protectorate's acting administrator, observed:

> "... till we get a good working establishment there it would be absurd to allow a rush of white men, and begin our work with a lot of murders and other troubles on our hands ...."

Small wonder, then, that the protectorate is generally regarded as embracing "a period of suspended animation".

The Establishment of Government

British New Guinea was annexed as a colony of Great Britain on the same day, September 4, 1888, as its first Administrator (and, from 1895, its first Lieutenant-Governor), Dr. (later Sir) William MacGregor arrived in Port Moresby. It was MacGregor who laid the basis of the Territory's system of "native administration".

Sir William MacGregor has retrospectively acquired a modest reputation as one of the "tough guys" of Papuan history. Certainly, his methods of establishing government control sounded cruder and more violent than the "peaceful penetration" policy of his most important Australian successor, Sir Hubert Murray. One suspects, however, that the administration of their policies on the ground may have been more similar than their rhetoric. While MacGregor spoke roughly, he discouraged the mounting of punitive expeditions against groups of offending Papuans. Under Murray, Papuans who resisted the imposition of the Pax Australia too vigorously were sometimes fired upon, or had their houses set alight. MacGregor's claims should probably be read, then, against the background of the extravagant imperial adventurism of his day:

> "There is only one thing they [the Papuans] respect, that is force. They have the most profound respect for that .... We had first to found our Government stations, and we have been using each station as a centre from which our authority is gradually radiating .... Beyond that there is the old state of things, every tribe fighting its neighbour, so when we go into a new district we almost invariably have to fight the principal fighting tribe of the district. We never fight with them at all if we can possibly avoid it until we are in a position to make it a final and decisive move. We hardly ever have to fight twice in the same district."

Since MacGregor's day in Papua, and from the beginnings of German rule in New Guinea, the two territories' successive administrations have successfully claimed two rights: the right to intervene unilaterally in village affairs; and the right to control the indigenes' rate, and method, of entry into the modern world. Intervention can, of course, stimulate change, or repress it; control may be protective (and, therefore, ultimately progressive), or restrictive. The balance is in each case rather fine, and needs to be precisely evaluated in each period, and for each aspect of society in either territory. On both counts, one is tempted to rate MacGregor rather more highly than his German contemporaries, and his successors on both sides of the border before World War II.

Very soon after his arrival, and still during 1888, MacGregor began to legislate the outlines of his policy of protection. Direct land purchases from the Papuans by anyone other than the administration were forbidden. Arms, ammunition and liquor could not be supplied to the indigenes, and, in an attempt to bring the recruitment of indigenous labour by expatriates under control, the removal of a Papuan from his home district was declared illegal. At the same time, the general body of Queensland law was brought into force, initially for people of all races.

Only after the passage of the Native Board Ordinance in 1889 was provision made for the establishment of a system of "native administration", and for the promulgation of a special set of regulations "bearing upon or affecting the good government and well-being of the Natives." Under MacGregor, however, most conventional criminal offences by Papuans still came under the Queensland code, the only exceptions being those concerned with compelling a Papuan woman to have intercourse, which came under the Native Board Regulations in 1897, and the careless use of fire (also in 1897). Otherwise, the Native Regulations under the British were concerned principally with the protection of the Papuans from exploitation and disease, their paternalistic correction and "improvement", and the development of the village economy (to provide a potential source of tax-revenue, and to assist in the indigenes' entry into a cash economy). The Native Regulation Board Ordinance of 1889 was no more than the legal seed from which MacGregor's Australian successors developed an increasingly bifurcated legal system. Until 1906, the Native Board Regulations dealt mainly with administrative and medical exigencies and requirements outside the normal ambit of British and Australian law.

Under MacGregor, it was legally possible for a Papuan to become an administrative official with almost the same rights and duties as a European; after 1909, when the Australian administration passed a completely new Native Regulation Ordinance, this specific proviso, and official faith in its shortterm applicability, both disappeared. It was not until the 1960s that an Australian administration began to follow MacGregor's precept again, and appointed some indigenes as magistrates, and patrol officers. At about the same time, the multitude of special - ultimately, discriminatory - "Native Regulations", crimes and penalties developed since MacGregor's day were gradually repealed.

Two pre-World War II Papuan Police

On the administrative side, the pattern established by MacGregor prevailed, almost untouched, until after World War II. As new areas were brought under control, the magistrates, whose duties were initially defined by MacGregor, and their armed indigenous police (who gradually replaced the force of Fijians and Solomon Islanders set up in 1890), brought government to Papua. It was under MacGregor that the government first began to assert its right to unilateral intervention in village life. Only since 1950, have consultation, and an elective local government council system begun to replace the "native administration" system established during the 1890s.

Readers of EPW-2 may remember that a "magistrate" in Papua was more than a judicial officer. He was, and his successor, the patrol officer, still is, in many areas, the sole local personification of the government: policeman, explorer, roadbuilder, health inspector, social worker, and prison warder; even in court, where he deals with most of the "lesser offences" against the law, and civil disputes between Papuans, he acts as prosecutor, defence counsel, judge and jury. Only recently have specialised magistrates begun to sit in some rural areas.

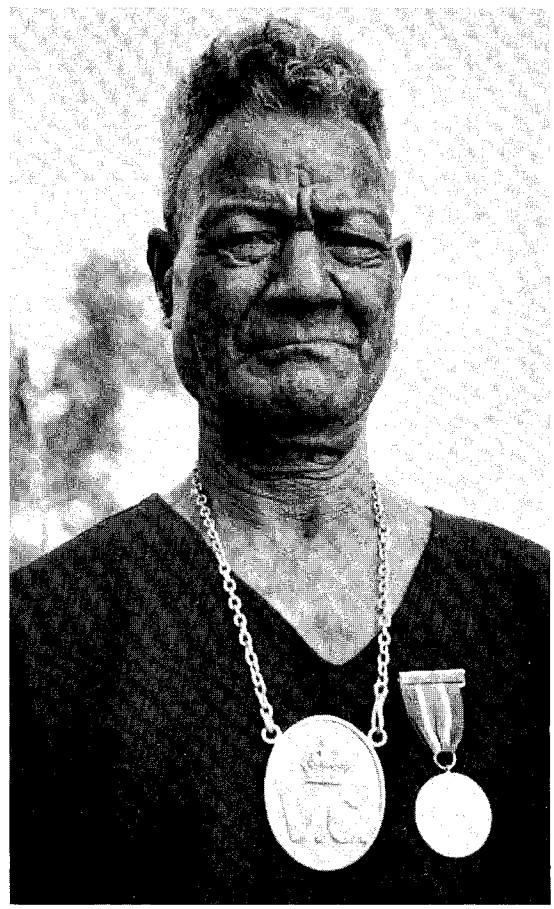
Beneath the magistrate, and appointed by him, after an area has come under government control, is the "village constable". As Papua was pacified, the number of village constables increased, and the law was enforced in the magistrate's absence. As councils were established after World War II, so elected leaders began to replace appointed officials at village level. By the end of 1968, 86% of the indigenous people of Papua had elected their own councillors, while a few people in the Western District were in process of being "contacted" for the first time. While the majority were "relearning" local self-government, a small minority of Papuans was still being, or was about to be, "ruled" by other Papuans who had been appointed to act on the central government's behalf.

Most of the pre-contact political communities in Papua lacked any centralised authority, and any formally powerful positions. There were, in short, no chiefs. MacGregor, therefore, ceased the largely pointless exercise whereby his predecessors had "recognised the chiefs", and began to appoint a government official in each village.

The village constable was not a leader, as the regulation (of 1892) creating the position made quite clear:

> "1. The Administrator may appoint <u>any</u> good man to be a Village Constable ....
>
> 7. The Village Constable is a <u>servant</u> of the Government ....
>
> 9. The Village Constable will <u>listen to and obey</u> the Magistrate" (underlining added).

In MacGregor's day, each village constable was given a medallion to wear around his neck, or a special stave. Later on, he was given a uniform, and paid a modest annual allowance.



A Papuan Village Constable wearing one of the insignia of the office current during the MacGregor period

The altogether alien nature of the village constable's position became clear as the system developed. He had no specific role, in short no circumscribed legitimacy, in indigenous society. His sole legal power of arrest had no precedent, and therefore probably no substantive meaning, even where it was known. A special regulation had, therefore, to be promulgated (in 1895) to restrain appointed constables from ill-using their people "and, at the same time, ... [telling] the people that the Government approves of their bad behaviour which is a lie ..."; and to protect the indigenous public from those who falsely claimed to have been appointed by the government. Under Australian rule, the increasing number of penalties and demands placed upon these constables only emphasised their role as servants of the government, and probably undermined the

authority of those officials who had become leaders in their own right. As time passed, their duties were ever more specifically set out, and their authority then circumscribed, by government decree.

The dividing-lines between protection, correction and development are vague. Here, they will be used very broadly to help organise the data rather than to make an important analytical point. To take an example: in 1893, the following regulation was promulgated by the Native Regulation Board:

> "White men know that sorcery is only deceit, but the lies of the sorcerer frighten many people. The deceit of the sorcerer should be stopped."

Was this paternalistic injunction intended to protect the people from the vengeance of the bewitched? to correct an erroneously held set of beliefs, or evil practices? or to prepare the people of Papua for the secular world of development? Anyway, as Sir Hubert Murray once remarked, "Sorcery is an offence which is of course imaginary...", with no possible evidence, other than the conviction of the ensorcered, or the boasts or protestations of the practitioner, either way. How, then, could and did European Native Magistrates sentence the guilty to up to three months gaol, and (native) Native Magistrates dispense sentences of up to three days?

In 1909, the anti-sorcery regulation gained a more precise and readily enforceable definition. It then became illegal to practise or to pretend to practise sorcery; to threaten its use either by oneself or through another; to procure or to attempt to procure a sorcerer; to be found in possession of "implements or "charms" [both left undefined] used in sorcery"; or to accept payment, or presents in the shape of food or otherwise "when the obvious intention of making such payments or presents is to propitiate a sorcerer." An accused can at least be found guilty or not guilty according to fairly objective criteria if he is charged with pretending to a certain skill, threatening or procuring for its use, possession of certain classes of goods, or extortion. Unfortunately, most sorcerers are only discovered after someone has suffered, and the suffering or death is retrospectively attributed (often through the use of magic too) to the apparently malevolent character of someone's secret (and therefore effective) doings.

Otherwise, on the purely protective side - of their longterm economic interests - Papuans were forbidden altogether from disposing of their land, by will or through any other means, to any person at all, other than by custom.

In the medical field, to protect the Papuans from disease, to correct previously unhealthy practices, and to develop better standards of hygiene, it became illegal (in 1890) to bury the dead within an occupied village, and especially to keep them near one's house, as many Papuans had previously done. In 1904,

it became compulsory to report all cases of venereal disease to the magistrate, and for the sick to wash with water every day, and avoid all physical contact with their neighbours. By 1905, it had become legally compulsory to improve, and keep one's village clean, on pain of seven days in gaol, or the enforced destruction of one's house. At the same time, magistrates could order all diseased dogs and pigs to be destroyed, and village water-supplies to be kept clean, and fenced. Earlier, in 1902, magistrates had been empowered to order the removal, abandonment or destruction of any village which they found "objectionable" on any, but particularly health, grounds. Medical development required what was best, not what was wanted or persuasive.

More generally, it became illegal in 1891 to spread lying reports, and to use threatening language. The first charge was often employed over the years against those who disturbed the administratively-imposed quiescence of an area by preaching or expecting that the millennium of European-style affluence for Papuans was close at hand. The latter charge dealt with those who challenged the government's authority, or whose verbal assaults seemed likely to lead to a breach of the peace.

Colonial governments have tended to define "development" in two broad ways: as an economic phenomenon, or in terms of their own administrative convenience. Protection and correction, too, were often defined in terms of the "real" best interests of the governed, not their immediate desires. Thus, magistrates were empowered, (in 1891) to prosecute anyone who destroyed (even his own) coconut palms, (from 1895) took sap at the wrong time from a rubber or guttapercha plant, or blocked a water-channel; to order the men of any village to plant a given number of coconut palms each, and to tend them properly (in 1894); and, in 1903, to order other trees to be planted for food and trade where the ground was unsuitable for coconuts. After 1894, magistrates could order the people they administered to build, and maintain, local "roads", more accurately broad and shady tracks, to make patrolling and more general movement between villages easier. Administrative convenience or development?

The wide and shaded lanes along the Papuan coast, flanked by neatly planted and carefully tended coconut palms on either side bear mute testimony still to the immediate efficacy of the government's injunctions. The failure to replant many of these palms after sixty years, of now rapidly decreasing production, for financial gain, are witness to the longterm inefficacy of even economic development through compulsion (without continued compulsion). Community development was then administered to the people in their own best interests. Consultation was regarded as impossible.

A number of other "Forbidden Acts", as offences against the Native Board Regulations were called, and requirements, were defined over the years to assist the government in its self-appointed task of administering, and therefore developing, the

On patrol.
The man in uniform, carrying the kiap's gun,
is a government interpreter.

country. As a regulation of 1897 rather unctuously put it, "The work which the Government do [sic] is for the good of all the people of the land...." As its officers could not patrol without carriers to convey their goods from place to place, each illiterate "chief" was compelled to keep a list of potential carriers in his village, who could then be compelled, in return for food and pay, to help the magistrate on his way.

Only administrative convenience for law-enforcement and census-taking purposes could really explain the need for a regulation (of 1902) forbidding people to abandon their old homes in settled villages and scattering themselves in small groups over the country. This practice was, however, outlawed, technically because it increased superstitious fears, bred animosities, and "debase[d] those that follow[ed] it." Like adultery and wife-stealing (in 1891), the practice was made an offence really because of the threat that enmity, caused by a spouse's sexual infidelity, and expressed, then exacerbated, in the division of small communities, posed to the peace. Even traditionally isolated small groups containing no more than three dwellings could be compelled to remove themselves to a regular village within a specified period. Government control had brought peace and the ability to live and move more freely. It had also placed quite new demands for labour, "improvement", and administratively more efficient living, upon the village.

Perhaps the most optimistically-based requirement that "development" placed upon the Papuan people, however, was a regulation of 1897, which was introduced with the same sort of patiently paternal explanation that prefaced many of the regulations of the day:

> "Children learn things more easily than grown up people do. Children now growing up will by the time they become men and women need to know more about reading, writing, and arithmetic, than their parents do. But some foolish parents do not care whether their children learn these things or not. It is therefore for the good of the children that this law is made."

Thereupon, a clause followed making it compulsory for all children between five and thirteen years to go to the nearest school on at least three days per week, on pain of a fine of five shillings or three days gaol for the parents of defaulters. In a territory that supported not a single government school, nor more than a handful of mission-sponsored educational institutions, the regulation was a little difficult to implement justly or effectively.

One final regulation from the interregnum period of joint British and Australian rule (1898-1905), before Australia assumed full and formal responsibility for Papua's administration in 1906, deserves special mention here. In 1902, Papua set a rather gruesome legal precedent, for in that year it became a Forbidden Act, on pain of one month's gaol, "to barter, give, sell, offer or procure, whether for any consideration or otherwise, any human skull or other human remains." Thus, cannibalism, headhunting as a rite de passage in many communities, and certain classes of museum-collecting, were all technically outlawed in a single sentence.

A Highlands village ordered in the modern style.

Papua Under Australian Rule

Australia became legally responsible for the administration of British New Guinea with the proclamation of the Papua Act in 1906. The story of the colony's administration from then, until World War II was the familiar one, of a continued Australian lack of interest, and neglect. Policy was made, and its implementation supervised, by a single man, J. H. P. (later Sir Hubert) Murray, from his appointment as Acting Administrator in 1907, and then Lieutenant-Governor in 1908, until his death in 1940. Throughout the period, "the Murray System", as it became known, was Australian policy.

Murray's reputation is presently uncertain. On the one hand, many Papuans remember his aloof paternalism with affection, while, on the other hand, at least one historian has claimed that there never was a "system" at all, "except in so far as the claims of Europeans who had been induced to invest money in Papua, were balanced against the well-being of the original inhabitants." Lord Hailey, the eminent author of An African Survey and other famous works on colonial administration, was however probably his most pointed critic. By 1948, when he wrote, "the Murray System" had become a legend, a potent legitimating symbol in the arguments between the pre-war European settlers who saw in its continuation the best that they could still hope for, and the proponents of "a new deal for the natives", who spoke of the logical next step from Murray's policies. Rather to the discomfort of both sides, Lord Hailey described Murray's "system of administration [as amounting] ... to no more than a well-regulated and benevolent type of police rule." This judgment was not intended as "any disparagement of Murray's reputation.... Little more was perhaps possible within the slender financial resources available."

In a curious way, Murray had been well aware of the differing standards by which he would one day be judged. Perhaps he alone had been consistent as his territory, and colonial policies elsewhere, developed - ahead of his time at the beginning, quaintly old-fashioned at the end, and always hampered by lack of funds and the Australian government's monumental indifference to Papuan affairs:

> "The outstanding criticism of the Papuan Government used to be that it was "pampering" and "coddling" the natives and encouraging them in habits of idleness. The tide seems now to be turning, and it is likely that in the future we shall be accused, rather, of overworking the Papuan and driving him too hard. This is not evidence of inconsistency, it is due to the fact that different people are talking...."

How grateful would Murray have been for his most recent biographer's attempts to provide "evidence of his capacity, at a comparatively advanced age, to respond to new things"? Clearly, his policies and techniques had to change as the society around him changed, but,

equally clearly, he seems to have remained quite consistent, in his gradual implementation of his policy-responses, to certain general notions about the place of the Papuan in society, and the sort of "improvements" he should undergo.

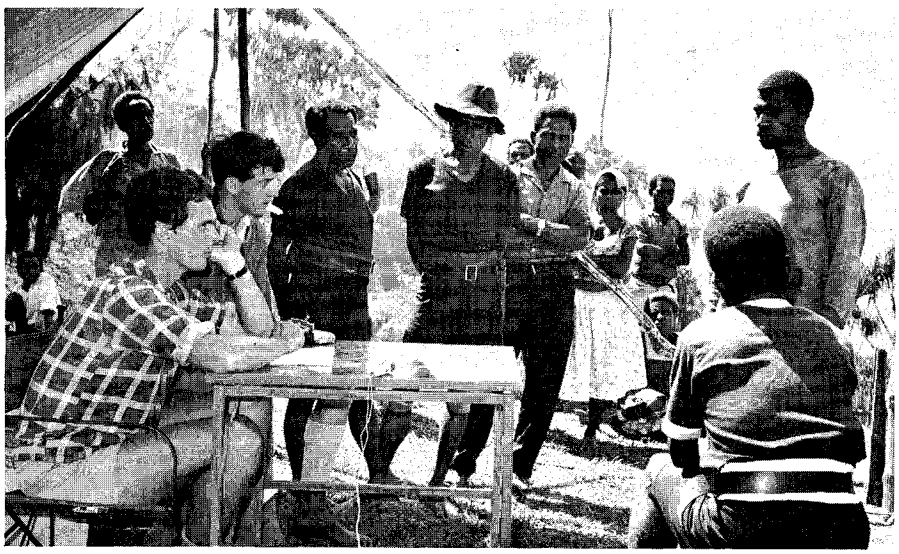
In order to provide some organisation for the data that are available, we shall consider the pre-war Papuan administative system, and its policies, under three heads: 1) the development of the MacGregor tradition of unilateral intervention in village affairs; 2) the protection of the Papuans; and 3) the preservation of European interests, standards, and society.

1) The Development of the MacGregor System

One cannot obtain a proper understanding of the true longterm historical importance of the "native administration" system in Papua from a study of the Native Regulations by themselves. They were essentially but a continuation, and an intensification of certain elements, of the regulations promulgated by MacGregor. Their historical significance derives, rather, from the length of time - nearly sixty years in some areas - during which they remained the sole point of contact between the villager and the central government, and the ways in which they moulded village life. The manner of their administration was, in the end, as important as their purpose.

As the geographical area under government control expanded after 1906, so too did the areas of village life in which the government asserted its right of unilateral intervention. And the style of that intervention was as oppressively paternalistic as its interference seemed ubiquitous. By World War II, the government had effectively established the right to intervene when and where it chose, and had effectively stifled or demoralised almost every source of independent initiative and leadership outside its own institutions and appointees.

At the most general level, resident magistrates had been empowered (since 1890) to initiate prosecutions upon their own complaint, but, in 1909, they were told, for the first time, to use their "discretion as to taking notice of matters that are civil claims." They were permitted now to intervene in anything at all "to appease quarrels and disputes about the property and rights, real or imaginary [of the people], and to prevent as much as possible the strong taking advantage of the weak." Although not allowed to decide the ownership of land or water, magistrates were to do all they could to avoid trouble or immoral conduct (which was often a direct cause of trouble) in the village.



A patrol officer holds court in the bush, with two village constables in attendance, and helped by an interpreter (back to camera).

Magistrates were, of course, allowed to do more than just avert trouble. They were to assist in the development of the villages, and the improvement of the people, in their charge. In 1913, disobedience of any "lawful order" of a magistrate became punishable by a fine of ten shillings or one month's gaol. In 1920, the range of these "lawful orders" was expanded to embrace "any act which ... [any native had to do if the magistrate considered it to be] for the good government and well-being of the natives." After 1931, magistrates were empowered to summon anyone they suspected of committing a "forbidden act", whether or not a complaint had been laid. In short, Papua's resident magistrates not only had quite wide powers to enforce the law, but were gradually invited to legislate almost as they chose.

Out in the bush, the actual wording of the regulations probably did not matter much anyway. The magistrate was prosecutor, judge and jury in his court. In an extremity, he alone was armed. Murray presumably handpicked his officers for just these reasons: out on patrol, a man's character was a more likely determinant of his conduct than the law. From that realisation, it was but a short step to give the virtual power of legislation to one's field staff.

At a narrower level, the range and number of regulations kept on increasing too. A few regulations, such as that (in 1909) forbidding the wearing of a shirt, long-sleeved singlet or hand-protection other than gloves while "feeding machinery" were an obvious response to the need to provide legally for an increasingly complex, developing society. Others, such as the regulation (of 1930) enjoining village constables to find someone to feed a motherless child who

was still at breast, were probably no more than an expression of a neurotic paternalist's unnecessary fussing.

In the medical field, parents who lived within ten miles of Port Moresby were legally compelled to seek medical attention for their children if so ordered (in 1909), Papuans with dysentery were forbidden to enter the town (in 1912), and communication between any village where an infectious disease was rife, and outsiders, could be outlawed (in 1916). In 1919, inoculations became compulsory on the orders of a resident magistrate or the Lieutenant-Governor, while in 1930 a fine of one pound, or two months gaol, was provided for any offender who left a canoe with water in it (and which was, therefore, a likely breeding-ground for mosquitoes) near a village. In 1913, abortion had been outlawed, although the effectiveness of this measure may be gauged from the large number of references to Papua and New Guinea to be found in a bibliography on abortion in primitive society which was published more than forty years later.

As regards the general health and welfare of the village as a whole, the house and village cleaning regulations were tightened up (in 1909), as were the road-cleaning and maintenance provisions. Additions to villages built partly over the sea, for defence reasons before contact, had now to be made over the sea too but now for health reasons (in 1909), while magistrates were empowered (in 1921) to issue orders to extend, rebuild or repair, overcrowded, insanitary or badly neglected houses. In 1921, magistrates were given the quite arbitrary power "from time to time [to] select a native house as a standard and type to be followed in the erection of new houses in a village" - and not infrequently the model so selected has been aesthetically quite pleasing; if considerably more dangerous to health than the still and stuffy warmth of a house that had proved more satisfactory over the previous few thousand years of existence in an area.

Gradually, the resident magistrates' powers to prevent or restrict the growth of diseased or bug-infested crops, trees and animals increased (from 1909), and in 1916 a biannual inspection of all ships, boats and gear was ordered. After 1909, children who failed to attend school regularly could be whipped (in addition to the punishments still meted out to their parents), although in 1929 recognition was finally given to indigenous custom. A teacher or magistrate was then allowed to excuse a child from school "for so long as in his opinion such attendance would interfere with the proper observance of a recognized native ceremony." On the other hand, once a missionary had possession of a man's body and/or soul, it was quite a serious offence (from 1931 on) for a Papuan to interfere with the performance of a burial ceremony according to the usages of the deceased's religious denomination.

Perhaps the most charming regulation contained in the 1909 revision and consolidation of the old Native Board Regulations was one allowing the owner of a garden to kill any animal that trespassed upon it, provided that he informed the animal's owner afterwards. If, however, the gardener then ate the animal or gave its carcase away rather than buried it, he could be charged with theft.

In sum, then, the preceding regulations were but an increasingly paternalistic and interfering continuation of the old MacGregor regulations. Murray's real regulatory innovations tended to centre on the towns, on some new forms of protection for the indigenes, and in controlling the Australianisation of the Papuans. Yet, it was at village-level, through the extension of the system of village administration established by MacGregor, that the increasing dependence of many Papuan leaders upon European advice and guidance was built up.

In 1933, for example, the Lieutenant-Governor was empowered to declare any cult illegal. Thus, some quite irrational revivalist movements were driven underground, together with other movements that were the products of a tough and innovating, if sometimes misguided, indigenous leadership. In short, leadership as a relation between a capable Papuan of ambition and his followers was abolished. Leaders were now men appointed to obey the central government, rather than selected to initiate, or organise local group action. When Murray finally saw the need, or the desirability, of negotiation or consultation between the government and the governed, an aggressive and articulate indigenous leadership was no longer available for training in the operation of Western-style institutions. Instead, the people of the Port Moresby area were, as Murray himself reported, reluctant to have village councils set up for them to run:

> '"Why should we have Councillors?" they said. "It is the white man's business to carry on the Government; we do not know anything about it, and do not want to. We are quite satisfied with things as they are."'

Even today, a number of the longest-governed and best-educated groups of Papuans feel the same way, at least about the national government. The ubiquitous interference of the administration in indigenous affairs, and the oppressive paternalism of the Murray years, have made many Papuans extemely dependent upon European advice and guidance, and too unsure to take the plunge (say, towards self-government) alone. For them, government and leadership do not require participation but obedience; independence often means desertion. Many of those who are most nearly "ready" for self-government may be numbered among those who are least willing to shoulder its responsibilities.

2) Protecting the Papuans

A colonial policy designed for the protection of indigenous interests may operate both so as to prevent abuse and exploitation, as well as to avoid what Sir Hubert Murray called "the effects of ... 'the material disturbance' caused by the white man's arrival." In the latter case, Murray claimed to prefer "to encourage [the] population in habits of industry," although, inevitably, he had also to restrict, or at least to control, its contacts with the modern world. Once the Papuans had been protected from abuse, Murray thought it most important to prevent them from becoming "a tenth-rate type of European."

Under the first head - that is, the prevention of exploitation - Murray was more willing than his predecessors to alienate indigenous-owned land for development, but just as careful to keep control of the whole process in official hands. Thus, the administration alone was allowed to buy land from the Papuans, and then only after a full investigation into the likely future needs of its owners. Australian and other overseas investors could only lease land from the government, while their labour-lines were rather more stringently controlled than in MacGregor's day.

As Murray believed in the longterm compatibility of overseas investment and the indigenes' welfare, the protection afforded by the Native Labour Ordinance embraced both the employer and the labourer. Both "signing on" and "paying off" were supervised by the local magistrates. The use of undue influence or inducements to sign a contract was illegal, as was desertion by a labourer. The duration of the indenture, and the food, pay, housing and hours of work for indigenous labourers were set down by law, as were the penalties for misusing an employer's property or ill-treating his animals. These penal sanctions upon the labourer and his master remained in force until after World War II, when some of the restrictions upon the labourer became enforceable only as civil suits, for breach of contract.

Even where recruits were willing, the administration tried to protect them from themselves - and, for fear of a labour-, and then a food-, shortage, it would sometimes close a village, or an entire area, for recruitment. On the other hand, the administration quietly circulated lists of men who should not for some reason be re-employed to government offices, and plantations. Appended to some of the names was a note to the effect, not to be employed where he is likely to come into contact with European women and children.

In 1930, a special Order-in-Council under the Native Labour Ordinance was issued. No Papuan from the Gulf or Delta Divisions (in Western Papua) was henceforth to be employed as a domestic servant outside his own district. Employers with such men working for them were invited to have their contracts cancelled and to send them home. Employers were "further earnestly advised not to employ such natives casually."

Just why this special order was issued remains unclear. Present-day officials are embarrassed that it ever existed, for it was clearly not intended to prevent over-recruitment in the area - the tone was too urgent for that. On the other hand, there were no more Gulf and Delta Division men on the lists of men not to be employed again, nor among those convicted of sexual offences, than there were men from other areas. It seems clear from the sketchy evidence that is available, however, that the European population of Port Moresby was considerably more fearful of Gulf and Delta men than any others. By 1931, they had been forbidden to enter or remain in Port Moresby between 7 p.m. and 6 a.m. without the written permission of a resident magistrate. In case of doubt as to a man's origins, the normal procedures of British justice were reversed, for "under this Regulation the averment that the native concerned is a native of the Gulf Division or the Delta Division shall be deemed sufficient evidence of the fact until the contrary is shown."

Protection under the Native Labour Ordinance, therefore, worked both ways. Generally, however, it probably worked to the advantage of the literate, and those who knew the law. Most Papuans had to wait until they found, or were noticed by, a European who recognised their plight, before they could assert their rights. Nonetheless, people of both races were charged, and convicted, for breaches of the ordinance.

Sir Hubert Murray's attitude towards unwholesome kinds of change lay somewhere between his desire to protect Papuans from abuse, and his continued assertion of the government's right to unilateral intervention in the village. As Murray himself put it, in a characteristically paternalistic vein:

> "The principle on which we have generally acted, and which I think is the right one, is to tolerate all customs, of course within reasonable limits, which were in existence among the natives before the Europeans came here; but to prohibit others which are new to them, and which we think may have a bad effect, even though we may continue to practise such habits ourselves...."

Thus, gambling, alcohol and the possession of knuckledusters (in 1934) were illegal, as was the drinking of gamada (in 1909). In the case of gamada, however, Murray personally was perfectly consistent. Gamada is an intoxicating drink made from the roots of a plant in many parts of Western Papua. Murray opposed its proscription on the ground that it was a traditional vice of the people concerned, although he was not prepared to repeat the regulation banning its consumption, which was brought into force while he was absent overseas.

Paternalism had many faces. In 1913, Papuans were protected from persuasion by their fellows, when it was made illegal for one Papuan to try to persuade another to spend his wages with another person, if the first Papuan hoped to gain from the attempt.

Ten years later, in 1923, it became illegal for a European to attempt such persuasion, or to overcharge a Papuan customer. Bribery and corruption of village officials were, of course, illegal, but so too (after 1908) were "All noise shouting beating of drums and dancing ... in the towns and villages [after] 9 o'clock each night unless the Magistrate gives permission ...". Clearly, pacification and steel tools had provided the time, and money some of the wherewithal, for new forms of crime and widespread dissolution. A patient government had now not only to protect the Papuans from their own desires and crimes, but to do what it could to ensure a good night's sleep for all who had to work on the morrow.

Murray was, however, well aware that his policy of encouraging the Papuans to follow the preachments, rather than the actions, of their mentors may have appeared less noble to them than it did to him. Forbidding the Papuans access to alcohol was both prudent and wise by his lights. "Still, to the native it must," he concluded, "appear rather strange":

> 'Perhaps, if he thinks about it at all, he concludes that the supply of liquor is limited, and that the white man selfishly wants to keep it all to himself, and has no mind, as an old miner put it many years ago, to "waste good stuff on a b——y nigger."'

3) Preserving European Standards

"The colonial world," as Frantz Fanon insisted in The Wretched of the Earth, "is a world divided into compartments." It is "a world cut in two." As a matter of sociological analysis, and official explanation, its boundaries can be seen to be demarcated by differences in power, wealth and status. But when their actual operation is experienced, these boundaries soon fade or coalesce. For the colonized, "it is evident that what parcels out the world is ... the fact of belonging to or not belonging to a given race, a given species."

Australians have never really thought of Papua as a "colony"; it is a "territory". Yet, until very recently indeed, the actual conduct of its administration, its actual forms of contact with the Papuans, were colonial in the extreme. At the time of their repeal in 1959, Papua and New Guinea's curfew laws had few contemporaries left, outside South Africa, and no parallels at all in most other areas of law-making for "native administration" and control.

The world of Papua's expatriate settlers before the war was a dusty, lower middle class, Australian version of the British Raj. It lacked the grace and the magnificence of the Empire at its zenith. Its security derived less from a sense of pride in its technological superiority and splendour than from a mean and pedantic insistence on the importance of innate racial differences. Nonetheless, its sexual fantasies about its subjects

rivalled those of the French in Malagasy as described in O. Mannoni's Prospero and Caliban, while its image of "the natives" was pure Fanon, albeit without the starvation, or the excitement of "the native town". In fact, Papua, as we shall see, was never allowed to have a "native town".

Otherwise, many a European settler in pre-war Papua would - rather incongruously - have found himself agreeing with much of Fanon's description of "the native's" lustful look upon the settler's world - his "look of envy; ... his dreams of possession - all manner of possession : to sit at the settler's table, to sleep in the settler's bed, with his wife if possible. The colonized man is an envious man .... for there is no native who does not dream at least once a day of setting himself up in the settler's place."

The British administrators of Papua before 1906 displayed little legislative interest in the sexual and other insecurities of the territory's European settlers. They may have been less conscious than their successors of the need to place restrictions upon the nature and extent of interracial contacts, although it seems more likely that such problems did not yet require legislation. In other words, the precision of the Australians' legislative discrimination between the races may have owed more to their penchant for exploration and pacification, and the consequent establishment of "contact" with rapidly increasing thousands of people, than to any real difference between the racial sensitivities of the two administering nations.

(i) Clothing

Australian policy in both Papua and New Guinea has always traversed a narrow path between devotion to the civilising mission, and contempt for those who need it. Papuans and New Guineans have, therefore, always been expected to dress and act like Europeans if they want to be taken seriously, but are treated with contempt and dislike for most of their attempts to play the part. The shock of recognition, perhaps the fear of unconscious satire, at the improperly clothed semi-sophisticate, have led many Australians to subscribe to a sort of "big bang" theory of the civilisation process. Papuans and New Guineans are welcome to be like Australians (although most of those who try are failed by their examiners); their attempts at becoming so are repressed, or dismissed with disgust. The history of the Papuan clothing regulations, and the changing basis of their justification, demonstrate this theory well.

The very first legislative reference to the desirability of clothing any Papuans at all appeared in the provisions concerning the uniforms of the armed constabulary and village constables. In 1906, the very first Native Regulation issued by the territory's

blushing Australian administration required all male Papuans in the Port Moresby area, except small children, to wear a loin-cloth when in public. In 1909, all indentured labourers had, by law, to be provided with a new loin-cloth every three months.

By 1917, it had, however, become clear that many Papuans were incapable of wearing modern clothing properly. In that year it became an offence for a Papuan even to possess an article which was used, or which was capable of being used, for clothing or bedding if a magistrate considered it to be in such a condition that it constituted a potential source of danger to the owner, or to any other Papuans. Magistrates were empowered to order the destruction of such articles by fire, and without compensation to the owner.

In 1919, a patient legislative lecture was preached to the clothed and erring:

> "Clothes are good to wear if they are kept clean, and if they are taken off when they are wet and dried before they are put on again. Otherwise they are bad, for they cause sickness and death. Some natives know how to keep their clothes clean and do not wear them when they are wet, but many others are foolish, and wear them when they are very dirty, and keep them on, and even sleep in them, when they are wet. To protect these foolish men and woment it is necessary to make a law about the wearing of clothes."

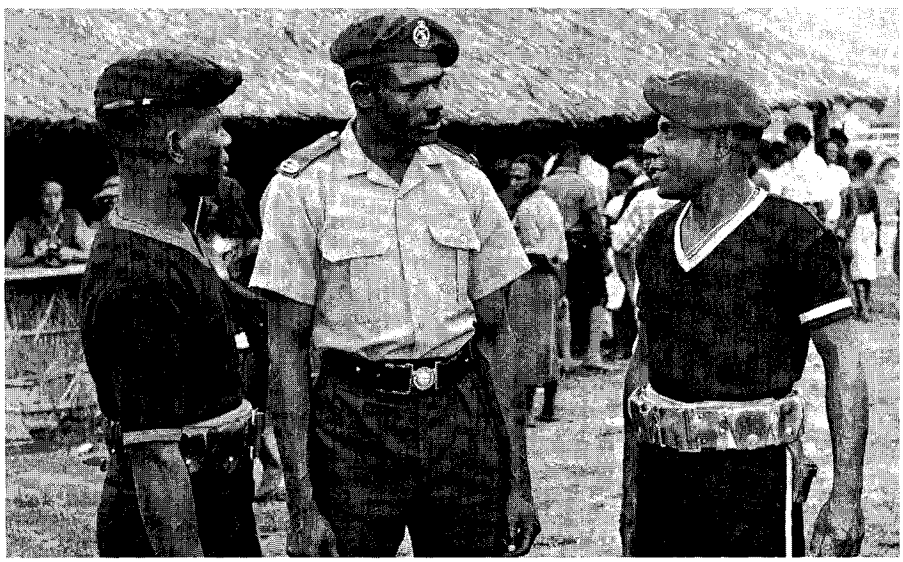
Henceforth, all Papuans, both male and female, were forbidden to wear clothes on the upper part of the body, on pain of a fine of between ten shillings and one pound, or imprisonment for between one and two months, plus the destruction of their clothes. Crown servants, policemen, village constables and other government employees, and mission teachers, students and other residents of mission stations were exempt from the provision, as were any other Papuans who had been given a special examption by their local magistrate. From 1921 on, contract labourers could be permitted to wear clothes by their employers. Clothes made of traditionally used materials were always quite legal.

The clothing regulations outlined above remained in force until 1959. Only then were most Papuans and New Guineans legally permitted to clothe themselves as modestly as many missionaries had preached they should. In addition, those Highlanders who had taken to the regular use of soap and water were, for the first time presented with a viable alternative to feeling cold: in place of the pig-grease with which they had traditionally smeared their bodies for warmth, shirts, pullovers and cardigans could now be worn.

The clothing regulations have had another unintended consequence. In the days when all indigenous employees were paid in cash and kind, the latter category had included the provision of a length of cloth - called a <u>rami</u> in Motu, and a <u>laplap</u> in Pidgin -

to be worn around the waist, by males and females alike, in the manner of a skirt. Few Papuan and New Guinean men could afford a pair of shorts, and some Europeans discouraged their purchase by indigenes as presumptuous (and claimed them to be contrary to the regulations compelling adult males to wear a loincloth - which they insisted be worn over an indigene's pair of shorts). The old waist-cloths were, in consequence, resented as reflecting the inferior social status and rights of the indigenes.

By 1964, however, even the police had succeeded in impressing upon their superiors the need for a new uniform with shorts instead of a waist-cloth. Now, only village constables, administration interpreters and aid post orderlies wear a laplap, and resentment in some sophisticated circles has been replaced by pride. A laplap is regarded by some comparatively well-educated graduates of the old regulations as a special sort of badge - a symbol of one's colour, and a mark of affinity with the traditional waist-cloth-wearers of the other Pacific islands. Indeed, a former student of mine, used to employ his laplap as a sort of weather-gauge: when he was happy with the world, eager for progress, or just plain conformist, he would wear shorts, long socks, and black shoes to lectures. But when he was angry, specifically with the Australian government, or white men generally, he would arrive for work clothed in a Fijian waist-cloth and sandals.



The old and the new police uniforms
side by side in 1964.

(ii) Urbanisation

Port Moresby in 1938, seemed to one of Murray's most famous magistrates, Jack Hides, to be to Papua -

> '... what Rome was to that ancient civilization. There all roads meet. Port Moresby is the seat of Government; the constabulary headquarters is there; and the principal jail, where new "students" constantly arrive to take their course in breaking stones. From Port Moresby all news and learning are spread wherever police and labourers go."

Urban development has only recently become a problem in Papua and New Guinea. Until the 1960s, and then only by default, it was simply not allowed to become one. Papuans and New Guineans were allowed to work in town, and to go to gaol there. They were not allowed to live there. The towns of Papua and New Guinea were white men's towns, places where many Papuans and New Guineans are still made to feel quite alien.

Port Moresby and the other towns of Papua and New Guinea have never served as the political and social melting-pots which towns have been in other colonies and new states. Papuans and New Guineans have been restricted, and later discouraged, from coming there to meet people from distant areas, to exchange ideas and undergo new experiences; in short, to suffer the difficulties and excitements of detribalisation. Instead, the indigenous people of both territories have been encouraged to maintain, and protected from the disruption of, the integrity of village life. They were actively discouraged from seeking more than temporary urban employment, even when they were able to obtain the sort of education that made such a proposition viable.

The officially gazetted towns of Papua by 1950 were: the administrative centre for the territory, Port Moresby, and Rouna in the mountains nearby; Daru, in the west; Buna in the north; and Samarai, Kulumadau (on Woodlark Island) and Bwagaoia (on Misima Island) in the east. They were all administrative centres and/or close to areas of comparatively intense European commercial and mining activity. Their location and the manner of their administration bore little relation to the needs, and potential requirements for development, of the indigenous population.

Indeed, no attempt was made even to cater for the problems of the Papuans when they did come to town. Labourers were usually recruited without their wives; they were housed in barracks; and their movements around town were restricted.

Unlike those colonial governments that have recognised the problems of urban drift, and have, therefore, attempted to control or organise lowcost housing areas by supplying them with roads, police and garbage disposal facilities, the Australian government has always

ignored the problem. It has, in effect, attempted to discourage indigenous desires to come to town by making no provision for the indigenes when they do come, and by vigorously insisting on the maintenance of Australian standards of living, housing construction and maintenance. The unintended consequence has been a proliferation of sub-standard fringe settlements just outside the legal boundaries of the towns, and a widespread feeling among Papuans and New Guineans that they are aliens in town.

Before World War II, Port Moresby was, as Jack Hides pointed out, the centre of a particular kind of acculturation process - a place where European insecurities were allowed full play, and Papuans were allowed only for employment, and to bear witness to the overriding power of the government. Papuans were not wanted there unless brought; and, once there, their activities were strictly controlled. The texture of their urban existence must surely be one of the most important reasons for the slow development of nationalism among a people who were never allowed to mix freely together away from home, and to meet people from far-distant places. The only experience common to most Papuans has been a distant awareness that they all came under the same paternalistic "native administration" system; in New Guinea, the plantations tended to provide even less congenial meeting-grounds instead of the towns.

The villager who comes to town for the first time is generally also free for the first time in his life from the sources of restraint and security that contain and organise his life in the village. The administration's response has been to restrict his activities rather than channel or organise them. Papua's wouldbe urban dwellers were excluded from the towns rather than educated there.

In 1906, all Papuan labourers were required to be indoors, and in their assigned quarters, after 9 p.m. unless they were absent with the written permission of their employer, or had some other sufficient excuse. In 1921, it became illegal to be found on any premises other than those of one's employer (if any) between 9 p.m. and 6 a.m. unless one had a lawful or a reasonable - both of which terms were left undefined - excuse. In 1925, the curfew was liberalised to last from 9 p.m. until daylight, although even a letter from one's employer could not allow an absence after 11 p.m.

The towns were the administrative and cultural centres of an employee culture for the Papuans. The wouldbe sightseer was a nuisance. In 1925, for example, Papuans were forbidden - naturally enough - wilfully to obstruct or impede the passage of other people along a road or path, and they were also subject to a fine for loitering upon any footway to the inconvenience of passers-by. In 1926, it was declared to be illegal for any Papuan other than a contract labourer, or a mission or government employee, to come within five miles of Port Moresby, or to Samarai, or to any other gazetted area, unless he were able to give a good account to a magistrate of his means of support. If the account were deficient

in any respect, the magistrate could order an offender to return home, and if he did not do so within a reasonable time, then he could be forcibly removed to the prison nearest his home area for up to three months. From 1930, a Papuan who repeated this offence within six months was liable to six months imprisonment with hard labour. A Papuan who had been convicted of an offence against a white woman or girl was forbidden - under the Native Offenders' Exclusion Ordinance of 1930 - ever to return to any town.

In 1931, the curfew was again revised, with increased precision. The hours were set down again, from 9 p.m. to 6 a.m., and the forbidden areas of Port Moresby during curfew were laid down as embracing any "lands, wharves, jetties, houses and buildings of any description, roads, streets and buildings" other than the quarters supplied by a man's employer. Further, the onus of proof lay upon the accused to furnish written evidence that he had his employer's permission to be absent from his assigned quarters, and it was specifically laid down that it was not a lawful or reasonable excuse to plead that one was present upon any premises at the invitation of another Papuan.

Gradually, then, Port Moresby, and other gazetted towns were sealed off from their surroundings. There was even a fence between the main peninsula on which Port Moresby was built, and the area where indigenous labourers were quartered. If one were unemployed, Port Moresby was completely out of bounds during most of the night, and even those Papuans who were able to show that they had a reasonable means of support would have had difficulty in walking to town, and back beyond the five mile limit, within the legal time. Only the surrounding bushland, and the small size of the local police force, effectively safeguarded them from arrest. In 1933, even those Papuans who were employed were excluded from the town area altogether unless required to wash their masters' dishes, or to sweep their floors. In that year, it became compulsory under the Native Labour Regulations for all Papuan employees other than domestic servants to be quartered outside the town area. In 1930, the administration had shown itself to be unhappy with the presence of Papuans from the Gulf and Delta Divisions in town. By 1933, it had evidently decided that it was best to keep all unemployed Papuans out of town, and everyone except domestic servants during the night.

One group of Papuans, the Hula from east of Port Moresby, was able to circumvent the regulations quite easily: they moored their boats between the high and low water marks upon the beach (which area was outside the town boundary), and could not be legally removed. Their houses provided evidence that they had an adequate means of support to be within five miles of the town, even after dark.

A number of other laws and regulations had primarily urban applications. In 1915, for example, Papuans were forbidden to trespass in the Port Moresby swimming baths or their adjacent premises, and in 1928 the same provision was specifically extended to the Samarai baths. Even with the "No Dogs or Natives Allowed" sign on

the baths, however, it would have been illegal for most - and certainly the least sophisticated - Papuans to bathe there: neck to knee clothing was compulsory in the baths, and most Papuans were forbidden to wear clothes above the waist.

The Places of Public Entertainment Ordinance of 1915 also had primarily urban application. Its subordinate regulations seemed to ensure that almost all urban entertainment was illegal, and, where legal, racially discriminatory in the manner of its presentation.

Under these regulations,

> "Places of public entertainment to which Europeans and natives are admitted shall be provided with separate means of ingress, accommodation, and egress for Europeans and natives, placed and constructed to the satisfaction of the Director of Public Works."

In addition, the Government Secretary or his appointees could prohibit the attendance of any Papuans at any place of public entertainment altogether, or at any given performance therein, and all films which Papuans were to be allowed to see were censored first. After 1926, films could no longer be shown at all if Europeans and Papuans were present at the same time, and this provision embraced even the theatre-owner's indigenous assistants. At other forms of public entertainment, separate seating for both races had still to be provided.

Town was not a very exciting place to be, then, for most Papuans - at least when compared with what Australians could do there. Drinking; dancing and singing after 9 p.m.; movement at night, and bathing in a swimming pool were all illegal. Films were censored - generally for the weaknesses they revealed about the ruling whites, or the socially upsetting ideas they might contain. From 1918, it was even illegal for a Papuan to allow himself to be filmed by any means capable eventually of being reproduced in moving pictures without a resident magistrate's permission. But still the Papuans came to town ... primarily to watch....

Gradually, the outlines of a society that was almost completely cut in two began to emerge. Whatever the administrative reasons for the duality, many Papuans clearly resented being cut off even from the possibility of gaining access to what they wanted. The extent of their resentment and the degree of their dislike for Europeans are unclear - memories, rather than written records, constitute the bulk of the available evidence. That there was considerable interracial tension, rather than humble gratitude among the Papuans for the assistance rendered them by their benevolent white rulers, we do know. Why else was it necessary (in 1922) to introduce a regulation to control the behaviour of Papuans in their villages towards Europeans? - in the only place and situation where the balance of power was biased towards the Papuans. Even in their villages, Papuans were legally obliged to recognise their inferior social station:

"If any native in or in the vicinity of any village -

(a) uses any threatening, abusive, insulting, jeering or disrespectful language to any European; or
(b) behaves in a threatening, abusive, insulting, jeering or disrespectful manner towards any European; or
(c) begs for money, tobacco or other property from any European;
(d) wilfully or wantonly throws any stone or other missile to the damage or danger of any person;
(e) wilfully obstructs the passage of any vehicle [which was almost always European-owned], or without permission of the driver gets upon or holds on to any vehicle whether in motion or not;

he shall be guilty of an offence...."

Papuans who were guilty of an offence against this regulation were liable to up to three months in gaol if they were fourteen years of age or over, and to up to ten strokes with a strap if they were younger. Although they were legally forbidden to strike them, Europeans who abused, insulted, jeered or cast hurtful or racially biased slurs upon Papuans were not liable to being charged with committing any special offence at all. They could only be sued for slander, or libel. Where discrimination among people of different racial backgrounds was not legally enforced, it was illegal only for Papuans.

(iii) Protecting the Fair Sex

A number of writers have devoted quite a deal of attention in recent years to exploring the role of sexual fears, fantasies, and rivalries, in generating interracial tensions in colonial society. O. Mannoni, in his book, Prospero and Caliban, for example, has carefully analysed how the casual sexual liaisons of the explorer and adventurer on the frontier are gradually replaced, as settlement comes, by the permanence of marriage, and the desire to protect one's family from the depredations of, and contamination by, the surrounding society.

In Madagascar, Monsieur Mannoni observed, "European women are far more racialist than the men." They are not itinerant exploiters of casual interpersonal relationships, but are accustomed to "protection" by their men at home, and anxious to preserve the wholeness and traditional character of family life abroad.

With settlement, and the development of familial life, and a vigorous society-away-from-home, among the colonisers, direct interaction with the colonised becomes both more infrequent, and less personal. "Native administration" is both systematic and

impersonal. Directly gained knowledge, and the understanding born of shared experience, are supplanted by rumour and myth, second-hand knowledge of the files, and insecurity towards the colonised. In time, the colonisers begin to project upon a people who have not themselves changed, an unconscious "mental derangement" as Jung called it. Gradually, the coloniser's image of the colonised becomes, as Mannoni point out, "simply a reflection of ... [the coloniser's] inner difficulties."

Many of the ordinances and regulations described above may be interpreted as the legal reactions of a colonial society afraid of the unknown; anxious as to the actions and reactions of a people it did not really know; fearful to avoid problems through an attempt at asserting its control, even over the private lives of its subjects. Whereas the protectorate administration had attempted to protect the Papuans from the sexual depredations of its own British subjects, the Australian administration of Papua sought to protect colonial society from either attack, or corruption, induced from without.

In pre-war Papua, the fears and fantasies of the colonisers were heightened by the inability of most Papuans and Europeans even to speak the same language. Police Motu, the official lingua franca, was spoken and understood by a minority of either race, and there was generally no alternative common language of communication available. Thus, with even the possibility of inter-racial communication rendered so remote, projection tended to serve instead of knowledge.

Many Papuans developed elaborate theories, founded on traditional beliefs, about where the white man came from, and how he gained his knowledge and material wealth. European society, for its part, generated as fanciful a set of beliefs about the customs and behaviour of the "natives" as it was possible to have. In the end, fear of the unknown, and legend, replaced the mutual education derived from interaction.

According to this sort of analysis, the clothing regulations can be interpreted as an ambivalent attempt to make the Papuans more modest in their dress, while also preventing the primitive from aping the more civilised. "If they look like us," so the argument runs, "we may mistakenly expect them to act like us, and be hurt when the attempt fails; or they may even begin, again quite mistakenly, to aspire to supplant us."

The regulations restricting the entry of Papuans to town, and especially their movement at night, may well be, on the lines of the foregoing analysis, the results of fear, of anxiety aroused at the prospect of dark-skinned prowlers and peeping eyes, lurking unseen in the night. At night, the very Europeans who so brashly and wantonly asserted their racial superiority, their right to be served first and to proceed unhindered on their way by day, kept fearfully to their houses, grateful to be legally safe from

prowling Papuans. A special amendment to the Criminal Code (in 1920) made it an offence to loiter upon the curtilage of a dwelling house with intent indecently to insult or annoy a female within. This provision, which carried a penalty of up to a year's imprisonment for the guilty, was widely regarded as being especially designed to deal with "peeping toms".

Perhaps the most dramatic and important piece of evidence for any theory about the sexual antagonisms and projective fantasies of colonial society in pre-war Papua is the White Women's Protection Ordinance of 1926 (as amended in 1934).

Just one year before its passage, Sir Hubert Murray observed that Papua had hitherto been mercifully free of assaults by Papuans upon white women. Nearly every reported attack had proved upon investigation to be without foundation. Indeed, the first serious sexual attack upon a European female was not officially confirmed until the 1933-4 Annual Report announced that a Papuan policeman had been sentenced to death for an offence against a child. The White Women's Protection Ordinance, then, was the legislative product of anxiety, of doubts projected from the insecurities of Europeans upon the Papuans, rather than of social need. Anyway, injuring a person had been illegal under the Native Board Regulations since 1890, and so were rape and other forms of sexual assault under the Queensland Criminal Code.

Offences under the White Women's Protection Ordinance, then, were in a category of their own. To begin with, the penalty for rape or attempted rape against a European female was death, whereas the maximum penalties for the same offences under the Queensland Code were life imprisonment for rape, and fourteen years for attempted rape. Indecent assault of a Papuan by another Papuan carried a penalty of only six months imprisonment under the Native Regulations (in 1931). Under the new ordinance, unlawful or indecent assault and carnal knowledge could lead to imprisonment for life, with or without hard labour, and with or without a whipping. The number, and kind, of whippings to be administered to an offender were laid down with precision. Indigenous offenders under the ordinance were also excluded, under the Native Regulations (in 1926) from ever again entering the boundaries of any town in Papua, on pain of six months gaol for each such offence.

In essence, the White Women's Protection Ordinance was a product, nonpareil, of the anxieties and fantasies of colonial rule. It stated quite explicitly that where a Papuan and a European woman suffered for the same offence (against them), the attacker of the second should suffer more. White women required, and got, greater protection under the law.

Thus, Murray was not just reassuring a nervous white community, but was stating a simple fact about the effectiveness of his protective policies, when he wrote in 1925:

> "On the whole I should think that there are few civilized countries, if any, where life is so safe and serious crime so rare as in the settled parts of Papua to-day."

The towns were safe from crime; the Europeans from any meaningful contact with the Papuans; and the Papuans in the pacified areas were protected from the more violent and "uncivilized" elements of their previous way of life, as well as from many of the disturbances of development.

The Style of German Administration

Throughout British New Guinea, the administrative official was generally the effective colonial pioneer; in German New Guinea, it was usually the trader. This difference in the personnel who pioneered the frontier was an important element in the differences in both style and impact between the two territories' administrations.

Great Britain, it will be remembered, declared its protectorate in New Guinea with considerable reluctance. It acceded to the expansionist demands, and strategic fears of a foreign presence there, of the Australian states only after German interest in the area had become quite clear, albeit some weeks before the German protectorate was finally declared.

The German government, too, was not eager to become officially involved in New Guinea. Bismarck was not anxious to expand Germany's imperial responsibilities there except insofar as it seemed necessary to provide legal protection for pre-existing German settlements and investments. In August, 1884, therefore, he had reluctantly promised the immediate progenitors of the German New Guinea Company (Deutsch Neuguinea-Kompagnie)—

> "... protection ... after the company had negotiated and taken possession ... of harbours and stretches of coast for the purposes of cultivation and for the installation of trading settlements ..." (underlining added).

Under Bismarck, the flag followed trade.

The Imperial German government was, as might be expected from the foregoing, even less interested in administering and developing its new possessions for their own sakes than the British. Indeed, within six months of the protectorate's declaration in December 1884, the German government proceeded to withdraw itself as much as possible from direct involvement in the area, and granted an Imperial Charter to the New Guinea Company. As "against the obligation to meet the cost of and to maintain the government institutions, also the cost of an adequate legal system," the company was given "the corresponding right of sovereignty together with the

exclusive right to take into possession unclaimed land and to dispose over it and to conclude treaties with the natives over land and land rights, ... under the supreme surveillance of ... [the] government which will promulgate the necessary decrees for the preservation of vested rights of property and for the protection of the natives." The Imperial German government retained direct responsibility only for the "order and administration of justice as well as the regulation and direction of relations between the protectorate and foreign governments...."

Except for a brief period - from 1889 to 1892 - the German New Guinea Company was responsible for the protectorate's administration from 1884 until, in financial difficulties, it handed over to the German government in 1899. Naturally enough, the chartered company was rather less interested in administration and the expansion of control for their own sakes than the administrators of British New Guinea. Its policies and administrative activities were directed by the search for profit.

The New Guinea Company was, therefore, concerned with the safety of its own investments rather than pacification as such, and the development of village life. It intervened as little as was necessary for its own security in indigenous society. It protected New Guineans from certain vices (for example, alcohol), and potential sources (excessive land alienation, adultery) and means (firearms and ammunition) of conflict with Europeans. The German notion as to how much land could reasonably be alienated, however, was far more liberal (towards European economic interests) than the British, as were the conditions on which expatriate investors held their land - as owners rather than lessees. On the other hand, Asians and New Guineans who were not literate in a European language were not allowed to buy or lease alienated land at all. A few Asians eventually leased some land, but none ever owned any freehold. When the Australian government took over in New Guinea, it returned a considerable amount of alienated land to the indigenes, and brought land alienation procedures into line with those that prevailed in Papua.

As mentioned above, pacification was not an end in itself under the company. Rather pacification and settlement or labour recruitment went hand in hand. The company was not concerned to intervene of its own accord in village life. Rather, it tended to intervene only when forced to, and, even then, as little as was necessary, in retaliation for attacks and raids, or a lack of co-operation by indigenous communities. The punitive raid was a more prevalent feature of the German administrative style than of the British. S. W. Reed was not unique among historians of German rule in New Guinea when he wrote in The Making of Modern New Guinea:

> "... one inevitably receives the impression that native life was cheap in German times as compared with white life."

If the German administration of New Guinea was brutal - and it was so, especially under the company - it was at least quite definite as to the rights and status of New Guineans. In Papua, the desire to develop and protect the indigenes led to an uneasy balance between paternalistic intervention, and a racially-oriented lack of faith in indigenous abilities and potential. Many Papuans were never quite certain where they stood in European eyes, while the MacGregor tradition of unilateral administrative intervention into almost every aspect of village life gradually demoralised, and sapped the potential for initiative, of what indigenous leadership there was.

In New Guinea, the Germans let New Guineans know more exactly where they stood: they had no status at all, except as labourers, in expatriate society, although, on the other hand, the structure and texture of their village lives were left alone. Where the two segments of society came into conflict, the Germans made sure that they prevailed. They were generally less interested, and also lacked the means, to intervene in village life unless forced to do so. But when they punished, they did so very thoroughly and definitely - through punitive expeditions against their attackers, hangings, imprisonment, floggings, and enforced hard labour (with or without a gaol sentence in addition).

Well might Sir Hubert Murray write contemptuously of his German counterparts as brutal, and more concerned with the development and improvement of towns than with his beloved "outside work". When, after 1896, the German administration began to establish a "native administration" system, however, it did so by "recognising" indigenous leaders and giving them new, defined responsibilities rather than "creating" them from scratch. Not a few older New Guineans even today speak fondly of the German period. Time gives what was once brutality a new appearance: that of precise and thorough justice; racial prejudice becomes certainty as to status. Yet, what these old men often call the gudpela taim bipo (Pidgin for "the good old days"), before the Australians came, was different from what followed in at least one vital respect: men were men, and generally left alone, rather than dependents.

The earliest German criminal regulations for the New Guineans were but unadorned extensions of domestic German law. The means whereby they were enforced - for example, through a punitive raid - rather than their substance, were adapted to local circumstance. Even the law forbidding adultery was, I am told, an application of domestic law, rather than the elaborate adaptation to peculiar overseas conditions it was supposed to be in Papua.

Under the 1888 criminal law for New Guineans, the German New Guinea Company was specifically empowered to arrest and penalise New Guineans for transgression of the law. In general, however, prosecutions could only be launched for what were crimes or misdemeanours under German domestic law, and judgments and penalties too were supposed to follow current practice in the metropolitan country.

The death penalty was provided for murder, arson or killing in the execution of another criminal offence. Riot, rebellion, serious assaults, indecent assaults, rape and robbery were all offences for which imprisonment, with not less than six months hard labour, was prescribed. Persons accused of these offences were legally entitled to the protection of qualified counsel.

If the judgments meted out to indigenous offenders were often harsh, they were arrived at with the assistance of two indigenous assessors who could be appointed to assist each judge. In addition, some concession was made to local custom in the law, specifically to the principle of reciprocity in indigenous society: where a sufferer from some form of attack was customarily entitled to compensation from his attacker, the judge could - if the local chiefs confirmed the existence of the practice - order such compensation to be recognised as part of his judgment.

Very little serious attention at all was paid to the problems of "native administration" in New Guinea, either by the German New Guinea Company or the Imperial government itself, until 1896. In that year, Dr. Albert Hahl, who initiated and developed what administrative system there was before 1914, arrived in New Guinea as a judge. His actual duties were more than those of a normal judge however, as he later wrote:

> "I was the judge of first instance, was responsible for general administration, was endowed with consular powers, looked after tariff, harbour and quarantine matters, and was registrar of births, deaths and marriages."

Within a year of his arrival in New Guinea, he had also established the territory's first indigenous police force, and begun to lay the outlines of a full-scale system of village administration. He was - as deputy governor from 1899, and governor from 1902 until 1914 - the architect of New Guinea's administrative system.

Although most of the standard histories, like this "Newsletter", treat the pre-war histories of Papua and New Guinea as two separate entities, there were, in fact, more similarities and cross-influences between the two than are generally supposed. Both Hahl and MacGregor, for example, believed in the use of force when establishing the government's authority. Unlike MacGregor, however, Hahl survived into a period when such a belief was no longer fashionable - for long enough to give the German administration a reputation for brutality, especially in the unctuous eyes of Papua's Australian administrators. Hahl's police force was also largely set up (in 1896) on the same lines as MacGregor's. Generally, however, Hahl's administrative system was less inclined towards unilateral intervention in village life than MacGregor's, and ultimately, therefore, less demoralising in its effects on indigenous leaders and initiative. The Papuan head-tax, which was introduced in 1918, on the other hand, was probably derived, at least in part, from Hahl's model, which was instituted in 1907 - to force more indigenes into the cash economy (and, therefore, to increase the available labour supply), and to

ensure that the development of indigenous society was paid for primarily from within.

The first village officials in German New Guinea were appointed by Hahl in 1896. They were not so much appointed servants of the government as leaders, who were "recognised" and granted certain specific powers, which they exercised on the government's behalf, in addition to the powers that derived from their traditional authority.

There is some doubt among anthropologists as to who the luluai was, and what he did, in pre-contact Tolai society. He was definitely powerful in land matters and in war, however, and may have been - quite exceptionally for Melanesia - the holder of a position and a title, rather than an individual who had acquired his authority purely by virtue of his personal achievements. To the extent that the luluai was an office-holder rather than an influential leader, so was his position inappropriate as a model for most New Guinean societies.

As an appointed official of the colonial administration, however, the luluai nonetheless remained a recognised local leader rather than an appointed servant of the government. He received a uniform, but not a salary. He had the authority to arbitrate local disputes, to settle local level court cases, and to represent his people to the government. His executive tasks - for example, in supervising his village's compulsory roadwork, or collecting the head-tax - were really only added as an afterthought. In

A luluai answers the summons.

Papua, on the other hand, village councillors were only appointed after 1923, to advise the resident magistrate of the people's wishes, while the village constable enforced the law. In New Guinea, leadership only gradually gave way to administration, specifically when the Australian government undertook responsibility for the area's government, and redefined the luluai's role in 1921-2, as follows:

> "He acts as representative of the Administration in the village, and sees that all orders and regulations are observed. He is responsible for maintaining good order, and he reports promptly to the Administration any breach of the peace or irregularity that may occur. He adjudicates in quarrels on minor matters of difference among the people."

The Australians, in short, emasculated the luluai's position. The wise leader and arbitrator of his people became a servant of the government, a mere law-enforcer (albeit still with considerably greater judicial powers than the Papuan village constable). At the end of 1968, the luluai and the tultul were still the only medium of contact between the village and the government - other than the quadrennial House of Assembly elections - for 17% of the population of New Guinea.

Under the Germans, the luluai's role as leader was accentuated by the lack of a requirement that he even speak the lingua franca, Pidgin. Communication between the kiap (Pidgin for "patrol officer") and the luluai was through a Pidgin-speaking tultul, who also carried out the latter's administrative functions. A medical tultul was often appointed in many villages, to carry out the administration's health policies.

The German administration in New Guinea never developed as complex a legal system for village administration as the British and Australians did in Papua. Lack of money for the task was, however, less important as a determinant of this policy, than lack of interest. The German government was simply not interested in the administrative aspects of development, nor overly concerned with the indigenes' longterm welfare. It was both harsher in approach, and less concerned with changing New Guinean society. Rather than train New Guineans for certain labouring tasks, or offer them additional inducements to work, or even pacify to increase the area from which recruits were drawn, the German administration was content to import Asian labour for the plantations. Unlike its counterpart in Papua, it was not concerned to maintain the "White Australia" policy in immigration, even into the territories.

In 1907, Bernhard Dernburg, the first Secretary of State for (German) Colonies, gave a speech in which he outlined, the principal elements in the Imperial government's colonial policy, as being the "improvement of the soil, its resources, the flora and fauna but above all of the inhabitants for the benefit of the economy of the colonising nation which is obliged to give in return its higher

culture, its moral concepts and its better methods." In return for much of their lands, and a great deal of labour, indigenous New Guineans received a regular system of centrally controlled village administration, a somewhat toughened version of contemporary German law, and the conventional colonial preachment to the colonised, to work harder for their own improvement. It would, however, be unfair to criticise the German record too harshly, for the very system of laws and official duties it had proposed to revise and inaugurate in 1915, was officially implemented by the Australian military administration in New Guinea in the same year.

The regulations governing the New Guineans' lives were less restrictively protective and interventionist in character than their Papuan counterparts. In general, German law applied, with a few additions. There was no, perhaps just no time for the development of a, separate system of special laws and regulations for "the natives". Just as the British had done, however, the governor of German New Guinea ordered in (1897) that firearms and ammunition be not supplied to ships manned by New Guineans, although, after 1909, they were allowed to apply for permits to possess them. New Guineans were also forbidden to have explosives in their possession (in 1904), and spirituous liquor, although "natives belonging to other coloured peoples" could, after 1909, apply for permits to drink.

In 1900, the German governor of New Guinea issued a special set of orders covering the employment and treatment of New Guinean labourers. The penalties were tougher than in Papua. A New Guinean who neglected his duty, for example, or was lazy, refractory, absent without cause or otherwise neglected his work, could be flogged or birched, confined in a separate room with or without chains, or fined. Once again, the conditions for a flogging were laid down with precision - although, as government officers could appoint other Europeans to act on their behalf in such cases, much of the detail as to who should be beaten how remained unchecked in practice. The pay, working hours, duties, days off, and provisions regarding the labourer's safe return home at the expiration of his contract were also laid down in the familiar way. Significantly, the German government was more concerned to regulate the working conditions and duties of New Guinean labourers than with other aspects of indigenous society. It did not attempt to regulate many other areas of indigenous life, except to require official approval for all transactions between "natives and non-natives" in which a New Guinean was liable to pay money or other movable property, on pain of a penalty for the non-New Guineans involved (in 1909).

As regards the developmental aspect of its work, the German administration did not allow New Guineans to sell coconuts to Europeans except as copra, in order to increase the amount of work they had to do, as well as the money they received, when they worked. After 1903, the government empowered its officials to require labour without payment from New Guineans for up to four weeks per annum, on works required as a result of natural calamities, as a form of war-service, or for the improvement

of roads and government plantations. Although its provisions were more sweeping than those of its Papuan counterparts, the German regulation was not different in effect. It required New Guineans to work for "development" as the government defined it, when and where it said, within limits set down, and enforced, by government officials.

If the German administration of New Guinea was appreciably tougher in its demands and more ruthless in their execution, than its Papuan contemporary, however, the difference was one of style rather than legal substance. Its officers were hard and racially discriminatory, but, at the same time, quite certain of the indigenes' status, and less inclined to interfere in the domestic affairs of the village. The German administration was, in sum, less paternalistic and protective, more brutal and direct where it did intervene in indigenous society, than the MacGregor-Murray tradition had allowed its officers to be. German interests and activities in New Guinea, then, were of the classically imperialist kind - primarily directed towards economic gain. Administrative theory, and even practice, concern with the development and welfare of the indigenes, were all of quite secondary importance in the German Imperial tradition.

The Australian Army in German New Guinea

On September 12, 1914, those New Guineans who happened to be in Rabaul at the time were informed - in what officialdom mistook for Pidgin - that they now came under a "new feller flag ... belonga British (English); he more better than other feller...." The Australian Naval and Military Expeditionary Force (the A.N.M.E.F.) had arrived, and captured what was no officially referred to as "The Late German New Guinea". As the proclamation of the Australian takeover said:

> " ... now you give three good feller cheers belongina new feller master.
>
> NO MORE 'UM KAISER.
>
> GOD SAVE 'UM KING."

And so, again, the New Guineans who had attended the proclamation ceremony did as they were told, and New Guinea welcomed its latest group of uninvited rulers.

The Australian force's arrival in New Guinea changed little but the nationality of their rulers as far as most New Guineans could see. Existing labour contracts remained in force; the territory's laws remained largely unchanged (but for their translation into English). As the Australian government reported to the League of Nations in 1922:

> "It was the object of the [military] Administration to follow the German law and to retain the German arrangements for government, so far as was possible in the circumstances of a military occupation, and to maintain the economic condition of the Territory in the state in which it was found at the commencement of the occupation...."

Uncertainty as to the territory's future, and inexperience in colonial administration on the part of its temporary rulers, ensured continuity in both the style of execution and the substance, of the law. The Australian government favoured outright annexation; President Wilson advocated a mandate with Australia as trustee; while Sir Hubert Murray hoped to become the chief administrator of a combined territory of Papua and New Guinea. Until the territory's constitutional status was resolved, with the granting of a League of Nations C class mandate in 1921, it was better, then, to do nothing to compromise the future. In the interim, an ignorant and inexperienced administration found the advice of the pre-war settlers not unhelpful. There were, after all, few alternative counsellors available. Indeed, until the translation of the German laws into English began in April 1915, the pre-war German settlers had virtual control over even the administration's access to the past.

In July 1915, the first translated "Regulations Governing the Recruiting and Employment of Native Labourers" were published. For the time being, employers of New Guinean labourers were empowered to punish them for breaches of their duties (but not of the criminal law) - by flogging or birching them, if the employer had a licence, and paid due attention to the age (over sixteen), sex (male), and health (which had to be good) of the victim, as well as to the maximum number of strokes (ten per fortnight) which could be inflicted. If corporal chastisement were not enough, or an inappropriate form of punishment for a particular offence, a labourer's employer could fine him up to twenty marks (four months pay), to be deducted from his wages; or he could be confined in a single room for up to three days - with or without light and with or without chains, for serious offences.

By August, 1915, someone in authority had evidently read the translated regulation, for corporal punishment was then restricted so that it could henceforth be administered only by government officials appointed by a judge. In October of the same year, the application of corporal punishment was further curtailed - to serious crimes, the circumstances surrounding which presented features of cruelty, deliberation, violence, torture, or immorality. After the promulgation of a new, revised Native Labour Ordinance in 1917, a flogging could also be ordered by a judge for the commission of a crime in "defiance of authority", which notion was left undefined.

Despite the restriction of flogging to officials, however, it seems clear that the practice did not disappear among the planters overnight. Why else was it necessary to reprint the flogging regulations with such frequency in the A.N.M.E.F.'s Government Gazette?

Apart from the restriction on flogging, the military administration changed very little in the law. In 1915, it declared the making and eating of "Pipe na loun" from certain roots illegal, because of "the effect it induces of exciting a propensity to unrest and violence...." New Guineans found guilty of this offence could be fined up to two hundred marks (the equivalent of more than three years pay). In 1916, labourers who lost or damaged their employers' property could have its monetary value deducted from their pay; labour recruiting in the Markham Valley and west of Aitape was forbidden (presumably, to prevent over-recruitment); and mission teachers and students were exempted from paying head-tax (to encourage education).

Perhaps the most important symbol of the New Guinean's social and legal status - as labourer or almost nothing - was the extremely wide range of his life which came under the Native Labour Ordinance of 1917. This ordinance did more than just set out the terms and conditions of employment; it extended even into a precise delineation of who (not New Guineans without a permit) could go abroad, and why (to learn a trade or a profession), and as to the fifteen classes of crime for which a flogging could be ordered. Of the fifteen flogging offences, only two - gross insubordination and desertion from employment - bore the remotest relationship to the New Guinean as labourer.

In the labour and employment field, the ordinance offered several forms of protection to New Guineans: their pay, conditions and hours of work, the requirement of a passage home at the expiration of a contract, and some protection from ill use by an employer, were all laid down. They were even protected from themselves by a provision rendering it illegal for a labourer to sell or barter his approved rations (although, in practice, the compulsory tobacco ration was excluded from this provision), or to receive the rations of another man. In return for the legal requirement that each labourer be supplied with a loincloth, a blanket, bowl and spoon, the law ensured that their recipients would not be "spoiled": the cost of the last three items could be compulsorily deducted from each labourer's meagre salary by his employer.

In order to see that someone "ran" the village, luluais, tultuls and traditional chiefs were forbidden to "sign on". In addition, the order issued by the Administrator, Colonel S. A. Pethebridge, in 1916, that "Interference with native women is strictly prohibited" remained unmodified: females could be employed as domestic servants only by married European women who possessed a special permit.

A person's racial origins, occupation and social and legal status tended to correspond quite closely in New Guinea. New Guineans, for example, were not even regarded as potential employers. Labour-recruiting was legally restricted to Europeans, people with "the same rights as Europeans" (that is, Japanese), and "Chinese of approved character ... engaged in a substantial business" on their own account. New Guinean labourers who deserted their employers could be flogged and gaoled. If they held a naked light and endangered property, or did not help to put out a fire, they could be gaoled or fined. If, however, a New Guinean labourer were covicted for a crime, or created or fostered "a bad influence among his fellow labourers", or endangered his employer's interests through disobedience or neglect of his duties, he could be dismissed. If he were very ill or insane or proved, through no fault of his own, "unfitted for the work for which he ... [was] recruited," he could again be sacked. If, however, a New Guinean wished to terminate his employment for his own reasons, he could do so only through mutual agreement with his employer. At least his employer was no longer legally empowered to flog him, or to punish him for criminal offences.

As the regulations concerning the granting of labour recruiting licences implied, the racial heterogeneity of New Guinea allowed the Australian administration to discriminate quite finely between the rights and duties of people of different racial backgrounds. In Papua, such finesse was virtually impossible until it was no longer relevant, for only one Asian - a Chinese tailor, during the 1930s - was allowed into Papua, until the late 1950s, when New Guinea's resident Chinese finally became eligible for full Australian citizenship, and could, therefore, enter Papua. Until then, the "White Australia" policy in immigration was applied quite firmly to Papua, and only a few mission-workers from other parts of the Pacific (the Solomons, Fiji, Samoa and Tonga, especially) and the man mentioned above, slipped through the net.

Rabaul in 1914 was divided into three important quarters: Rabaul proper, where more than 1600 Europeans (of whom more than 1100 were Germans) lived; Chinatown where about 1450 "non-indigenous natives", including Malays, dwelt; and the Native Compound. The territory's 236 Japanese were treated, by both the German and Australian administrations, as honorary whites, and lived, and were buried, with their "fellow Europeans". The Chinese (who were generally treated as New Guineans with certain special privileges), and the New Guineans themselves, had their own separate cemeteries, and living quarters. They represented two different generations of indentured labour: the Chinese having been brought in by the Germans, until New Guinean labour became more readily available, and the "White Australia" immigration policy was applied.

By 1916, the various races were not only governed by separate sets of laws (as we shall see), including those designed to protect the New Guineans from exploitation and/or "being spoiled", but there were even special regulations as to who could visit where.

In that year, New Guineans were specifically forbidden to enter the military barracks area, and no one but officers and military policemen was allowed to enter Chinatown. And in both cases, the boundaries were quite easily patrolled.

New Guinea's absurdly-labelled "non-indigenous natives", who were mainly Chinese or Malay in origin, were subject to a special set of regulations, even after they were brought into the same general legal system as the Europeans and Japanese in December, 1915. They were no longer "natives" from that date, although they still lacked certain rights and privileges, especially in commerce.

In 1917 the Control of Chinese Trade Order came into force. It was, however, more important for what it tried to do than for what it actually achieved, for an embarrassed government withdrew the order after it had been in operation for only twenty-three days.

Under the order, Chinese persons, firms and companies were forbidden to import goods wholesale, or to export on their own or a client's behalf. The detailed provisions of the order revealed that it was designed at least as much to protect European, especially Australian, profit-margins (and, therefore, living standards), as to prevent exploitation of the New Guineans.

During the order's short-lived period of application, all Chinese exports were placed in the hands of the Controller of Customs, who could charge a commission of five percent. All imports for Chinese businessmen or planters required the controller's permission, and all such transactions could only be carried out by European firms, for a commission of twenty percent of the value of the imports (half of which commission went to the controller as government revenue). In addition, all sales and wholesale deliveries whatsoever to or for Chinese required the controller's written consent, and this would only be forthcoming if the vendor's or deliverer's profit was at least twenty percent of the value of the goods concerned. All defaulters under the order were liable to six months imprisonment or a fine, and confiscation of the goods involved in an illegal deal. And the controller was empowered to inspect a business's books to assist him in administering the law. Finally, to prevent exploitation, the controller could reduce both profits and charges where he saw fit.

An additional Ordinance Relating to Trading in Copra and Coconuts, which applied on the Gazelle Peninsula after 1917, sought to regulate trading between people of different races (generally, to the advantage of Europeans), and to apply pressure upon New Guineans to enter into the cash (and, therefore, taxpaying sector of the) economy. The ordinance contained a number of provisions of the familiar interventionist type, that we have already seen in Papua.

To begin with, New Guineans were forbidden to pick (even their own) green coconuts except for food. Otherwise, they were to restrict themselves to making use - generally as copra - of coconuts that had already fallen to the ground. They were, however, not allowed to leave their coconuts on the ground for more than two months, or after they had begun to germinate, unless they had the Administrator's written permission. They were required to sell their coconuts, or to cut out their copra, and dispose of it to the nearest (European) trader with the least possible delay.

European businessmen, especially long-established companies, were also given some protection from certain kinds of competition (mainly by Chinese) under this ordinance. In the first place, New Guineans were forbidden to buy coconuts or copra on behalf of a trader or sub-trader except in those areas where trading stations did not already exist. In addition, all traders were ordered to stay near their own trading-stations. In other words, existing businesses were protected from competition by the indigenous agents of newcomers, and were also discouraged from entering one another's areas. Neither provision worked to the advantage of the New Guinean grower. Indeed, it was the trader who saved on every count: competition as such was restricted; "free natives" (that is, New Guineans who had not signed an indentured labour contract) were ordered to deliver all of their coconuts and copra to the nearest trading-station; and, finally, an official rate of exchange, which had to be adhered to, prevented the indigenous seller from bargaining for more, or being forced to take less, than his copra's official value in tobacco, salmon, lavalavas (or waistcloths), etc. Europeans who breached the ordinance were liable to lose their licences, to be fined up to one hundred pounds, or to be gaoled for six months for each offence. New Guineans who did not want to sell their produce, who tried to get a better price in another area, or who traded for a European trader where this was illegal, were liable to imprisonment, as well as to "be put to work upon the roads for any term not exceeding twelve months."

In sum, the Australian military's administration of New Guinea from 1914 until 1921 tended to cleave fairly closely to the pre-war German legal pattern, and to follow the advice of the German settlers who remained in less formal areas of interracial relations. After all, the Germans had known "how to handle natives", and the military did not. An aloof Papuan administration preferred to wait until it could take over altogether, rather than render advice to the inexperienced army. Thus, as Professor C. D. Rowley, the author of The Australians in German New Guinea 1914-1921, has written, "the civil administration of the Mandated Territory of New Guinea commenced operation on 9 May 1921 without a native policy ...", other than a skeletal administrative structure and a loose set of racial attitudes inherited from the Germans. The period of New Guinea's military administration had seen few changes: the nationality of the territory's rulers had been changed, as had the legal basis of their authority; flogging was restricted to officials; and European business interests had been kept secure. By 1921:

"The only signs of a new order were the doffing of uniforms by those holding civilian appointments, and the dispossession and shipping away of the Germans."

Australian New Guinea

The Australian officials of the two pre-war administrations, as well as the expatriate planting and commercial communities, in Papua and New Guinea had scant regard for one another's attitudes and methods. Historians have tended to accept the apparent pattern of these antipathies very much at face value, and to treat the pre-war histories of Papua and New Guinea quite separately. It is the contention of this section of the "Newsletter" that, from the legal and administrative perspective adopted here, the differences were not as great as is generally supposed - more a matter of style than substance (hence the lack of detail here, compared to the analysis of Papua, above). After all, there were occasional, limited exchanges of personnel between the two territories, and both had to deal with similar kinds of people, and terrain, against a common Australian background of their own, under a single Commonwealth department. In March, 1934, the department even organised a meeting, chaired by the Minister in charge of territories, of all of Australia's leading colonial administrators, from Papua, New Guinea, Nauru and Norfolk Island. In the circumstances, it would have been peculiar if there had been no cross-fertilisation of ideas. Nonetheless, the tensions and differences between the territories' respective expatriate populations were quite real.

Throughout the inter-war period, the "Papuans" - as many of the Australian settlers in Papua called themselves - were envious of the comparative affluence of the New Guinea administration. The New Guinea administration was economically self-supporting, at a higher level of affluence than Papua, which had to rely on a small annual subvention - never more than fifty thousand pounds - from Australia. While official Papua unctuously despised the comparative harshness and alleged brutality (especially in obtaining, and maintaining, indigenous labour) in New Guinea, not a few Papuan settlers were enthusiastic about the "realism" of the New Guinea administration's handling of the indigenes. New Guinea's settlers and officials, for their part, were contemptuous of Sir Hubert Murray's "pampering" and "mollycoddling" of his indigenous charges. Gradually, these mutual envies and contempts became part of the stock of political and social attitudes that developed among the Australians in either territory.

In 1920, Sir Hubert Murray was in a minority of one (to two) on the "Royal Commission on Late German New Guinea" in favouring the two territories' administrative amalgamation (under himself, as their joint head). All of the members of the commission felt that the old German system of administration should be superseded. What was needed was the British system's tendency towards "the fatherly supervision of the interests of the natives."

In Murray's minority report, he claimed that considerations of economy and efficiency in administration, and the similarities between the geography, the racial characteristics of the indigenes, the natural products, and the economic development, of the two territories, all showed the value of amalgamation in furthering this aim.

In 1938, however, H. L. Murray, Sir Hubert's nephew and Official Secretary, and the "Papuan" representative on the three-man "Committee to Survey the Possibility of Establishing a Combined Administration ...", was carefully briefed to oppose amalgamation. By then, Sir Hubert was fearful that his own lifework would be undermined once the Papuan and New Guinean planters and investors gained access to one another's labour, and economic resources, respectively. Now, H. L. Murray agreed with his two fellow-commissioners that the amalgamation of the two territories was both undesirable, and impracticable. The existence of two separate legal systems, and sets of administrative methods and conditions, as well as differences in the financial position of the two territories (plus the mandate), were all cited to lend credence to this view.

The two territories' official antipathies were often echoed in the private relations of their expatriate inhabitants. Officials, and planters, from the two territories rarely spoke to one another, except in a spirit of derogatory jocularity, on the ships from Sydney to "the islands". During World War II, when most of the pre-war settlers from both territories had been evacuated to Australia, and shared a common interest in protecting the old status quo from its wouldbe reformers, their roof organisation, the Pacific Territories' Association in Sydney, had an equal number of Papuan and New Guinean "old hands" on its executive. Within A.N.G.A.U. (the Australian New Guinea Administrative Unit), too, the army experienced difficulties caused through the rivalries of the two pre-war administrative services, which were now combined in uniform.

Generally, then, the two administrative services, and the territories' expatriate populations, thought of themselves as part of two separate traditions. In fact, however, the Papuan Native Regulations and, from 1924, New Guinea's Native Administration Regulations, were very much alike. By 1939, they differed only in detail: in the date of introduction of some of their amendments, and in style of execution. The paternalism and protectionism of the pre-war Papuan system had gradually come to New Guinea.

The immediate aims of the Australian administration in New Guinea in 1921 were, in effect, to tidy up and humanise the old German system, along lines not unlike the Papuan style:

> "(a) to stop evils which in the past have been connected with recruiting and in particular to encourage recruited native men to bring their wives with them.

(b) To improve the health of the natives.

(c) By the introduction of model villages, with cleaner and more moral surroundings, to create in the native a desire for better conditions.

(d) To encourage the natives to make plantations of useful trees and crops.
(e) To educate the natives.
(f) To introduce healthy forms of amusement.
(g) To extend the influence of the Administration through the parts of the Territory not yet under Government control."

Even the structure of the village administration system was altered along Papuan lines (as mentioned above), as the luluais lost their judicial powers, and became increasingly but law-enforcers. Towards the end of the 1930s, both territories' administrations began to experiment at roughly the same time with new forms of consultation: village councils in Papua, and the kivungs (or village committees) - with primarily dispute-settling functions - near Rabaul.

In general, New Guinea's Native Administration Regulations imposed harsher penalties than their Papuan counterparts - all prison sentences, for example, were "deemed to be with hard labour unless it ... [was] expressly enacted" that the reverse was to be the case. They were geared to the requirements of a plantation society, rather than to the protection of the village. In New Guinea, the indigenes were always at least potential employees; in Papua, villagers, to be protected from the effects of uncontrolled social change, and economic exploitation. Many of the Native Administration Regulations were, however, directly derived from the MacGregor-Murray tradition of asserting the administration's right of unilateral intervention in the village, rather than the German tendency to concentrate its legislation upon the urban and commercial points of contact between the New Guinean and "his" administrators.

In 1924, Colonel John Ainsworth, former Chief Native Commissioner in Kenya, was sent to New Guinea by the Australian government to report on the "administrative arrangements and matters affecting the interests of the natives." His comments provide a fascinating insight into the contemporary status of both the Papuan and - I would argue, increasingly Papuan-influenced - New Guinean systems of "native administration". At that time, few of the field officers in New Guinea had any experience of "native affairs" or of judicial procedure, he observed, and the consequences of their inexperience, and the nature of the regulations, seemed quite clear:

> "It seems to me that the provisions of the Native Administration Ordinance and the Regulations thereunder are - as they stand - so framed as to aim at a form of direct administration of native affairs by white officials,

> that cannot be helpful to the development of native society in the Territory; besides which, if the services of the native authorities are not developed and taken advantage of as fully as possible, more white officials will be necessary."

Neither Murray in Papua, nor his contemporaries as Administrator of New Guinea, Brigadier-Generals E. A. Wisdom (1921-32) and Thomas Griffiths (1932-4), and Sir Walter Ramsay McNicholl (1934-42), ever seriously heeded Ainsworth's prescient advice.

Like its Papuan counterpart, New Guinea's Native Administration Ordinance (of 1921) empowered the Administrator-in-Council to "make regulations ... with regard to all matters relating to, or affecting, the good government and well-being of the natives." And the regulations that followed as from 1924 continued in the Papuan tradition, both in their provisions for the village, as well as in the towns.

At the most general level, administration officers were given legal sanctions to ensure that all of their orders, and those of their village officials, were obeyed. In addition, tultuls were required to obey their luluais, and both had to see to their people's adherence to the law, and could be removed for misbehaviour, or on grounds of their incapacity, by a district officer. It was also compulsory for New Guineans to assist in the apprehension of an offender, if so requested.

As in Papua, kiaps were empowered to summon and try indigenes against whom no complaints had been laid. Indigenous

"Now make sure you translate
this accurately ..."

witnesses could be summoned by a court, while "non-natives" could only be requested to give evidence. And if mediation failed in civil cases, the kiap's decision could be legally enforced, through the threatened imposition of a fine, or imprisonment, for recalcitrants. Administration field officers were, however, legally supposed to "take judicial notice of all native customs and give effect to them" unless they were inhumane, or contrary to law. They were required to do all they could to make themselves acquainted with such customs, and to record them.

In general, then, custom was to be allowed, subject to the rest of the law, and certain discretionary powers. Thus, some traditional burial practices, or preservation of the dead in the village, as a mummy, were made illegal, as unhealthy, while the Administrator was, for example, empowered to forbid the customary marriage of an indigenous woman if she objected, and had been educated in European surroundings, or had acquired European habits. In the case of divorce, custom was regulated, in that a divorce was only valid if it accorded with the customs of the woman's group. Wills, too, had to accord with custom (and the law), and, as in Papua, could not legally dispose of land (or things growing on, or attached to, it).

In the health field, customary guardians could be punished for failing to ensure that children under fourteen years of age received medical assistance when it was required, and accessible. Luluais were required to report unusual amounts of sickness in their areas, and they or other village, general administration or medical officials, could order villagers to be medically examined. In addition, New Guinean villagers could be ordered to present themselves for inoculation against disease, to keep their houses well-built and their villages in a sanitary condition, and to clean out drains and ditches in which mosquitoes were liable to breed. Village water-supplies had also to be kept clean, water-channels were not to be obstructed, refuse had to be disposed of daily, and latrines provided.

More generally, but still at village level, able-bodied men could be ordered to plant, tend, harvest, and store crops for themselves and their families. Diseased or trespassing animals (on the second occasion) could be destroyed, but not consumed. Attendance at an official census was compulsory, and it was illegal either to be absent oneself, or to assist another to avoid having his name recorded. Under both these regulations, and the Roads Maintenance Ordinance, every owner, lessee or occupier of land was obliged to maintain the adjacent half-width of any road or track, on pain of a fine of two pounds, imprisonment for two months, or an order to recover the costs of such maintenance as was necessary from defaulters.

The range of offences covered by the Native Administration Regulations was similar to the Papuan model: sorcery, adultery, threats, assault, abuse, insults, obscene language, riots, the spreading offalse reports and homosexuality among males, were all illegal, and generally carried penalties of a fine of up to three pounds, or six months imprisonment, or both. The possession of knuckledusters and alcohol; or razor-blades without lawful excuse, the onus of proving which lay upon the offender, were all illegal. Bribery of village officials; the careless use of fire, or the use of fire by an individual where he had no traditional rights to its use, or did not warn his neighbours; and gambling were also offences under the regulations, as was the misuse of authority (as in Papua). One minor provision which was unique to New Guinea was that requiring that animals and birds be carried only in baskets or crates capable of carrying the creature's entire weight. Breaches of this regulation carried a fine of one pound, or two months in gaol, or both.

New Guineans who wished to travel were subject to much the same restrictions as Papuans. Potential emigrants required a permit to leave the territory altogether, while within the territory it was illegal to remain in a town for more than four days without employment, or for a non-resident to enter there during curfew hours. Otherwise, movement was relatively free, subject only to the Administrator's right to order the removal of a New Guinean whose continued residence in a town or place was detrimental to the peace and good order of that town or place, or was likely to be so. After 1930, the person being removed could be kept in custody while in process of removal. As from 1936, a New Guinean's freedom of movement could be restricted not through forbidding him to remain somewhere, but through the issuance of an order by the Administrator preventing him or her from leaving a specified district, area or place without permission.

Under the Uncontrolled Areas Ordinance of 1925 - on which the Papuan ordinance of the same name was apparently modelled in 1936, until the "uncontrolled areas" of Papua were derestricted in 1939 - the entry of non-indigenous non-officials into the unpacified areas of the territory was forbidden, unless the entrants had a permit. In this way, the administration hoped to prevent the exploitation of the unsophisticated and unpacified by outsiders, as well as to prevent bloodshed through the meeting of the two. In 1936, a provision was added to the Native Administration Regulations under which New Guineans could be forbidden to enter any area or place in which they were not under the immediate control of a European. The new measure had a threefold purpose: to protect the primitive - mainly Highlanders - from the sophisticated coastal New Guineans; to avoid conflict between the two groups; and to allow the administration to control the entry of particular groups of New Guineans into areas where they might come into conflict with the locals.

New Guinea during the inter-war period was more highly urbanised (and less thoroughly explored and pacified) than Papua. It had, in short, more, and more isolated, islands of white security than Papua. During the period, more than a dozen towns were officially proclaimed: Rabaul and Kokopo (New Britain), Kavieng and Namatanai (New Ireland), Lorengau (in the Manus area), Kieta (in Bougainville), Madang, Morobe and Aitape (on the coast of the New Guinea mainland) during 1924; and Salamaua (in 1926), Wau (1930), Lae (1931) and Wewak (1937), which were all on the mainland too.

New Guineans who came to town were insecure: they could not, to begin with, carry a weapon there, except to sell it, to remove it after buying it, or to carry it to or from work. The towns became a sort of (legally-enforced) neutral meeting-ground for hostile groups.

Life in town was not exciting either: the same curfew (9 p.m. to 6 a.m.) applied as in Papua, with the same maximum permitted extension (to 11 p.m.), unless the New Guinean were out of town, or working. Singsings could not be held without a district officer's permission, and, after 1940, they could be (but never were) outlawed in any given area altogether. Anyway, all noise, shouting, beating of drums, singing and dancing had to cease at 9 p.m., while street games were illegal. New Guineans had to live on their employers' premises, or "in a reserve set apart for the use of natives". They were allowed to play sport only in specially proclaimed areas, and needed a district officer's permission even to play football on their employers' land. Finally, New Guinean labourers and servants everywhere required special permission to attend (even an otherwise authorised) singsing after 11 p.m. - in case they might not be fresh for work on the morrow.

As in Papua, it was illegal for New Guineans to be photographed without an official's permission, while the films that they, in turn, could see were censored too. New Guinea's Cinematograph Films Regulations (of 1927), however, did not just require that all films be seen, and then perhaps cut, by an official before being shown to indigenes. They simply could not be shown at all unless they came under one or more of seven categories. Films which New Guineans were permitted to view at all had (a) to deal with educational matters; (b) to portray descriptions of scenery, or (c) travels or voyages, or (d) events of public importance or general interest; (e) to deal with industrial matters; (f) to portray cartoons, or (g) to be "pictures in which all the actors taking part in the exhibition or the film are natives". Films in which people of all races appeared had, in other words, to be of a relatively serious, uplifting kind, unless they were cartoons.

The clothing regulations in New Guinea were much the same as Papua's, although, in one respect, they were carried to a further logical extreme. All New Guineans other than small

children had to wear a loin-cloth, and it was illegal for men to wear a non-traditional covering on the upper part of the body. As from 1934, however, New Guineans were forbidden to ride bicycles in Rabaul, unless they actually carried a government officer's written permission with them - presumably, because they tended to get their waist-cloths caught up in the bicycle chain.

In general, the New Guinean regulations gave expression to fewer sexual anxieties than the Papuan. If the indigenes could not come to town, additional legislation was not vital. Nonetheless, the New Guinea Criminal Code was amended in 1927 to prevent "peeping toms": henceforth, it became a misdemeanour to be upon the curtilage of a building with the intent indecently to insult or annoy its female inmates. A similar, criminal intent clause, in the Police Offences Ordinance, must, however, have been one of the most absurd (and unintentionally discriminatory) provisions ever legislated in modern times.

Throughout most of the inter-war period, it was an offence to be found anywhere in New Guinea "with an unlawful intent ... [and one's] face blackened or wearing felt or other slippers, or dressed or otherwise disguised ...". In Papua, the slippers were not forbidden under the Queensland Criminal Code, although a blackened face earned a longer sentence than in New Guinea (three years with hard labour instead of two years of simple imprisonment). Depending upon the definition of "blackened", then - as a state or a process - nigh on two million persons were quite possibly guilty of an offence under this provision, according to the present Crown Solicitor of Papua and New Guinea.

If New Guineans were discouraged from dressing or behaving like Australians, "non-natives" were also discouraged from associating too closely with the indigenes. Pre-war New Guinea was a very caste-conscious society. Throughout most of the inter-war period, it was an offence, carrying a penalty of up to twelve months imprisonment, for "Any person, not being a native or the child of a native, ... [to be] found lodging or wandering in company with any of the natives of the Territory ...", unless he or she could give a good account to a court that he or she had a lawful, fixed place of residence and adequate means of support, and that he or she was wandering or lodging with the indigenes for some temporary and legal occasion. An Australian who spent too much time with, rather than over, New Guineans, was thought to imperil the entire structure of territorial society, although, in fairness, one should also point out that this provision prevented the exploitation of New Guineans by beachcombers and loafers who tried to live off, through living with, them. By 1963, when this provision was finally repealed, the normal vagrancy provisions of the criminal law were deemed sufficient to protect New Guineans from exploitation by those few "poor whites" who slipped past the scrutiny of the enforcers of the immigration laws.

World War II

World War II cut right across the constitutional history of Papua and New Guinea. It is also widely regarded as something of a watershed in the development of interracial relations. It is, however, arguable that, although the war changed Australian attitudes towards Papua and New Guinea as well as the longterm character of Australia's involvement there, the actual system and style of administering the indigenes changed much more gradually. The actual contact situation, indeed most of the combined Territory's problems, remained relatively untouched until the "reconstruction" process was complete, and "development" could begin again after 1950.

The expatriate populations of both Papua and New Guinea entered the war with greater self-assurance than they emerged with from it, for, during the war it became increasingly clear that, whatever the nature of the past, and however great the territories' insulation from world affairs, the future would be different. The old colonial order was being questioned, even in Australia.

During the war, Australians heard a great deal about the "Fuzzy Wuzzy Angels". Afterwards, many of the Australians who had served in 'the islands", and not a few of their indigenous assistants, began to romanticise what they had heard, or experienced for themselves, and to believe their myths (vide EPW-9). Only the pre-war settlers were caught: where once they had proudly claimed responsibility for the loyal hard work of the indigenes, they had now to denigrate it in order to secure their own positions, and, if possible, return to the pre-war status quo.

The period of the war provided an excellent opportunity for the minority of Australian academic and professional men (then in uniform), and missionaries, who cared, to press - with some success - for greater attention to be paid at the policy-making level in Canberra to the longterm prospects of improving the indigenes' welfare, and of including them too in the "development" process. At the contact level, however, relatively little patrolling was done during the war, and then generally by the same men, with the same prejudices and techniques, as before the war.

Some Papuans and New Guineans supported the Japanese, and even sent their children to Japanese schools (in the Sepik). Many fought heroically behind the Japanese lines for the Australians, or the seemingly wealthy Americans. Generally, however, they tended to acquiesce to whomever seemed to hold local sway, and did what they were told - as coastwatchers, soldiers, carriers and roadbuilders, for the Allies, or the Japanese.

The normal processes of civil administration simply ceased in some areas "for the duration", or were restricted (and changed somewhat) to the compulsory recruitment of indigenous labourers and carriers. Hence, not a great deal about this period

concerns us here, except that two important precedents were set: large sums of money were spent in Papua and New Guinea by an Australian government that later felt it owed a debt to those who helped it to fight; and, as the war progressed, the two territories' administrations were effectively combined under a single military unit, A.N.G.A.U., with its headquarters in Port Moresby, the only major centre in either territory never to fall into Japanese hands.

During the war, Australians promised a great deal, both collectively and individually, directly and by implication, to their indigenous helpers. Some Papuans and New Guineans can still recite the promises made to them at the end of the war by the commandant of A.N.G.A.U., Major-General B. M. Morris, word for word.

An interesting vignette concerning these promises of a "new deal" after the war has been re-told by Major D. Barrett. At Vunakanau, on New Britain, three thousand indigenous troops were assembled together for a final parade before being demobbed. Australia, they were told in Pidgin, was grateful to them; their future was assured; progress and development would be theirs. The Motu translation was, however, left to an officer of the pre-war Papuan administration, who translated : the war is over; go home quickly; don't steal anything; and don't be "bigheads". On their way home, not a few soldiers and carriers had their war-time issues, and presents given them by grateful foreign troops, confiscated by administration field officers suspicious that they had been stolen.

In Australia, however, what was, in fact, quite often but the enforced assistance of a conscripted labour-line in a strange, half-comprehended war, was remembered afterwards as heroic co-operation. Sometimes it was; but very often it could not have been, simply because news of the war had deliberately been kept from many New Guineans until the Japanese attacked. Considerations relevant to the preservation of white prestige had prevented a public admission of the likelihood of attack from the north.

On the ground, in Papua and New Guinea, there was a mindless self-confidence about the war. There was no real need to convince the indigenes of the justice of the Allied cause, for the whites were loved. As a booklet, entitled You and the Native, which was prepared by the General Headquarters in the Southwest Pacific Area in 1943, for distribution to the troops, put it:

> "The natives are used to us, as white men; they feel we belong, whereas the Japanese are in every respect strangers. Natives don't like strangers. Therefore, their natural inclination is to side with us."

In addition:

> "The native has always looked up to the white man. He admires him because of the marvellous things that white men at large can do - make electric torches, fly in aeroplanes, etc. You may not be marvellous yourself, but he will think you are, merely because

you are one of the white race."

And nearby was a picture of a European soldier with a puffed-out chest, and the caption : "Worth Acting Up To."

At the policy-making level in Canberra, new plans for the future were being developed. In Papua and New Guinea, however, the men who knew from experience - not theory - "how to handle natives" set the pace. Experts in "native affairs" advised the army, and the latter's officers learnt quickly. In time, even such "new chums" to the Territory as Lieutenant-Colonel W. J. Reinhold - the officer-in-charge of the road-construction project across the roof of Papua and New Guinea from Bulldog to Wau - were prone to theorise, and give advice about race relations, as well as the indigenes' habits:

> "Fraternisation between whites and natives must be deprecated. The native reverences dignity and control in his superiors. Whoever neglects these and becomes familiar with him is at once no longer his superior. All natives have a deep-rooted regard for signs of authority, whether they be material or by character. Among his own people, the hats of the Tultul and Luluai, the stick of office that the boss boy carries, the belt of the police boy, are no vain trappings but are real and important to the native mind. No white man may shed his dignity and retain his status in the eye of the native....
>
> "Concentration of native work is necessary. Natives are gregarious. They move in masses, they sleep in masses, they live in close communities. Working them in a line that is as close as the work reasonably allows has three advantages - it makes supervision easier; it brings a mass effect to the task, and it allows competitive effort that the natives enjoy. The native does not like work. Work is a menial office that in the village is relegated to the women folk. But when he signs on to work he does it best with his fellows."

There were, however, not just special ways in which to treat Papuans and New Guineans in order to get the best from them, but highly developed, and fanciful, speculations as to what they really liked:

> "The native labour was supervised by ANGAU personnel, and amongst them were some of the most experienced men in New Guinea in the handling of natives and in the control of work. They were a tower of strength in inspiring others. As the result of experiment, a high efficiency of work and support was attained. It was found impossible to regard the natives as being generally more intelligent than white children of about the age of eight or nine years. They had much

> the same pleasures and outlook. To treat them as of more companionable age neither impressed them nor added to their pleasure or the task in hand. They lived in the immediate present. Like many children, they craftily sought all material advantages, but they were not concerned if unreasonable demands were not met. A boy, justly punished, never bore a grudge. But he did if punished unjustly.
>
> "A guiding feature of control was that there be no humbug from either side. What is promised to them they expect, whether it be food, tobacco, rest days, or punishment for offences. Leniency that is based on weakness they appreciated at its true and only worth. But although (like white men) they may try to loaf and to take advantage of weak control, they will give full effort, without nonsense and amicably, however firm the control, if there is no humbug given to them."

"Realists" such as Reinhold had no time for sentimental myths about "Fuzzy Wuzzy Angels". Such myths were not, he believed, borne out in practice:

> "Feed him well, treat him justly, look to his health, and work him intelligently and firmly. The native works magnificently when handled correctly but, like ourselves, he is no angel."

Before leaving the real world of "proper" techniques, and separate drinking taps, messing and sleeping facilities, and compulsory recruitment - a mere continuation, in extremity, of the pre-war status quo - one ought perhaps to turn again to You and the Native. After all, it had its touching, rather human side too, as in this quotation from an old New Guinea prospector:

> "Generally speaking, natives civilised and uncivilised are friendly and therefore should be treated as friends, not as black bastards who intend to murder you at the slightest chance...,"

as well as its more typically settler touches:

> "Joke with him [the native] by all means; even lark with him. He likes it as much as you do. But while you play the fool don't forget that you have to maintain that pose of superiority. Don't go too far.
>
> "Don't deliberately descend to his level. He has not been used to that from the white man; he will consider it unfitting and think less of you."

It is only recently, now that Papuans and New Guineans are beginning to be allowed to make - and can also write - history, that the myths about the wartime combatants sharing a common cause, and common perils, have begun to be edged out by the bitterness and hostility of the conscripted who were then spurned, forgotten, or mistreated. Somewhere between the two sets of beliefs, lies the truth. But it is a truth that inheres in the realities of interaction in emergency, rather than within the narrow constraints of precisely laid down (and discriminatory) law.

The Early Post-War Years

Colonial policies generally tend to reflect the domestic preoccup ations and policies of the government, or the assumptions implicit in the total national political culture, of the colonising power. Before World War II, no Australian government took much interest in, nor had a systematic policy towards, Papua or New Guinea, apart from the generalised assumption that it was better, for defence reasons, for the territories to be in Australian than in foreign hands. Both administrations were, therefore, left relatively free to work out their own political and administrative balance, between the indigenes' putative interests (as conceived by expatriates), and the European settlers' fears, and economic interests. Before the war, Australians were as little interested in the problems of "native administration" and development in their external territories as they were at home in the Aborigines.

The much-vaunted "New Deal for the Natives" promised by the Australian Labor government during the war, for implementation once hostilities had ceased, was the first genuine policy-initiative (other than annexation) taken by an Australian government in "the islands". A number of its most important provisions, however, were but a continuation of A.N.G.A.U's *ad hoc* decisions during the war (the amalgamation of the two administrations, and the provision of government money for development), long-overdue reforms left over from the pre-war period, or measures designed to restore the territories to at least their pre-war level of affluence and amenity. Such measures as the decision to compensate many Papuans and New Guineans for damage or injury suffered during the war, and to rebuild the towns (and some villages), fell into the last category. Lae, for example, was deliberately set out into separate European, Chinese, Papuan, mixed race and general indigenous labour, housing areas, while local European settlers were extremely critical of the administration's plan to rebuild Hanuabada village, near Port Moresby, at government expense. On the other hand, a number of the reforms that were promised or implemented, bore all the marks of being no more than extensions of traditional Labor foci of domestic political interest into Australia's dependencies.

In general, Labor promised to improve the standards, and quantity, of indigenous welfare, health and education facilities, to foster economic development (through co-operatives, especially), and to provide for indigenous representation both in the combined territories' Legislative Council, and at village level (through native village councils). Labor's most detailed and precise reforms were concentrated in the field of labour and employment, the party's main traditional area of interest. In the labour field, reform was relatively easy to implement.

In the developmental categories for governmental action (health, education, political and economic development), however, the Labor government could do little. Throughout its period of office, reconstruction and repair absorbed most of the available funds and personnel, and development had to be left to the Australian Liberal-Country Party government, which came to power at the end of 1949. In these fields, only tokens of future change - some co-operatives, a few more schools, the beginnings of a public health policy, and the invitation of some Papuans to government house - were possible.

In the labour field, the government allowed all wartime labourers to return home to their villages when civil administration was restored. Most of them had been impressed, rather than recruited of their own free will, and had worked harder and for longer than was usual. Against the protests of the planters, who were short of money after the war, and labour, because of the foregoing release, the government then scrapped the penal provisions in the Native Labour Ordinance, in favour of allowing civil actions for desertion, neglect of duty, etc., and promised to abolish indentures altogether within five years. The pay for indigenous labourers was made uniform (at ten shillings per month, the pre-war Papuan minimum, as against the old New Guinea base of five shillings, all plus keep), the minimum age for employment was raised to sixteen (a rise from fourteen, and twelve for domestics), the working week was shortened to 44 hours (from 55 in New Guinea and 50 in Papua), and the period of indenture was limited to one year (as opposed to a maximum of four years in pre-war Papua, and seven "on the other side"). All of these changes, of course, probably made the business of "native administration" easier, and less tense, and interracial relations, therefore, all the better. On the other hand, few changes at all were made in the pre-war Papuan Native Regulations or New Guinea's Native Administration Regulations, or in related areas of "native administration" and interracial relations not specifically covered by them.

Throughout the late 1940s, the Labor government quite unselfconsciously reported to the United Nations Trusteeship Council that, in New Guinea:

> "All elements of the population are secure in the enjoyment of human rights and fundamental freedoms without discrimination as to race, sex, language and religion."

Protection was not yet regarded as discrimination, and paternalism was the only safeguard against exploitation.

There were certainly some token gestures towards the building of a multiracial society. The Minister for Territories (Mr. E. J. Ward) refused to allow himself to be carried ashore from a boat by some Papuans. He preferred to take off his shoes and wade - a gesture that was widely derided by expatriates at the time, and not repeated by the present Minister for External Territories (Mr. C. E. Barnes), who allowed himself to be carried ashore only this year. Some Papuans visited government house for tea, and earned the then Administrator of the Territory (Colonel J. K. Murray) the title of which he is now reputedly most proud-"Kanaka Jack". For some time, the old-time settlers - or "B4s" - boycotted government house as a protest against even such token integration.

Although few of the pre-war regulations were changed, where there were differences between the two territories' previous practices, uniformity was aimed at. Among the few, minor changes that were implemented were a reform of the New Guinea clothing regulation (in 1946), to make all dirty, wet or insanitary clothes illegal to wear (unless the suspect had a reasonable excuse)- but not Western-style clothes in general . In 1948, attendance at a government census was made legally compulsory in Papua, and riotous behaviour was outlawed. All but slight changes in the interest of uniformity, albeit still under two separate territorial sets of laws.

In 1946, Papuans and New Guineans were protected, for the first time, from one small type of discrimination. Under the Trading With Natives Ordinance of that year, all would-be salesmen to, or buyers from, Papuans and New Guineans required a licence, and were supposed to display both a price-list, and the weight on every package, as well as to issue receipts. Although Papuans and New Guineans were usually not allowed into most stores unless purchasing for a European, and had to be content to be served from a shutter at the side, shopkeepers and other traders were henceforth compelled to charge indigenes and non-indigenes the same prices, and were further told that they -

> "... shall not, without reasonable cause, refuse to sell to a native any goods held ... for sale if the native tenders in cash, the price of the goods as shown in the price list...."

Papuans and New Guineans were now not only to be protected, from themselves, and others, but were given some small rights. The effectiveness with which an illiterate and submissive indigene could assert his rights against a wealthy European, who naturally knew everyone else who mattered in a small town, was not considered at this stage.

The Ending of Legally Enforced Discrimination

> "The idea ... [of trusteeship] is a simple one. When we, a civilised people, accept the tasks of government in a country largely populated by a primitive and dependent people, we recognise that we are not governing them to serve our own advantage or to place our own gain above their welfare, but we consciously accept an obligation towards them and we regard ourselves as having a trust to discharge towards them. We have had seventy years of trusteeship in Papua and nearly forty years of trusteeship in the former mandated territory of New Guinea."

Thus spoke an increasinly self-conscious Minister for Territories in 1956. By then, trusteeship and paternalistic protection were no longer altogether fashionable ideas outside Australia. Indeed, as early as 1943, Elspeth Huxley had suggested in Kenya that neither notion was really relevant any more to the process of constructing a multiracial society. In her view, this could only be achieved, even then, if the Imperial Government began -

> " ... to withdraw its stabilizing power bit by bit, leaving the races to mix and quarrel, to discover each other's weaknesses and strengths, to match their wits and pool their endeavours, and gradually to realize, after many struggles and bitter experiences, that each depends on the other for the well-being of the whole."

During the early 1950s, the process of building a multiracial society in Papua and New Guinea tended to be conceptualised as one in which the indigenes required protection, from themselves and others, in their own separate segment of society - and under white control. As time passed, however, and the pace of decolonisation elsewhere quickened, so the Australian government became ever more self-conscious - that is, self-aware as well as awkward and uneasy - about the content of its policy.

In its report to the United Nations Trusteeship Council on the administration of New Guinea during 1952-53, for example, the Australian government still denied that there was any racial discrimination there, although, for the first time it added a rider:

> "... except to the extent that it is still considered necessary to preserve certain provisions relating to the indigenous inhabitants in order to protect their interests, particularly in such matters as land acquisition , trading and industrial matters."

It is arguable whether criticism of Australia's territorial policies at the United Nations constituted a form of pressure at the time, or simply served to make Australian policy-makers aware of the incongruity of their attitudes at that stage

of history. Either way, the Minister for Territories, Mr. P. M. C. Hasluck - the first fulltime, and longest-serving incumbent (1951 to 1963) of that portfolio - seemed to become ever more aware of the need to justify his policies, as in the following section of an address of his, entitled Australia's Task in Papua and New Guinea (from which we have already quoted a part) in 1956:

> "It will probably be objected by those who love to deal with colonial problems by the use of cant phrases that ... [his policy as stated] is mere paternalism. We should remember that paternalism in its true nature is good. Paternalism should not be accepted as a term of abuse or criticism. At the same time, we need to be aware, as all fathers need to remind themselves, that the paternal attitude is only good for small children so long as they need the protection and the guidance of their parents. Paternalism becomes oppressive if it is carried too far and for too long, and if it is exercised not for the good of the children but for the comfort and well-being of the father. If it checks the growth of the child, after the child has grown up, then it can become a tyranny. A colonial power that recognises its paternal responsibilities must also be great enough and understanding enough to be able to give up the duties and the privileges of fatherhood, no matter how emotionally satisfying they may be."

The old paternalistic tradition, involving two systems of law, and protection, survived for about another eighteen months after this speech. Then, in a sudden rush of amending and rescinding legislation, the work of more than sixty years of protective "native administration" in Papua, and more than forty years in New Guinea, was swept away in a very short period of time, and suddenly Papuans and New Guineans were ready to be treated "just like us".

The first two-thirds of the decade of the 1950s, were spent in tightening some regulations, liberalising others, and in evening out the application of a few more. In short, what legislative changes there were, were no more than variations upon a well-worn theme.

In 1950, for example, the curfew regulations were given greater flexibility, in that the Director of District Services and Native Affairs was empowered to vary the duration of the curfew for any public place or street; and liberalised, in that an employer's written permission - called a "pass" - was deemed to provide sufficient authority for the normal hours to be disregarded. Under United Nations pressure, the curfew hours were reduced so that after 1955, they applied from 11 p.m. until 5 a.m. A United Nations Visiting Mission, in 1956, then used the lack of any evident rise in the urban crime rate in consequence of the reduction, as ammunition in its plea for total abolition of the curfew, while the Australian government sternly warned:

> "These people [the indigenes] cannot be expected to conform to a European code of ethics until they know what it is, and in the meantime in the interests of law and order and of safety, some restriction must be placed on free movement...."

The expatriate population was not alone in its fears and resentments at the sexual activities of people of another race at this time. Since the very beginnings of European contact in the area, one loophole had consistently been allowed in the regulations governing marriage and sexual relations between people of different races: white men had been free to seduce, or marry, indigenous women.

Finally, however, in 1951, this last avenue for miscegenation was partially sealed. Twenty-five years after the passage of the White Women's Protection Ordinance, and for four years after its repeal (that is, until 1962), Papuan and New Guinean women were legally shielded from the attentions of European men. Henceforth, white prestige was protected through the restrictions placed upon the comfortable pursuit of unmarried indigenous women, who were, in turn, protected from their white suitors - at the insistence of their own indigenous male leaders. It was now illegal for -

> "... a female native ... to reside or be in or upon any premises or the curtilage of any premises occupied by any person other than a native between the hours of six o'clock in the evening and six o'clock in the morning, unless the occupier of the premises has obtained the prior written consent of the [local] District Commissioner ...,"

or the woman's husband was with her, or habitually lived upon the premises. The panalty for causing or permitting breaches of this law was a fine of one hundred pounds or six months imprisonment.

Other regulations with a primarily urban application that were promulgated or amended during the period under review here included one forbidding the making of any noise in a town, or the holding of a singsing, during curfew hours without a district officer's permission, and another forbidding an indigene to be in another indigenous employee's quarters without the employer's permission (both in 1952). In the same year, it also became possible for a Papuan or New Guinean to seek permission to possess methylated spirits, for heating and lighting purposes only, while administration medical assistants were permitted to employ alcoholic liquor for medicinal purposes. In 1953, an anxious administration forbade all indigenous employees to possess any weapons at all (including wooden swords), other than tomahawks, axes or knives required for their work, and Papuans were generally forbidden to carry weapons in town unless they were on their way to sell, or work with, them, or en route to a hospital, a court, or to their village upon expiration of a "native labour contract". The Cinematograph Censorship Regulations in Papua were also amended - this time in a more liberal direction. Until their repeal in 1962, when general censorship for people of all races replaced the former requirements, a special permit was still

required to show a film to an indigenous audience, but most of the old restrictions were lifted. It is, however, of some interest to note that even after 1962, films were generally censored on racial, rather than moral, grounds - most recently, and notoriously, The Comedians, allegedly because it showed black Haitians mistreating whites.

In 1954, following United Nations practice, a circular from the Department of Territories forbade the official use of "native" as a noun (the use of boi or "boy" to describe adults had been outlawed earlier). Henceforth, Papuans and New Guineans were called "indigenes" when they were officially referred to as the subjects or objects of a sentence, and as having "native" attributes only when referred to adjectivally. In 1969, the Administrator of Papua and New Guinea issued a further circular to his officers banning the use of boi (or "boy") again, kanaka, and meri, even in Pidgin, when speaking or writing of or to indigenes, and - a concession to multiracialism - the use of masta (or "master") in return.

By 1957, the regulation restricting the entry of Papuans and New Guineans into the towns was given wider application. A new regulation was promulgated, which allowed a patrol officer to order any New Guinean who left his area to return home. It was, however, formulated as a general vagrancy measure, to remove the simple sting of appearing just as an urban exclusion law:

> "A foreign Native [that is, one absent from his tribal area] who does not give a good account of his means of support to the satisfaction of a Court, when called upon to do so, may be ordered by the Court to return to his tribal area within such time as to the court may seem reasonable."

The early 1950s were also a period of relative legislative quiescence at village level. The administration still interfered when and where it chose, and became, if anything, even more protective. An increasing number of villages were placed offbounds to labour-recruiters, and, although the Liberal-Country Party government - unlike Labor - allowed Highlanders to be recruited to work on coastal plantations, recruitment there was kept firmly and exclusively in government hands.

In 1950, the Administrator was empowered to declare any area of the Territory to be liable to famine, and to order the men there to plant as much food as he saw fit. After 1951, it became necessary to seek official permission to light a fire even on a man's own land, and, from 1953, the owner of an animal could be ordered to forbid its trespass upon "non-natives" land, if it were adequately fenced.

As from 1955, the Administrator could declare any area of the Territory to be one in which an indigene could not reside unless he were under the immediate control of a "non-Native" (here the word reappeared as a noun, one year after Mr. Hasluck's aforementioned instruction). Two areas of the New Britain District, and parts of the Namatanai and Kavieng subdistricts (of New Ireland) were immediately proclaimed to be off-limits under this regulation. Also in 1955, the adultery regulations were tightened (to allow a complaint to be laid only by an offender's spouse, or the nearest available relative, and so that the marriage customs of either party could be regarded as valid), and it became illegal to insult people of any race.

After 1956, all of the Territory's discriminatory laws and "native administration" regulations were progressively liberalised. The United Nations Visiting Mission of 1956 had been critical of the curfew laws, and other forms of discrimination, while the Australian government had become quite self-conscious as to how incongruous the authoritarian paternalism of the kiap and the preservation of a racially divided society must have appeared at the height of the anti-colonial world's push to independence. Change was, however, more probably the result of the Australian government's sense of being out of step, than of international pressure. While most of the rest of the colonial world prepared to leave, Australia began to liberalise the structure, and the legislation, of its rule. As yet, the indigenous population was too little educated, unorganised in modern forms, and too peripherally involved in extra-local affairs, for international anticolonialism to find any sizeable group of Papuans and New Guineans with whom it could make common cause.

During 1957, a few minor changes to the Native Administration Regulations and the Native Regulations were introduced Kiaps' courts were allowed to decide on the spot as to the rights to use and occupy, but not to own, land. The regulations compelling the supply of carriers for government patrols was amended to make such assistance purely voluntary, and that allowing for the removal of "foreign natives" from an area repealed. Papuans and New Guineans were also allowed to buy tickets in approved lotteries, and to wager at certain sporting events.

Towards the end of the same year, Asians residing in the Territory - only one of whom had been allowed to enter Papua so far - were allowed to apply for naturalization as full Australian citizens. Thus, gradually, the complex racial divisions of a truly plural society were bifurcated: Asians and people of mixed racial background were invited to apply to become Australian citizens. Such practices as the granting of special permits to mixed race people to drink (from 1948-56) fell into disuse as full rights became available to them. Most of the Territory's mixed race and Chinese population have, by now, therefore, applied for citizenship, and the mixed race people who have not are treated as indigenes. In 1957, the Minister for Territories had, however, still to reassure

a nervous expatriate population that this measure did not signify the end of the colonial order:

> "Those who will be affected by the decision are people living wholly in the European manner alongside, or integrated with the European community. They have no home except the Territory, and in all the implications of the term they can be regarded as good citizens.

After all, he added, those who wished to be naturalized had a good education in English, were Christian, and well fitted to be equal with other Australian citizens.

Nowadays, the naturalization provision is one of the few effectively, if not intentionally, discriminatory laws still in force: Papuans are Australian citizens - New Guineans are Australian protected persons - but they cannot exercise their right to live in Australia; Chinese and mixed race people can. Once they have been naturalized, they are treated as expatriates in the Territory, in terms of public service housing and salary-scales, now that these terms have been altered to accord with a man's national (or racial) identity rather than his ability.

During 1958, the administration set up a special committee to review all existing legislation in order to remove all racially discriminatory provisions therefrom. Then followed a flood of amendments and repealing ordinances.

In answer to the second request by a United Nations Visiting Mission, the curfew and absence-from-quarters regulations were repealed in 1959. In a separate series of amendments, the powers of luluais, tultuls and village constables were passed on to Native Local Government Councils as they were slowly established, and those of medical tultuls to Council Aid Post Orderlies. Where possible, a field officer's powers in relation to sorcery, bribery, touting, health and medical matters, and education, passed to the councils too. Thus, most of the powers that enabled the patrol officer to intervene unilaterally in the village passed from the central government to the councils, although they were still exercised on the council's behalf by the kiap. Most of the restrictions on freedom of movement and clothing were repealed.

During the visit of a United Nations visiting Mission in 1962, a special committee of inquiry was set up to investigate the desirability of allowing Papuans and New Guineans to drink alcohol. "The time has come," the Visiting Mission felt, "to sweep away all survivals of racial discrimination." And by 1963, the administration had legalised the consumption of alcohol by indigenes (even gamada-drinking was no longer specifically forbidden after 1962). After a further special investigation (which had been commenced in 1961) into the Territory's legal system, it was announced (also in 1963) that, where possible, special local courts would replace the old kiaps' courts, or "Courts of Native Affairs". Today, fulltime

indigenous magistrates are increasingly - although still only in relatively few areas - being used to administer a uniform code of low-level criminal and civil justice to people of all races. Higher up, the courts had always been fully integrated, in terms of whom they called before them. In the same year (1963), local government councils were enabled to become multiracial: at long last, people of different racial origins were given a stake in one another's affairs. And quite often, Papua and New Guinea's indigenous council rule-makers are harder on their own people than the central government's law, or the kiap, ever were in fostering "development".

Papuan and New Guinean Councillors
can be even tougher on their constituents....
The sign outside Goroka market reads:

" Pay Attention

Men and Women Must Not Chew
Betel-Nut Or Spit Inside The
Market Or They Will Be Charged
and Fined $200 Or Sent To Gaol
For Six Months.

Goroka Council"

The film censorship regulations, those forbidding mixed public bathing (in 1962), and even the Native Women's Protection Ordinance were repealed before the end of 1963. Legally enforced discrimination was at an end, although such pieces of indirect discrimination as differential conditions for persons recruited for the public service overseas still remain in force, as does the Australian barrier on the free entry of indigenes into the Commonwealth. Even

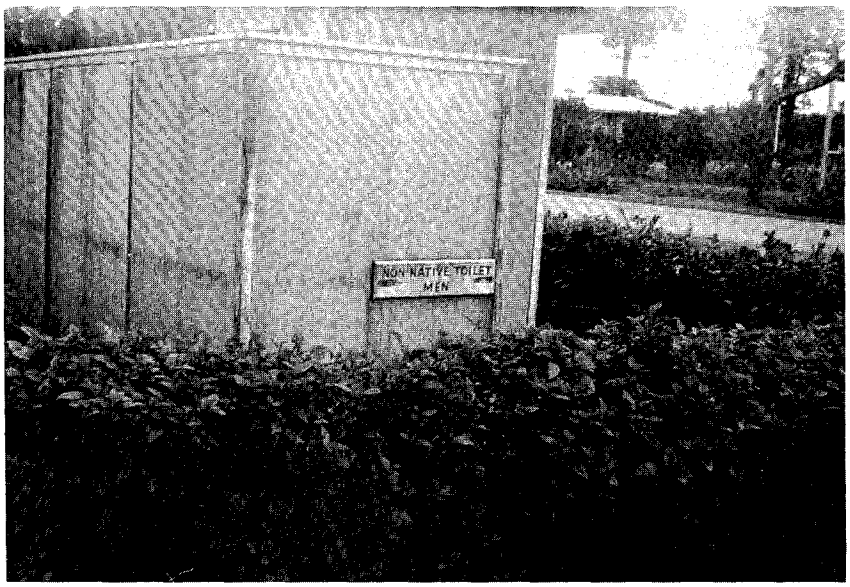
the protective provisions of the Transactions with Natives Ordinance have gone (since 1963). Now, gradually, Papuans and New Guineans are being increasingly well protected, at least legally, from discrimination in their own country.

Laws Against Discrimination

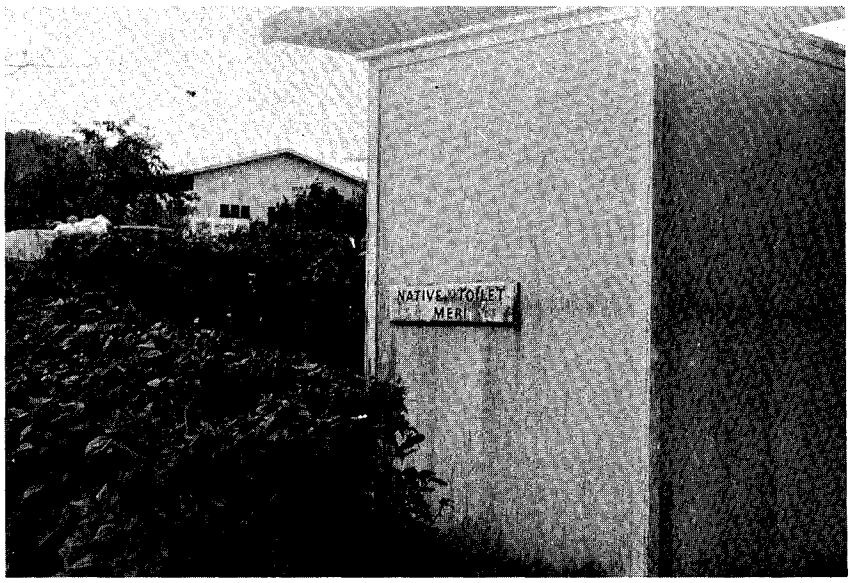
It needs to be remembered when reading the foregoing account that many Papuans and New Guineans - including probably most of the Territory's 800,000 Highlanders - were never aware of the exact layout of the law. Very few of them could legally, or had the means to, go to town, or earnt enough money to buy clothes. Even fewer could read the law, or write in protest. At most, they saw the kiap two or three times each year - and often rather less. While he was on his way to see them, they cleaned the village, moved back to their census point from the surrounding bush, and took off their clothes. Then, as they prepared to help him on his way, they sent word ahead to the next village to do the same. In short, most of the laws and regulations cited above were symbols of the government's intentions, rather than expressions of administrative reality. But, as a future "Newsletter" on the comparative conviction rates for people of different racial backgrounds, by classes of offence, will show, when the law was applied, justice was meted out quite firmly.

Just as the country's natural terrain and the administration's lack of financial and manpower resources meant that the law could be administered only intermittently, and then quite arbitrarily, so the removal of discrimination as such involves more than legal rights. Those who are discriminated against must have the means to resist, or to seek redress. A hotel that kept out indigenes through requiring its patrons to wear shoes could only be integrated by those who knew the law, or, in this case, how to circumvent it. Here, some enterprising Papuans and New Guineans bought multiple sets of shoes, to hire to wouldbe drinkers. But sometimes - as in those hotels that are designed simply to discomfit anyone not in a suit - a man's own pride or personal resources alone can force integration.

Nonetheless, discrimination of certain sorts was made illegal - if not always enforceably so - under the Discriminatory Practices Ordinance of 1963. Henceforth, if the Secretary for Law (an expatriate government official) consented, the holder of a liquor, restaurant, traveller's, pedlar's, entertainment, trading ("with natives"), meat-selling, copra- or cocoa-buying, or any other official buying, selling, dealing or trading licence could be prosecuted (and fined one hundred pounds) for discriminating between people "for reasons only of race or colour." A person who acts in an insulting, provocative, or offensive manner, or endeavours to incite another person so to act, on licensed premises, can be gaoled for two months. And the definition of "discrimination" is broad:



Signs such as these
were not uncommon
until very recently.



'... "Discriminatory practice" means discrimination either of an adverse or of a preferential kind practised by a person or group of persons against or in favour of another person or group of persons for reasons only of race or colour, and in particular includes -

(a) the setting aside of portion of any premises, vessel, aircraft or vehicle the subject of a license for the exclusive use of persons or a class of persons of a certain race or colour;

(b) the failure to attend to persons in the order that those persons enter or approach any premises, vessel, aircraft or vehicle the subject of a licence;

(c) the selling or buying or goods at different prices or on different terms to different persons or classes of persons; and

(d) a course of conduct which distinguishes between persons or classes of persons of differing races or colours and which may reasonably be expected to result in mental distress or suffering by a person or a member of that class of persons;...."

Under a revised version of the ordinance which was approved by the House of Assembly during 1969, the definition of "discrimination" was broadened to cover differences not only of colour and race, but of an ethnic, tribal or national kind. Now, Papuans and New Guineans cannot discriminate against each other, nor can expatriates differ in their treatment of people of different sub-groups of indigenes, or white men. Abuse and threats were also added to insults as possible causes for legal action. Finally, as in Great Britain, it was declared to be illegal -

"... with intent to stir up hatred, ridicule or contempt against any section of the public in the Territory distinguished by colour, race or ethnic, tribal or national origin [to]-

(a) publish or distribute written matter which is threatening, abusive, insulting, provocative or offensive; or

(b) use in any public place or at any public meeting words or behaviour which are or is threatening, abusive, insulting, provocative or offensive,

being matter, words or behaviour likely to stir up hatred, ridicule or contempt against that section on grounds of colour, race or ethnic, tribal or national origin.

"Penalty -

(a) on summary conviction, Four hundred dollars or imprisonment for six months, or both; or

(b) on conviction on indictment, Two thousand dollars or imprisonment for two years, or both."

In a future "Newsletter" in this series, I hope to deal with the state of interracial relations in Papua and New Guinea now. Both while discrimination was legally enforced in some areas of

activity, and now that it is technically illegal, the actual laws do not tell the full story. Paternalistic interference, too, did not cease just because Papuans and New Guineans were given access to the law-making, as well as the law-enforcing, process. These parts of the story must, however, await a future telling.

Yours sincerely,

Edward Wolfers.

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I should like to thank the officers of the Photographic Section of the Papua and New Guinea Department of Information and Extension Services for the photographs which appear on pages 6, 7, 10, 14, 22, 34, and 46 of this "Newsletter"; and Mrs. Marlous Ploeg, Cartographer in the Department of Geography, University of Papua and New Guinea, for the map-outline on page two.