

CHAPTER ONE

Strehlow's problem: colonial transformations and a governmental event

It was November 1937 when anthropologist and patrol officer Ted Strehlow realised he had a problem. He had travelled 130 km through the central Australian desert from Alice Springs to Hermannsburg Mission to investigate an apparent murder that had taken place some weeks earlier at Thira, a sheep camp on the upper Ormiston River. There he found that a forceful and unwanted marriage proposal had sparked a disagreement between a number of people he described as Pintubi and Ngalia. When four Pintubi women began fighting, he was to write, their husbands felt themselves compelled to act. Witjitji and Wantu's husband Kulaia 'sprang up and hit Mungana over the head once with a boomerang', and Mungana's husband Ngulunta 'took his spear in order to punish Kulaia'. Kulaia, in response, seized his own spear and shield. A marital dispute now became, in Strehlow's breathlessly evocative prose, a mystical tribal feud: 'The two men advanced upon each other. It was a moonless night, and the fires were burning low, and midnight was approaching. Everyone in the camp began to stir. Ngulunta threw his spear first, but Kulaia dodged it. The spear', Strehlow wrote, 'sped on', almost becoming an agent of its trajectory, determining its own path. It 'buried its point in Tjukutai's left side, just over the hips. Tjukutai had walked across the spear's line of flight a few feet behind Kulaia.'¹ Tjukutai, the younger brother of Witjitji and Wantu, died almost immediately and, a few days later, the thrower of that spear, Ngulunta, was himself speared through the left thigh by Nananana, a relative of the deceased.

What, Strehlow wondered, should he do? Encountering the aftermath of this situation, in which Aboriginal people had acted as though unconcerned by the spectre of his authority, he was deeply unsure. He elected to take charge through a demonstration of force, taking all those involved most of the way back to Alice Springs and holding them at the Jay Creek station. But confirming his immediate physical

control only amplified his uncertainty. He wrote to his superiors in Darwin to relate the unfolding events and ask if anyone should be charged and tried, whether Ngulunta for the initial murder of Tjukutai, or Nananana for the spearing that followed; a spearing that ought to be understood, he noted, as a lawful Aboriginal response. All these men, Strehlow pointed out, were 'relatively untouched by civilisation', and though there were 'no real tribal considerations' involved, the applicability of settler laws was at least questionable. On the other hand, 'these people had been warned off the settler areas previously, and told to live their own lives in the unoccupied land at Haast's Bluff'. The problem, he suggested, was one of coexistence; of people and of laws. If Kulaia, Ngulunta, and Nananana wanted to 'live their own lives', they would have to do so in their own spaces. And so long as they 'continue[d] to leave their own tribal territories' in order to 'hang around the stations and camps of white men', he preferred not to respect their jurisdiction.²

Strehlow's problem derived from his recognition that this was not a simple common-law criminal matter. What he saw was less a lawless mob than it was a people who sustained the operation of Aboriginal laws through practising Aboriginal relationships and remedies. This recognition, framed by his anthropological expertise, was characteristic of the colonising practice of indirect rule. But he was uncertain about its consequences. How could Aboriginal laws be incorporated into the government of the Northern Territory? Were there limits to the reach of settler legal force? These are questions that appear anomalous to today's observer. Though historians of Australia have turned in recent years to the study of legal pluralism, it has generally been supposed that questions of jurisdiction had largely been settled by what Lisa Ford termed the 'juridical death of Aboriginal people' in the 1830s. As Heather Douglas and Mark Finnane extensively illustrate, this 'juridical death' was a settler fantasy which has incited continued struggle over the scope of law and sovereignty. But for them, the 'protracted struggle over what it might mean to assert jurisdiction over the Indigenous peoples of the Australian colonial territories was a nineteenth-century story'.³ Strehlow's problem reminds us of the continuing renegotiation of such matters. At heart, his problem emerged from the puzzle of government in a territory ruled by Australian settlers who encountered peoples who ruled themselves; peoples who appeared, in all important aspects, to be practising sovereignty. How, Strehlow essentially asked, was he to govern a people who were self-governing, who had their own laws? How could they be fixed in place, and where, and under what circumstances could their laws be both recognised and respected? How could government be ordered?⁴

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These were questions being asked across the Northern Territory as in other sites across the British Empire. The problems that produced them were not universal problems of colonial government, but nor were they unique: Strehlow's uncertainty was far from his alone. It was to be found everywhere administrators sought to work with indirect rule, an art of government that became a standard in the interwar period and which we can trace from Fiji and Northern Nigeria to London and ultimately, in this study, to the Ormiston River in the Northern Territory. This part of Australia was far from the halls of colonial power in London or Lagos, distant and marginal to the British Empire as a whole and rarely considered by historians as a site for the elaboration of techniques of colonial government. But it represents a valuable entry point into considering the nature and implications of this moment in British colonialism.

This book charts the turn to indirect rule as a practice of governing the Northern Territory in the 1930s. As a series of developing crises in Australia's north accrued and condensed, the Australian Government was compelled to reform its administration of 'native affairs' in the Northern Territory. Forced to reckon with Aboriginal manoeuvring and confounding acts, the official mind of Australian settler colonialism was pushed to recognise that Aboriginal social reproduction was not a threat to the fabrication of a new society in the north; in fact, it was indispensable.⁵ This recognition, and the 1938 policy reform that was its product, signified the reception of indirect rule; a political rationality that identified 'native society' as its subject, and the art of incorporating it, in some form, into the colonial state. It imagined government as dispersed, as the work of conducting customary institutions and traditional laws to articulate native society with colonial interests, ordering by striving not to dissolve but to preserve apparently intact but vulnerable traditional societies.

In telling this story, this book traces the emergence of several crises of north Australian settler colonialism: material, administrative, and of public power. The hegemony of the Northern Territory administration was failing, frustrated by the intensifying contradictory forces at work in a capitalist social formation whose main industry was reliant on super-exploited unfree Aboriginal labour, and not least by Aboriginal people's continuing practice of sovereignty in ways that confounded settler colonialism. The future of the Northern Territory seemed bleak. In response, government administrators and policymakers turned to the newly archetypal response to colonial crises, displacing instability onto native precariousness or recalcitrance, a move being made elsewhere across the Empire. By the 1930s, we can observe indirect rule in northern Australia on the cusp of enunciation; a product of the settler idea that

Aboriginal people in the Northern Territory could best be governed by reference to an imperial repertoire of 'governing natives'.

The art of indirect rule

In taking indirect rule seriously as a governing art, this book departs from the historical orthodoxy that reduces it to specific constitutional arrangements. Historians usually take a formalistic understanding of Frederick Lugard's Nigerian model of indirect rule as the archetype, describing it in terms of the colonial state's mobilisation of chiefly or Indigenous authority, or its recognition of local sovereignty and use of traditional authorities to govern. Margery Perham, Lugard's friend and biographer, described it as a 'system by which the tutelary power recognizes existing African societies and assists them to adapt themselves to the functions of local government'.⁶ Such accounts set out an instrumental practice of delegation which robs indirect rule of any ideological specificity, culminating in Frederick Cooper's argument that Lugard's work was little more than 'an attempt to make retreat sound like policy'.⁷ But to accept the argument that indirect rule represented a 'retreat' from the ambition of remaking Africa is to suggest that Lugard's work comprised simply popularising and advocating what was merely a necessary response to limits on colonial power. It presumes rather than questions the constitution of the colonial field. The limits 'found' and the scope of 'necessary' responses did not emerge naturally. This book argues instead that they were effects of a mid-nineteenth-century ideological turn to understand empire differently, a turn that both influenced and was transformed by Lugard.⁸

This turn, which Coel Kirkby describes as the 'birth of the native', can be traced through the wake of the 1857 Indian Rebellion. Responding to this crisis of order, the colonial jurist Henry Maine produced his influential theory of traditional society as simultaneously internally coherent and resting in equilibrium, and yet so fragile that almost any contact with 'modern' society produced disintegration. For Karuna Mantena, this was the ontology that underpinned what Mahmood Mamdani has argued became the central problem of colonial government in Africa: that of maintaining order while governing intact yet vulnerable native societies. And this problem was managed by the institution of a racially bifurcated state, where citizens were governed by a civic law while the 'native' arm of the state mobilised ethnically or tribally constituted bodies of customary law.⁹ When colonial governors wrote of their practice, or when they surveyed the colonial field, they wrote of discovering limits, of the seemingly permanent intransigence of native society, and of the need for a practice – a new

mode of governmentality they termed 'native administration' – that might manage, if not overcome, this difference. Disavowing the fundamentally productive nature of their work, they wrote of recognition, not invention; of mobilisation rather than transformation. But the colonial field they 'found' took form in the official mind through the ontology of native society, revealing a disjuncture between the writing and the practice of indirect rule.¹⁰ Africans understood themselves to be Hausa or Yoruba, or of any number of complementary or intersecting identities, in diverse ways with different implications. But there was no 'native society' prior to its identification in white writing and white imaginations. Recognition conjures its object.¹¹

As Mamdani identifies, to govern tribes individual people needed to be made tribal. Indirect rule was, then, a practice of subjectivation, constituting and maintaining tribal subjects. Lugard, as writer, instead framed the colonial field as one populated by tribes prior to the imperial moment. He imagined native society not as an artefact of the encounter between African peoples and British colonisation but as both a limit and an incitement to colonial power, as a social body whose potential could be harnessed to the colonial social formation. This book thus begins its account of indirect rule in Chapter 2 not with constitutional arrangements but with what David Scott has described as 'colonial governmentality'; a complex of power and knowledge that produces the '*targets* of colonial power ... and the *field* of its operation' as 'effects of rule'.¹²

Reading administrators' writing critically, we find that indirect rule appears in their works as a whole way of thinking and acting in relation to colonial rule, with specific objects and ends of government. This book identifies two key elements to indirect rule: the tribe, a representation of 'traditional society' as its subject and object; and the management of that tribe by conducting social forces to guide customary social institutions. In the language of the South African Native Economic Commission in 1932, indirect rule would take 'Native organization' embodied in the tribe as its foundation, ensuring that progress and the expansion of its capacities would 'start ... from a basis which the Natives understood and prized, and develop ... from that to something higher'. Intervention, within this governing philosophy, worked with, rather than against, social institutions: it 'must not run counter to economic force, but must utilize economic forces to achieve its purpose'.¹³ And as these techniques were used to manage the articulation of modes of production – ordering the social formation *through*, and *on the basis of*, a functioning tribe – they were framed by their practitioners as effective and intentional, as the playing out of coherent and controlled government.

Administrators did not discover native society in Australia until the interwar period, as anthropological knowledge came to dominate the official mind of northern Australian colonialism.¹⁴ In the wake of the 1933 Yolngu rejection of settler authority in an episode that came to be known as the Black War of Arnhem Land, the anthropologist Donald Thomson was sent to investigate their customary laws and social institutions. His reports established the existence of native society in the official mind of Australian settler colonialism. Strehlow's problem arose because, in the context of this knowledge, he too recognised that Aboriginal sociality and laws could not simply be ignored. Instead, they needed to be governed. In 1935, in the wake of the Black War and a separate series of police killings of Aboriginal people in Central Australia, the Australian Minister for the Interior had declared that in incidents involving Aboriginal people in the Northern Territory, no criminal charge should be laid 'where tribal laws are concerned and where no white man was involved'.¹⁵ This order, written in a time of violence and increased anthropological authority, crafted a space for a kind of Aboriginal self-government, one that purported to preclude direct settler interference in regulating relationships between Aboriginal people so long as Aboriginal jurisdiction was itself restricted in its application; 'tribal laws' could govern relationships between people, but they were not the law of the land. This direction and its effects represent a translation of the political rationality of indirect rule into the practice of government in Australia. But in tracing moves like this, we need to attend to plurality and heterogeneity. Context matters: indirect rule in Australia was importantly different to indirect rule in Nigeria. In Australia, the contradictory processes of difference produced an ambivalence that appears in the settler colonial context as the practice of race in discourses of jurisdiction and subjection.

Recognising settler colonialism

Attending to this difference need not lead us to adopt the peculiar categorical insularity that has accompanied the emphasis in recent historiography on the distinct nature and structure of settler colonial formations, of self-governing rather than Crown colonies. This position is at its most apparent in Lorenzo Veracini's argument that 'settler colonialism is not colonialism', but can be found in a wide range of otherwise transcolonial works which have tacitly accepted the divisions established by a colonising whiteness which delimited certain 'white men's countries' as the privileged domains of modernity, and which starkly distanced them from other colonial formations where white men may have dominated, but could never achieve hegemony.¹⁶

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Specifying settler colonial difference need not result in drawing this sharp distinction but can, rather, allow us to trace gradations across a dynamic and unified empire. Australia was located within an empire and was itself, in the South Pacific, an imperial power. And it was also a constitutive part of an emergent settler international, attuned to the governing practices of settler states in North America as elsewhere. Australian settler colonialism functioned between the local, the international, and the imperial.

This book's account of settler colonialism rests on Patrick Wolfe's influential elaboration of its specificity through a (neo-)structural approach that attends to colonial heterogeneities by tracing the material conditions and favoured colonial discourses of each social formation. In his work on continuities in Australian history, Wolfe discerned a form of colonialism 'premised on displacing indigenes from (or replacing them on) the land'; a form he contrasted to franchise colonialisms where value was generated through extracting surplus value from the labour of colonised peoples. Where in such franchise colonies, including Nigeria, the colonial form generated an imperative to maximise native production, settler colonies are by contrast 'premised on the elimination of native societies'.¹⁷

Thinking with this method has productively opened up a field that articulates and respects the distinct nature of colonialism in those parts of the world where settlers remain numerically and politically dominant today.¹⁸ But it needs to be accompanied by an insistence on thinking of white men's countries as entwined in an imperial and imperialist world, just as were other colonies, allowing us to consider colonialisms in context. It is not enough to denote Australia, for example, as a settler colony and thereby to distinguish it from Nigeria as a plantation or franchise colony. Instead we need first to consider both within the same field, one of differentiated colonialisms within a diffuse but cohesive empire, and also to disaggregate each nation or colony by remaining alert to the distinct spaces that comprised the larger polity or territory. Just as Lagos was distinct from Bornu, the Ormiston River was not Melbourne. The production and expropriation of value, after all, was historically contingent and thus necessarily differed markedly across space and time.

This book traces this heterogeneity through a study of indirect rule, placing a differentiated empire within a unified field of analysis. It charts the emergence of indirect rule both in a local register and in the context of imperial formations that framed and constrained individual initiatives. The turn to indirect rule across much of the British Empire was more than simply the almost coincidental repetition of similar improvisations or accommodations. It signals, rather, the spread

and influence of a political mentality, one that was articulated distinctly in each contingent space. As noted above, writing – constructing models ambivalently abstracted from historical contingency – as well as reception and repetition, were important practices of empire, constituting a traffic in ideas, rationalities, and mentalities; clarifying colonial representation through uncertain and contingent networks of meaning.¹⁹

Maine's theory of a viable and governable 'native society' licensed practices of governmental recognition and authorisation; practices that appear antithetical to a settler colonialism which is often thought to be constituted by a refusal to recognise, by the negation of Indigenous being.²⁰ But negation is not absence; apparently anomalous governmental practices that countenance Indigenous presence neither disprove the existence of settler colonialism nor render a settler colonial analytic inapplicable. The critical point Wolfe introduced into the analysis of settler colonialism is a fundamental relationship of invasion; that although settlers' 'determinate articulation is not to a society but directly to the land' and the 'social relationship' between settlers and natives 'can be conceived of as a negative articulation', this does not mean that those Indigenous people are irrelevant to the forms of colonial government. Rather, this 'negative' relationship is the central structuring element of the settler colonial formation. The forms of recognition that are practised or forced reflect, albeit imperfectly, the fundamental and overdetermined relationships between Indigenous people and the settler state. The history of settler colonialism, in other words, is structured by the initial and continuing expropriation of Indigenous land and a corresponding 'logic of elimination'. This is a theory of the settler colonial condition that recognises 'the Indigenous presence as an absent center that structures settler discourse' in all contexts. We must therefore be attentive to two equally important elements of settler colonialism: the process of attempting to remove Indianness; and that of establishing a new, settler-dominated society on an expropriated land base.²¹

The history of these processes necessarily differs across a heterogeneous national space. The official mind of Australian settler colonialism recognised by the 1930s that Aboriginal labour was a key element of the northern economy, a colonial situation distinct from the south. But southern Australian settler colonialism was particular, not exemplary. A national aspiration to White Australia did not preclude northern zones of liminality which were uncontainable within a logic of the frontier. In Australia's north, settlers depended on black labour to make White Australia viable, developing relations of exploitation that generated interlaced and overlapping territories of whiteness and Indianness, of dispossession and tribalism. Northern settler colonialism was abrasive; it sat, in the southern imagination, precariously within the Australian

nation. And a national will to remake it as white overdetermined the northern dispensation, situating ambivalence at its heart.²² Northern settlers did not work towards native elimination by imagining native absence. Instead, they pursued a White Australia through the consumption of native peoples, laws, production, and sovereignties.

A story of elimination as exclusion is, then, insufficient for understanding the trajectories of Australian colonialism. 'To focus on exclusion, on what is not,' Mamdani argues, 'is not quite to show what is.'²³ Ann Laura Stoler suggests that the historian's task is less to identify particular types or forms of government than it is to 'attend to scaling, to co-temporalities, to the specific sites where they are threaded through one another'; to 'what a sedimented set of governing techniques with a different distribution do'. The point here, in other words, is not to define settler and franchise colonialisms as hermetic types, but to examine the recursion – the 'partial reinscriptions, modified displacements, and amplified recuperations' – of indirect rule in a settler colonial formation. It is to trace the shifting ways Australian colonialism conjugated and connected what Deleuze and Guattari term the 'two solutions of extermination and integration'.²⁴ This is not to suggest that the Northern Territory represents an exception or limit case for either indirect rule or settler colonialism; interwoven forms *are* the archetype, the practice of colonial government is always mediated and confounded, dispersed and contingent, muted and displaced.

Settlers' interactions and engagements with Indigenous people in Australia, narrated in the settler colonial archive under the sign of sovereignty, have included processes of differential recognition and incorporation, of overdetermined contingency. When Strehlow wondered how he might reckon with the practice of Aboriginal law in 1937, he both recognised a spearing as the outcome of a juridical practice and tried to incorporate that practice into settler government, producing the state as a site of dialogue and struggle. Different systems were constituted through and in relation to each other. An ontological sovereignty, which allows us to speak of distinct and singular entities acting autonomously, may not necessarily be helpful to the historian. Concentrating instead on articulations, on relations of interdependency, we find that what the colonial archive terms sovereignty is itself produced through situated practices that project the resolution of multiplicity.²⁵

Indirect rule, in this sense, was a way of representing the congealed outcomes of these struggles under the sign of a singular sovereignty. What made men like Strehlow so uncertain was their inability to envelop Indigenous societies, to erase Indigenous presence outside relations of subjugation. The men and women he arrested would, he wrote, be free

to practise their laws in spaces set out for that purpose, located apart from white settlement. His frustration at their insistence on slipping through these borders, confounding the colonial order by practising Aboriginal laws in what Strehlow considered settler spaces, led him to confine them in custody, a performative overreaction. He imagined a polity smoothly constituted by ordered and adjacent jurisdictions, framing pluralism or multiplicity within a unitary polity. Strehlow recognised the Aboriginal sovereignty before him. And indirect rule represented an attempt to submerge it. This was a logic of recognition that worked to limit the possibilities of Indigenous sovereignties by reducing them to a supplement to a settler sovereignty that had (and has) been decentred by the acknowledgement of precolonial – and continuing – Indigenous communities. Suppression, reaffirming the force of settler law, was a condition of recognition.²⁶ The historian's citation of a 'perfect settler sovereignty' can be considered to operationalise a similar logic, a 'domestication' that renders objects familiar and settled in (their) place, a practice of recognition that settles colonial contradictions by locating the Indigenous *within* settler politics, constituting Indigeneity as subordination.²⁷ This kind of recognition expropriates Indigenous difference 'in and through the discourse of that difference', subsuming Indigenous polities within the settler nation through a biopolitical and geopolitical incorporating economy of representation.²⁸

To reprise this narrative of recognition is to reproduce these relations, reauthorising the production of knowledge that conduces to erasure and elimination. Recognition is not innocent. As a historical trope it cannot account for those excessive presences that escape its grasp and confound its terms, for the movements and actions of those Pintupi and Ngalia protagonists on the Ormiston River which are irreducible to an effect of colonialism. Their mobilities and their jurisdictional practices sutured together differentiated spaces, refusing an administrative logic of empty territory, of spaces upon which law could be enacted, to constitute themselves as peoples through and in relation to country.²⁹ And they also, in increasingly novel and knowing ways, were expressing law in a register that evidences active responses to emerging settler-declared constraints and transitions. They were governing, in contexts not of their choosing, and amidst settler counter-claims that sought to determine the scope of their legibility and applicability.

A language of articulation, rather than recognition, provides a valuable method of moving towards a story in which Indigenous people and peoples are neither domesticated nor externalised, are not obstacles so much as constituting actors. Pintupi and Ngalia actions were fully

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recognisable neither to Strehlow nor to today's reader of his assessments, but they do evince the operation of distinct territorial imaginaries. Aboriginal refusals of settlers' ordering fantasies may not have rendered colonisation impossible, but they shaped its trajectories. Amidst the differentiated yet interdependent spaces of the north, struggles over the authority of law were struggles to articulate those differences within colonising or Indigenising logics. Articulation, rather than an enveloping or assimilating recognition, can also provide us with a richer understanding of the north Australian social formation. In a conjuncture dominated by pastoral beef production, as will be discussed in Chapter 3, both Indigenous labour *and* Indigenous production were structurally indispensable to continued economic function. We find here an articulated, not a submerged, sociality. Settler prosperity in this part of 'White Australia' needed, for its pedestal, Indigenous land, *and* labour, *and* production. This establishes a national heterogeneity that may not be containable as exception. Difference is less aberrant than it is constitutive.

The Australian settler state, that is, has been instantiated through dynamic processes of articulation, working not necessarily to eliminate immediately but rather to develop and secure its authority through Indigenous social and political formations. Colonialism in Australia has worked through both a necropolitics and a biopolitics, and is suffused with a history that includes both the seizure and the multifarious incorporations of Indigenous sovereignties that continue to inflect the contours of the social formation and the practice of the state.³⁰ This book represents an attempt to write some of these incorporations – in the Northern Territory of the interwar period – into Australian history by considering them in relation to the colonising practice of indirect rule.

This model reflects a critical practice of re-placing settler colonial formations within the Empire, identifying settlers' administrative independence as the result of the devolution of responsibility to 'ideal prefabricated collaborators' rather than as signalling any more meaningful structural change.³¹ Settlers' practice is that of colonialism; the problems they faced, and the solutions they developed, were colonial in nature. In arguing that settler Australia should be framed within an empire that cohered through both material networks and as an ideological and intertextual milieu, this book locates Aboriginal history within imperial history, situating the settler colonial politics of Indigeneity in that broader context. Australian settler governmentality, in other words, was not entirely exceptional; in this instance, we find administrators like Strehlow participating in, and constituting, an

integrated, empire-wide repertoire of the arts of governing and colonising peoples.

Sovereignty, crisis, and a confounded settler colonialism

Strehlow's problem emerged in the context of a broader crisis of colonialism in the interwar Northern Territory. This book foregrounds the metabolising crises that generated the conditions for the practice of indirect rule. Every capitalist social formation harbours within it crisis tendencies or contradictions, relying for its reproduction on essential conditions that it simultaneously does away with. When these contradictory forces accrue to the point of crisis, they create an environment of potential change, encouraging new avenues for conceptualising social order, reconfiguring knowledge, and realigning power. They generate a heightened need for new accounts of the world and our place in it, new terms for understanding social reality, and new schemes for reckoning with and reconciling social forces in ways that may facilitate, rather than frustrate, social reproduction.³² We find throughout this book that it was as a response to colonial crises that indirect rule became a compelling political rationality, a way of making sense of the world amidst imperialist accumulation, reconciling the distribution of colonial power with its disintegrating effects.

Chapter 2, which traces a textual genealogy of indirect rule as an art of government, begins in the mid-nineteenth-century moment of imperial crisis. The Indian Rebellion of 1857–8, the New Zealand Land Wars of the 1860s, the US Civil War of 1861–5, the Morant Bay Rebellion of 1865, the continuing violence and instability of the South African and Queensland frontiers, combined with the catastrophic Indigenous death rates being recorded throughout the colonial Pacific, prompted a reformulation of the way colonial rule was imagined. A response to disorder that focused on the failures of governing knowledge transposed vulnerability away from a contradictory colonial rule and onto a precarious 'native society', quickly developing into a structure of recognition and response. This structure was recapitulated by both Arthur Gordon in his approach to governing Fiji and Lugard in Northern Nigeria. Both worked to articulate landholding 'native societies' with either settler-owned plantations or British mercantile capital. Lugard's success was in his writing, where he elided colonial struggles and instead popularised indirect rule as an art of government which could be abstracted from the specificities of the colonial formation and deemed applicable as a functional and benevolent approach to distinct articulations.

The book then follows the movement of indirect rule, as well as its influence and rearticulation in Australia. It travelled not as a

constitutional form but as a political rationality and art of government. And as in Fiji, where revision followed catastrophic depopulation, or Nigeria, where governmental reform followed the unstable eruptions of sovereign polities, it was the condensation of crisis in the Northern Territory that rendered indirect rule viable. This book traces a series of contradictions of settler colonialism that together produced a terrain of crisis. Chapter 3 examines the contradictions inherent in the pastoralism that was so critical to the Northern Territory. Pastoral production was, in its interwar iteration, heavily dependent on cheap Aboriginal labour. At the same time, it depended for its profitability on a rate of exploitation that eroded the capacity of Aboriginal workers to stay alive. This was a material contradiction in which the relations of production mitigated against the reproduction of labour and, therefore, the reproduction of pastoral production itself. Pastoralism was destroying its condition of possibility, a contradiction registered in the Payne–Fletcher Inquiry, which reported in 1937 on the failing production of the Northern Territory. This crisis demanded a reconsideration of the relationship between settler societies and Aboriginal peoples, a new mode of managing the articulation of communities and of modes of production, a reconfigured colonial social formation in the north. And this revision was effected through a turn to understand the Northern Territory differently, to contextualise it within the British Empire as much as it was situated within a White Australia, and therefore to bring Australia into that transcolonial discussion on native administration and frame its governing practice within that conversation.

Chapter 4 then turns from that discovery of the Northern Territory's colonial difference to examine the complementary discovery of native society, the recognition of Indigenous difference in the north. The expansion of settler law had been intended to order the Northern Territory, to perfect settler sovereignty. But it was instead producing disorder. This became apparent when, in 1933, Aboriginal people at Woodah Island in eastern Arnhem Land killed a policeman who was ostensibly in the area to investigate previous killings of Japanese men who had intruded into Yolngu country. Imagining a continent unified under the authority of common law was essential to the practice of white settler sovereignty in Australia. But the provocations of intruding into Aboriginal country, exploiting Aboriginal workers, disturbing Aboriginal kinship and marriage regulations, and seeking to bring settler law to bear on Aboriginal legal responses quickly disabused settlers of the notion that their governing capacity was possessed of an omnipotent sovereignty. This was an administrative crisis, in which public power lacked the capacity to govern effectively in its own terms. While a range of responses to Yolngu action were considered, including another

police party, an ultimately abandoned punitive mission, and a successful missionary peace party, this chapter examines Donald Thomson's deployment to investigate and report on Yolngu law and custom. His narration of the discovery of 'native society' in Australia populated the terrain of northern government in the official mind of Australian settler colonialism. Identifying the anthropological 'native society' in the north was the governing correlate of the recognition of the Northern Territory's colonial difference traced in Chapter 3. It established Aboriginal presence, inciting a turn to indirect rule as the art of governing native society without pushing it to disorder.

These acts of recognition – of a colonial economy reliant on black labour and of the presence of anthropological native societies in the north – remained marginal in the policy of the Northern Territory administration itself. In Darwin, Chief Protector of Aboriginals Cecil Cook pursued a White Australia through Aboriginal assimilation. This was, for Cook, both a biological and a social process. Through managing Aboriginal sexualities, particularly the marriage and sexual behaviour of Aboriginal women, he sought the biological absorption of Indigeneity into the settler community. And by confining Aboriginal people in urban sites of discipline, he worked towards their individuation which, in the settler imaginary, denoted their departure from 'native society'. But interwar campaigns for Aboriginal rights increasingly emerged as counter-hegemonic movements. Aboriginal activists called for fundamental reform and improvement of their conditions all over the nation, imagining futures of modernity, dynamism, and sovereignty. White humanitarian movements translated these claims as licensing the implementation of what A. P. Elkin, Chair of Anthropology at the University of Sydney, termed the 'indirect method', demanding better government in the north. These social movements were sufficiently forceful and prominent as to call into question the legitimacy of Cook's government, turning public opinion against his regime and generating a crisis of authority.

Progressively these antagonisms coalesced to produce a general crisis of the government of the Northern Territory as a whole; they were condensed into a single frame that focused attention on the entwined failures of pastoralism and of Aboriginal administration. The late 1930s, then, emerged as a conjunctural moment when these crises – material, administrative, and of 'public power' – "'fuse" into a ruptural unity'.³³ Hegemony was failing in the Northern Territory, demanding change. But the nature of that change remained contingent. And when these crises arrived in John McEwen's office as, in late 1937, he was appointed Minister for the Interior, he was presented with a series of questions. What provoked these crises and how were

they to be resolved? How could he establish principles for governing Aboriginal people that would sustain settler colonialism in the Northern Territory? How could he reorganise public power, synthesising forces, ideas, and practices into coherent policy? McEwen's predicament was a version of Strehlow's problem at a different scale, positioning him at the fulcrum of the local, the national, and the imperial. He read the Payne–Fletcher Report into northern pastoralism alongside Thomson's Reports into the Yolngu people of north-eastern Arnhem Land. He met with Aboriginal activists from Victoria and New South Wales, as well as anthropologists Elkin and E. W. P. Chinnery. And he was pushed by the letter-writing campaigns of Aboriginal rights activists and white humanitarians who directed his attention to the techniques of native administration elsewhere in the British Empire and the settler world. These varied influences coalesced in a response to the crises of the Northern Territory that articulated indirect rule in a settler colony; a response that modified the mode of hegemony.³⁴

This response, termed the Aboriginal New Deal, reorganised the basis of production to stabilise social reproduction. Chapter 6 traces the way the new policy harnessed Aboriginal reserves to two projects: one synchronic, where reserves would be the sites of reproducing native societies, producing future labourers for pastoral stations and providing a social force for the reproduction of pastoral relations; and one diachronic, a starting point for a 'long march' to citizenship. This introduced a novel kind of settler colonial state, one that recognised and sought to govern native society through an asymptotic staging of progress which anticipated an elimination whose fulfilment it could not countenance. The Aboriginal New Deal set out a spatialised evolution that categorised and progressively located different kinds of Aboriginal subjects, a sequential conceit that suggested an order of appearance, from a first stage of 'myalls' on reserves on to 'semi-detribalised' people on stations and finally to citizens in towns. Its narration rendered functional the articulation of indirect rule in a settler colonial formation, its iteration as part of a process of elimination, one that would never yet be complete.³⁵ Chapter 7 turns to labour as the mechanism of movement along the long march. It was work that provided the impetus for motion; this was a system of labour exploitation glossed as the production of modernity. This chapter examines the distinctive government of work through transforming customs on pastoral stations.

Indirect rule, as becomes clear in its north Australian expression, was most crucially the government of 'native society', acting on and through its social institutions. Where those institutions were definitively not those of chieftaincy or authoritarian rule, the art would be in mobilising alternative organising institutions. In doing so in the

Northern Territory of Australia, administrators crafted an administrative structure that worked through spatialising distinct native societies, emphasising the educative and progressive function always inherent in Lugardian indirect rule. Indirect rule in a settler colonial nation worked between a national logic of elimination and a local structural reliance on Indigenous communities; an ambivalence that could be contained, but not resolved.

This order continued to generate problems; it could not settle the Northern Territory. Crisis was replaced by new contradictions. And Indigenous people continued to exceed the containment promised by indirect rule. Administrators like Strehlow were confronted with movement that enacted Aboriginal histories and laws rather than an ordered colonial pluralism; this movement confounded his order. Confounding acts were represented less by direct confrontational resistance than by what Audra Simpson describes as a refusal to accept the sovereign authority of the settler colonial state.³⁶ This was accompanied by the corresponding practice of making meaning of the world in the terms offered by Aboriginal epistemologies, labouring to move pursuant to Aboriginal practice rather than the exigencies of settler industry, practising lawful relationships through Aboriginal rather than Australian regulations, and working in pastoralism to subsidise Aboriginal life rather than to transcend and erase it. Such Aboriginal practice consistently confounded the orderly terms of British imperialism and Australian settler colonialism, rendering the neat functionality of the northern articulation an often ineffective ideological production, and troubling the political rationality of indirect rule.

When Strehlow's questions reached the local metropole of Darwin, his problem became Cook's. Cook agreed that the use of spears to settle the matter indicated that 'tribal practice' had entered into the case, and that the episode ought to be treated as 'a tribal one'. But while this approach suggested that there was no space for administrative intervention, Cook did find that his government was needed. He was, he wrote, 'impressed by the necessity of teaching such offenders that they must not leave their tribal areas and that tribal practice cannot be pleaded for them when they migrate therefrom into white jurisdiction'.³⁷ Movement into 'white jurisdiction' signified a troubling transgression of the proper conjunction of race and space.

At stake here was not only the degree of autonomy Aboriginal communities could assert, and be recognised to assert, but also, and crucially, the location of that autonomy. Strehlow recommended that Ngulunta and his wives be exiled to Tennant Creek for two years, and that Kulaia and Nananana be compelled to return immediately to the reserve at Haast's Bluff, the threat of prosecution and gaol being contingent on

their absence from white jurisdictional space. Cook presented these recommendations to the Administrator of the Northern Territory, C. L. A. Abbott, who approved.³⁸ This was an entirely spatial solution to the problem of intervening jurisdictions; in working out indirect rule, institutional segregation followed territorial segregation.³⁹ The state's response was not to try to adjudicate the matter but rather to deal with the problems of transgression and plurality – of spatial coexistence – by seeking to control Aboriginal movement over an imagined jurisdictional frontier. It sought to order the Territory spatially, linking reserves, pastoral stations, and towns in an assemblage of proper sites for Aboriginal law and for white jurisdiction, limiting the circumstances in which they might coexist.⁴⁰ And this kind of order was, as we will see, characteristic of the practice of indirect rule in Australia's Northern Territory.

This book is a history of the question Strehlow asked, of the discursive and material conditions that created his problem at this time and in this place, bringing meditations on questions of sovereignty, space, and the relationships between Aboriginal people and the state into the archive in this specific way. In this uncertain application of a form of pluralistic government, the 'Ormiston Murder' archive hints at the tensions that emerged around intersections of race and space, ordered government and frontier ideology. As Elizabeth Povinelli points out in her analysis of a similar case, it should be clear that Strehlow was hardly the only person talking.⁴¹ Fred Raggatt, the white manager of the sheep camp on which the murder took place, may have sought black workers, but not Aboriginal people who insisted on their own legal authority in the camp. Questions of identifying 'Aboriginal natives' and classifying tribal law were discussed by anthropologists, some of whom, including Thomson and Chinnery, were beginning to work in 'native administration'.⁴² In that work they advocated for forms of segregation or for the 'Murray system' of government: named for the Australian governor known as the architect of indirect rule in Papua. Their words were read by government bureaucrats dealing with Strehlow's problem in Canberra as well as Darwin, each of whom imagined and planned for particular northern futures they sought to realise. In repeated negotiations, struggles, and contests, a range of people voiced divergent opinions on the proper relationship between Aboriginal and settler authority.

The trouble on the Ormiston River was an event attended by all these voices. And the archive that records it was not produced in isolation: it should be situated in a context that spanned the Empire. But it should also be examined in its particularity. In Australia, the question Strehlow asked was explicitly northern in its orientation, in the

knowledge it assumed and the recognition it advanced. His question reflected the colonial social formation in its northern articulation, and his problem more substantially reflected the inadequacy of authoritative sovereignty as an explanatory model, both for historians today and for administrators then. For settler sovereignty was never fully resolved, never 'perfect'; neither in the 1830s, the 1930s, nor today. Nothing, Simpson writes, 'is simultaneously so certain and yet so fraught with precariousness as the practice of sovereignty—globally or locally'.⁴³ Sovereignty is practised in each 'event', requiring instantiation at every moment that appears as failure; sovereignty, in a settler colony, is never complete. We see this, and the anxiety such 'imperfection' provoked, in interwar Australia in the remarkable explosion of discussion of Aboriginal laws and customs, in proposals to establish 'native courts', and in Strehlow's insistent questioning in the case of the Ormiston Murder. But why did the issues of Indigenous jurisdiction reach such a stage at this time? And why was this episode focused on such particularly racialised and spatialised subjects? One hundred years after the issue of common law jurisdiction was supposedly settled, the debate and indecision regarding the Ormiston Murder in 1937 suggests to us that the patrol officers and administrators of the Northern Territory in the 1930s considered that the Aboriginal people they encountered were not (yet) subjects of settler sovereignty. How the settler state dealt with this moment of recognition and authorisation in a specific context of exploitation, producing distinctive articulations by developing novel techniques of erasure as Indigenous sovereignties appeared before it, is the subject of this book.

Notes

- 1 T. G. H. Strehlow to C. E. Cook, 25 November 1937, NAA: F3, 20/58.
- 2 Ibid.; Cook to Eric Asche, 4 December 1937; Asche to Cook, 8 December 1937, NAA: F3, 20/58. On Strehlow's philosophy of Aboriginal 'codes' and social relationships, see Tim Rowse, 'Strehlow's Strap: Functionalism and Historicism in a Colonial Ethnography', in Bain Attwood and John Arnold (eds), *Power, Knowledge and Aborigines* (Melbourne: La Trobe University Press, 1992).
- 3 Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788–1836* (Cambridge, MA: Harvard University Press, 2010), p. 198; Heather Douglas and Mark Finanne, *Indigenous Crime and Settler Law: White Sovereignty after Empire* (Basingstoke: Palgrave Macmillan, 2012), p. 9. Douglas and Finanne do acknowledge the continued discretion of Northern Territory police, prosecutors, and government officials not to prosecute Indigenous people in similar matters in the first half of the twentieth century.
- 4 See Lauren A. Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge: Cambridge University Press, 2002), p. 2.
- 5 The term 'official mind' is taken from Ronald Robinson and John Gallagher with Alice Denny, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961). This book is, in a way, a study of the mentality of the official mind in a different sense to that pursued by Robinson and Gallagher. It understands

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colonialism not only as a question of administration but as part of a whole field of thought and action, as the practice of white supremacy and imperial accumulation, knowledge, and accommodation. Administration is a manifestation of these practices.

- 6 Margery Perham, *Native Administration in Nigeria* (London: Oxford University Press, 2nd edn, 1962), pp. 345–6.
- 7 Frederick Cooper, *Decolonization and African Society: The Labor Question in French and British Africa* (Cambridge: Cambridge University Press, 1996), p. 11. See also H. F. Morris and James S. Read (eds), *Indirect Rule and the Search for Justice: Essays on East Africa* (Oxford: Clarendon Press, 1972); J. A. Atanda, *The New Oyo Empire: Indirect Rule and Change in Western Nigeria, 1894–1934* (London: Longman, 1973), p. 126; Crawford Young, *The African Colonial State in Comparative Perspective* (New Haven, CT: Yale University Press, 1994), pp. 107–8.
- 8 For Perham, working through ‘native’ intermediaries was neither new nor notable. But ‘this expedient’, she argued, ‘was consciously developed by Lord Lugard into a constructive system of government for Northern Nigeria’. Perham, *Native Administration in Nigeria*, pp. 345–6. See also Margery Perham, ‘A Re-Statement of Indirect Rule’, *Africa: Journal of the International African Institute*, 7:3 (1934), 322.
- 9 Coel Kirkby, *The Birth of the Native and the Reconstitution of the British Empire* (forthcoming 2018); Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Princeton, NJ: Princeton University Press, 2010); Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Kampala: Fountain Publishers, 2004), pp. 16, 23–4, 39, 50–1, 122–5. In his more recent work, Mamdani too has situated Maine’s legal and social theory of the customary ‘native’ subject as the ontological basis of indirect rule, reframing it as a form of colonial governmentality. Mahmood Mamdani, *Define and Rule: Native as Political Identity* (Cambridge, MA: Harvard University Press, 2012), pp. 6, 23–6, 42–4. Others trace the historical roots of indirect rule to Theophilus Shepstone’s administration of nineteenth-century Natal, prior to the diffusion of Maine’s work into British Africa. See Mamdani, *Define and Rule*, pp. 6–7, 64–71; Mamdani, *Citizen and Subject*, p. 92; J. C. Myers, *Indirect Rule in South Africa: Tradition, Modernity, and the Costuming of Political Power* (Rochester, NY: University of Rochester Press, 2008); Thomas V. McClendon, *White Chief, Black Lords: Shepstone and the Colonial State in Natal, South Africa, 1845–1878* (Rochester, NY: University of Rochester Press, 2010), pp. 15, 21–46.
- 10 See also T. O. Beidelman, *The Culture of Colonialism: The Cultural Subjection of Ukaguru* (Bloomington: Indiana University Press, 2012), p. 15.
- 11 This is not to say that the process of recognition was constituted by the application of Western epistemologies upon inert native people, or that, as Patrick Wolfe puts it, anthropology was a ‘soliloquy’, a form of ‘Western discourse talking to itself’. Rather, as Sujit Sivasundaram argues, British articulations of ‘natives’ arose ‘out of the competitive engagement between colonists and colonizers’, taking place in contexts ‘set’ by Pacific Islanders, Asians, Africans, and, we might add, Aboriginal people, whose ‘changing traditions ... shifted the form and placement’ of colonial recognition. Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999), p. 4; Sujit Sivasundaram, ‘Appropriation to Supremacy: Ideas of the “Native” in the Rise of British Imperial Heritage’, in Astrid Swenson and Peter Mandler (eds), *From Plunder to Preservation: Britain and the Heritage of Empire, c. 1800–1940* (Oxford: Oxford University Press, 2013), p. 170.
- 12 David Scott, *Refashioning Futures: Criticism after Postcoloniality* (Princeton, NJ: Princeton University Press, 1999), p. 25 (original emphasis); Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–79* (Basingstoke: Palgrave Macmillan, 2008), p. 77; Achille Mbembe, *On the Postcolony* (Berkeley: University of California Press, 2001), p. 24. See Jesse Bucher, ‘The Skull of Mkwawa and the Politics of Indirect Rule in Tanganyika’, *Journal of Eastern African Studies*, 10:2

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- (2016). Historicising governmentality in colonial contexts necessitates certain revisions to a Foucauldian analysis. See Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham, NC: Duke University Press, 1995); Gyan Prakash, *Another Reason: Science and the Imagination of Modern India* (Princeton, NJ: Princeton University Press, 1999), pp. 126–7, 260ff; John L. Comaroff, 'Governmentality, Materiality, Legality, Modernity: On the Colonial State in Africa', in Jan-Georg Deutsch, Peter Probst, and Heike Schmidt (eds), *African Modernities: Entangled Meanings in Current Debate* (Oxford: James Currey, 2002), p. 114; Wilson Chacko Jacob, *Working Out Egypt: Effendi Masculinity and Subject Formation in Colonial Modernity, 1870–1940* (Durham, NC: Duke University Press, 2011), pp. 21–4.
- 13 Union of South Africa, *Report of the Native Economic Commission 1930–1932* (Pretoria: The Government Printer, 1932), pp. 9–10, 12, 81.
 - 14 There were some Australian precursors which drew on Maine's work, notably in the implementation of the 'Mamoose' system on Thursday Island in the Torres Strait from 1878 onwards and in Archibald Meston's administration of Aboriginal people in Queensland from 1894 until 1903. Thanks to Coel Kirkby for alerting me to these precedents. In British New Guinea, which was redefined from a protectorate to a British colony in 1888, Lieutenant-Governor William MacGregor implemented a form of indirect rule inspired by Arthur Gordon's Fijian schemes on which he had previously worked. When British New Guinea became the Australian Territory of Papua in 1905, a more formalised system of indirect rule became policy, particularly under Lieutenant-Governor Hubert Murray between 1908 and 1940.
 - 15 Quoted in E. W. P. Chinnery to Government Secretary, Darwin, 16 August 1939, NAA: F3, 20/32.
 - 16 Lorenzo Veracini, *The Settler Colonial Present* (Basingstoke: Palgrave Macmillan, 2015), pp. 13–31. See, e.g., Douglas M. Peers, 'Is Humpty Dumpty Back Together Again?: The Revival of Imperial History and the Oxford History of the British Empire', *Journal of World History*, 13:2 (2002), 466–7; Alan Lester, 'Colonial Networks, Australian Humanitarianism and the History Wars', *Geographical Research*, 44:3 (2006), 230. On the constitution of white men's countries, see Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the Question of Racial Equality* (Melbourne: Melbourne University Press, 2008).
 - 17 Patrick Wolfe, 'History and Imperialism: A Century of Theory, from Marx to Postcolonialism', *American Historical Review*, 102:2 (1997), 399, 418–19; Wolfe, *Settler Colonialism and the Transformation of Anthropology*, pp. 1–2, 167. By placing the production of value, in this case primarily through the expropriation of land, in the definitional foreground, sites of settler colonialism can be distinguished from those colonial formations where settlers were or are politically dominant but did not seek uninterrupted possession of territory, as in the cases of South Africa or Kenya.
 - 18 There is a rapidly expanding literature on settler colonialism, spanning not just Australia but also Aotearoa/New Zealand, Hawai'i, the United States, Canada, and Palestine; a body of work that has become too broad to summarise here. Some important recent milestones engaging with Australian history include Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Basingstoke: Palgrave Macmillan, 2010); Tracey Banivanua-Mar and Penelope Edmonds (eds), *Making Settler Colonial Space: Perspectives on Race, Place and Identity* (Basingstoke: Palgrave Macmillan, 2010); Fiona Bateman and Lionel Pilkington (eds), *Studies in Settler Colonialism: Politics, Identity and Culture* (New York: Palgrave Macmillan, 2011); John Hinkson, Paul James, and Lorenzo Veracini (eds), *Stolen Lands, Broken Cultures: the Settler-Colonial Present* (Melbourne: Arena Publications, 2012); Veracini, *The Settler Colonial Present*; Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London: Verso, 2016); Penelope Edmonds, *Settler Colonialism and (Re)conciliation: Frontier Violence, Affective Performances, and Imaginative Refoundings* (Basingstoke: Palgrave Macmillan, 2016); and the publication, since 2011, of a journal entitled *Settler Colonial Studies*. For a more thorough overview,

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- albeit one that is already dated in this transforming field, see Lorenzo Veracini, "'Settler Colonialism': Career of a Concept', *Journal of Imperial and Commonwealth History*, 41:2 (2013).
- 19 Vanita Seth, *Europe's Indians: Producing Racial Difference, 1500–1900* (Durham, NC: Duke University Press, 2010), p. 231. See also Timothy Mitchell, 'Everyday Metaphors of Power', *Theory and Society*, 19:5 (1990).
 - 20 Mantena, *Alibis of Empire*, p. 177; Judith Butler, *Giving an Account of Oneself* (New York: Fordham University Press, 2005), p. 22. That indirect rule is antithetical to settler colonialism has generally been assumed by historians. See, from among a wide range of examples, D. A. Low, *Lion Rampant: Essays in the Study of British Imperialism* (London: Frank Cass, 1973), pp. 16–18; Lorenzo Veracini, "'Emphatically Not a White Man's Colony": Settler Colonialism and the Construction of Fiji', *Journal of Pacific History*, 43:2 (2008). South Africa is a notable exception, often considered a colony of settlement and a site for the implementation of indirect rule. Alison Holland has discussed the influence of indirect rule on interwar humanitarians in Australia. See Alison Holland, *Just Relations: The Story of Mary Bennett's Crusade for Aboriginal Rights* (Perth: UWA Publishing, 2015), pp. 81–2.
 - 21 Wolfe, *Settler Colonialism and the Transformation of Anthropology*, p. 2; Patrick Wolfe, 'Introduction', in Patrick Wolfe (ed.), *The Settler Complex: Recuperating Binarism in Colonial Studies* (Los Angeles: UCLA American Indian Studies Center, 2016), p. 9; Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research*, 8:4 (2006), 388. On different modes of elimination, or what Veracini describes as population 'transfers', see Veracini, *Settler Colonialism*, pp. 33–50.
 - 22 Ben Silverstein, "'Possibly they did not know themselves": The Ambivalent Government of Sex and Work in the Northern Territory Aboriginals Ordinance 1918', *History Australia* 14:3 (2017). Others have recently situated the Northern Territory not as settler colony but as a colony of exploitation, almost outside a White Australia. See, e.g., Lorenzo Veracini, 'Towards a Further Redescription of the Pastoral Frontier', *Journal of Australian Studies*, 26:72 (2002), 31–2; Regina Ganter, *Mixed Relations: Asian–Aboriginal Contact in North Australia* (Perth: University of Western Australia Press, 2006); Julia Martínez and Adrian Vickers, *The Pearl Frontier: Indonesian Labor and Indigenous Encounters in Australia's Northern Trading Network* (Honolulu: University of Hawai'i Press, 2015); Claire Lowrie, *Masters and Servants: Cultures of Empire in the Tropics* (Manchester: Manchester University Press, 2016).
 - 23 Mahmood Mamdani, 'Historicizing Power and Responses to Power: Indirect Rule and Its Reform', *Social Research*, 66:3 (1999), 864.
 - 24 Ann Laura Stoler, *Duress: Imperial Durabilities in Our Times* (Durham, NC: Duke University Press, 2016), pp. 27, 30; Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (London: Athlone Press, 1988), p. 472.
 - 25 For Judith Butler, '[s]overeignty is what is tactically produced through the very mechanism of its self-justification'. Judith Butler, *Precarious Life: The Power of Mourning and Violence* (London: Verso, 2006), p. 82. See also Alyosha Goldstein, 'Colonialism, Constituent Power, and Popular Sovereignty', *J19: The Journal of Nineteenth-Century Americanists*, 2:1 (2014). A number of Indigenous scholars have, in recent years, worked with the concept of sovereignty to inflect it with new meanings and suggest new practices that avoid some of these problems. See, for example, the contributions to Joanne Barker (ed.), *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005) and Aileen Moreton-Robinson (ed.), *Sovereign Subjects: Indigenous Sovereignty Matters* (Sydney: Allen & Unwin, 2007).
 - 26 This book emphasises this recognition of Aboriginal sovereignty through a formal adoption and reckoning with indirect rule, some sixty years before it was echoed by the High Court of Australia in the *Mabo* judgement which recognised native title. Ben Silverstein, 'Submerged Sovereignty: Native Title within a History of Incorporation', in Julie Evans et al. (eds), *Sovereignty: Frontiers of Possibility* (Honolulu: University of Hawai'i Press, 2013).

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- 27 Mark Rifkin, 'Indigenizing Agamben: Rethinking Sovereignty in Light of the "Peculiar" Status of Native Peoples', *Cultural Critique*, 73 (2009), 102, 106; Mark Rifkin, *Manifesting America: The Imperial Construction of U.S. National Space* (Oxford: Oxford University Press, 2009); Carol Pateman, 'The Settler Contract', in Carol Pateman and Charles W. Mills, *Contract and Domination* (Cambridge: Polity, 2007), p. 59. On a 'perfect settler sovereignty', see Ford, *Settler Sovereignty*.
- 28 Glen S. Coulthard, 'Subjects of Empire: Indigenous Peoples and the "Politics of Recognition" in Canada', *Contemporary Political Theory*, 6:4 (2007), 442–3; Stephen Turner, "'Inclusive Exclusion": Managing Identity for the Nation's Sake in Aotearoa/New Zealand', *Arena Journal*, 28 (2007), 92.
- 29 See Fred R. Myers, *Pintupi Country, Pintupi Self: Sentiment, Place and Politics among Western Desert Aborigines* (Canberra: Australian Institute of Aboriginal Studies, 1986), pp. 71–102; Samia Khatun, 'Beyond Blank Spaces: Five Tracks to Late Nineteenth-Century Beltana', *Transfers*, 6:3 (2015).
- 30 Achille Mbembe, 'Necropolitics', *Public Culture*, 15:1 (2007), 17.
- 31 Ronald Robinson, 'Non-European Foundations of European Imperialism: Sketch for a Theory of Collaboration', in Robert B. Sutcliffe and Roger Owen (eds), *Studies in the Theory of Imperialism* (London: Longman, 1972), p. 124. This distinguishes such moments as Australian federation in 1901 or the independence of the USA in 1776, from moments of decolonisation in Nigeria in 1960 or Fiji in 1970. It is the difference between South African union in 1910 and democracy in 1994. As Ann Curthoys points out in her discussion of settler self-government in the Australian colonies in the 1850s, the 'near-destruction of Aboriginal societies wrought by colonisation continued under new management'. In fact, she argues, the settler achievement of responsible government came explicitly at the expense of Indigenous autonomy, liberty, and sovereignty. Ann Curthoys, "'The Lying Name of 'Government': Empire, Mobility and Political Rights', in Jane Carey and Jane Lydon (eds), *Indigenous Networks: Mobility, Connections and Exchange* (New York: Routledge, 2014), p. 90; Ann Curthoys, 'Taking Liberty: Towards a New Political Historiography of Settler Self-Government and Indigenous Activism', in Kate Fullagar (ed.), *The Atlantic World in the Antipodes: Effects and Transformations since the Eighteenth Century* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012), p. 238.
- 32 Adam Ashforth, *The Politics of Official Discourse in Twentieth-Century South Africa* (Oxford: Clarendon Press, 1990), pp. 8–9.
- 33 Stuart Hall et al., *Policing the Crisis: Mugging, the State, and Law and Order* (London: Macmillan, 1978), p. 214; Stuart Hall and Doreen Massey, 'Interpreting the crisis', *Soundings*, 44:1 (2010), 57–62; Louis Althusser, *For Marx* (London: Verso, 1969), p. 99; Antonio Gramsci, *Selections from the Prison Notebooks* (Hyderabad: Orient Longman, 1996), p. 210. On contradictions of public power, see Nancy Fraser, 'Legitimation Crisis? On the Political Contradictions of Financialized Capitalism,' *Critical Historical Studies*, 2:2 (2015), 163.
- 34 Hall et al., *Policing the Crisis*, p. 217.
- 35 The argument in this paragraph draws on Timothy Mitchell, *Colonising Egypt* (Cambridge: Cambridge University Press, 1988), pp. 60–1.
- 36 Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham, NC: Duke University Press, 2014), pp. 115–45.
- 37 Strehlow to Cook, 9 December 1937, NAA: F3, 20/58.
- 38 Strehlow to Cook, 23 December 1937; Cook to C. L. A. Abbott, 13 January 1938, NAA: F3, 20/58. Despite the decision not to prosecute, Strehlow reported that he had held Kulaia, Ngulunta, Witjitji, Wantu, Mungana, and six children at Jay Creek until 20 May 1938: 'List of Natives who have resided at Jay Creek for the greater part of the time between 1/4/38 and 30/6/38', NAA: F127, 3. This segregating legal remedy persists in central Australia. Alice Springs Magistrate Greg Borchers declared in a 2012 hearing that a young Aboriginal man would not be permitted to remain in or return to Alice Springs after his release from detention because he was 'not fit to live in a civil society' and would instead be returned to 'the unregulated lands of the Anangu Pitjantjatjaraku', where he could live 'for as long as you like'. Russel

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Goldflam, 'The (Non-)Role of Aboriginal Customary Law in Sentencing in the Northern Territory', *Australian Indigenous Law Review*, 17:1 (2013), 77.

- 39 The terms and the formulation are borrowed from Jan Christiaan Smuts, *Africa and Some World Problems, Including the Rhodes Memorial Lectures Delivered in Michaelmas Term, 1929* (Oxford: Clarendon Press, 1930), pp. 74, 76, 78, 92.
- 40 We might here be alert to what Shiri Pasternak describes as the ways 'jurisdictional encounters produce colonial space'. Shiri Pasternak, 'Jurisdiction and Settler Colonialism', *Canadian Journal of Law and Society*, 29:2 (2014), 146.
- 41 Elizabeth A. Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham, NC: Duke University Press, 2002), p. 147.
- 42 In Strehlow's field of central Australia, anthropologists from Adelaide were more likely in the 1930s to measure the skin temperature of Aboriginal people, or take their blood or test their intelligence. See Warwick Anderson, *The Cultivation of Whiteness: Science, Health, and Racial Destiny in Australia* (Melbourne: Melbourne University Press, 2002), pp. 194–209.
- 43 Audra Simpson, 'Under the Sign of Sovereignty: Certainty, Ambivalence, and Law in Native North America and Indigenous Australia', *Wicazo Sa Review*, 25:2 (2010), 107.