

Furphy, Samuel and Amanda Nettelbeck. 'Imagining Protection in the Antipodean Colonies: Actors, Agency, and Governance.' In *Aboriginal Protection and Its Intermediaries in Britain's Antipodean Colonies*, edited by Samuel Furphy and Amanda Nettelbeck, 3-19. New York and London: Routledge, 2020.

Please note: This is a pre-publication version made available for researchers according to the open access requirements of the Australian Research Council. Research for this chapter was conducted with the support of a Discovery Early Career Research Award (DE140100385, Samuel Furphy). Please consult the final published version here: <https://doi.org/10.4324/9780429316364-1>

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Imagining Protection in the Antipodean Colonies

Actors, Agency, and Governance

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Histories of Aboriginal Protection in the Antipodean Colonies

Recent years have seen a revival of historical interest in Aboriginal protection as a concept that gained critical momentum in British imperial politics after the abolition of slavery. A body of new work has explored the different ways that ideas of humane governance shaped indigenous policy around the British settler colonial world, and in how they became re-imagined over time. In particular, Alan Lester and Fae Dussart's book *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines in the Nineteenth-Century British Empire* (2014) has been influential in generating closer attention to the origins and translations of Aboriginal protection across different British colonial jurisdictions. Certainly, the question of how best to reconcile colonial growth with indigenous justice was a hotly contested one in the age of the expanding settler empire. Debate on this question circulated widely and controversially between a range of colonial observers, from the Empire's administrators to middling colonial officials, missionaries, settler humanitarians, and Indigenous activists themselves. Much later, the assimilative agendas which underpinned protection policies became an embedded part of state policy in a number of Britain's former settler nations. Initially, however, the institutional face of Aboriginal protection only had specific regional application to the antipodean colonies, where the Colonial

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Office authorised the appointment of Protectors of Aborigines from the late 1830s.

Until recently, institutional histories of Aboriginal protection in the antipodean colonies have tended to remain focussed on one of two points of origin: the humanitarian impulse in Colonial Office policy, which shifted its focus from slaves to Aborigines during the mid-1830s; and the powers of settler governments, which re-designed protection policies into more instrumentalist forms during the later nineteenth century, eventually giving them new life in the twentieth century as a set of state departments backed by legislative powers. These different stages and expressions of protection have received greatest scholarly attention in relation to Australia, where formal policies of Aboriginal protection had the most enduring existence (with periodic breaks) from the 1830s to the 1960s. Another smaller body of scholarship examines the history of Aboriginal protection policy in the Crown Colony period of New Zealand, where a dedicated department staffed by Protectors of Aborigines operated more briefly from 1840 to 1846.

On the early iterations of Aboriginal protection, past histories have also tended to focus on specific colonial jurisdictions. In Australia, they have most commonly concentrated on the protectorate ‘experiment’ which ran from 1839 to 1849 in the Port Phillip District, the dependent jurisdiction of New South Wales which in 1851 became the colony of Victoria. In 1839, the Colonial Office also appointed Protectors of Aborigines to the colonies of South Australia and Western Australia, where their formal roles continued somewhat longer into the mid-1850s. These other Australian Aboriginal protection departments have received their own scholarly attention, although this scholarship has been much less visible in the national literature. Over the last decade, however, another body of work has begun to compare how practices of Aboriginal protection were seeded across different jurisdictions, including New Zealand, where the formal program of Aboriginal protection played a rather different purpose in a post-treaty environment.

Taken together, these four colonial protection departments had a relatively brief timespan. Having begun in the late 1830s as part of a longer-term objective to clarify and build the status of Indigenous people as British subjects, all had closed by the late 1850s. In Australia, however, formal policies of protection continued long after the end of the protectorates, remade into other forms by more autonomous colonial governments in the era of settler self-government and beyond it. Again, Victoria’s later colonial history of protection has received greater attention in this regard, since it was the first of Australia’s colonies to move towards a new model of protective governance, grounded in the administration of Aboriginal people under a Central Board (formed in 1860) and the shift to a system of reserves. Two decades after the abolition of the Port Phillip protectorate, Victoria also became the first Australian colony to pass ‘protection’ legislation in the form of the *Aborigines’ Protection Act (1869)*.

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Between 1886 and 1911, all the other Australian colonies and states followed with similar, increasingly powerful pieces of protection legislation, ultimately producing a nation-wide, legally robust umbrella of state guardianship that positioned Indigenous people as government wards, oversaw the removal of children from their families and culture, and otherwise granted extraordinary powers of state surveillance over indigenous lives.⁸ This final model of protection as a mixed policy of segregation and assimilation had its apogee in a 1937 Commonwealth conference on Aboriginal ‘welfare,’ which famously endorsed a program of segregating so-called ‘full-blood’ people on reserves and of moving people of mixed race towards ‘ultimate absorption by the people of the Commonwealth.’⁹ The statutory age of protection continues to reverberate in Australia in the unresolved histories of the Stolen Generations.¹⁰

These later outcomes of Aboriginal protection policy under settler governments are usually seen as disconnected from, or corruptions of, the early initiative of colonial protectorates, which have more often remained associated with an imperial humanitarian impulse and its inability to gain long-term traction in the settler colonies. This historical perspective of protection as an imperial humanitarian endeavour that quickly faltered in the settler colonial setting is especially associated with the Port Phillip protectorate, which predominates in the Australian scholarship. This is likely because the Port Phillip protectorate represented the first detailed effort by Britain’s Colonial Office to implement a new direction in indigenous policy in the wake of the famed 1837 report of the House of Commons Select Committee on Aborigines. Additionally, most of the Port Phillip protectors carried with them a strong evangelical agenda, which quickly set them in opposition to local colonial interests. Their struggles in the face of an unsupportive colonial government and an unsympathetic settler lobby are well known. However, the Port Phillip protectorate presented only one model of Aboriginal protection in the antipodean colonies.

Indeed, the framework of Aboriginal protection did not emerge simply as a Colonial Office response to the 1837 report of the Select Committee on Aborigines. The report certainly influenced Colonial Office policy for the next several years, but the official position of a Protector of Aborigines was already in place (in the new colony of South Australia) before the Select Committee produced its recommendations. As Penelope Edmonds and Zoë Laidlaw trace in this volume, the Select Committee report was also in itself an unstable document, and its most profound legacies arguably lay beyond the official domain, in its circulating afterlife across a range of humanitarian networks.¹¹ Rather than only being an outcome of the Select Committee report, or more specifically the Colonial Office’s reaction to it, the framework of protection already had a much longer, more globalised history.

The Shifting Meanings and Uses of Protection

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A growing body of recent scholarship has drawn out the many ways in which policies of protection contributed over centuries to the processes through which empires structured themselves. Amongst other things, protection policies demonstrated the authority of sovereign powers, managed relations between different kinds of subjects, and supervised the flow of colonial labour.¹² Protection systems were embedded in a long imperial tradition which Lauren Benton and Lisa Ford describe as establishing ‘standards and expectations with regard to the protection of property and the disciplining of subjects.’ The purposes of protection were not only to serve those it claimed to defend, they observe, but also to clarify the reach of imperial authority.¹³ Within the nineteenth-century British Empire alone, formal institutions of protection were applied not only to Indigenous peoples but also to slaves, Indian indentured workers, and the Chinese diaspora which moved around Britain’s colonies.

Protection practices, then, held a range of values for the British Empire, as they did for other empires before it. In the antipodean colonies, as Amanda Nettelbeck’s chapter maps out, a policy of protection was made expedient not only by humanitarian imperatives, but also by a need to build the conditions of good governance in new colonial settings, including by bringing Indigenous people within the pale of the law. In this sense, the idea of Aboriginal protection was not unique, but was connected to a larger repertoire of strategies for governing Britain’s colonies, including policing. At the same time, it should not be forgotten that protection programs have continued to hold a distinctive set of consequences for Indigenous people. It is in the context of indigenous policy that they endured the longest, from the early nineteenth century through to the late twentieth century, and that they informed a changing set of government agendas to determine the relation of Indigenous people to the settler body politic.

Scholars are also increasingly tracing protection’s different meanings and expressions beyond the domain of imperial policy. Within the broad and optimistic philosophy of social reform that pertained in the early nineteenth century, protection practices could appear to offer a path towards a future, more inclusive model of colonial relations.¹⁴ In his chapter on George Grey, for instance, Richard Price explores protection in terms of the hopeful possibility it expressed of a shared future for all races, as that was understood within the culture of ‘utopian anticipation’ that ran through the age of revolution. Equally, mutually protective arrangements between Indigenous people and colonists were inherent to unofficial forms of colonial diplomacy and accommodation, comprising an informal history of protection which both pre-existed and outlived the protectorates. In his chapter in this volume, for instance, Tim Rowse draws out how the relationship of Aboriginal people to the pastoral sector generated a privatised understanding of protection that positioned the pastoralist as a kind of protector.¹⁵

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It is also important to recognise the degree to which protection arrangements were not entirely controlled by colonial actors. Indigenous people often successfully resisted the institutional pressures of protection, but they also engaged with protection's agendas and personnel in strategic ways.¹⁶ In this volume, Skye Krichauff details in her chapter how Aboriginal people in Port Phillip and South Australia incorporated protector intermediaries into their own world, even providing them with protection from harm. As Joanna Cruikshank and Mark McMillan show in their chapter on mid-nineteenth-century Victoria, Aboriginal people also asserted their own expectations and laws in ways that helped to shape how protection plans emerged. In all these respects, protection was a particularly unstable concept, one that could be adopted and applied for different purposes by a range of agents and intermediaries, including Indigenous communities.

The instabilities of Aboriginal protection, either as a concept or as a set of practices, are reflected in the multiple forms it took over more than a century. Clearly, the outward objectives of protection policy in the 1840s bear little comparison to those of the 1940s. But as scholars are now examining in greater detail, the core conditions of Aboriginal protection also differed greatly from colony to colony. These differences arose from local variations in policy and approach within the colonies themselves, but they also arose from changes within the culture of the Colonial Office. From amongst all the early protectorates, the Port Phillip protectorate was subject to the greatest level of planning. It took shape under the administration of Lord Glenelg over the second half of 1837, just after the release of the report of the Select Committee on Aborigines. As Samuel Furphy traces in his chapter, the appointment of the Port Phillip protectors reveals a rather different set of principles and priorities than those which determined the appointment of Protectors of Aborigines two years later in Western Australia. The character of the protectorate in South Australia was again somewhat different from both these others.

What these three Australian Aboriginal protection departments did share, however, was a principle that Australia's Indigenous people should be regarded and treated as subjects of the Crown, amenable to all the protections and responsibilities of English law. This was a principle at least nominally clarified by the Colonial Office as early as 1834 and it was clarified again in July 1837, just as the Select Committee on Aborigines handed down its recommendations.¹⁷ The Select Committee also endorsed this principle, asserting that Indigenous people in Australia's colonies must 'be considered as within the allegiance of the Queen, and as entitled to her protection.'¹⁸ Of course, the assumption that Australian Aboriginal people already came within the Queen's allegiance reflected the fact that treaties were never officially undertaken as an approach to colonisation in Australia.¹⁹ This assumption jarred with the reality that settlers and Indigenous people continued to contest

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Britain's occupation of indigenous country in a repetitive cycle of frontier violence.

New Zealand was not yet a British colony when the Select Committee delivered its final report in 1837. The Select Committee was, however, alert to the increasing migration of British subjects to the Pacific, including to New Zealand, and the report expressed concern about movements towards colonisation in the region. It suggested some means to improve jurisdiction over British subjects in the Pacific, but cautioned the imperial government against undertaking any plans of annexation until the fuller consequences of any move to extend British territories could be considered. It also advised against engaging in any treaty arrangements, arguing that disparities of power made treaties 'inexpedient' and inherently disadvantageous to Indigenous people.²⁰

This advice was disregarded in 1840 when the Treaty of Waitangi formalised the status of New Zealand as a British colony. By this time, the Colonial Office considered colonisation and the establishment of civil government in New Zealand to be a necessity. British subjects were already present there in large numbers, engaged in trade and other forms of exchange with Māori, unregulated by a British government. The entrepreneurial New Zealand Company had been moving to purchase large tracts of Māori land, and French activity in the region threatened the possibility of annexation by another sovereign power. Māori sovereignty had been formally recognised with the Declaration of the Independence of New Zealand in 1835. All these combined circumstances made a treaty expedient.²¹ Ultimately, of course, the existence of the treaty did not ensure long-term peace or mutual understandings of sovereignty in New Zealand.²² It did, however, mean that the project of protection proceeded there on its own terms.

The Treaty of Waitangi produced a distinctive kind of Aboriginal protectorate in New Zealand. Unlike Australia, it operated on the principle that protectors would negotiate the purchase of Māori lands on behalf of the Crown. Also unlike Australia, it allowed that although Māori were now British subjects, they would retain jurisdiction over their own matters, at least initially, until they could be brought to accept English law by consent.²³ These principles shaped the duties of New Zealand's Aboriginal protectorate more strongly along lines of formal negotiation than was the case in the Australian colonies. Of all the protectorates, though, New Zealand's was the shortest-lived. It was abolished in 1846 by Governor George Grey, soon after his appointment as the colony's new Governor, in favour of what he hoped would be a more thorough-going program of racial amalgamation.²⁴

Clearly, protection did not constitute a unified philosophy or a singular kind of institution. Instead, it incorporated a set of practices which took different forms according to immediate circumstances and priorities. The earliest Protectors of Aborigines were meant to serve as official intermediaries between Indigenous people, colonial governments, and settlers, and they

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undertook this role with varying levels of defeat or success. They did not just advocate for indigenous interests, but represented a more conflicted set of objectives which included building the conditions of colonial governance. Their later successors, the Protectors of Aborigines appointed by settler states, performed another kind of role as representatives of a different era of settler governance, one in which racial boundaries became increasingly subjected to legal management.

Protection and Its Intermediaries

The varied nature of Aboriginal protection meant that the protectors appointed by both British and settler governments were diverse in their personal backgrounds and motivations, as well as in the particular approaches they pursued on the ground. Depending on their priorities and proclivities, the instructions they received from superiors or the local colonial circumstances they encountered, protectors took on a variety of roles: as quasi-missionaries, frontier magistrates, police officers, prison inspectors, court advocates, land brokers, providers of rations, medicine, or humanitarian assistance, or some combination of the above. Moreover, protectors were never the only mediators of protection arrangements. As both policy and practice, protection filtered through an array of colonial relationships, and it drew in multiple kinds of historical actors, including humanitarians and missionaries, metropolitan and colonial administrators, interpreters, and other mediators who worked on the fringes of government, settlers with economic investments in the politics of conciliation, and the Indigenous peoples themselves who were subject to colonial policy.

The diverse range of actors associated with Aboriginal protection is unsurprising when one considers the contested nature of settler-indigenous relations more broadly. Ann Curthoys has characterised the colonial-era history of Indigenous Australia as ‘the product of a three-way relationship: between Indigenous peoples themselves, the British imperial authorities, and settler interests and societies.’²⁵ More recently, with Jessie Mitchell, Curthoys proposed a further element in this triangulated relationship, suggesting a ‘four-cornered contest’ that also included missionaries.²⁶ This complex interaction of historical actors shaped the history of protective governance. By the very nature of their positions, Protectors of Aborigines sat at the nexus of a range of competing interests. Not only were they required to mediate between Indigenous people and settlers, but they were also drawn into debates between imperial authorities, settler representatives, missionaries, and humanitarians. These debates involved, among other things, settler aspirations for self-government, the legal status of Aboriginal peoples, and the role of missionary endeavour in colonial Aboriginal policy.²⁷

All of this suggests the importance of studying the diverse careers of protection’s intermediaries. Biographical approaches have been a common

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strategy for undertaking this project in the general and scholarly literature on Aboriginal protection. This is especially true in relation to the early colonial period, when protection was as a field of governance that routinely operated through individual forms of contact and influence. Perhaps the most prominent biographical subject in the Australian context has been George Augustus Robinson, the so-called ‘Conciliator’ of Van Diemen’s Land who became Chief Protector of Aborigines in the Port Phillip District in 1838. Robinson has inspired a full-length biography and a range of other publications.²⁸ His colleagues in the Port Phillip District and his contemporaries in South Australia and New Zealand have also inspired biographies, journal articles, and dissertations.²⁹ These early protectors typically also feature in the biographical dictionaries of Australia and New Zealand.³⁰

There are clearly both strengths and weaknesses in biographical approaches, both for the study of history in general and for understanding Aboriginal protection in particular. Indeed, historians have long had an ambivalent relationship with biography.³¹ Some have viewed it with suspicion, in part due to its status as a literary genre, but also in the context of theoretical debates about the role of the individual in history and the relative importance of individual agency and the social, political, and economic structures that constrain individuals.³² These concerns notwithstanding, biography has experienced a revival among historians in recent decades, in line with a broader ‘biographical turn’ in the humanities and social sciences.³³ The historian Ludmilla Jordanova has described biography as a distinctive and important form of history ‘which emphasizes individual agency and sees the subject as a point at which diverse historical forces converge.’³⁴ Her latter point about the capacity of biography to tie together diverse historical forces suggests the potential value of biography to histories of Aboriginal protection.

A biographical approach to the wider historical climate in which policies of Aboriginal protection emerged is one of the scholarly strategies of Lester and Dussart’s *Colonization and the Origins of Humanitarian Governance*. In their examination of a range of British colonial sites, the authors explain that ‘rather than comparing such sites, we have followed concrete connections between them.’³⁵ They achieve this partly through imperial biography, with a focus on two peripatetic and influential colonial governors, George Arthur and George Grey, whose life trajectories are illustrative of the evolving nature of protective governance across the early- to mid-nineteenth-century British Empire.³⁶ Their approach reflects the extent to which individual governors played a significant role within and beyond the colonial jurisdictions in which they worked, interpreting, adapting, and informing policies for Aboriginal protection prescribed by the Colonial Office.³⁷ In this volume we see a similar attention to the influence of the individual colonial administrator. In addition to Richard Price’s chapter on Grey, for instance, Ann Hunter examines the distinctive policy pursued by Governor John Hutt in Western Australia. She

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notes the importance of local factors in determining Hutt's approach, but also considers how his views of protective governance were moulded by his broader interest in systematic colonisation.

Assessing the local impact of influential colonial administrators helps to highlight the wider imperial patterns of protection. Complementing this approach, a range of scholars have also focussed their attention on individual Protectors of Aborigines in Australia and New Zealand in order to explore the varied ways in which protection played out in locally specific ways. In her chapter in this volume, for instance, Marjan Lousberg assesses the work of Edward Shortland, a Cambridge-educated physician who was Sub-Protector of Aborigines at Maketu on the east coast of New Zealand from 1842 until 1846. Lousberg describes his three main tasks: to mediate disputes between Europeans and Māori; to accustom Māori to English law; and to protect Māori land rights against claims from settlers. In addition to his role as sub-protector, Shortland was given the title of Police Magistrate and charged with restoring peaceful relations in the troubled district. This was a combined set of duties which had particular relevance to New Zealand, but it also had some contemporary parallels in Australia, notably the appointment in South Australia of Edward Eyre to keep the peace as Protector of Aborigines and Resident Magistrate at Moorunde, east of Adelaide.³⁸

In the early colonial period, protectors like Shortland or Eyre were often the sole government representative in the region to which they were assigned. In many respects, at a quotidian level, they *were* the government. In periods or places where no protectors were appointed, other government officers were sometimes assigned a protective role. In New South Wales, for example, Governor George Gipps entrusted his Commissioners of Crown Lands with protecting Aboriginal people, just as they extended the government's protection to settlers. The idea that Aboriginal protection was not just a project to be undertaken by dedicated officials, but was one shared by different administrative figures, or even agents who sat outside of the colonial administration, had a long history in the Australian colonies.³⁹ These personnel could wield considerable local authority, especially on the remote colonial frontier. In his chapter in this book, Malcolm Allbrook considers the particular model of protection practiced by Robert John Scholl, the Government Resident in the northern district of Western Australia from 1865. As Allbrook reveals, Scholl exercised almost supreme local power in a place far-removed from the oversight of a central colonial government, his own family and economic interests shaping his very limited adoption of the humanitarian measures often associated with Aboriginal protection.

There are, of course, limits to the utility of biography in histories of Aboriginal protection. The scholarship on George Robinson provides a good illustration of biography's strengths and weaknesses. On the one hand, it has worked to challenge or re-interpret existing histories of protection. And yet a focus on Robinson's personal flaws, most evident in Vivienne Rae-Ellis's

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1996 biography *Black Robinson*, does not sufficiently explain the failure of the Port Phillip protectorate.⁴⁰ Negative portrayals of protectors by settlers were common in both the Port Phillip District and New Zealand and need to be treated critically.⁴¹ But perhaps most importantly, the historical influence of individuals needs to be weighed against the social and political structures that constrained them. More broadly, the Port Phillip protectors have been especially subject to biographical accounts, assisted by the fact that several of them kept diaries that have survived. Yet their biographical potential has perhaps inflated their significance in the history of protective governance. Lisa Ford has suggested that Gipps viewed the Port Phillip protectorate as ‘an exceptional and exceptionable conceit’ and that he saw his alternative policy of assigning a protective role to ‘an effective magistracy and police force beyond the boundaries of settlement’ as more significant than ‘the efforts of four green missionaries in the southern wilds.’⁴² Apart from raising the question of significance that is often asked in biographical scholarship, Ford is advocating a closer focus on Gipps’s broader policy, and on how ‘protection-as-jurisdiction collapsed into the rule of law.’⁴³ Certainly, policy or legal histories offer distinctive benefits when compared to biographical histories, although these different approaches can be complementary.

A growing focus on Indigenous intermediaries is also evident in histories of protective governance, with scholars increasingly scrutinising the archive for evidence of indigenous experiences in the era of the colonial protectorates.⁴⁴ Similar approaches are evident in recent scholarly literature on colonial exploration, which has focussed on the crucial role of Indigenous intermediaries.⁴⁵ The limitations of early colonial sources are, however, significant; and even in the records of the more sympathetic protectors, indigenous agency and voices are often obscured. Rachel Standfield argues, for example, that in the journals of Assistant Protector William Thomas, ‘Aboriginal leadership remains a shadowy aspect,’ despite his good intentions.⁴⁶ Thomas attributed his limited knowledge of such matters to language barriers, which are clearly an impediment to biographical studies of Aboriginal people in early colonial Australia. But while a range of cultural barriers undoubtedly set limits on mutual understandings between protectors and Indigenous people, Thomas’s experience contrasts sharply with ‘the knowledge of language and mutual comprehension that characterised colonial encounters in New Zealand.’⁴⁷ The Māori language skills of missionaries and traders in New Zealand, who were engaging closely with Māori well before the Crown negotiated the Treaty of Waitangi, marked the history of the protectorate there in ways that were quite distinctive from the Australian colonies. In her chapter in this volume, for instance, Shaunnagh Dorsett looks to a lesser-known employee of the New Zealand protectorate, the government interpreter Edward Meurant, whose linguistic ability enabled him to promote protective governance as ‘a legal go-between’ across the worlds of the settlers and Māori. As a trader who was married to a Māori woman, Meurant’s life is

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also illustrative of how different kinds of cross-cultural exchange figure in histories of protection. Within its global dimensions, protection unfolded at a local and often intimate level.⁴⁸

Refashioning Protection

The shift in the Australian colonies from Crown-appointed protectors in the 1830s to the statutory age of protection in the era of settler self-government creates some institutional limits on the value of biographical approaches to the study of protection. Although the early protectors were constrained by the levels of support they received from government and by the willingness of indigenous intermediaries to engage, they had considerable discretion to direct the nature of protection and its relationships. By the end of the nineteenth century, however, individual protectors had been replaced by more impersonal protection boards or government departments of Aboriginal affairs in most Australian colonies. In the era of settler self-government, the authority of the governor to directly influence Aboriginal policy also gave way to other legislative processes and administrative arrangements. Nevertheless, individual or collective biographical studies of influential members of these protection boards remain fruitful, as do studies which focus on the activism of those, whether Indigenous people or settler advocates, who opposed board policy.⁴⁹

Nonetheless, protection legislation did not dispense with the office of an individual protector. Indeed, as heads of government departments, Chief Protectors held considerable power in late-nineteenth-century and twentieth-century Australia, and some of these later protection officials have been the subject of considerable scholarly interest.⁵⁰ In her chapter in this volume, too, Maria Nugent considers the early career of Archibald Meston prior to his appointment as Protector of Aborigines for Southern Queensland (1898–1903). Meston is best known as an architect of Queensland's protective legislation, enacted in 1897, but a few years earlier he had created the 'Wild Australia Show' with Aboriginal performers from remote Queensland. Nugent explores how this touring show stimulated public debate about the destiny of Aboriginal people and revealed differences between the approaches to protective governance in New South Wales and Queensland. She emphasises the role of public performance in facilitating what Lauren Benton and Adam Clulow have called 'protection talk.'⁵¹ Her consideration of the wider practices of protection and its social and political milieu is also indicative of how scholars have explored histories of protective governance beyond its intermediaries and its policy changes.⁵²

The essays contained in this book cover the period from the inauguration of Aboriginal protectorates by the British Colonial Office in the 1830s through to the end of the nineteenth century, by which time protection had taken on new forms under settler-controlled governments. It is important to emphasise,

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however, that Aboriginal protection has a particularly long and troubling history in Australia, where protective legislation remained in place for much of the twentieth century. This statutory age of protection lasted at least until the 1967 referendum, which gave the Commonwealth government the power to change state-based laws (although it did not immediately utilise this power, and welfare boards and the legislation that supported them lasted sometime longer in some states). Even after its repeal, the legacy of protection legislation, and the enormous control over almost all aspects of the lives of Aboriginal and Torres Strait Islander people that it enabled, continues to be felt. Importantly, knowledge of this twentieth-century history of protection has been shaped by the increasing prevalence of Indigenous biography, autobiography, and oral testimony, which has offered a powerful perspective of its effects from the Aboriginal and Torres Strait Islander people who were directly subject to the restrictions of protective legislation.⁵³

By focussing on the intermediaries of Aboriginal protection in Britain's antipodean colonies, this collection aims to contribute to a growing body of scholarship that draws out the diversities and instabilities of protective governance as a nineteenth-century project, one that was shaped not only by official protectors but also by an array of other historical agents and actors. Christina Twomey and Katherine Ellinghaus have aptly noted that protection is characterised by its 'global genealogies [and] local practices.'⁵⁴ Close attention to the practices of protection through the lens of its intermediaries can reveal a great deal about this dynamic, illuminating the lines between protection's shared patterns and its local expressions.

Notes

¹ Alan Lester and Fae Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines in the Nineteenth-Century British Empire* (Cambridge: Cambridge University Press, 2014). See also Rob Skinner and Alan Lester, 'Humanitarianism and Empire', *Journal of Imperial and Commonwealth History* 40. 5 (2012), 729–47; Penelope Edmonds and Anna Johnston, eds., 'Empire, Humanitarianism and Violence in the Colonies', *Journal of Colonialism and Colonial History* 17. 1 (2016).

² See for instance Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada and New Zealand* (Vancouver: University of British Columbia Press, 1995).

³ See for instance Peter Gibbons, 'The Protectorate of Aborigines, 1840–1846' (MA Dissertation, Victoria University of Wellington, 1963); Ian Wards, *The Shadow of the Land: A Study of British Policy and Racial Conflict in New Zealand, 1832–1852* (Wellington: Historical Publications Branch, Department of Internal Affairs, 1968); Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand* (Canberra: ANU Press, 1974); Marjan

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Lousberg, 'Dr Edward Shortland and the Politics of Ethnography' (PhD Dissertation, University of Otago, 2007).

- See for instance E. J. B. Foxcroft, 'The New South Wales Aborigines' Protectorate, Port Phillip District, 1838–50', *Historical Studies: Australia and New Zealand* 1. 2/3 (1940); Michael Christie, *Aborigines in Colonial Victoria, 1835–86* (Sydney: Sydney University Press, 1979); Ian MacFarlane, ed., *Historical Records of Australia, vol. 2B: Aborigines and Protectors, 1838–1839* (Melbourne: Victorian Government Printing Office, 1983); A. G. L. Shaw, *A History of the Port Phillip District: Victoria before Separation* (Carlton South: Melbourne University Press, 1996); Christina Twomey, 'Vagrancy, Indolence & Ignorance', in Tracey Banivanua-Mar and Julie Evans, eds., *Writing Colonial Histories: Comparative Perspectives* (Melbourne: University of Melbourne, 2002); Ian D. Clark and Toby Heydon, *A Bend in the Yarra: A History of the Merri Creek Protectorate Station and Merri Creek Aboriginal School, 1841–1851* (Canberra: Aboriginal Studies Press, 2004); Liz Reed, 'Rethinking William Thomas, "Friend" of the Aborigines', *Aboriginal History* 28 (2004); Jessie Mitchell, "'Country Belonging to Me": Land and Labour on Aboriginal Missions and Protectorate Stations, 1830–1850', *ERAS Journal* 6 (2004); Richard Broome, *Aboriginal Victorians: A History since 1800* (Crows Nest: Allen & Unwin, 2005); Claire McLisky, 'Due Observance of Justice, and the Protection of their Rights: Philanthropy, Humanitarianism and Moral Purpose in the Aborigines Protection Society circa 1837 and Its Portrayal in Australian Historiography, 1883–2003', *Limina* 11 (2005); Marie Hansen Fels, *'I Succeeded Once': The Aboriginal Protectorate on the Mornington Peninsula, 1839–1840*, Aboriginal History Monograph 22 (Canberra: ANU Press, 2011); Rachel Stanfield, 'Mobility, Civilisation and Dispossession in the Work of William Thomas with the Port Phillip Aboriginal Protectorate', *Law Text Culture* 15 (2011), 162–84; Rachel Stanfield, 'Settler Politics and Indigenous Politics in the Work of William Thomas', *Journal of Colonialism and Colonial History* 13. 1 (2012); Bain Attwood, *The Good Country: The Djadja Wurrung, the Settlers and the Protectors* (Clayton: Monash University Publishing, 2017).
- On the South Australian case, see for instance Geoffrey Grainger, 'Matthew Moorhouse and the South Australian Aborigines, c. 1839–1856' (Honours Dissertation, Flinders University, 1980); Alistair Crooks and Joe Lane, *Voices from the Past: Extracts from the Annual Reports of the South Australian Chief Protectors of Aborigines* (Adelaide: Hoplon Press, 2016); Robert Foster and Amanda Nettelbeck, 'From Protectorate to Protection, 1936–1911', in Peggy Brock and Tom Gara, eds., *Colonialism and Its Aftermath: An Aboriginal History of South Australia* (Mile End: Wakefield Press, 2017), 23–36. On the Western Australian case, see for instance Paul Hasluck, *Black Australians: A Survey of Native Policy in Western Australia, 1829–1897* (Melbourne: Melbourne University Press, 1942); Amanda Nettelbeck, "'A Halo of Protection": Colonial Protectors and the Policy of Aboriginal Protection as Punishment', *Australian Historical Studies* 43. 3 (2012), 396–411.
- For instance, Alan Lester and Fae Dussart, 'Trajectories of Protection: Protectorates of Aborigines in Early 19th Century Australia and Aotearoa New Zealand', *New Zealand Geographer* 64. 3 (2008), 205–20; Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*; Jessie Mitchell and Ann Curthoys, 'How Different Was Victoria? Aboriginal "Protection" in a Comparative Context', in Leigh Boucher and Lynette Russell, eds., *Settler Colonial*

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Governance in Nineteenth-Century Victoria (Canberra: ANU Press/Aboriginal History, 2015), 183–201.

⁷ See most recently Boucher and Russell, *Settler Colonial Governance*.

⁸ Scholars have particularly identified Queensland's 1897 Aborigines Protection Act as setting new precedents for the legal control of Indigenous people. Its provisions were adopted into the later legislation of other Australian states. See for instance John Chesterman and Brian Galligan, *Citizens without Rights: Aborigines and Australian Citizenship* (Cambridge: Cambridge University Press, 1997), 39–40.

⁹ Commonwealth of Australia, *Initial Conference of Commonwealth and State Aboriginal Authorities*, 21–3 April 1937 (Canberra: Commonwealth Government Printer, 1937), 3. See also for instance Anna Haebich, *Broken Circles: Fragmenting Indigenous Families, 1800–2000* (Fremantle: Fremantle Arts Centre Press, 2000) and *Spinning the Dream: Assimilation in Australia, 1950–1970* (North Fremantle: Fremantle Press, 2008).

¹⁰ *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Canberra: Human Rights and Equal Opportunity Commission, 1997).

¹¹ See also Elizabeth Elbourne, 'The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire', *Journal of Colonialism and Colonial History* 4. 3 (2003); Zoë Laidlaw, "'Aunt Anna's Report": The Buxton Women and the Aborigines Select Committee, 1835–1837', *Journal of Imperial and Commonwealth History* 32. 2 (2004), 1–28.

¹² Lauren A. Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge: Harvard University Press, 2016); Lauren A. Benton, Adam Clulow and Bain Attwood, eds., *Protection and Empire: A Global History* (Cambridge: Cambridge University Press, 2017); Christina Twomey and Kat Ellinghaus, 'Protection: Global Genealogies, Local Practices', *Pacific Historical Review* 87. 1 (2018); Amanda Nettelbeck, *Indigenous Rights and Colonial Subjecthood: Protection and Reform in the Nineteenth-Century British Empire* (Cambridge: Cambridge University Press, 2019).

¹³ Benton and Ford, *Rage for Order*, 23, 89.

¹⁴ For instance, Saliha Belmessous, *Assimilation and Empire: Uniformity in French and British Colonies, 1541–1954* (Oxford: Oxford University Press, 2013), Part II.

¹⁵ See also, for instance, Bain Attwood, 'Protection Claims: The British, Maori and the Islands of New Zealand, 1800–40', in Benton, Clulow and Attwood, *Protection and Empire*, 153–74.

¹⁶ On indigenous agency in the colonial project, see most recently Jane Carey and Jane Lydon, eds., *Indigenous Networks: Mobility, Connections and Exchange* (Abingdon: Routledge, 2014); Shino Konishi, Maria Nugent and Tiffany Shellam, eds., *Indigenous Intermediaries: New Perspectives on Exploration Archives* (Canberra: ANU Press and Aboriginal History Inc., 2015); Zoë Laidlaw and Alan Lester, eds., *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World* (London: Palgrave MacMillan, 2015); Rachel Standfield, ed., *Indigenous Mobilities: Across and Beyond the Antipodes* (Acton: ANU Press, 2018).

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- ¹⁷ The Secretary of State Thomas Spring Rice to Governor Bourke, 1 August 1834, *Historical Records of Australia*, Series 1, vol. 17, 491; the Secretary of State Lord Glenelg to Governor Bourke, 26 July 1837, CO 202/37, National Archives UK.
- ¹⁸ House of Commons Parliamentary Papers 1837 (425), *Report from the Select Committee on Aborigines (British Settlements)*, 83.
- ¹⁹ On unofficial treaty-making in Australia, see Bain Attwood, *Possession: Batman's Treaty and the Matter of History* (Melbourne: Miegunyah Press, 2009).
- ²⁰ Select Committee report, 86, 80.
- ²¹ For instance, Paul McHugh, *The Māori Magna Carta: New Zealand Law and the Treaty of Waitangi* (Auckland: Oxford University Press, 1991); Mark Hickford, *Lords of the Land: Indigenous Property Rights and the Jurisprudence of Empire* (Oxford: Oxford University Press, 2011).
- ²² James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* (Auckland: Auckland University Press, 1986).
- ²³ On how the colonial government sought to make Māori amenable to English law over time, see Shaunnagh Dorsett, *Juridical Encounters: Māori and the Colonial Courts, 1840–1852* (Auckland: Auckland University Press, 2017).
- ²⁴ On Grey's program of amalgamation in early colonial New Zealand, see for instance Susannah Grant, 'God's Governor: George Grey and Racial Amalgamation in New Zealand 1845–1853' (PhD Dissertation, University of Otago, 2005); Damon Salesa, *Racial Crossings: Race, Intermarriage and the Victorian British Empire* (Oxford: Oxford University Press, 2011), 107–22; Dorsett, *Juridical Encounters*.
- ²⁵ Ann Curthoys, 'Indigenous Subjects', in Deryck Marshall Schreuder and Stuart Ward, eds., *Australia's Empire* (Oxford: Oxford University Press, 2008), 78.
- ²⁶ See Ann Curthoys and Jessie Mitchell, *Taking Liberty: Indigenous Rights and Settler Self-Government in Colonial Australia, 1830–1890* (Cambridge: Cambridge University Press, 2018), 29.
- ²⁷ On protectors and settler self-government, see Curthoys and Mitchell, *Taking Liberty*, 72–102. On the ambiguous status of Aboriginal people in law in colonial Australia and New Zealand, see for example Heather Douglas and Mark Finnane, *Indigenous Crime and Settler Law: White Sovereignty after Empire* (London: Palgrave MacMillan, 2012); Dorsett, *Juridical Encounters*. On the role of missionary endeavour in protective governance, see for example the argument of James Dredge, an assistant protector in the Port Phillip protectorate, who criticised the secular nature of its activities: James Dredge, *Brief Notices of the Aborigines of New South Wales Including Port Phillip in Reference to Their Past History and Present Conditions* (Geelong: James Harrison, 1845), 26.
- ²⁸ Vivienne Rae-Ellis, *Black Robinson: Protector of Aborigines* (Carlton: Melbourne University Press, 1996); Anna Johnston and Mitchell Rolls, eds., *Reading Robinson: Companion Essays to Friendly Mission* (Hobart: Quintus Publishing, 2008); Jacqueline D'Arcy, 'Child of the Metropolis: George Augustus Robinson in London', *History Australia* 7. 3 (2010), 55.1–55.18; Anna Johnston, 'George Augustus Robinson, the "Great Conciliator": Colonial Celebrity and Its Postcolonial Aftermath', *Postcolonial Studies* 12. 2 (June 2009), 153–72; Gareth Knapman, 'The Pacifier: Discovering the Lost Bust of George Augustus Robinson', *The La Trobe Journal* 86 (December 2010), 37–52.
- ²⁹ See for example, Lindsey Arkley, *The Hated Protector: The Story of Charles Wightman Sievwright, Protector of Aborigines, 1839–42* (Mentone, VIC: Orbit Press, 2000); Roger Evans, *Truth and Obedience: The Life and Letters of George Clarke, 1798–1875: Missionary, Protector of Aborigines, and Defender of the Treaty of Waitangi* (Kerikeri, NZ: R. Evans, 2004); Colin A. McCallum, 'James

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Dredge, 1796–1846’, *Heritage: A Journal of the Methodist Historical Society of Victoria* 8 (July 1957), 1–23; Heather Holst, ‘“Save the People”: E. S. Parker at the Loddon Aboriginal Station’, *Aboriginal History* 32 (2008), 109–27; Reed, ‘Rethinking William Thomas’; C. H. H. Wake, ‘George Clarke and the Protectorate’ (MA Thesis, University of Otago, 1959); Ian Maxwell Crawford, ‘William Thomas and the Port Phillip Protectorate, 1838–1849’ (MA Thesis, University of Melbourne, 1966); Grainger, ‘Matthew Moorhouse and the South Australian Aborigines’; Lousberg, ‘Dr Edward Shortland and the Politics of Ethnography’.

- ³⁰ Among the first generation of Protectors of Aborigines appointed in colonial Australasia, only the Western Australian protectors are overlooked by biographical dictionaries. They have only more recently been the subject of similar scrutiny. See for example both Samuel Furphy and Amanda Nettelbeck’s chapters in this volume.
- ³¹ See for example David Nasaw, ‘AHR Roundtable: Historians and Biography: Introduction’, *American Historical Review* 114. 3 (June 2009), 573–8.
- ³² Sabina Loriga, ‘The Role of the Individual in History: Biographical and Historical Writing in the Nineteenth and the Twentieth Century’, in Hans Renders and Binne de Haan, eds., *Theoretical Discussions of Biography: Approaches from History, Microhistory and Life Writing* (Brill, 2014), 75–93.
- ³³ See for example Barbara Caine, *Biography and History* (Basingstoke: Palgrave Macmillan, 2010), 1; Hans Renders, Binne de Haan and Jonne Harmsma, eds., *The Biographical Turn: Lives in History* (Abingdon, England: Routledge, 2016).
- ³⁴ Ludmilla Jordanova, *History in Practice*, 2nd ed. (London: Bloomsbury Publishing, 2016), 45.
- ³⁵ Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 275.
- ³⁶ For a broader consideration of the utility of ‘imperial lives’, see David Lambert and Alan Lester, eds., *Colonial Lives across the British Empire: Imperial Careerings in the Long Nineteenth Century* (Cambridge: Cambridge University Press, 2006).
- ³⁷ For the influence of George Gipps in New South Wales, see Lisa Ford, ‘Protecting the Peace on the Edges of Empire: Commissioners of Crown Lands in New South Wales’, in Benton, Clulow and Attwood, eds., *Protection and Empire*, 175–93; for John Hutt’s prominent role in Western Australia, see Nettelbeck, ‘“A Halo of Protection”’.
- ³⁸ For discussion of Eyre’s role see Amanda Nettelbeck, ‘Colonial Protection and the Intimacies of Indigenous Governance’, *History Australia* 14. 1 (2017), 32–47.
- ³⁹ On the important place of the pastoralist in the work of protection, see Tim Rowse’s chapter in this volume.
- ⁴⁰ Rae-Ellis, *Black Robinson*.
- ⁴¹ Lester and Dussart, ‘Trajectories of Protection’, 215.
- ⁴² Ford, ‘Protecting the Peace on the Edges of Empire’, 176.
- ⁴³ Ford, ‘Protecting the Peace on the Edges of Empire’, 187.
- ⁴⁴ See for example the chapters in this volume by Skye Krichauff, and by Joanna Cruickshank and Mark McMillan.
- ⁴⁵ Konishi, Nugent and Shellam, eds., *Indigenous Intermediaries*; Tiffany Shellam, Maria Nugent, Shino Konishi and Allison Cadzow, eds., *Brokers and Boundaries: Colonial Exploration in Indigenous Territory* (Canberra: ANU Press, 2016).
- ⁴⁶ Rachel Standfield, ‘Protection, Settler Politics and Indigenous Politics in the Work of William Thomas’, *Journal of Colonialism and Colonial History* 13. 1 (2012).

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- ⁴⁷ Standfield, 'Protection, Settler Politics and Indigenous Politics in the Work of William Thomas'.
- ⁴⁸ See for example Attwood, *The Good Country*; Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 166; Nettelbeck, 'Colonial Protection and the Intimacies of Indigenous Governance', 32.
- ⁴⁹ See for example Maria Nugent, 'The Queen Gave Us the Land: Aboriginal People, Queen Victoria and Historical Remembrance', *History Australia* 9. 2 (2012), 182–200; Samuel Furphy, "'They Formed a Little Family as It Were": The Board for the Protection of Aborigines (1875–1883)', in Boucher and Russell, eds., *Settler Colonial Governance*, 95–116; Joanna Cruickshank and Patricia Grimshaw, 'Indigenous Land Loss, Justice and Race: Anne Bon and the Contradictions of Settler Humanitarianism', in Laidlaw and Lester, eds., *Indigenous Communities and Settler Colonialism*, 45–61.
- ⁵⁰ See for example Haebich, *Broken Circles*, 258–62; Warwick Anderson, *The Cultivation of Whiteness: Science, Health and Racial Destiny in Australia* (Carlton, VIC: Melbourne University Press, 2002), 244–7; Cameron Raynes, *The Last Protector: The Illegal Removal of Aboriginal Children from Their Parents in South Australia* (Kent Town: Wakefield Press, 2009); Stephen Gray, *The Protectors: A Journey through Whitefella Past* (Sydney: Allen & Unwin, 2011); Malcolm Allbrook, *Henry Prinsep's Empire: Framing a Distant Colony* (Canberra: ANU Press, 2014).
- ⁵¹ Lauren Benton and Adam Clulow, 'Empires and Protection: Making Interpolity Law in the Early Modern World', *Journal of Global History* 12. 1 (2017), 74–92.
- ⁵² Scholars have also looked to material and visual culture to explore the history of protective governance. See for example Penelope Edmonds, "'Failing in Every Endeavour to Conciliate": Governor Arthur's Proclamation Boards to the Aborigines, Australian Conciliation Narratives and their Transnational Connections', *Journal of Australian Studies* 35. 2 (2011), 201; Jane Lydon, 'Colonial "Blind Spots": Images of Australian Frontier Conflict', *Journal of Australian Studies* 42. 4 (2018), 421–4.
- ⁵³ See for example Doris Pilkington, *Follow the Rabbit-Proof Fence* (St Lucia, Qld: University of Queensland Press, 1996), or Gordon Briscoe, *Racial Folly: A Twentieth-Century Aboriginal Family* (Canberra: ANU Press, 2010). See also the Bringing them Home Oral History project of the National Library of Australia.
- ⁵⁴ Twomey and Ellinghaus, 'Protection.'