

RICE UNIVERSITY

**Unsettling Artifacts: Biopolitics, Cultural Memory, and the Public
Sphere in a (Post)settler Colony.**

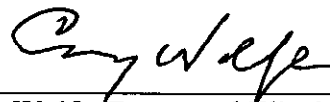
by

Michael R. Griffiths

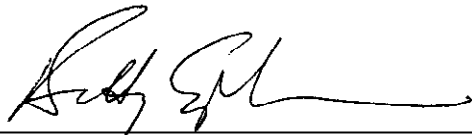
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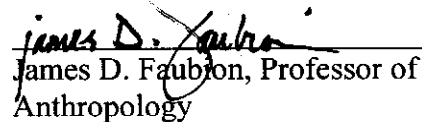
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Abstract:

My dissertation employed intellectual historian Michel Foucault's notion of biopolitics—which can be most broadly parsed as the political organization of life—to examine the way the lives of Aboriginal people were regulated and surveilled in relation to settler European norms. The study is a focused investigation into a topic with global ramifications: the governance of race and sexuality and the effect of such governance on the production of apparently inclusive cultural productions within the public spheres. I argue that the way in which subaltern peoples have been governed in the past and the way their cultures have been appropriated continue to be in the present is not extraneous to but rather formative of what is often misleadingly called “the” public sphere of dominant societies. In the second part, I analyze the legacies of this biopolitical moment and emphasize, particularly, the cultural politics of affect and trauma in relation to this (not quite) past. Authors addressed include: Xavier Herbert, P. R. Stephensen, Rex Ingamells, Kim Scott, Alexis Wright, and others. I also examine Australian Aboriginal policy texts throughout the twentieth century up to the "Bringing Them Home" Report (1997).

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Introduction

Artifacts of Settler Colonialism

Biopolitics in the Bank Vault

In the files of the Western Australian Aborigines Department, census data on Aboriginal people from 1928-1944 is held in a single microfiche. There, “half-caste” is divided from “full blood”—a symbolics of blood enmeshed with an analytics of sexuality.¹ Similarly, this analytic is cross-referenced to the socioeconomic mode inhabited by these indigenous subjects: nomadism, habitation in “supervised camps,” employment in the settler community.² Slipped in with this folder, alongside this racialized calculus of demography and *modus vivendi*, is a government circular generated by the Bank of New South Wales titled “The Australian Population: Growth or Decline?”³ In handwritten ink at the top of the circular is an instruction that it be filed with population statistics; an instruction signed by A. O. Neville, Chief Protector of Aborigines in the state from 1915-1940. The signature of the Native Protector embeds the regulation of the lives of “Natives” within broad demographic aggregates, their correlation to the makeup of the nation, and the vital and capital wealth which resided within its territory.

The circular does not mention Australia's indigenous population. Rather, it is primarily concerned with a decline in the Australian national birth rate, as well as the decline (since the mid-nineteenth century) of death rates, the commensurability of either with equivalent trends in other nations, the resultant distribution of age, and the abiding implications of all these factors for economic growth and vital prosperity at the national level. Neutralized of specific designators around race, the circular nonetheless begins with a question, marked by that trope's unwieldy deployment: "The question of 'racial decay' cannot be settled by mere reference to the birth rate."⁴ Here race is subject to a certain slippage. "[R]acial decay" seems to refer less to racial "others" than it does to a conception of the human race or species as a whole, even as this conception hides an insistence on white dominance in the making of the settler nation. The population subject to potential decay is, then, the settler population at the antipodean margin. Where explicit reference to indigenous peoples and non-European migrants is absent from the document, blindness to "race" throughout the remainder of the circular marks the neutralization of this category of demography—a category with which it was nonetheless correlated and filed alongside.

The Native Affairs file in which this bank circular has been slipped (by order of the Chief Protector) is precisely the antithesis of this ambiguous marking of race. Aboriginal people were not counted in the Commonwealth Census until a referendum in 1967 overturned this symbolic segregation. Yet attempts to survey, enumerate, and classify "Natives" across the entire Commonwealth territoriality had been underway since as early as 1924. As a technology of surveillance, the census precedes its function

of including “others” in the accounting of the national polity. The Western Australian Aborigines Department supplied its data to this national process of aggregation, enumeration, and classification, which implicitly divided the Aboriginal population both from the wider population (through their exclusion from the Commonwealth census) and internally, through a system of book-keeping, grounded in an analytics of blood and territory.

I open with this microscopic description of a single folder in a postcolonial archive since it foregrounds a central tension in settler colonial governance. In the process of producing itself as a nation, the settler colony both absents indigeneity and aims to ingest it—excluding, segregating, and subjecting the indigenous body and population, while simultaneously aiming at its assimilation. Such a settler nation as that which emerges in twentieth century Australia is—all at once—an instance of a newly formed postcolonial liberal democracy, a culture in search of a nationalist narrative, and a state predicated on ongoing colonial dispossession. With liberalism lies so pre-eminently at the center of this tripartite narrative, it is also emblematic of a tension at the heart of the form of governmentality which Michel Foucault named “biopolitics.” Indeed, the parable about the postcolonial archive with which I opened indexes Foucault’s logic: the analysis of demography (biopolitics) emergent in the early nineteenth century was paralleled by the emergence of a concomitant diminution of government intervention in the private sphere (liberalism). Just as the market was emerging as an autonomous realm beyond the reach of government intervention, technologies for measuring laboring lives

and exchangeable things developed alongside this doctrine of non-intervention. These technologies allowed the maintenance of a less perceptible governmentality.

In his 1975-6 Lectures at the Collège de France, Foucault theorized biopolitics by describing a shift in the logic of sovereignty that had emerged in early modern European thought. Foucault had previously spent his career investigating the way in which human beings are made subjects. In his histories of such institutions as the prison and the madhouse, he identified a model of disciplinary power which worked through surveillance, with its production of docile bodies. With biopolitics, Foucault would come to be concerned with the production of aggregates to which a form of power resembling (but not coincident with) disciplinary force directed itself: “[u]nlike discipline, which is addressed to bodies, the new nondisciplinary power is not applied to man-as-body but to living man, to man-as-living-being,” and ultimately, to “man as species.”⁵ This “new technology that is established is addressed to a multiplicity of men, not to the extent that they are nothing more than individual bodies, but to the extent that they form, on the contrary, a global mass that is affected by overall processes characteristic of birth, death, production, illness.”⁶ As such, Foucault suggests, by the end of the eighteenth century, there arises “the emergence of something that is no longer an anatomo-politics of the human body, but what I would call a ‘biopolitics’ of the human race.”⁷ Here we find a clue to the muted articulation of race encountered in that strange moment of filing I just described: a Bank of New South Wales circular, slipped in alongside the enumeration of Aboriginal subjects. Under biopolitics, race is at first a totality, interchangeable with the notion of species. Yet this biopolitics of the human species, emergent alongside

nineteenth century ideas about internal human difference, is immediately attended by the concept of “race” in the other sense. The vital calculation of the species nonetheless presents non-white, non-Western “others” as simultaneously of the “human species” and temporally, developmentally, or environmentally other—difference in degree extended to a point verging on a difference of kind. The human species, conceived in its nineteenth century form as one made up of many divergent races, is immediately evacuated from the calculus of the vitality of the whole: the vitality of the whole becomes that of the privileged, the white, the European. Within the broad biopolitical calculus of aggregates which takes the “human race” or “human species” as its object, the outcome of both anatomo-physical power and its aggregation across bodies becomes: “control over relations between the human race, or human beings insofar as they are a species, insofar as they are living beings.”⁸ This idea of the human race as human species is concerned with “the birth rate, the mortality rate, longevity, and so on—together with a whole series of related economic and political problems.”⁹ Further, what emerges at the level of the application of power to individual bodies is an attempt to normalize in commensurability with the biopolitical aggregate—a power which Foucault names biopower. Biopower emerges as a concern with normalization; one within which “the norm is something that can be applied to both a body one wishes to discipline and a population one wishes to regularize.”¹⁰ Biopower is applied to individuals whose vital normativity will ensure the regularities toward which biopolitical thought attains. Insofar as the settler colony perceives itself as a nation of settlers, it is against the backdrop of biopolitics that it generates the calculus of norms in relation to the population as a whole that will be its projected *telos*.

According to a European genealogy of power that is exported with colonialism, “[s]overeign power’s effect on life is exercised only when the sovereign can kill. The very essence of the right of life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life.”¹¹ Prior to the nineteenth century, when *raison d’État* circulated around a centrifuge of sovereign power, the state retained this right to kill. Indeed, the state never does away with this deathly power, but rather, with the emergence of fields such as population, the apparent minimalization of government manifest in liberalism, and the proliferation of biologicistic modes of thinking, it comes to be inverted. As Foucault notes, in the nineteenth century, sovereignty undergoes a shift:

sovereignty’s old right—to take life or let live— . . . came to be complemented by a new right which does not erase the old right but which does penetrate it, permeate it. This is the right, or rather, precisely the opposite right. It is the power to ‘make’ live and ‘let’ die.¹²

Biopolitics is implicated in this reversal and produces a distribution of life in which life and death are both imbricated, symbolically and diachronically arranged in mutual protection and negation. The power to make live is, for Foucault, the essence of biopolitics, the aim—through the disciplinary normalization of the body—to regularize a population as a whole, while affecting the human species at this population’s horizon. Foucault, will repeat his formulation later in the lecture, in order to make clear its relation with biopower and biopolitics:

sovereignty . . . consisted in the power to take life, we now have the emergence, with this technology of biopower, of this technology of power over ‘the’ population as such, over men insofar as they are living beings. It is continuous, scientific, and it is the power to make live. Sovereignty took life and let live. And now we have the emergence of a power that I would call the power of regularization, and it, in contrast, consists in making live and letting die.”¹³

For Foucault, this thinking is directly linked to race and to racism. In the settler colonial bank vault, the statisticians of the population and the market make a single mark around “racial decay” only to occlude discussion of “other” races. Today’s advocates of liberalism see it as a “complex of evolving discourses, beliefs, and ideals,” and identify this evolving complex by reference to a mobile tradition committed to minimal government intervention, a commitment in turn formed around ideals of neutrality of state intervention, norms of fairness, non-coercive political power, and even a commitment to relative toleration of differing conceptions of individual good.¹⁴

Foucault’s account is, instead, rooted in the operations of governance around the twin spheres of market and population, which liberalism is in fact grounded on, despite its co-emergent political philosophy. For Foucault, liberalism as a mode of governing seeks to concern itself with the vitality (and, indeed, wealth) of the “human race,” but, in so doing, it conceals its constitutive relation with non-European “races.” The fact that this universality is filed away with an analytics of blood and of sexuality needs to be

emphasized. But let me first carry to its conclusion, Foucault's principle contention on the relation between race and sovereign power after the turn to biopolitics.

As Ann Laura Stoler has noted, even as he explicitly connects the retention of race within the logic of sovereignty and death to nineteenth century racial biologism and to colonialism, Foucault's genealogy remains largely Eurocentric.¹⁵ Regardless, in principle at least, for Foucault, the relation between race and population vitality allows us to

understand why racism should have developed in modern societies that function in the biopower mode; we can understand why racism broke out at a number of privileged moments, and why they were precisely the moments when the right to take life was imperative. Racism first develops with colonization, or in other words, with colonizing genocide. If you are functioning in the biopower mode, how can you justify the need to kill people, to kill populations, and to kill civilizations? By using the themes of evolutionism, by appealing to racism.¹⁶

And, while he hardly elaborated the concrete instantiation of these themes in "colonizing genocide" one nonetheless detects that they were, for Foucault, essentially bound up in a nineteenth century discourse of peoples and their relations as races and within the human race, an evolutionism, a physical anthropology. He makes this explicit in the lectures:

Evolutionism, understood in its broad sense---or in other words, not so much Darwin's theory itself as a set, a bundle of notions (such as: the hierarchy of species that grow from a common evolutionary tree, the struggle for existence among species, the selection that eliminates the less fit)---naturally became within a few years during the nineteenth century not simply a way of transcribing a political discourse into biological terms, and not simply a way of dressing up a political discourse in scientific clothing but a real way of thinking about . . . colonization.¹⁷

Foucault wasn't all that explicit about what constituted killing in this analysis. Does putting a population to death only refer to the literal physical killing of its members, or should we also take seriously the way other organized schemas for disappearing racial others which take in eugenic praxis? Further, what is meant by Foucault's reference to "kill[ing] civilizations" in his characterization of "colonizing genocide." Much subsequent work has elaborated the connection between the civilizing mission and the broader imbrications of colonization in biopolitics and, at times, its genocidal reversal. Stoler, for instance, has indispensably given an account of practices of colonial governmentality and race in the Dutch East Indies and French Indochina. Her theoretical framework proposes a useful emphasis on the way Foucault's arguments can be taken to entail not only a thanatopolitical practice of death, but the more capillary, regular, and insidious means by which "biopower inscribed modern racism in the mechanisms of the normalizing state."¹⁸ The further problematic for a biopolitical analysis of colonialism is the identification, disentangling, and specification of the concatenation of this politics of

death and the normalizing state which gradually supplants it: replacing the literal genocide of killing with the killing of civilizations—the microphysical operations of discipline, dressed up in the rhetoric of kindness, uplift, and the civilizing mission. Such projects seem to imagine indigenous survival, even as the integrity of such communities is often something to be entirely absented.

In Australia, the idea that the Aboriginal population was subject to inevitable extinction subsisted well into the twentieth century. As a number of historians have shown, and as I lay out in more detail in Chapter 1, the demographic recognition of a rising population of people of mixed descent led to an intensive effort to regulate this population by eugenic means. Where people of mixed descent would survive the presupposed extinction of their “full blood” relatives, now techniques of biopower and discipline would be put at the service of ensuring that this new population could be absorbed through breeding into the settler European population. Where, in the nineteenth century settler colonialism painted a narrative of extinction for indigenous peoples, in the twentieth century the decreasing tenability of this myth led to varying strategies to either eugenically “absorb,” or socio-cultural assimilate indigenous people.

For either the narrative of the doomed race or the eugenic intensity of absorption, the indigenous subject was imagined to be subject to a logic of disappearance. This notion of Aboriginal disappearance culminated in a 1937 Commonwealth Conference on Aboriginal Affairs, at which Neville put forward the rhetorical phrase which summarizes absorption:

“[a]re we going to have a population of 100 0000 blacks in the Commonwealth, or are we going to merge them into our white community and eventually forget that there ever were any Aborigines in Australia? . . . Our own population is not increasing at such a rapid rate as to lead us to expect that there will be a great many more white people in [remote] area[s] 25 years hence . . . I see no objection to the ultimate absorption into our own race of the whole of the existing Australian native race. In order to do this we must guard the health of the natives”¹⁹

In Australia, clearly biopolitics over Aboriginal subjects retained an insistence upon death, albeit in a binary form. Where differing decisions applied to Aboriginal subjects depending on their blood quantum and social mode of life (savage/civilized, nomadic/sedentary), one must also identify the varying modes of death and disappearance to which this logic was given. But many historians also note that this logic of death and disappearance did not last. As the specter of Nazi eugenics was laid bare after the Second World War and Raphael Lemkin was drafting the international law prohibiting its repetition, perpetrators of colonizing genocide could hardly speak openly about projects of “forget[ting] that there were ever any Aborigines in Australia” through eugenic means. Many Australian historians emphasize and, to various degrees, valorize the post-war shift to assimilation, the socio-cultural project of producing from within mixed descent and “full blood” Aboriginal people the capacity to socially adapt to the norms of settler society and find acceptance not only as political but also as socially accepted citizens. From a thanatopolitics, to a natal-thanatopolitics to this biopolitical emphasis on

normativization, certain shifts of rhetorical emphasis emerged even as many governmental powers of subjection continued throughout the period—exemption from native status, the regulation of who could marry whom among natives, and the removal of Aboriginal children, particularly those of mixed descent. Debates about this practice in the public sphere today aim to draw neat periodizing lines at the moment when the nation was a eugenic apparatus worthy of revulsion, separating out the break moment when its policies came to envisage Aboriginal survival and relative equality. Drawing these lines emphasizes what should be remembered with caution and what was misguided and paternalistic, but perhaps defensible, continuous with contemporary ideas about how Aboriginal people can attain material equality if they are willing to abandon those aspects of their culture, praxis, and identity, considered to be incompatible with “civilization.” Throughout this study, I am skeptical of such neat and easy lines. For this reason, I don’t aim to exhaustively account for twentieth century Australian Aboriginal policy, but rather to point to marginal (and some central) limit moments, which worry the neatness of such neat historiographical transitions. I do so in order to reveal continuities that subsist into the present---a moment always assumed as given to the full plenitude of modernity. These continuities are often marked by practices of counting, classifying, and applying exceptional measures to subaltern and minority peoples. They are, in other words, biopolitical. Much can be said about when members of a dominant population tend to sanction moments when “others” are rendered subject to exceptional, particular applications of power and much of how we say it depends on our attitude to the tradition of liberalism.

Two years after the lectures where Foucault first aired this analysis of sovereign power and biopower, he aimed to return to the question of biopolitics. He had already surged through a long consideration of the emergence of war as a social locution and its concomitant implications for sovereignty and territoriality—not only between, but within societies.²⁰ Having entitled his 1978-9 lectures “The Birth of Biopolitics,” it turned out that biopolitics was less the topic of this series than its birth and immanent remainder in liberalism—cast between the emergent practice of demography alongside an ethos of non-intervention in the market. He had spent much time developing a critique of the subsistence of *raison d'État* and its protection of sovereign power, but now he found that many of the mechanisms of government he identified continued as the state's neutrality also emerged as a dominant tradition in political philosophy. How was it that the microphysics of power given in specific medicalized and disciplinary interventions into the body continued—indeed, increased—as the liberal doctrine of the neutrality of the state and the diminution of government power emerged and increasingly predominated. Informing his audience that while he had “thought he would do a course on biopolitics” he emphasized that biopolitics could only be conceived through the coemergence of “what is called population” alongside the emergence of liberalism.²¹

it is only when we understand what is at stake in this regime of liberalism opposed to *raison d'État*—or rather, fundamentally modifying [it] without, perhaps, questioning its bases—only when we know what this governmental regime called liberalism was, will we be able to grasp what biopolitics is.²²

For Foucault, liberalism became the framing political theory which accompanied the emergence of technologies of intervention in population. Where liberalism presupposed diminished government, the intervention of power in the sphere of the private became more microphysical, occasional, and minute. It also justified its analysis through the vitalization of life, the proper provision of medical care, the indirect economic support for private charitable, sanitary, and medical projects which would nonetheless return statistical aggregates in census data of increased birth rates, diminished death rates, and by extension, a healthier laboring population.

The point here is that biopolitics organizes a whole arsenal of more particular forms of discipline and surveillance, directed against minor elements of the population: those considered abnormal, mentally or physically sick, and—increasingly after the nineteenth century—racially other. In its attempt to extend the increasing vitality in the population and a resultant expansion of value and utility, the New South Wales Bank circular nonetheless does not mention particular racially “other” individuals and populations to target, or strategies to practice normativization. Despite this elision of race, it seemed imperative that this document be circulated to the Aborigines Department, and its organizing outcome implied to Neville that it be filed alongside the sporadic censuses that his government was conducting. Counting Aborigines and tabulating precisely how the state was reforming them was understood to be a measure with immediate value for the nation as a whole. Settlements and supervised employment for “half-castes” proffered the potential that they might be incorporated into the vital and laboring force of the nation, segregation for “full bloods” on reserves meant Aborigines

living a more traditional life could be cared for and studied before (many thought) they fell into extinction.

The outcome of the discipline and surveillance of racial “others,” then, is refracted more against the aggregated outcomes for the dominant population than for the microscopic interventions themselves. As we have seen, Foucault’s reticence to speak on race makes this point difficult to tease out in biopolitical terms. Foucault focused his inquiries on race implicitly on the most genocidal practices of twentieth Century European totalitarianism. Yet, the gradual camouflage of thanatopolitical projects in colonial contexts within rhetorics of civilization and care implicates settler colonial biopolitics more particularly in a logic of (post)colonial liberalism. If this liberalism, transplanted to the colonial margins, evacuated the deathly and genocidal pretensions of colonial occupation, it nonetheless retained the more or less concealed aim to “kill civilizations.”

Nonetheless, Foucault’s most explicit concatenation of race and biopolitics was traced from nineteenth century European conceptions of race purity to their deathly eruption in twentieth century European totalitarianisms. With the Nazi holocaust hardly muted as his backdrop, he writes: “the fact that the other dies does not mean simply that I live in the sense that his death guarantees my safety: the death of the other, the death of the bad race, of the inferior race . . . is something that will make life in general healthier and purer.”²³ Biopolitics, for Foucault, and its relation to race was theorized first *vis a vis* the politics of death: thanatopolitics. Yet, without overtly connecting this inquiry to questions of race, Foucault soon turned back to the relation between biopolitics and

liberalism. Taking liberalism as a cultural and philosophical logic grounded in an account of the relation between the body, the subject, its properties, and its immunitary autonomization and extricating this nexus from the emergence of a political philosophy connected to democracy, Roberto Esposito usefully disarticulates totalitarian and liberal biopolitics:

if we reject the idea of a chronological succession between liberal-democratic and totalitarian regimes in favor of a different genealogical or topological representation, we see that the correct and conceptually important distinction isn't the vertical one between totalitarianism and liberal democracy . . . Biopolitics in turn breaks off into two antithetical but not unrelated forms: Nazism, the biopolitics of the state, and liberalism, the biopolitics of the individual.²⁴

I turn momentarily to elaborate this further, but for not I want simply to note, along with Esposito that, “it is precisely the biopolitical characterization of liberalism that separates it from democracy.”²⁵ The political philosophical tradition of liberalism aims to establish norms within which rights, obligations, value, and utility can be located. As Esposito and Foucault note, the emergence of these norms cannot be evacuated from the co-emergence of ways of the normativization of bodies and of modes of living. Finally, in the settler colonial context, as biopolitics turns to a new liberalism, as Aboriginal survival becomes a demographic reality, and as this project thus ceases to explicitly refer to genocide and its eugenic correlates, the settler state nonetheless retains the power of regularization and the aim of normalization, which functions to, as Foucault put it (however briefly) “kill civilizations.”

Where Foucault, *à la lettre* provides a genealogy of liberalism and an articulation of genocide as the thanatopolitical inversion of biopower, Foucault's lectures provide no pre-given means to delineate the way operations of discipline and biopower produce mechanisms of normativization even when practices of explicit state killing are absent. While Foucault never made explicit how precisely the tense enmeshing of biopolitics and liberalism could be thought in relation to race or in the colonial context, scholars of colonialism have usefully connected Foucault's analysis of governmentality and biopower to practices of norming and disciplining colonized bodies at the periphery of empire.²⁶

My focus in the present study has been less on the way dispatches from metropolitan colonial offices determined the government of subaltern peoples in colonial society. Rather, I have emphasized the practices of internal colonization within an autonomous settler nation after a certain postcolonial turn—the federation of the Australian colonies in 1901 leading to relative autonomy from Britain. What emerges from this is not only that after 1901, Australia, as a former colonies that remains a part of the Commonwealth, produces multiple asynchronicities in the application of power. One central point one can discern from this asynchronicity between the settler center at the colonial periphery and its treatment of the most peripheral colonized bodies —indigenous peoples—is that disciplinary power is enforced over the colonized long after its force has been blunted and diminished in relation to settler subjects. While among the settler population biopolitical aggregation entailed the application of a seemingly benevolent (though rather insidious) biopower, for indigenous peoples, the goal of a vital and

normalized settler population entailed ongoing discipline. Where, for settlers, biopolitics leads to biopower, for indigenous peoples, the same emphasis on settler biopolitics leads not only to biopower's application to the indigenous body but also a subsistence of disciplinary power vastly asynchronous with the diminution of violence at the Imperial center, or indeed, at the marginal center of the settler colonial metropolis. While metropolitan settler subjects in Sydney might have been unaware of the persistence of biopower in their lives, Koori people in rural New South Wales, and Noongar people in the South West of Western Australia continued to be rounded into camps for rigorous and sustained disciplinary operations. Employment required a permit, any sexual or marital relations were supervised by the state, children were removed, and many of the avenues to provisional citizenship (exemption) involved giving up identification with indigenous heritage and relations with extended family. Indigenous peoples have been some of the most governed people in global history and Indigenous Australians are no exception.

I have begun to suggest that just as the New South Wales Bank formulated its strategies for economic growth around population, so settler colonial biopolitics as a field formed around the racially other body and its relation to the vitality of the human species, was in fact correlated within the governmental regime alongside which it developed: liberalism. It is crucial, then, to place biopolitics in the colonial context within which liberalism took shape.

In Chapter 1, I expand more fully on the theoretical dimensions of biopolitics, its relation to liberalism, and its spatiality. There, I also delineate key tensions between forms that settler colonial biopolitics has taken as it moves from a deathly logic of

indigenous extinction to a eugenic program to concerns of care and protection. In Chapter 2, I move to concretely relate these observations to the historiography of Aborigine Department administrations in Australia in the twentieth century. In doing so, I critique historiographic attempts to strictly periodize the operations of either eugenic absorption (natal-thanatopolitics) and sociocultural assimilation). In doing so, I emphasize the way settler colonial biopolitics is an apparatus in which differing forms of power emerge, rather than a place-holder for distinct and demarcated kinds of governmentality. In Chapter 3, I build on and extend this argument to show how even the most socio-cultural minded framers of Native Administration in Australia retained much biologism and essentialism in their thought. In so doing, I amplify my critique of historiography to implicate it in wider practices of cultural memory. These latter are framed through the idea of intentionality. Intentionality simultaneously acts to exonerate the state crimes perpetrated against indigenous peoples in the past and to shape the way these acts are remembered in the present not only in the writing of history, but also in large public acts of memorialization. In Chapter 4, I return to the mid-twentieth century focus to position the relation between settler colonial biopolitics and cultural nationalism. Just as a colonial governmentality was focusing itself on the normativization of the settler colony, this new normalized indigeneity was being appropriated and promoted in the public sphere by settler literary nationalists. In Chapters 5 and 6, I turn to the present by investigating the way indigenous writers and artists respond to the legacy of settler colonial biopolitics as well as to the way the settler colonial public sphere retains artifacts of the kind of thinking derived from that form of governmentality that the earlier chapters trace. As such, my methodology and mode of presentation is decidedly nonlinear, shuttling back

and forth between the middle of the twentieth century and the present. Before proceeding to the study proper, it would do to briefly theorize this move.

Artificiality: Notes on a Nonlinear Methodology

Despite my insistence on extending the thought of biopolitics beyond a ubiquitous reading of the globe as a *nomos* produced by the insistent threat of the camp and on moving toward a recognition through terrapolitics of the endurance of indigenous ontologies, the greater part of this dissertation is nonetheless concerned with accounting for the biopolitical subjection of indigenous peoples in Australia. It is concerned not only with the emergence of insistent forms of this subjection in twentieth century Australia, but also with the return of such modes of subjection even after the turn to self-determination as a government policy in the 1970s and the eventfulness of moments such as Mabo, which have established a new politics of recognition. Thinking this repetition requires a guiding theoretical understanding of the conditions of time and repetition within which ways of making people into subjects repeat and return.

As we saw in the observations of Fraser and Povinelli, public reason is separate from rational critical discourse and, as it manifests in the public sphere, it is also affectively charged. I suggest in this study that in (post)settler colonies, a considerable source for such imperceptible affective charge to the norms that settlers take for granted in their dealings with and attitudes about indigenous peoples emerges unconsciously from

a genealogy stretching back at least to the twentieth century policies of absorption and assimilation. These policies operated with thanatopolitical, necropolitical, and biopolitical ends. Yet between these ends, concrete outcomes were forged for the ideal indigenous subject, as it was made amenable to the narcissistic imaginary of settler nationalist independence I aim to suggest particular instances of the way this genealogy has constrained cultural memory in the public sphere, even as this constraint is presented as merely the conditions for rational political discourse. While there remain many parallel genealogies to be undertaken, my focus has been on biopolitical forms of normativization in the Australia context because I feel that their influence in this site has been pervasive and insistent, returning even in the present after the turn to self-determination.

Povinelli has suggested that a key aspect of the genealogy of Australian multiculturalism and its sustained practices of normativization emerges from an “impossible demand” placed on indigenous people, “that they desire and identify in a way that just so happens, in an uncanny convergence of interests to fit the national and legal imaginary of multiculturalism” and in doing so, “ghost this being for the nation.”²⁷ In the first three chapters of this dissertation I focus on an archeology of the production of the form of normativity by which many indigenous people—particularly those of mixed descent—were compelled to transform themselves to fit the desire of the settler nation. Methodologically, I have not taken the path of a linear historical materialism. I shuttle between twenty-first century texts and artifacts to the twenty-first century archive from which they emerge in order to make certain provocative claims about the maintenance of biopolitical modes of seeing and describing indigenous peoples and the deconstruction of

these modes by indigenous writers and public figures. In doing so, I have had to think long and hard about the way in which biopolitical technologies of looking and classifying, harden into artifacts which return in the public sphere long after they have ceased to dominate in governmental practice. Such a logic of artifact, virtuality and revenant requires explanation.

One term by which to describe the “national and legal imaginary” described by Povinelli is the notion of “Aboriginality” coined by Marcia Langton. As Chris Healy has recently deployed and delineated Langton’s useful conception, “Aboriginality,” is “a construction of things ‘Aboriginal,’ which is animated by ideas and images from the colonial archive of indigenous people as primitives, entirely disconnected from indigenous life in [for instance] the 1940s.”²⁸ Indeed, this archive could be said to include not only the most stereotypical ideas about “indigenous people as primitives” but also the various other stereotypes and categories of “detribalized” Aborigines produced as kinds of subject to be governed in particular ways. As we saw, the Aboriginal census divided indigenous people into three kinds of supervised spatial habitation and cross-referenced this against a rubric of blood. This is only one of a large number of inter-related rubrics for classifying and dividing indigenous peoples for the purposes of governance that emerged in the twentieth century. As at 1986, there were noted to be at least 67 extant legal definitions of “Aboriginal” in Australia across over 600 pieces of legislation.²⁹ As Langton puts it, “[t]he most dense relation between actual people, but between white Australians and the symbols created by their predecessors.”³⁰ Bob Hodge and Vijay Mishra have similarly named what they called “Aboriginalism,” which names the same

phenomenon of white Australians, relating to their symbols of indigenous people.³¹ For Hodge and Mishra, this cultural nexus is analogous to the wider phenomenon, which Said named Orientalism. However we name “Aboriginality” or Aboriginalism, the idea is similar: settler subjects have produced a semiotic field in which ideas about indigenous people are produced. Further, this field is often more pervasive and influential than the reality of indigenous people’s lives, which is often obscured by such imaginaries.

Further, the degree to which traditional indigenous society and selfhood is produced in the Aboriginalist nexus, it often constrains the agency and identity of the real lives of people who happen to trace their decent to the first peoples of Australia and maintain their own autological sense of the kin and country connections that this personal history of belonging and being entails. Povinelli has argued that colonial texts function as artifacts which remain and return in the social imaginaries that produce them, often long after the static conception of the other that they conjure has reformed in a process of continuity and change.³² As she suggests, such classic ethnographic texts as those of Spencer and Gillen (her specified exemplum), A. R. Radcliffe-Brown, or A. P. Elkin, possess juridical authority as texts rendered crucial in the veridiction of descent, identification, and communal recognition required by the juridical apparatus of Native Title. Classic ethnographies have “an *artificiality*” in Native Title discourse, such that: “land commissioners, native title commissioners, anthropologists, writers, and filmmakers, read, refer to and defer to such texts as that which captured ‘unspoilt *Arunta* men.’”³³ The active presence of a reconstituted indigenous subjectivity endures both settler colonialism’s governmentality and even late liberalism’s normativizing strategies,

but this durative form is neither fully the traditional subject produced within the artifactual, nor (most importantly for my purposes) the whitened subject envisioned by the apparatus of assimilation. This has several consequences: the image of the Aboriginal produced within Aboriginalism has less to do with the reality of Aboriginal people's lives than it has to do with the way Aboriginal people are compelled to comport themselves by state and public sphere imaginaries. A further consequence, which this study takes up is that the artifactuality of this image is produced between anthropology and native administration, literature and film, the mass media and the idle talk it disseminates. Artifactuality doesn't only relate to the imaginary of Aboriginal tradition and "unspoiled" individuations of it, rather, the artifactual inheritance of the colonial archive produces ideas about the "mixed blood," their assimilation, and not only their place in the nation, but also among "traditional" Aboriginal people.

The Australian state has indeed moved beyond the biologism of absorption and the disciplinary power of assimilation—at least in its most genocidal forms. Instead, from the era of self-determination, the juridical logic of descent, countenanced by the recognition of the significant role of identification and communal recognition in Aboriginal identity, has developed a complexity that structurally couples with indigenous modes of collectivity and often allows a mode of recognition that facilitates reparative legislation, most notably land rights within the discourse of Native Title, but also access to subsidized education and health schemes.³⁴ The process by which individuals are recognized as Aboriginal often remains an adjudication by the state and one which always indicates a retention of colonial sovereignty (whether the Commonwealth decides

for or against the interests of indigenous people). It is incumbent to add that this artifactual dimension to juridical adjudication of indigeneity is compounded as such principles of adjudication are apprehended and misconceived in the public sphere, re-emerging as popular settler evaluations.

Most centrally here, I focus on instances when not only images and imaginaries of “Aboriginality,” but also the apparatuses of governmentality that frame them retain an artifactuality. The perceived “unspoilt” representative of indigenous traditional life returns as the *gestalt* against which indigenous people are compelled to refract their identification. Concomitantly not only do such artifactual frames of identification recur, but so too do the apparatuses of subjectification that produce them. In other words, it is worthwhile tracing not only the artifacts themselves but the apparatuses that produced them and the *revenants* in which they recur. As we know, state logics of adjudication were employed in the twentieth century to inform the thanatopolitical absorption of Aboriginal bodies and the cultural assimilation of Aboriginal social life themselves produce artifacts which recur and resound in the present. Where the ossified colonial artifact imagines the static logic of indigenous tradition and the static image of the indigenous body as a basis for adjudication, today, public sphere evaluations often insist that indigenous people either conform to these logics and images, or (and this is my primary concern here) eschew indigenous identification in favor of an entirely assimilated collective and identificatory mode.

Artifactuality is a late liberal citation practiced acutely in settler (post)colonies and recalls the biopolitical legacy of colonizing liberalism. Artifactuality adjudicates,

evaluates, and captures subjects, deciding on their identities through evidential processes.³⁵ Pertinent to our understanding of the mass mediation of evaluations of alternative social worlds is Jacques Derrida's identification of "artificiality" in relation to the mass media. For Derrida, thinking through artificiality is crucial to the question of "how best to approach [the] theme of presence and of the present" after the hypermediation of everyday life.³⁶ Media events are: "*factitious* or *artificial*, hierarchizing and selective, always in the service of forces and interests to which 'subjects' and agents . . . are never sensitive enough."³⁷ Derrida distinguishes between two modes in the mass media. In the resurgence of any artificiality, images take shape as *actuvirtuality* (a word which puns on the French word *actualité*, denoting both "news" and the now, connoting presence and the present). Actuvirtuality describes the return of the framing of the mass media in reference to artificiality—across television, new media, and printed forms.³⁸

Assimilationist texts (and the archival traces of the biopolitical apparatus in which they are enmeshed) carry with them an artificiality: an artificiality whose technologies are often redeployed virtually in the mass media. It is in the mass media system indexed by Bolt that the specters of such artifacts of assimilation as a physiognomic gaze and a genealogical imaginary remain, influencing and enabling the governmental belonging of settler subjects. The adjudicative modes of governmental belonging have spread in no small part from a central function in state policing to a diffuse presence in the public sphere, revealed in media events. Such events reflect a wider evaluative pretension in the settler public sphere. As the specters of settler colonial governmentality continue to haunt

and unsettle the lives of real indigenous people, critique of their return and memorialization becomes an essential task.

Chapter 1

Theorizing Biopolitics and (Post)Colonial Liberalism

Between Colonial and (Post)colonial Liberalism

As an Australian of settler and migrant descent, I first became interested in returning to consider the internal colonialism of the space in which I grew up after Kevin Rudd's 2008 Apology to the Stolen Generations. Where the years under John Howard had been stifling and denialist, the apology seemed to gesture to a shift in attitudes. Yet the Rudd government continued the Howard Government's Northern Territory Emergency Response Act (NTERA), simultaneously precipitating and reorienting the Governmental discourse of practical reconciliation—a doctrine which implied the eschewal of symbolic acts of cultural memory in favor of practical measures to ameliorate adverse conditions in indigenous communities. Framed by the Howard Government's last Indigenous Affairs Minister, Mal Brough, the NTERA, known as “the Intervention,” aimed to tackle structural social problems through such measures as welfare quarantine, modifications to the permit system designed to keep alcohol out of dry remote communities, and other such immediate biopolitical measures targeting the care and welfare of population. The Intervention was also installed under the rubric of a state of exception from law, it suspended the Racial Discrimination Act and compulsorily acquired Aboriginal lands which were then released to communities. The Gillard government which followed Rudd's (and remains in power as I write) has continue its commitment to the NT Intervention, though since the initial Act has lapsed, they have modified its provisions in slight ways (such as to target and encourage Indigenous school

attendance), and shifted the leasing of land from a compulsory to a voluntary model. I am no expert on Indigenous policy. As such, I will not pretend to having a concrete criticism of the “effectiveness” of these practices within their own bounds. Instead, to the degree that this project has implications for the present, I want to draw out their genealogical link to the broad biopolitical contours of the emphasis on care, and to remark the framing of such welfarist legislation in terms of the suspension of law and the rendering of indigenous lands as zones for governmental protection and preservation. With such a return to biopolitical practices of governance and their correlation to a sovereign exception, a concrete utilitarian calculus of care and vitality is always possible, it may even be defensible. But, when influential voices are crying that “considerations of care should be put before considerations of strict justice as a matter of principle,” the issue should not be closed but opened and at the least certain caveats and some historical awareness must be foregrounded.¹ Rather than the too ready eschewal of justice in favor of care—one which seems to emphasize the connection between biopolitics and postcolonial liberalism—or, on the other hand, a too ready description of the entirety of settler colonial past as a homogeneous genocidal violence, a genealogy of such “considerations of care” seems vital. Instead, perhaps what is needed is a genealogy that takes account of the kernel of thanatopolitics and of essentialism that are respectively retained after the turn to (post)colonial liberalism and its emphasis on biopolitics: care and welfare under conditions of vitalist sovereignty. Further, where (post)colonial liberalism insists on its capacity to normalize indigenous cultural practices, we may find settler subjects increasingly willing to arrogate the right to define the norms whose

outcome is, amidst all else, the killing of indigenous civilizations. Such cultural genocide begs at least a genealogy while it remains disturbingly unquestioned.

If we are to critically locate the particular forms of governmentality which subsisted, shifted, and reformed through colonial and (post)colonial moments as applications of genocide, thanatopolitics, necropolitics, disciplinary power, and biopower, then it is essential to take seriously the discursive formations that surround these governing practices. Throughout this study, I use the term settler colonial to describe spaces such as Canada, New Zealand, and my primary exemplum, Australia. I do so out of recognition of the fact that “dispossession is not a historical event but an ongoing process” and that there persisted “a logic of elimination through post-frontier Australian society.”² I also parenthesize the (post) in (post)colonial as well as correlative terms such as (post)settler nation and (post)settler colonialism. In an essay written in 2009 and published in 2010---which forms the kernel of the fourth chapter of this dissertation---I moved to employ the parenthesization of the (post) in (post)colonial when describing settler spaces.³ I did so out of a specific concern with the imperative that sovereign gestures such as the 2008 Apology not be seen as closures of reconciliation but merely iterable conditions of a processual account of reconciliation as a process that remains unfinalizable so long as (post)settler sovereignty maintains its continued process of dispossession (as it is likely to do). I join this more specific insight to Chadwick Allen’s broader and more salient reason for parenthesizing the “post” in the settler colony. As Allen remarks:

There has been increasing debate over whether the circumstances under which indigenous minorities live in the First World settler nations . . . are best described as ‘colonialism,’ ‘postcolonialism,’ internal colonialism,’ ‘paracolonialism,’ ‘domestic imperialism,’ or something else . . . [T]he term *(post)colonial*. . . employs parentheses to emphasize the irony of an often-asserted post-colonial situation (where the hyphenated ‘post-’ implies ‘beyond’) that is never quite one for indigenous minorities.⁴

Parenthesizing the “post” therefore emphasizes what I have already marked as the continued project of dispossession. As an orthographic gesture, the (post) in (post)colonialism does as much diacritic work as a textual exercise can accomplish. Here, I want to remain also with the degree to which this ongoing dispossession can be genealogically traced from ideas about assimilation to liberal practices of multicultural recognition, from biopolitical liberalism in the twentieth century (post)settler colony to the late liberal remainders of governmental adjudication and evaluation of alterity and authenticity (by state and settler) after the turn to self-determination.

This study is, then, located within the primarily post-frontier context of twentieth and twenty-first century Australia. This space can be conceived in a number of ways, as at once: a unified, federated, nation-state (after 1901), as well as a settler colony which remains neither republican, nor independent, subsisting symbolically within the British Commonwealth. It is at once a space in which the remote frontier continues to exist, as well as one in which a (post)colonial logic of liberalism has shaped the elaboration of liberal democracy for settler subjects. As such, I do not describe this territoriality—strung

between a settler sovereignty and a settler colonial biopolitics—postcolonial. Rather, it is necessary to identify the emergence of this settler colonial biopolitics as it was applied to indigenous subjects between a certain colonial liberalism, the cultural logic of nationalism, and the imagined postcoloniality, which follows either. It is for this reason that I will tactically refer to a settler colonial biopolitics retained within a (post)colonial nation state. In an ironic inversion of the bank circular, slipped in with the early Aboriginal census data—the enumeration and description of the Aboriginal population along with the surveillance, discipline, and biopower applied to the Aboriginal body—the (post)settler colonial nation came to describe itself as a liberal democracy wherein Aboriginal presence was first imagined and later engineered as absence, or, alternately, as alterity to be simultaneously normativized and fetishized.

Yet, while I maintain the understanding that settler colonialism is a process of dispossession, emphasizing only this logic of elimination risks homogenizing and trivializing the insidious means by which the government of indigenous peoples came to render itself through a rhetoric of welfare, health, and normativization on Western modes. Taken as a whole, Australia's settler colonialism does not lend itself to a chronology which separates the predominantly nineteenth century practice of settler massacres from the predominantly twentieth century practice of eugenic absorption, or the disciplinary normalization exemplified in the policy of assimilation. Nonetheless, assimilation must be theorized, within its twentieth century biopolitical frame. As I examine at length in the next chapter, logics of disappearance through a eugenics without literal killing retains a thanatopolitical dimension. The idea of elimination represents the pervasive underbelly of

settler colonial biopolitics and cannot be ignored. Nonetheless, policies such as assimilation were often seen by their contemporary framers as part of the ostensibly progressive---though in fact, paternalistic and dictatorial---civilizing mission annexed to the logic of colonial liberalism. As such, I take seriously the continuity of thanatopolitics, elimination, and genocide as it subsisted from nineteenth century settler colonialism into twentieth century (post)colonialism.

Hanging in the background of this genealogical project is an attempt to tactically critique the project of adapting liberal norms to postcolonial societies. As we saw, Foucault's lectures titled *The Birth of Biopolitics*, gesture to the way liberalism's ethos of diminished government genealogically links to the emergence of technologies of aggregation such as the census and complementary practices of biopower. Yet Liberalism is not only a question of the diminution of government. It also evolved a cultural logic of neutrality regarding conceptions of the good fostered by private individuals. Postcolonial scholars have, however, drawn out the historical limits to this formation. Edward Said, most famously, showed how liberals concerned with private autonomy and national independence at the Imperial metropole were simultaneously happy to justify the sequestration of distant colonial territorialities.⁵

Postcolonial studies has contributed greatly to healthy skepticism around liberalism's attempt to account for diversity while simultaneously bracketing the historical and cultural conditions that constrain such debates in actually existing postcolonial nation states. For political philosophers operating within the framework of liberalism, the genealogy of liberalism within which it is possible to link the discursive

positivity of liberalism within actually existing political orders to the arsenal of governmental and biopolitical practices, is consistently bracketed. Such political liberalism becomes a “complex of evolving discourses, beliefs, and ideals,” within which even the unregulated market so embedded in actually existing liberalism and neoliberalism can be bracketed. Duncan Ivison locates the central principle of postcolonial liberalism within the concept of neutrality. Succinctly describing the liberal attitude to state power, the establishment of norms, and the regulation of difference, he states:

[a] liberal political order is said to be neutral with regard to controversial conceptions of the good. Note that it remains a moral idea. It aims to justify political principles that do not rely on controversial conceptions of the good, but which can still provide the grounds for regulating the exercise of the coercive power of the state that citizens holding diverse worldviews could accept.⁶

For such notable liberal theorists as Charles Taylor, the recognition of cultural difference is a significant aspect of a meaningful liberal political philosophy. But difference cannot be valorized in and of itself according to any perspectivalism or relativism. Rather, differing cultural conceptions of the good are maintained only insofar as they cease to violate a sequence of norms about which it is no longer possible to be neutral. These would include Indigenous cultural practices conceived as harmful, but it would also include those simply understood to be abnormal within the aspiration of maximizing the wealth of the settler nation. The state should be neutral, liberals say, so long as there is no violation of norms conceived as agreeable. As Ivison puts it: “if the ultimate aim of

postcolonial liberalism is a form of mutually acceptable coexistence between indigenous and non-indigenous peoples, such arrangements require a set of transitive concepts and norms to guide these interactions.”⁷ The question becomes how these norms are formed and under what conditions. Even as political philosophers adopting the language games of rational argument through which liberalism might be idealized, the norms on which these language games rely derive from a genealogy.

Amidst all else, the liberal accounting of difference assumes a synchronic state of affairs within which those cultural practices that deviate from western norms are referred to within an accounting of the good modeled and evaluated on the grounds equivalent to any individual conception of good. As the parable of the bank circular suggests, this good is not merely calculated in terms of a neutrality but is also referred to the ideal vital, normative, and economic flourishing of the nation. In either the case of culture or private predilection, the liberal says, if normal (and certainly, if harmful), then state neutrality can be suspended, acts can be criminalized or subject to the forceful hand of civilization. Such insistence on norms precipitates justification in the mode of cultural memory by which such projects as assimilation are remembered and reparatively addressed. Some modes of remembering and forgetting past policies can even derive legitimacy for modified forms of comparable strategies of economic normativization. This play of norm and state neutrality emphasizes a temporally static logic of subjection’s justification divorced from the histories that give rise to the culture of liberalism in actually existing (post)colonial civil societies and, indeed, the enduring forms of colonized cultures that comport themselves within this frame. As Homi Bhabha points out, liberals such as

Taylor assume a congruence of positions which freezes the frame within which cultural difference is construed:

At the point at which liberal discourse attempts to normalize cultural difference, to turn the presumption of equal cultural respect into the recognition of *equal cultural worth*, it does not recognize the disjunctive, ‘borderline’ temporalities of partial, minority cultures. The sharing of equality is genuinely intended, but only so long as we start from a historically congruent space; the recognition of difference is genuinely felt, but on terms that do not represent the historical genealogies, often postcolonial, that constitute the partial cultures of the minority.⁸

As Bhabha elaborates, “Taylor always presents the multicultural or minority position as an imposition coming from the ‘outside’ and making its demands from there.”⁹ He quotes a glaring revelation of this in Taylor’s rhetoric: “the challenge is to deal with *their* sense of marginalization without compromising our basic political principles.”¹⁰ Not only is Taylor’s *they* fixed outside the deliberative sphere but this evacuation risks fixing the position of the other as a relic of the past—as Johannes Fabian has effectively shown.¹¹ The idea that modernity has proceeded by excluding indigenous others (for instance) and the correlative understanding of the position of the other as fixed, misses something distinctive about the actually existing mode by which indigenous people comport their identities and make political claims. Much of the way the contemporary deliberative sphere has sought to include indigenous people has been by a process of norming of indigenous bodies and cultures and a simultaneous fetishization of a domesticated form

of this culture. This means that the position of normativity does not occupy a “pure” Western position, and neither that the position of Aboriginal tradition is statically bound to a precolonial past subject to salvage. Rather, not only indigenous speech, but the adjudication of the state itself is subject to the history of the norms produced in the twentieth century government of indigenous people.

Liberals can be apologetic in relation to such genealogies, and they can also be triumphalist. Culturally tolerant theorists of liberal democracy emphasize liberalism’s project rather than its fixation by contingent and empirical correlation to practices of disenfranchisement and dispossession. Ivison is quick to note that “[i]n liberal political thought . . . the most interesting work on cultural rights rejects the bounded and static view of culture and accepts the more open-ended and dynamic notion familiar to the student of the best recent work in anthropology and cultural studies.”¹² This claim would no doubt need to be tested on a case by case basis and it is not my goal to disavow or deauthorize the liberal political project *tout court*. However, while liberal thinkers in the political philosophical sphere aim to accept the dynamism of cultural change as a means to model diversity, normality, and neutrality toward a political theory at the end of history, they may remain blind to the genealogical privileging of western economic and even social forms of property, sovereignty, and liberty—all of which act to immunize the exposure of the common to alternative heteronomous collectivities, particularly when such collectivities pose the risk of “abnormality.”¹³ The (post)colonial liberal project of cultural assimilation in Australia did not only focus on aberrant aspects of Aboriginal social life whose difference risked harm, but also on any and every instance of difference

which threatened the economic and spatial distribution of the settler colonial order of land and law.

Just as Ivison and Taylor variously desire to model cultural difference within liberal neutrality within a synchronically determined postcolonial moment (one blind to genealogies on which Bhabha rightly insists), so Francis Fukuyama famously defends the separation of an *a priori* project of liberalism, separated out from the *empirical* flaws, limits, and crimes with which it has been associated. Jacques Derrida zones in on the limits and blindnesses of this dialectic of *a priori* and *empirical* liberalism. Fukuyama admits that the horrors of state crime have not abated after the delegitimization of the totalitarian forms—right and left—under which they (he claims) arose and continued in the twentieth century and continued in its second half. As Derrida notes:

[A]s *telos* of a progress, this orientation would have the form of an ideal finality. Everything that appears to contradict it would belong to historical empiricity, however massive and catastrophic and global and multiple and recurrent it might be. Even if one admitted the simplicity of this summary distinction between empirical reality and ideal finality, one would still not know how this absolute orientation, this anhistoric *telos* of history gives rise, very precisely *in our day*, in these days, *in our time*, to [a triumphal liberalism] that he dates very explicitly from ‘The most remarkable evolution of the last quarter of the twentieth century.’¹⁴

For Derrida, instead, liberalism always bears with it the specters of its past, as do such traditions as Marxism which have opposed it. We can say that the *revenants*—as he names these specters—of governing modes do not permit an evacuation of the concrete institutions in which their political philosophies were embodied. The empirical marks of colonizing normativization and genocide that emerged alongside (post)colonial liberalism may not be so extraneous to the norms for determining the interactions between indigenous people and settler states as liberal political theorists would depict matters. The empirical coemergence of colonizing biopolitics and the colonial form of liberalism might rather cast spectral remains in even the most apparently *a priori* of norms. The strategy that Ivison names postcolonial liberalism relies on the recognition of such norms and their constraint of difference. The point is that the “a set of transitive concepts and norms” that Ivison sees as necessary “to guide these interactions” between settler-descended and indigenous subject do not exist in a vacuum. Rather, as Foucault reminds us, the history of the way subjects and spheres have been produced through a process of normalization is not extraneous to the formation of the norms guiding debate about what should count in the public sphere and what ways of life are worth allowing to live through the accordance of rights, protections, and obligations.

One assumption of this study is that liberalism has always been bound up with the government of life, value, and utility---a government of life which, in refracting norms into the deliberative sphere finds problems in cultural paradigms which differ from these norms. As Esposito puts it:

What we are dealing with [in liberalism] is the establishment of the biological life

of individuals [*singoli*] and populations as fundamental to all of the most important political decisions of today . . . when the living or dying body becomes the symbolic and material epicenter of the dynamics of politics as well as its conflicts, we move into a dimension that lies not simply, as we sometimes hear, after or beyond democracy but resolutely outside it—not only removed from its procedures but from its language and conceptual apparatus.¹⁵

Biopolitical governance of life has a great deal to do with the norms assumed in terms of economic policy (for instance), down to the kind of house one lives in, one's attitude to extended family, or the kind of distribution of land and the value vested in it. Liberalism, as it attends upon minority and subaltern subjects (particularly those displaying strong cultural difference) demands not only (and sometimes not even) democratic participation, but further, the imperative to comport a whole way of life to "civilized" norms. It is no accident that such compulsive norms subsequently return as pre-conditions to rational deliberations about political good and correlative democratic practices of participation.

While not constraining a democracy to come—unbound from the political economic tradition and the way of governing bodies and territorialities arising from a western cultural locus parallel to that of liberalism, indeed, including it up to a point—it has a lot to do with the deliberative sphere that actually exists in Western democracies and their engagement with difference. An easier target in the liberal tradition than Ivison—whose political project may well be pragmatically defensible—would be a critique of Fukuyama's logic. Yet, Fukuyama need nonetheless not be dismissed as too easy a target—with such a critique becoming a quick potshot at a synecdoche of

liberalism not born out across its whole spectrum. The troubling fact is that Fukuyama may better represent aspects of the liberal tradition's *real politik* as it concerns the operations of political debate around cultural memory and interventionist, normativizing projects of state craft and assimilation. One useful ground for thinking the insistence of historically emergent constraints on the liberal category of norms is the Feminist tradition in political theory. Such theorists of the public sphere as Nancy Fraser have pointed to the necessity of thinking "actually existing democracy" in the genealogy of projects of political liberalism.¹⁶ In a related vein, Elizabeth Povinelli, in her work on the genealogy of Australian multiculturalism and indigenous alterity, delineates what she calls the "liberal diaspora." For Povinelli, the liberal category of norms, given rise to by the "enlightenment idea that society should be organized on the basis of rational mutual understanding," forms itself at the colonial margins not only through a transplantation of liberal traditions and ideas but also through the emergence of concrete institutions simultaneously drawn from these traditions and comported to particular colonizing concerns.¹⁷ For Povinelli, liberal preconceptions of the autonomy of rational critical discourse in forming norms need to be contrasted to the affective and historically bound forms which public reason takes.¹⁸ While liberal political philosophers operate with an untrammelled faith in the language games of norm and neutrality, of anarchy and liberty, state and utopia, Povinelli suggests that rational critical discourse doesn't only deliberate on a synchronic arrangement of interests (in which some happen to be different). Rather, rational critical discourse, as a language game, "refers to a describes a procedure of interaction (that is, how one should do this thing called rational critical discourse in the process of stating what is)" while bracketing the genealogies of how such norms came to

be formed and peoples came to embrace or resist them.¹⁹ One aspect of this caveat to liberalism as it engages cultural difference concerns affect.²⁰ Povinelli, in engaging this affective caveat to the idea of norms, notes that such frames constrain the production of public reason and its presentation as merely the operations of rational critical discourse. Instead, she suggests, far from a neutral skyhook within which agreeable norms can be debated, rational critical discourse “is itself a metadiscursive characterization of a social interaction—namely, what type of talk (rational, self-reflective) counts as an instance of public reason.”²¹

While postcolonial liberals aim to introduce and develop a tradition whose “genuinely felt” respect for difference can condition liberalism’s desire for norms of conduct, reason, interaction, and debate, politicians, policy makers, jurists, journalists, novelists, film-makers and others in the settler colony refer not only to a political philosophical tradition but a tradition of concretely governing difference. This latter tradition, I contend, is genealogically linked to a (post)colonial liberalism emergent in the twentieth century, one whose form and structure relied on biopolitical strategies of producing indigenous people as bearers of socio-culturally normative subjecthood. Traversing the sacral and the economic, the familial and the aspirational, this normativization is not extraneous to the present. The chapters that follow trace a partial genealogy of moments when these framers of the public sphere fail to successfully evacuate the legacy of settler colonial policing of norms from their enunciations, as well as a partial history of how these norms were produced and disseminated. One key aspect

of this genealogy relies on the microphysical government of indigenous bodies and the enclosure of colonizing territoriality.

Nomos, Terrapolitics, and Settler Colonialism

This is a study of settler colonial biopolitics, of the form that biopolitics takes in the settler colonial paradigm. It takes Australia as an exemplum for a number of reasons. Some of these are personal. Growing up as a settler and migrant descended Australian, as a whitefella (a *wadjela* as my *Noongar* friends and acquaintances might say, or a *gardiya*, as *Yamatji* friends might also call me), I became personally invested in the new possibilities on the Australian public sphere which were marked by the 2008 Apology, as well as the abiding constraints and elisions that survive this event. Part of this choice also concerns the opportunities that my citizenship and access offered me in terms of undertaking sustained archival and even some occasional ethnographic research. But the partiality of this story might also permit it to have unforeseeable transnational implications. Rather than seeking to write a “history of biopolitics in Australia,” this study aims to unravel the genealogy of some microscopic tendencies emergent from settler colonial biopolitics which suggest specific technologies that repeat and return: ways of thinking about the census, about kinship, and about the logics recalled as settler subjects look at and evaluate indigenous people.

This study aims not only to reveal the tense oscillation between a politics over life and a politics of death which subsisted within colonial spaces, but also to examine the

strange paradox that such a politics of life and death should remain within settler colonial spaces alongside the emergence of (post)colonial liberalism. In the current moment, it is impossible to ignore the influence of Giorgio Agamben from this paradigm, even as many followers of his work have perhaps too readily exported its rich insights across territorialities with their own particularities. As we have seen, Foucault's notion of how life takes shape through governmentality remains elusive. Perhaps, for this reason, Agamben initially turns to reveal why the politicization of life—from the classical moment—has remained bifurcated. He writes:

The Greeks had no single term to express what they mean by the word 'life.' They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: *zoē*, which expressed the simple fact of living common to all living beings (animals, men, or gods), and *bios*, which indicated the form or way of living proper to an individual or group.²²

Without stressing the difficulties of projecting a classical European division between forms of life and its expression as global and transhistorical, this initial distinction remains useful. *Zoē* expresses the immanent vital quality common to bodies across species (and indeed, penetrating the divine), while *bios* stands for the form which life takes, a form given to a selection of sociality or relation that is marked as proper (as distinct from an improper form).²³

Agamben has emerged as the thinker who most emphasizes the persistence of sovereignty into the contemporary moment—albeit in paradoxical form. For Foucault,

death had been the province of the sovereign. But, as Foucault introduced this notion, he also emplaced sovereignty as the site of the production of a subject whose vitality is initially irrelevant: “in relationship with the sovereign, the subject is, by rights, neither alive nor dead.”²⁴ Put another way, the possession of *zoē*, the mere fact of being alive, is a matter of indifference to the sovereign. But the fact of the subject’s relationship to its form of life (*bios*) nonetheless becomes of immediate concern within the sovereign field. As I earlier noted, for Foucault, race can always become a means to reverse the logic of biopolitics from a practice of making live and letting die to a process of state destruction of colonized peoples and societies. But the mode by which the state does away with forms of *bios* which exceed, challenge, and threaten its norms are diverse.

For Agamben, under modernity, state killing happens as the result of a return of the repressed form of Western sacral practice after the increasing secularization of the enlightenment.²⁵ Drawing from the ancient Roman concept of *homo sacer*, Agamben generalizes the logic of sacrifice in antiquity from a text of Pompeius Festus: “The sacred man is the one whom people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide . . . this is why it is customary for a bad or impure man to be called sacred.”²⁶ The ancient figure of *homo sacer* is a figure who, as a result of transgression, has ceded his right to life and abrogated the inviolability of his *zoē*. In doing so, Agamben argues, he becomes *bare life*, reduced to *zoē*; as such *homo sacer* is removed from the *bios* of the polity and considered a being whose vital existence subsists in the mere fact of being alive, without political agency or political content. Within the *bios* of ancient Rome, the impurity of this figure

left him neither worthy of consecrated sacrifice nor of the citizenship that would immunize him from the violence of the populace. *Homo Sacer* becomes, then, killable, but not sacrificable.²⁷

In the modern moment, subjects of racial difference become, for Agamben, a strange form of *homo sacer*. Considered aberrant and impure not as a result of a transgression but in light of the pathological lens through which racial difference was viewed, these others suffer the threat that their lives be rendered “unworthy to be lived” along with the abnormal elements of the European polity: the mad, sick, and disabled.²⁸ Where this figure of *homo sacer* remained marginal in Agamben’s depiction of the political ecology of classical Europe, Agamben detects the centrality of *bare life* to the founding of political orders. While *homo sacer* becomes bare life—*zoē* without inclusion in the polity (*bios*), nonetheless, this figure is not extraneous to, but, in fact central to the making of the political community of a state, particularly under modernity:

[T]he decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested.²⁹

In order to cleanse the vital aggregates of the dominant, “other” forms of life are evacuated from the *bios* of the nation and become *bare life*, alive only in the brute sense,

deserving only death. The modern political sphere of law cannot evacuate a logic of sovereignty whose primary focus is decision on who belongs through categories of citizenship and immunity. While it is supposed within liberal democracy to be diminutive, for Agamben, such political practice retains its foundational reliance on deciding who belongs, who is included in the polity, who has *bios* that does not simply coincide with *zoē*, and, at the extreme, who should live and who should die. Within this notion, the most marginal become foundational to the cultivation of the polity, even as they are subject to its most brutal violence and sustained exclusion. This notion that a minority is central to the quasi-sacred meaning of the life of the nation resounds in the archives of the settler colony. The economic maximization of utility sought by the bankers of New South Wales relied on the targeting of a minority of the population: Aboriginal people and non-European migrants. At key junctures in this study, I zone in on the moments when a small handful of individuals become the most crucial figures of unease for the Western Australian Aborigines Department in its efforts to normativize the population; for instance, Aboriginal people married to non-European migrants were produced as just such feared figures. Here I will remain with more theoretical concerns which frame such figures.

What Achille Mbembe calls necropolitics marks the most cogent theorization of the uses of this politics of life and death in colonial, late colonial, and even postcolonial or (post)colonial spaces. For Mbembe, the condition of inclusion in the polity of a modern society has, since Hegel, relied on a mode of *bios* that insists on the full possession of *logos* in the subject and the historical denial of this *logos* to the non-

Western subject.³⁰ Mbembe sustainedly develops a theory of the deathly subjection of the lives of colonized people that may or may not be literally or immediately taken up by the colonialist state-formation:

The most original feature of this terror formation is its concatenation of biopower, the state of exception, and the state of siege. Crucial to this concatenation is, once again, race. In fact, in most instances, the selection of races, the prohibition of mixed marriages, forced sterilization, even the extermination of vanquished peoples are to find their first testing ground in the colonial world. Here we see the first syntheses between massacre and bureaucracy, that incarnation of Western rationality.³¹

In this situation, though the non-Western subject is not always literally or immediately put to death, his or her right to the protections of the state are given away within a state of siege that withers the capacity to be, speak, and resist or maintain civil society. Writing of slavery, Mbembe identifies the way:

in the context of the plantation, the humanity of the slave appears as the perfect figure of a shadow. Indeed, the slave condition results from a triple loss: loss of a “home,” loss of rights over his or her body, and loss of political status. . . . As an instrument of labor, the slave has a price. As a property, he or she has a value. His or her labor is needed and used. The slave is therefore kept alive but in a *state of injury*, in a phantom- like world of horrors and intense cruelty and profanity. The violent tenor of the slave’s life is manifested through the overseer’s disposition to

behave in a cruel and intemperate manner and in the spectacle of pain inflicted on the slave's body. Violence, here, becomes an element in manners, like whipping or taking of the slave's life itself: an act of caprice and pure destruction aimed at instilling terror. Slave life, in many ways, is a form of death-in-life.³²

Mbembe's model is more nuanced than Agamben's for the colonial context in which the present study is situated. This is particularly so since Mbembe accounts for the way those subjected to the denial of *bios*, inclusion in the polity, and status as inhuman are made so. As Mbembe points out, the condition of the slave, subject to this triple loss, is produced as a body whose only accounting is economic and whose instrumentality sees his or herself produced in the status of "death-in-life;" we might generalize this condition to also include the Indian and Chinese so-called "coolie" indentured servants distributed around the British Empire after the abolitionist successes of 1807 and 1833, as well as indigenous peoples compelled to labor for subsistence rations and wages held in trust for their continued state management. I also take a cue from Mbembe's attention to the eugenic measures evolved under colonialism, not only the specter of occasional sterilization, but also and more fully, the regulation of marriage including, though not exclusive to "the prohibition to mixed marriages." In the Australian context, as I emphasize in the next chapter and return to throughout the study, one also must take into account the sanctioning of certain mixed marriages and the prohibition of others derived from a very peculiar and exceptional taxonomy of race. Here I spend much time elaborating the specific thanatopolitical and necropolitical conditions to which Indigenous people were subjected in twentieth century Australia.

In accounting for the insights of Agamben, Esposito, Stoler, Mbembe, Povinelli, Scott, and others in the analysis of the management of life, death and birth in the settler colony, I have developed a particular nomenclature. By settler colonial biopolitics, I mean the general form of this distribution of the protection and negation of life in the spatial and temporal territoriality I have used as my exemplum: Australia from the late nineteenth century to the 1970s. While the terms thanatopolitics (used predominantly by European elaborators of Foucault) and necropolitics (coined by Mbembe), were both available to me and both possessed their own values, emphases, limits, and vicissitudes, I have chosen to return to their etymologies in order to retain some precision. Mbembe better accounts for the condition of death-in-life that describes colonial biopolitical situations wherein literal state killing is either sporadic or absent. But Mbembe also aims to include practices of eugenics within a logic of death alone. Agamben and Esposito too readily generalize from the European politics of race and death apotheosized in Nazi state killing. I do not contest the saliency of either term in the uses to which they are put by any of these thinkers, to whose insights I am greatly indebted. Instead, I have developed a nomenclature that functions well in the settler colonial context, its (post)colonial turn, and the Australian exemplum I have focused upon most particularly. This nomenclature will no doubt be attended by its own emphases and blindnesses, though it might also be useful for scholars concerned with the governmentality that imposed itself on comparable indigenous populations in the Fourth World, particularly the United States, Canada, and Aotearoa New Zealand. My focus on one “national” exemplum, then, is not an attempt to reify the sovereignty of the (post)settler colonial nation-state we call Australia. Rather, I follow Partha Chatterjee in his contention that a too hasty turn to the transnational,

without attention to the complex modes of internal colonialism that occupy the formation of a given (post)colonial national sovereignty may risk obscuring and indeed eliding complexities which might ultimately inform a more critical analysis of transnational and comparative aspects of subjection. My study aims to ground itself in this journey into the heart of a “politics of the governed” bounded loosely within a territory identified with a single national sovereignty. “The journey,” Chatterjee asserts,

that might take us beyond the nation must first pass through the currently disturbed zones within the nation-state, and that in fact a more satisfactory resolution of the problems within could give us some of the theoretical instruments we are looking for to tackle the questions beyond.³³

By proceeding into the distribution of life and death surrounding an indigenous population in one settler colonial nation, I want to mark the beginning and not the end of a critical itinerary for myself and others.

The etymological distinction between *necros* and *thanatos* is a necessary one in dividing state sovereignty over life and death in the settler colony. Within a nineteenth century necropolitical imaginary, indigenous peoples were often imagined as already vanishing, doomed, and subject to extinction. However, simultaneous sovereign measures were put in play to “ease the passing” of this population or, alternatively, to thanatopolitically intensify the deathly disappearance of the indigenous other. In the Oxford English Dictionary, *necro-* is listed as a combining form, designating any word “relating to a corpse or death” and derives from the Greek *nekros*: “corpse.”³⁴ The

retention of the morpheme *thanatos* is derived from the Greek for “death.”³⁵ By necropolitics, then, I refer to the understanding of death in native administration as it was attended by the idea of indigenous extinction. Where indigenous peoples were understood to be inevitably on the path to extinction, this myth of the already dead marked indigenous peoples and the framing of the politics of death that surrounded them—an idea indexed by the etymology of *nekros*. By thanatopolitics, I mean to designate the specific moments when the colonial biopolitical distribution turns to the negation of life. Thanatopolitics, then, is a term I use broadly as the designator for the deathly and, at times, genocidal reversal of biopolitics. Necropolitics, within my nomenclature, then, is a species of thanatopolitics, as is also what I term natal-thanatopolitics. In the next chapter, I describe and elaborate this term, natal-thanatopolitics, which explicitly emphasizes the regulation of the carnal and the removal of children as a means to implement a project of eugenic regulation that avoided literal killing; this natal-thanatopolitics was allied with state enunciations of genocidal intent, and many of its technologies and practices continued even after the withering of such enunciations. As such, natal-thanatopolitics and thanatopolitics itself are mobile concepts irreducible to genocide even as they include it. The juridicalization of the concept of genocide binds it to the idea of intent to kill. In Chapter 3, I spent much time implicitly parsing the necessity of this broader category of thanatopolitics. Where genocide relies on intent to establish culpability, it risks eliding the seriousness of structural projects of dispossession, domination, and destruction. As such, genocide must be annexed to a wider biopolitical analysis of the way peoples are made to live in certain ways and the occasions when they are killed or allowed to fragment and even die.

Finally, as Povinelli's recent work shows, indigenous peoples endure all the more insidious modes of doing away with their form of life. As Povinelli puts it:

What Foucault did not discuss was that neoliberalism transformed an older liberal governance of life and death. Neoliberalism has not merely mimicked the move from *faire mourir ou laisser vivre* to '*faire*' *vivre et laisser 'mourir*.' It has resuscitated *faire mourir* into its typology of *faire vivre* and *laisser mourir*, even as the more dominant powers of making live and letting die have changed the techniques of state killing. Any form of life that could not produce values according to a market logic would not merely be allowed to die, but, in situations in which the security of the market (and since the market was now the *raison d'être* of the state, the state) seemed at stake, ferreted out, and strangled.³⁶

Even as self-determination and anti-colonial movements have had a significant effect in transforming the way indigenous peoples are governed in (post)settler colonial nation states, new modes of making die subsist. These modes attend most significantly on what Foucault gestured to in his reference to "kill[ing] civilizations" as a key aspect of colonizing genocide.

In order to delineate the emergence of this newer mode of committing a form of *bios* to the past, it is necessary to grapple with the mode of settler colonial biopolitics which is retained after the most intense form of natal-thanatopolitics has been disavowed by state power, if not entirely defeated in practice. For instance, Indigenous children are still disproportionately removed from their families in Australia, despite the

recommendations of the 1997 *Bringing Them Home Report*. After the Second World War, ideas about eugenics could hardly be spoken aloud in the liberal democratic world. Nonetheless, we must take seriously other forms of immunitary normativization which were retained in the post-war period among settler colonies. The collective social life of indigenous peoples which constitute their system of land tenure (Country) and collectivity was subject to an intense normativization even after the war. Further, the removal of children and powers of marriage regulation were each retained to accomplish this goal despite the muting of any potentially eugenic or genocidal enunciation of justification for these technologies and practices. For the purposes of this theoretical schematic, it is crucial to ask how the endurance of the indigenous mode of life can be articulated in relation to this discussion of its attempted natal-thanatopolitical destruction and its assimilationist normativization. How is the alterity of indigenous land and law conceived outside the settler colonial *nomos*? According to what mode does the indigenous mode of belonging subsist, with its lines of kin and Country, its consanguinal, affinal, totemic, and other modes of organizing the social relations within which people belong? How, in other words, are we to envisage the mode of law and the mode of life of subjects who are emplaced outside the settler colonial production of law (*nomos*) and absented in the position of mere life (*zoe*) to the exterior of the settler colonial logic of proper life (*bios*)?

Beyond the treatment of bare life in the colonial context, a treatment of the biopolitics of the settler colony necessitates certain further caveats for the dominant treatment of biopolitics in the anglo-American academy, represented most of all by

followers of Agamben. This caveat concerns the understanding of law (*nomos*) in Agamben's thought and the blindnesses his treatment entails. Succinctly put, this caveat runs as follows: *nomos* is not simply a system of precedent, nor a sphere which can be fully accounted for by the postulate of the state of exception within this system, containing and contained by the sovereign.³⁷ *Nomos* is no doubt given through a state of exception but also through a conception of the earth and its territorial distribution. It is necessary to work slowly backwards through Agamben's uses of the work of Carl Schmitt, and through the vicissitudes of Schmitt's own thought, in order to draw out the implications of this thesis.

As is now much remarked, Schmitt defined the sovereign as "he who decides on the state of exception."³⁸ Sovereignty is the expression of the function by which a figure of authority decides that the law might be suspended. This figure includes not only an executive but also, say, a judge. The executive decides that a situation of peril is of an extreme to warrant the suspension of law and the protection of the populace through (for instance) emergency powers. The judge decides that the norms of law derived from precedent do not apply in a case: that something new has happened. The sovereign, Schmitt insists:

decides whether there is an extreme emergency as well as what must be done to eliminate it. Although he stands outside the normally valid legal system, he nevertheless belongs to it, for it is he who must decide whether the constitution needs to be suspended in its entirety.³⁹

For Schmitt, reflecting on Weimar constitutionalism, the liberal understanding of law appeared intrinsically bound to the inclusion of its own capacity for suspension. As a general principle, liberalism is never a machinic inscription of legal norm and precedent. Rather than this nineteenth century legal positivism (which Schmitt despised), the function of such a legal machinery always relies on the immanent inscription of a decision with the power to instantly transform, remodulate, and—at its extreme—suspend the law *in toto*.⁴⁰ While this limit case of the legal norm is often obscure, Schmitt insists that it remains immanent even as it only comes to full relief in moments of emergency: “[u]nlike the normal situation, when the autonomous moment of the decision recedes to a minimum, the norm is destroyed in the exception. The exception remains, nevertheless, accessible to jurisprudence.”⁴¹ The moebian condition of included exclusion of force from law and the inverse of this logic has been Agamben’s focus in his elaboration of Schmitt.

For Agamben, the logic of sovereignty derived from Schmitt becomes a way to formalize the threat of violence and the suspension of law that subsists within liberal constitutional frameworks. Where Schmitt prescribed the reverence for sovereignty as a means to unite the polity, Agamben takes up his position as a cautionary caveat to liberal constitutionalism’s management of violence, exclusion, and norm. Ultimately, Agamben offers a vision of law that cannot extricate itself from the included exclusion of force in law (*nomos*); law enters a dialectical relation with the sovereign violence that simultaneously founds and threatens it. A representative instance of this in Agamben’s phrasing suffices to parse his treatment of the question:

Law is made of nothing but what it manages to capture inside itself through the inclusive exclusion of the *exceptio* . . . The sovereign decision traces and from time to time renews this threshold of indistinction between outside and inside, exclusion and inclusion, *nomos* and *physis*, in which life is originarily excepted in law. Its decision is the position of an undecidable.⁴²

Agamben's cross mapping of the Schmittian and Foucaultian logics of sovereignty has given much substance to the recognition of its continued role in defining the borders of proper and improper life, *bios* and *zoē*, the *polity* and the merely living figure of *homo sacer*.⁴³ There remains a series of significant *caveats* in regard to the extrapolation of this critique of liberalism and its correlative biopolitical operations to situations of colonial, postcolonial, and most centrally (post)settler colonial territorialities. These caveats circulate around the elision of the role of territoriality covered over by Agamben's formalist conception of *nomos*.

While Schmitt defined sovereignty in terms of exception, particularly in his work during the Weimar period, his related notion of law became significantly nuanced in his post-war work on international politics. In *Political Theology*, Schmitt attacks the positivist tradition in German jurisprudence, which risks reducing law to merely the machinal operations of precedent. Yet until his 1950 book *The Nomos of the Earth*, Schmitt does not delineate an alternative view of the specific *nomos* given between the norms of law and the violence of the sovereign. In the latter text however, Schmitt describes law as the distribution of order and ordering in concretely spatial terms.⁴⁴ *Nomos*, for Schmitt, is not merely the establishing of order and protection by the

sovereign, but also its founding in a specific spatial orientation. The first moment of the establishment of law and of the territoriality which founds the sovereign order arises, for Schmitt, in the act of land appropriation:

Either a parcel of land is extracted from a space that until then had been considered *free*, i.e. having no owner or master recognized by the foreign law of the land-appropriating group, or a parcel of land is extracted from a formerly recognized owner and master, and thereby becomes the property of the new owner and master . . . In every case, land-appropriation, both internally and externally, is the primary legal title that underlies all subsequent law.⁴⁵

Any scholar of settler colonialism will immediately recognize the specter of the British Imperial doctrine of *terra nullius*—the idea that colonial spaces were unoccupied—in Schmitt’s descriptive account. Before directly addressing this palpable connection, I want to remain momentarily with precisely the way the thought of land appropriation and spatial territoriality is central to Schmitt’s conception of *nomos* and, indeed, sovereignty. This is particularly necessary, since Agamben’s formalization of *nomos* paints over the need to think spatial orientation as central to both Schmitt’s thought and a critical assessment of the biopolitical contours of settler colonialism—as useful as Agamben’s emphases may be in critiquing such paradigms as Nazism or the retention of sovereign exceptionalism in such glaring instances of neoimperialism as Guantanamo Bay.

It is no accident that Schmitt spills much ink analyzing precisely the international legal principles which arouse from debates in Catholic jurisprudence over the

justification of the conquest of the New World, for instance in the writings of Francisco Vitoria, or the debates between Bartolomeo de las Casas and Sepulveda.⁴⁶ Schmitt takes thoroughly seriously the degree to which modern international law, the concept of just war, and the economic norms which attend either were established in no small part through the justificatory principles emergent from the age of “discovery,” conquest, and colonialism spanning the last five hundred years. Land appropriation, which Schmitt describes through the logic of both naming and economically enclosing as *landnahme*, does not merely conquer and acquire, it also aims to distribute and divide, founding law on European norms of property and possession. If law (*nomos*) is a norm, it is so in relation to a concrete spatial orientation. Schmitt puts this clearly and forcefully, when he writes:

Not to lose the decisive connection between order and orientation, one should not translate *nomos* as law (in German, *Gesetz*), regulation, norm, or any similar expression. *Nomos* comes from *nemein*—a [Greek] word that means both ‘to divide’ and ‘to pasture.’ Thus *nomos* is the immediate form in which the political and social order of a people becomes spatially visible---the initial measure and division of a pasture-land, i. e., the land-appropriation as well as the concrete order contained in it and following from it . . . *Nomos* is the *measure* by which land in a particular order is divided and situated; it is also the form of political, social, and religious order determined by this process.⁴⁷

Here *nomos* is connected to the very social, sacral, and economic form that founds law.

Sovereignty, as a condition for law’s suspension, is indeed immanent in the system that is

built on this edifice. But its specific form cannot be rendered entirely formalistic without an occlusion of the plurality of forms of sovereign exception, biopolitical management, and thanatopolitical turn to violence. As Agamben at one point puts it:

‘[t]he ordering of space’ that is, according to Schmitt, constitutive of the sovereign *nomos* is therefore not only a ‘taking of land’ (*landnahme*)---the determination of a juridical and a territorial ordering . . . but above all a ‘taking of the outside,’ an exception (*Ausnahme*).⁴⁸

Agamben is quite right that every taking of land and its consequent *nomos* produces exclusions, suspensions, and the reduction of the colonized to bare life. Thus “the *nomos* of the earth always implies a zone that is excluded from law . . . in which the sovereign power no longer knows the limits fixed by the *nomos* of the territorial order.”⁴⁹ However, Agamben moves this observation from a useful emphasis to a dogma when he writes: “The state of exception is thus not so much a spatiotemporal suspension as a complex topological figure in which not only the exception and the rule but also the state of nature and law, outside and inside, pass through one another.”⁵⁰ Agamben’s reading of Schmitt overemphasizes the centrality of *ausnahme* and, in evacuating the significance of *landnahme* from the conception of the *nomos*, risks obscuring other forms of subjection and domination which are readily apparent in the settler colony. These forms of subjection are defined most in the general epistemology of space and possession which defines the settler colonial order and marginalizes the durative indigenous modes of conceiving land, property, and space. The census of Aboriginal people, as we saw, certainly used race to divide its subjects into the exceptional spaces of exclusion and

regulation in which they subsisted: supervised camps or “half-castes,” reserves for “tribalized” Aborigines, and frequently “full bloods.” Further, defined both as British citizens and subject to exceptional regulation as “Natives,” the legal status of Indigenous people in Australia can be read through Agamben’s useful notion of the included exclusion. Agamben, in emphasizing the conditions for the most extreme suspension of *bios* and the reduction to bare life in the logic of the camp, risks obscuring the way colonized peoples (for instance) can be culturally, socially, and economically undermined, fragmented, and destroyed by the sense of *Nomos* as “the *measure* by which land in a particular order is divided and situated.” Insofar as *nomos* “is also the form of political, social, and religious order determined by this process” the colonizing form of this order aims to destroy the indigenous logic of political, social, and religious order which is central to its autonomy and endurance. To be sure, this often lands the colonized in camps. Nonetheless, it remains a form of dispossession even when this is not the case, or not only in the form of the camp.

A certain formalization and ubiquitization of this mode of power is precisely what Agamben moves toward in his thesis that the concentration camp is the paradigm of the modern, the principle form by which people are made subjects and excluded from the realm of *bios*. Agamben, accepting the centrality of *landnahme* to Schmitt’s conception of sovereignty and law nonetheless subtly and gradually evacuates it in order to posit the camp as the singular paradigm of the modern:

The term *Landnahme* (land-appropriation), used here to describe a process of order and orientation . . . is in some way also a division and distribution of the

seized land. But the division is only a consequence of land-appropriation; it is the effluence and effect of the radical title established externally and internally by land appropriation.⁵¹

Radical title, in the English tradition, meant the ultimately ownership of all land by the crown and, in this way connects sovereign power not only to the capacity to suspend law, but also to the capacity to determine the proper means of deriving private possessions from Commonwealth in the sense given form by John Locke in his *Second Treatise of Government*.⁵²

In connecting the body to property, Roberto Esposito brings out the immunitary structure that connects biopolitics to the *nomos* of the Earth. In so far as property acts as one mode by which individuals are immunized from a sustained obligation to community, Locke marks the figure most central to the thought of property. Esposito's reading of Locke links the emergence of modern conceptions of enclosed individual property to the very condition of embodiment. For Locke, property is defined in and alongside the tension between being and having a body. As Esposito puts it:

The body is the primary site of property because it is the location of the first property, which is to say what each person holds over himself . . . It is in this exchange—together both a splitting and a doubling—between being (a body) and having one's own body that the Lockean individual finds its logical and juridical foundation for each successive appropriation.⁵³

In this formation, the capacity to autonomously own one's own body is the rehearsal and precondition of the capacity to carve individual property out of what is originally held in common and, in the English theologico-economic conception, the ultimate radical title of the sovereign and of the monotheistic God whom the sovereign represents. Esposito elaborates further:

The exclusion of someone else cannot be established except as part of the consequential chain that originated in the metaphysical assumption of bodily inclusion. Property is implicit in the work that modifies what is naturally given as work, which in turn is included in the body of the person who performs it. Just as work is an extension of the body, so is property an extension of work, a sort of prosthesis that through the operation of the arm connects it to the body as part of the same vital segment; not only because property is necessary to materially support life, but because it is directed to corporeal formation.⁵⁴

In Esposito's reading, the immunitary paradigm of the West links property and the body in the *nomos* of the earth. As Western powers were terraforming their colonial possessions and exporting their economic, religious, and social norms, the *nomos* of the colonized came under constant attack.

Opposed to this, of course, is any other economic conception, grounded in alternate theologies. It is the indigenous subject ("the Indian") whom Locke designates as lacking in the *logos* of property in the body.⁵⁵ For Locke, though "the Indian" is as capable of extracting properties from commonwealth as a European subject, it is an

absence of enclosed land, the (perceived) absence of an exchange economy, and the reduction of division of labor to nature, which disqualify “the Indian” from alienable land ownership. Despite the recognition that the Indian can place his labor on a natural being and render it property, nonetheless the new world becomes, “the wild woods and uncultivated waste of America left to Nature, without any improvement, tillage or husbandry,” such that the maximum productivity (as Locke sees it) of a tract of land is not attained.⁵⁶ The indigenous subject and the *nomos* of the New World similarly become, for Locke, the body and space of “wastefulness” given by the absence of enclosure and individuation of what is properly one’s own. The very *nomos* of the indigenous subject in the imaginary of the enlightenment is construed as without property. Yet some critics in the biopolitical tradition have aimed to rethink this inheritance, taking seriously the recent recognition of Native Title and other forms of land and water rights. Morgan Brigg, for instance, distinguishes between, on the one hand the Western emphasis on the centrality of the body with its concomitant insistence on the sovereignty of the speaking subject and, on the other, the *terrapolitics* of indigenous subjects. He writes:

[T]he Western tradition emphasises a magical investment that excises the *logos* from the voice in the human, [whereas] Australian Aboriginal traditions emphasise magical investments that locate ancestors in land. This generates Country and brings people into existence in a sentient landscape that is the medium for transmitting political and social order. Land, thereby, fuses being and political relations. Existence is profoundly relational: 'life' is embedded in other people, entities and the landscape rather than concentrated in individual figures

like the self and the sovereign. To construe this distinction, Aboriginal political ontology can be termed *terrapolitical* in contrast with the Western and biopolitical.⁵⁷

Further, Brigg insists that notwithstanding biopolitical domination and the globalizing of the Western *nomos* of the Earth, Aboriginal traditions, while subject to change, have maintained the continuity of terrapolitical conceptions which orient an ontology in which tenure and property makes land (and not the body) primary:

biopolitical dominance is the main story of Settler–Indigenous political relations and Australian Settler-Colonial governance, but it is also accompanied by a story of Aboriginal survival, including survival of Aboriginal political ontology. Aboriginal cultural values persist despite massive change. Skillful adaptation to Settler circumstances can be . . . a way of protecting rather than denying or abandoning Aboriginality.⁵⁸

Indigenous peoples in Australia have survived and endured the withering of their customary systems of law, belonging, and tenure in the face of the imposition of a colonizing *nomos*. As Povinelli notes, the tense by which we narrate such endurance, says much about our attitude to the ethical substance of indigenous claims and, I would add, the descriptive precision through which we become aware of precisely what indigenous subjects are up against when they assert their survival in attempts at state recognition. While it is significant to recognize the presence (in both its ontological and grammatical sense) of indigenous modes of kinship, identification, and collective belonging, and their

instantiation in terrapolitical ways of being on and maintaining custodial tenure over land, it is also important to narrate this presence in a mode that recognizes the considerable challenges indigenous political ontologies face given the subsistence of a settler colonial sovereignty, vested in radical title, the *nomos* of which is being both transformed (and yet maintained) by (and despite) its recognition of indigenous tenure. I want to mark this tension through a description of several eventful moments in the history of the colonial *nomos* and indigenous challenges to it.

The first major litigation on Aboriginal land rights in Australia took shape in the 1960s when the Yolngu people petitioned the Australian Commonwealth with a document—written on bark and in traditional iconography—to avert the course of a Bauxite mining lease granted over the Gove Peninsula, a part of their traditional land. In 1968, the Yolngu and their legal and anthropological representatives took the case to the Supreme Court of the Northern Territory. The eventfulness of this decision is doubled, since Justice Blackburn’s ruling upheld the doctrine of *terra nullius*, yet the decision also established certain contours of precedent. Blackburn recognized “a subtle and elaborate system of social rules and customs which was highly adapted to the country in which the people lived and which provided a stable order of society.”⁵⁹ The Yolgnu social system was explicitly recognized as having law. Yet the *nomos* of Yolngu terrapolitics was questioned by Blackburn as it regarded proprietary possession. Blackburn’s decision excluded the communal form of ownership of land he identified with each individual clan among the language group; communal title was excluded in the case from recognition in the *nomos* of English common law. Dismissing the Commonwealth counsel’s claim that

law should be vested in the written word, Blackburn acknowledge that an orally vested society could certainly hold proprietary interest. Nonetheless, he asserted: “I think that property, in its many forms generally implies the right to use or enjoy, the right to exclude others, and the right to alienate” and he concluded, “by this standard I do not think that I can characterize the relationship of the clan to the land as proprietary.”⁶⁰ The problem, for Blackburne, was that “the clan’s right to exclude others is not apparent.”⁶¹ The fact that clans in the wider Yolngu society did not value the right to exclude other clans from their lands was sufficient for Blackburn to render the Yolngu system of property alien, incompatible, and undeserving of recognition by the legal *nomos* of the settler colony. The *nomos* of radical title then, emerges simultaneously from the insistence that all systems of ownership conform to its strictures and, particularly, in relation to the right of alienation. Alternative conceptions of custodianship as proprietary were similarly excluded by Blackburne, who wrote:

[t]hat the clan has a duty to the land—to care for it—is another matter. This is not without parallels in our law, which sometimes imposes duties of such a kind on a proprietor. But this resemblance is not, or at any rate is only in a very slight degree, an indication of a proprietary interest.⁶²

The point that should be stressed here is that what excludes recognition is not the rejection of any system of law or possession, but a perceived absence of “resemblance” and “parallel” with the tradition central to the sovereign colonizing conception of law. The *nomos* of the Earth established through English common law in the settler colony at first recognized only that which adequately resembled its own conception of property. As

such, recognition models of land rights eschew sovereignty and maintain the sovereignty of the colonizer, even as a new *nomos* no doubt emerges from the in-between space between two cultures.

The doctrine of *terra nullius* was not overturned until the monumental event of the Mabo decision in 1992. In that instance, the full panel of the High Court of Australia ruled both that the people of the Murray Islands had a system of land tenure that was not automatically extinguished by the *nomos* of radical title established at the moment of conquest. One significant aspect of the system established in the wake of Mabo is that since radical title was maintained by the judgement, subsequent recognition of native title is established on the analogy of the extraction of property from the commons given in the conception of radical title. I quote the relevant text of the judgement at length:

The notion of radical title enabled the Crown to become Paramount Lord of all who hold a tenure granted by the Crown and to become absolute beneficial owner of unalienated land required for the Crown's purposes. But it is not a corollary of the Crown's acquisition of a radical title to land in an occupied territory that the Crown acquired absolute beneficial ownership of that land to the exclusion of the indigenous inhabitants. If the land were desert and uninhabited, truly a *terra nullius*, the Crown would take an absolute beneficial title (an allodial title) to the land . . . there would be no other proprietor. But if the land were occupied by the indigenous inhabitants and their rights and interests in the land are recognized by the common law, the radical title which is acquired with the acquisition of sovereignty cannot itself be taken to confer an absolute beneficial title to the

occupied land. Nor is it necessary to the structure of our legal system to refuse recognition to the rights and interests in land of the indigenous inhabitants . . . The English legal system accommodated the recognition of rights and interests derived from occupation of land in a territory over which sovereignty was acquired by conquest without the necessity of a Crown grant.⁶³

Given the recognition of indigenous possession of land, in this passage, *terra nullius* is overturned and native title is recognized. Yet it is precisely this process of recognition that is established in the judgement. Native title does not establish sovereignty, but rather, a precedent for the recognition of proprietary forms which can be derived within Crown land whose claim to possession is radical title.

Having said all this, my emphasis in this study is more on the biopolitics by which indigenous life was constrained and attacked than the terrapolitics which nonetheless survived these assaults. Even so, as settler colonial biopolitics moves away from an openly thanatopolitical project to a process of sociocultural normativization, governmentality targets indigenous *bios* not only by reducing indigenous people to bare life and essentializing cultural modes (though it does both these things). It also operates through a sustained attempt to transform this indigenous collectivity through economic and sacral means, which aim at the fragmentation of terrapolitics and the imposition of norms, the ur-moment of this process can be located in Locke.

Chapter 2

Breaks and Transmissions:

Temporalities of Biopolitics in Australia 1896-1963

As the episode of the New South Wales Bank's report on population emphasizes, in twentieth century Australia—with biopolitics intensifying from the Commonwealth census (1901)—the state aimed at regularizing the settler population at the service of the vital and commercial wealth of the state. That we found it filed away in a folder of census documents in the Western Australian Aborigines Department archive reveals something further. As we saw, “race decay” marked a concern within this macroscopic survey. But how was the outcome of the nation's regularization at the level of population connected with the concrete tactics of discipline and biopower deployed at the level of the individual lives of Aboriginal people? Time is a crucial factor here.

Here, I describe how two forms of governmental power over indigenous people—absorption and assimilation—were respectively framed as policies; I further describe how apparatuses of discipline and biopower emerged and were applied to Aboriginal subjects within and across these two policy articulations. As I do so, it will become clear that while absorption and assimilation were marked by divergent discursive formations—the one openly eugenic and embracing the rhetoric of race—the other insisting on liberal egalitarianism and the rhetoric of humanism, nonetheless, this break occurs only at the discursive level and not at the level of the application of power to Indigenous subjects. As manifest ideas about Aboriginal “destiny” and its place within the population were

coming under revision, each of these forms of the settler colonial biopolitical regime retained continuous techniques at the level of the anatomo-physical. With respect to the apparatus of biopolitics directed toward Aboriginal people in twentieth century Australia, even as a shift took place in the projection of normalization toward a regularized telos, the apparatus which produced this teleology retained the same panoply of measures, technologies, and institutional practices. These, as we shall see, included sovereignty over native marriage, the removal of children of mixed descent, and the granting of exemptions from native status under Aborigines legislation.

Settler colonial biopolitics has a chronotope, as does its reversal into death, disappearance (*thanatos*), or the presumption that the other is already passing away, imagined as always already a corpse (*necros*). As framers surveyed the indigenous population, they found their previous assumptions that Aboriginal people were passing away in this imaginary necropolitical malaise increasingly untenable. The recognition of a rising population of people of mixed descent challenged dubious assumptions of indigenous extinction. A biopolitical field developed primarily around the eugenic control of Aboriginal birth, a necropolitics countenanced by a natal-thanatopolitics. As I have already maintained, this twin logic of death manifested an attempt to, in Neville's words, "eventually forget that there ever were any Aborigines in Australia." Paying attention to this temporality of the *eventual* within the politics of death, disappearance, and imagined "extinction" is instructive. Except in the case of directed, immediate, acts of genocide and mass-killing, such eugenic processes of necropolitical imagination and thanatopolitical power surge up in the directive efforts of policy framers as projects directed toward the future. As Allison Bashford points out: "the blood lines Foucault was

interested in were largely about preserving the pure past[,] [e]ugenic culture and its public health expressions problematised the sexual and racial connection between the present generation and its progeny—one, two, one hundred generations into the future.”¹ While such efforts to eugenically breed out, “forget,” and otherwise absent the indigenous body from the state’s biocultural aggregate are despicable, it is also necessary to observe the maintenance of the concrete applications of disciplinary power and biopower which subsist even after these enunciations have become illegitimate, the language of race and colour has been elided or underplayed, and the normalization of the indigenous body turns from race to culture. This chapter traces a shift in the aims of regularization and the maintenance of technologies of discipline and biopower. This maintenance traverses a break from an intense natal-necropolitics which makes its *telos* absorption (as forgetting) to a more general disciplinary biopolitics which makes its *telos* assimilation. This is the crucial crux in the temporality of settler colonial biopolitics: while the projected telos shifts in the middle of the twentieth century, the operations of discipline remain in place.

As Patrick Wolfe has observed, unlike those colonies more fully premised on the extraction of surplus value from native labour, “settler colonies were (are) premised on the elimination of native societies;”² the settler colony is premised on a logic of elimination.³ Through the nineteenth century, much of frontier contact in Australia between Aboriginal people and settlers had led to settler violence of the Imperial pacificationist mode.⁴ At times, this settler killing bore the signature of the state, at others it did not, or even bore the repudiation of charitable societies at the Imperial center.⁵ Similarly, residual elements of earlier colonial power remain with the emergence of

settler colonial biopolitics and the Foucaultian reversal of the power over life. While in the twentieth century, frontier violence against Aboriginal people was rare and largely repudiated, there remained instances of the practice. In Western Australia, for instance, punitive frontier massacres took place as late as the Forrest River incident of 1926 where “the bodies of 20 or more” murdered Aborigines were “burned” in an act of “‘revenge’ for the fatal spearing of one European.”⁶ One contemporary commentator broke his silence on the matter half a century later and noted that such attacks were understood by reference to the “generally accepted principle” that

Aborigines had to be kept in their place. Even a government officer, a Protector of Aborigines, who had contributed to the costs arising from [the] punitive expedition [at Forrest River] in 1926, explained that Aborigines had to be given a lesson from time to time.⁷

Yet the twentieth century would predominantly see a shift in the colonizing policy of the new settler nation. Much of this shift circulated around competing claims based on emerging knowledge about the demography of the newly Federated colonies; as well as the semantic valence of the resilient Aboriginal population. This shift in demographic modeling led to, at once, a politics of miscegenation, its regulation, and a regime of surveillance, marriage regulation, and child removal through which it was implemented.

In 1896, reflecting on his observations as part of the Horn Scientific Expedition, the biologist and influential contributor to early Australian ethnography Walter Baldwin Spencer wrote that “[i]n contact with the white man the aborigine is doomed to disappear.”⁸ Seventeen years later, in his *Preliminary Report on the Aborigines of the Northern Territory*, Spencer would be one of the first to note a countervailing tendency in

the demography of Aborigines, the increasing number of people of mixed descent. “The question of half-castes,” he wrote, “is a somewhat difficult one to deal with . . . it is sincerely to be hoped that as the country becomes more populated, the proportionate number will become less.”⁹ After increased investigation into the question of Aboriginal population, particularly in remote areas of the Commonwealth like the Northern Territory, with its small and precarious white population, it became clear by the 1920s that the population of people of Aboriginal descent was in fact increasing.¹⁰ The demographic revelation that the “half caste” population was increasing confounded and complicated the doomed race assumption. The absence of census data drawn from the “full blood” population contributed to this assumption also; as Gordon Briscoe observes, “[t]he lack of public knowledge about [full blood Aboriginal] numbers helped to create the myth of a disappearing race that became all the more difficult to reverse.”¹¹ By 1937 at the first Commonwealth Conference of Chief Protectors, the question of population would again decide proceedings. Commonwealth Chief Protector Cecil Cook would assent to the certain fact by that time that “[t]he number of half-castes in certain parts of Australia is increasing.”¹² For Aborigines Department administrators like Cook, the question of what was to be done about this demographic paradigm was central.

Discursive responses to this crisis took multiple forms. In 1941, Norman Tindale, ethnologist at the South Australian Museum was reporting on the results of a *Survey of the Half-Caste Problem in South Australia*, the articulations of findings from a 1938-9 expedition undertaken by ethnologists from Harvard and Adelaide Universities (and no doubt with the policy enunciations of 1937 hanging thick in the air). He asserted that “[t]he aborigines of South Australia are a dying remnant, but the half-castes who replace

them are increasing in numbers and need attention and care.”¹³ He went so far as to assert that the expedition’s findings were “[s]ufficient to indicate that the half-castes replace vanishing fullbloods in short time and appear to be steadily increasing at a rate probably greater than among any other type of the general population.”¹⁴ The prospect of a rising half-caste population was received, at first, as a threat and a potential crisis.

As we have seen, at the 1937 Conference, Neville would enunciate the most racially oriented response to this perceived crisis when he stated: “the problem of the native race, including half-castes, should be dealt with on a long-range plan . . . by accepting the view that ultimately the natives must be absorbed into the white population of Australia.”¹⁵ It was here that Neville enunciated the chilling rhetorical question, Neville asked: “[a]re we going to have a population of 1 000 000 blacks in the Commonwealth, or are we going to merge them into our white community and eventually forget that there ever were any Aborigines in Australia?”¹⁶ In Western Australia and the Northern Territory, this notion of “merg[ing]” the racially other colonized subject into the community had for some time informed the racially eugenic policy of absorption which only culminated at the 1937 conference. Child removal on different grounds had also been a practice in New South Wales and Victoria.¹⁷ Similarly, Queensland had managed and controlled regulation across the color line, though more through segregationist than absorptionist tactics. Nonetheless, the settler colonial nation state everywhere aimed to regulate marriages across the color line and take charge of the social, religious, and biocultural status of indigenous children.

Following a policy shift, which culminated after the war, the replacement of Neville by Stanley Middleton in Western Australia, the move for a “new deal for

Aborigines” in the Northern Territory which eschewed Cook’s earlier policy of breeding out color, and related shifts, the subsequent cultural civilizing mission of assimilation would refuse racialized legislation, even as it maintained the subterranean transmission of techniques of disciplinary practice. By the equivalent conference of 1963, questions of disparity of population based on racial fear had been apparently evacuated from the discourse. Framed by the Minister for Territories Paul Hasluck, now “the policy of assimilation” would mean that “all Aborigines and part-Aborigines will attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and [be] influenced by the same beliefs, hopes, and loyalties as other Australians.”¹⁸ This resolution of the 1963 conference retained a vision of a regularized community, with homogeneous cultural “beliefs, hopes, and loyalties.” Race, it seemed, was no longer the touchstone of demographic regulation. The Conference resolutions explicitly disavow race in fact: policy was “not [to be] based on race.”¹⁹ This lofty outcome of liberal progress was to be achieved through exceptional measures. These governmental categories would see indigenous people subject to particular forms of treatment designed to prepare them for what was seen as a civilized *nomos*: civilized, sedentary, European: “[a]ny special measures taken for Aborigines and part-Aborigines are regarded as temporary measures, not based on race, but intended to meet their need for special care and assistance to protect them from any ill effects of sudden change to their social, economic, and political advancement.”²⁰ This was so, despite the fact that until 1967 Aboriginal rights granted by citizenship were subject to a provisional system: “exemptions” from being treated as a Native under state and Commonwealth legislation

could always be revoked. Such preparation for provisional citizenship was to be achieved through a rigid control of the social and sexual lives of indigenous people, culminating in the removal of their children.

Ten years earlier, the Commonwealth had held a conference of Missions and their role in Native Administration. There, “[t]he Government looked to the Missions as its agents for carrying out its native policy.”²¹ At the 1953 Mission Conference, Hasluck emphasized the missionary role of “spiritual guidance,” and pastoral care “because we recognize that the missions can also make a major contribution to those measures in health, education and training for citizenship which open a path for the native people towards full social acceptance in the community.”²² The social emphasis of assimilation was clear, as was its role in “training or citizenship.” The provision of exceptional measures of governmental health, education, and training for indigenous people was similarly laid in place. Where Hasluck’s 1963 statement explicitly disavows race, in 1953, Acting Director of Native Affairs R. K. McCaffrey clearly laid out the template for social assimilation as well as its retention of the exception:

Assimilation is the objective of native welfare measures. This means that the aborigines and persons of mixed blood are expected eventually to attain to the same manner of living and to the same privileges of citizenship as white Australians and to live, if they choose to do so, as members of a single Australian community, observing the same customs and influenced by the same beliefs, hopes, and loyalties as other Australians . . . Any discrimination between the treatment of the white and the coloured person is to be regarded as a temporary

measure based, not on colour, but existing needs for the guardianship and tutelage and is to be removed as soon as the need for it disappe[ars].²³

One can see the emergence of the 1963 rhetoric in this earlier moment. At the Missions Conference, the rhetoric of race was not yet as neutralized as it was in the 1963 enunciation. Indeed, while colour is eschewed, what would become “Aborigines and part-Aborigines” were still “aborigines and persons of mixed blood.” Between 1953 and 1963, one sees uniformity of policy (training for citizenship, exceptional measures) alongside a gradual sharpening of the rhetorical strategies in play. Aborigine is capitalized. The language of blood is downplayed. Social and cultural assimilation diminished the emphasis on blood, race, and the eugenic. Yet distinctive policies continued to be implemented between people of “full” and “part” Aboriginal descent and disciplinary practices of marriage regulation, “exceptional measures,” and child removal continued.

Despite the 1963 disavowal of race, the Conference resolutions nonetheless retained an analytics of descent; subjects were already “Aborigines” or “part-Aborigines.” Also the necropolitical palliative of the doomed race had been abandoned. In opening the 1963 Conference, Hasluck would explicitly deny the premise. The idea of the dying race had been receding as the presupposed assumption of evolutionist thought on the part of anthropologists and other “experts” on the “Aborigines problem.”²⁴ Hasluck explicitly disavowed the theory as a damaging myth, but tellingly retained the language of population and vitality that had once given rise to it.²⁵ Demography, health, and vitality would remain a principle means of managing and transforming the social life of an enduring native population, rather than functioning as evolutionist evidence for its demise. Just as Neville had advocated a “long-range plan,” so the administrators meeting

26 years later would themselves consider an analogous plan—one of “progress to full citizenship status for Aborigines.” They would reverse the emphasis of this long range plan from a strictly racial logic of disappearing the population to an explicitly deracialized, apparently humanist practice aimed at universal citizenship. However, in the process of the diminution of race thinking as a basis for policy, the policing of Aboriginal social life was slower to recede.

Just as the 1953 and 1963 enunciations increasingly emphasized socio-cultural factors and downplayed race, their categorization retained an analytics of descent, as well as reserving the right to manage each category of descent based on temporary protection measures that are now well known today (despite the unfortunate persistence of historical denial from some quarters)—the removal of children, the status of wards, the regulation of marriage etc. It becomes necessary, as we shall see, to distinguish the futurity of this settler colonial biopolitics from its immediate special measures. If the racialized futurity of Neville’s imagined nation to come, absented of “blacks,” is to be explicitly deracialized by the 1963 conference, what are we to make of this retention of the “special measures” for the everyday intervention in the native population? I would suggest that what unites the field of the temporally distinct statements I have outlined here is a general concern with the health, welfare, and security of the population of the settler colony with a particular focus on this other population: this distinct and destabilizing category of “Aboriginality” as it is positioned distinctly but also bearing recognizable parallels through the whole field of statements I have briefly described here---from 1896 to 1963. Where the projected outcome of regularization had shifted emphasis, technologies of

discipline and biopower traversed either side of the apparent break between absorption and assimilation.

The Politics of Death and the Idea of the Primitive Caucasian

The attitude of some amongst us and some who ought to know better seems to be that these people are doomed to die anyway, therefore it is better to let them die!²⁶

A. O. Neville

Beginning with Wolfe's contention that settler colonies are premised on a logic of elimination, it is incumbent to ask what form this logic takes. Does a native society's destruction imply the genocidal putting to death of its people? Does it proceed through such killing, or can it be understood to proceed through parallel mechanisms such as the regulation of birth and reproduction, the categorization of colonized subjects into regulable kinds of beings, or a sense of the inevitable extinction of a "race" as "species?" The difficulty of course, emerges from the realization that, at various times, it has been all of these things. Finally, what is one to say of the "elimination of native society" at a cultural and social level, particularly after the diminution of racial biology in the wake of the lessons of the Nazi period in Europe? What form of necropolitics is retained after the end of genocidal aims and the turn to a (post)colonial liberalism rooted in norms of cultural exchange? What imaginaries of assimilation form as artifacts, retaining the desire to evacuate difference?

The imaginary assumption of the notion of a doomed native race did not necessitate a response beside either ignorance and, at times, frontier violence, or, on the other hand, appeals to notions enunciated by missionary figures such as Daisy Bates that

“smoothing the pillow of a dying race” behoved the enlightened European settler subject.²⁷ The question of the fitness of the nation’s population was not a question to which the existence of Aborigines posed a challenge while the doomed race theory was presumed. Bates asserted in a lecture of 1907 that since “we are dealing with a dying race . . . all that can be done is to render their passing easier.”²⁸ The notion of the passing away of a race is necrological, it understands the remnants as already given to a corpse-like decay, it need not kill, since death is presumed already to be attendant upon the “native.” If a native population is to pass away inevitably according to the imaginary rendered through evolutionism, then there is no need for a decision to “put to death” a portion of the population.

For Bates, the adequate response to this idea of inevitable extinction as Aboriginal fate was “‘strict segregation’ of Aborigines ‘on native reserves far removed from white settlement.’”²⁹ Within this framework a certain function of segregation and strict race partition was considered the appropriate response to the protection of Aborigines.

Tindale, for his part, believed that if any hope existed for the survival of “full blood” Aborigines, it would come through the maintenance of pockets outside the bare minimum of disciplinary control. It was predicated on the form of segregation, which Bates had also advocated. The further difficulty in generalizing about the desire to absent Aboriginality lies also in the popular fetish and scientific fascination that emerged from primitivism. This arises when we observe that ideas of native disappearance also subsisted alongside aims at preservation and protection of Aborigines. Those who were identified as nomadic in their mode of life were seen as incapable of adaptation to any other mode of life.

Tindale, for instance, remarked that “it may well be that unless the aborigines of the Great Western Desert can be prevented from leaving their environment, and induced to retain their present nomadic habits they are likely to suffer rapid decimation and decline.”³⁰ He further suggested that:

if the area could be held for the aborigines, and whites excluded, it would be an economic advantage to the whole community. The 800 to 1000 aboriginal individuals could be in isolation, be maintained without cost to the community (beyond the minimum necessary for occasional medical and police work) as permanent game wardens.³¹

Some state regulation was to be maintained through regular surveillance, but the mode of life proper to indigenous people of “full blood” was, for Tindale, their traditional way of life. These pockets of indigenous endurants, he maintained, could be attempted through three mechanisms:

Practical means for the bringing about of the desired seclusion of the present desert inhabitants could be best initiated (a) by the prevention of formation of permanent institutions and stations within reserved areas; (b) by instituting and maintaining routine patrols in their stead and (c) by active discouragement of all outward migration of nomad folk.³²

Nonetheless, there was little optimism undergirding Tindale’s proposal. As he had asserted a few pages earlier, “[p]olicies of isolation and segregation are palliatives; they do not reach the heart of the problem.”³³ The politics of the doomed race is a necropolitics. One modality of necropolitics in the settler colony is formed as the spatial distribution of the territory as it organizes itself around the assumption that the

“primitive” body, the “primitive” economic mode, and the “primitive” sacral conception is already on its way toward death.

This necropolitical strategy of segregation was certainly not the solution for mixed-descent Aboriginal subjects. As Tindale would put it in 1941, “half-castes” at least “should not be shut away in segregated (almost caged) communities.” Where, as Neville had it, “some amongst” the white Australians of the early twentieth century, may have felt it better to “let [the native] die,” those amongst his administration were fomenting a more “liberal” set of answers that met the imperative to racially and socially regularize the white settler nation’s population and to provide disciplinary surveillance of Aboriginal people in the present. In obscure ways, Aboriginal people were to be made to live (assimilated) in a way that would allow their way of life to be forgotten.

However, what is most crucial is to see the way technologies of population management and control *vis a vis* Aborigines as a distinct racial group change in light of the recession of the truth produced within the nexus of knowledge power named: the “doomed race theory.” As I have already indicated, the emergence of more regular Aboriginal censuses, particularly after 1911 and 1924, led to the apprehension that the “half-caste” population—the offspring primarily of white men and Aboriginal women—was increasing.³⁴ The technology of the census, as I argued in my last chapter, developed as a way to produce large aggregates at the level of the whole population, and to identify trends of crossing within that population. It further actualized specific technologies of surveillance and discipline, as we there saw. Here, let us remain at the level of aggregates as they produced a national imaginary within which these interventions were framed and coordinated.

As Warwick Anderson has shown, the single biggest exception to colonial racism displayed on the part of its Australian version comes in its positioning of the Aboriginal body in relation to the concept of degeneration: the cultural fear that miscegenation might introduce atavistic traits into a population.³⁵ As Anderson has identified, a school of physical Anthropological thought emerged from a cadre of thinkers working at the University of Adelaide and the Adelaide Museum. This cadre would come to change the terms of racial classification in Australia and, using physiognomic testing and calculations about blood type, taxonomically position Aboriginal Australians as “dark” Caucasians rather than members of an aberrant, degraded race.³⁶ This school included such figures as Frederic Wood Jones, Tindale, and, notably, J. B. Cleland. As Anderson succinctly puts it:

Cleland and his younger Adelaide colleagues predicted that dark Caucasian genes would eventually be submerged in the larger white Caucasian gene pool, and then proper training and instruction in hygiene--the same discipline as inculcated in poor whites---would do the rest . . . Cleland could thus predict a day when, as the result of a scientific breeding and education program, all Australians claimed some Aboriginal ancestry.³⁷

In other words, if the question of a large population of Aboriginal people of mixed descent had come to be of great concern in the earlier part of the twentieth century, in light of the Adelaide School’s taxonomic assertion, absolute regularization of

miscegenation could become a means to combat it. The Adelaide School provided a taxonomy, undergirded by a set of technological and experimental claims about blood type and physiognomy, that supported the view that intermixture between “Caucasian” peoples and Aborigines would not risk degeneration through the introduction of atavism into the dominant population.³⁸ While the Adelaide School was most committed to the hypothesis of the Aboriginal Caucasian, the biological assimilability of Aboriginal people would become a pervasive idea. As late as 1964, cultural anthropologists Ronald and Catherine Berndt would warily refer to the question of “throwbacks,” asserting their skepticism about such atavistic risk but noting the significance of “this question [which] has, of course, a direct bearing on current policies of assimilation.”³⁹ Even as Hasluck aimed to deemphasize the racial, biological justifications of assimilation in favor of a cultural emphasis, such cultural anthropologists as the Berndts were willing to at least consider the earlier postulates of physical anthropology. Monogenism with its emphasis on Aboriginal absorbability wariness of racialized fears of atavism seemed to remain an implicit precondition for even enlightened commentators on cultural assimilationist policy as late as the 1960s.

Across the States and Territories, various approaches to managing the “half-caste problem had sprung up in the first decades of the twentieth century. In Western Australia, from 1905 with the introduction of a new Aborigines Act, the state Government gained far reaching powers pertaining to Aboriginal people; the Act rendered Aboriginal people as subject to ward status and precipitated subsequent removals of children.⁴⁰ These powers were exercised with particular vigor when Neville became Chief Protector in 1915 and set about the creation of several “Native Settlements” (Carrolup in 1915 and

Moore River in 1918) to which fringe dwelling Aborigines could be removed and Aboriginal children could also be removed, ideally (for him), in separation from their parents.⁴¹ A similar act came into being in Queensland in 1897.⁴² In Victoria, with a smaller Aboriginal population, wide reaching Aborigines Acts had been in place since 1869. A subsequent Act of 1886 compelled Aborigines of mixed descent to enter the work force while withholding full rights of citizenship and precipitating special protections.⁴³ A new version of this law came into existence in 1910, relaxing some provisions but retaining numerous legal distinctions between Aboriginal people and non-Aboriginal people. Many of these acts contained provision for the full regulation of people on reserve lands. Many also contained provisions for the removal of children on the grounds of neglect or of “mixed” blood status. The New South Wales Aborigines Act of 1909 was quite explicit about the removal of children on either of these grounds. A 1911 Act in South Australia gave the newly created office of Chief Protector power over Aboriginal children, though the 1923 Aborigines (Training of Children) Act would most rigorously impose powers of child removal.⁴⁴ South Australia required that its Aborigines Protection Board coordinate with its mainstream Child Welfare and Public Relief Board in any removals of children.⁴⁵ But, as a recent study by Cameron Raynes has shown, in many instances and particularly under the protectorship of William Penhall, these legislative guidelines were circumvented.⁴⁶

As early as one South Australian government report of 1860, an experiment with indigenous children’s schooling “gave rise to the idea of founding an institution in an insulated position, to whence the children could be removed after their preparatory training in these schools.”⁴⁷ It may have been the influence of the proposal of such child

removal measures in such earlier governmental enunciations that lead Baldwin Spencer to recommend in his 1913 *Preliminary Report* to the Commonwealth Government on Aboriginals in the Northern Territory that: “[n]o half-caste children should be allowed to remain in any native camp, but they all should be withdrawn and placed on stations.”⁴⁸ Indeed, the Northern Territory had, since 1911, contained a provision in an Ordinance that the “Chief Protector shall be entitled at any time to undertake the care, custody or control of any aboriginal or half-caste if in his opinion it is necessary or desirable in the interests of the aboriginal or half-caste for him to do so.”⁴⁹

In other words, measures for the regulation of Aboriginal people via the removal of children, and the regulation of marriage, often articulated via categorization by blood and behavior had come into existence through the first decades of the twentieth century. The techniques of disciplinary power, justified via the critical health and welfare of the dominant population (and sometimes that of the Aboriginal population) were laid in place as potentialities for a national policy. However attitudes to the teleology of the “Aborigines problem” differed from State to State and from colonial administrator to colonial administrator. For some, preventing the extinction of Aboriginal people remained paramount,⁵⁰ for others protecting the interests of settlers from perceived threats to health and land was a necessity,⁵¹ the capacity to simply keep Aboriginal people out of sight and out of the way of expanding settlement---except of course, where their labor might be desirable---was no doubt also a concern.

In other words, in the first decades of the twentieth century, a diffuse set of disciplinary measures, powers, and technologies came into existence across the various States and Territories that responded to a perceived shift away from depopulation in

Aboriginal demography, particularly in the remote areas of the north and center. What one can see in this period is a set of concerns---overlapping and contradictory---alongside a set of techniques, but hardly a national aim vis Aboriginal policy and certainly not one which can be equated with an identifiable intentionality. The text of the 1937 Conference on Native Welfare reveals that these competing concerns found themselves in confrontation and a set of determined National policies, with specific aims and definitions, was laid in place as a signature of the Australian settler colonial state.⁵² The 1937 Conference was the culmination and framing of a set of disciplinary measures that had developed over the preceding decades. In the period prior to the Second World War, I understand this emerging logic of policing through the terms of what I call natal-thanatopolitics. Natal-thanatopolitics describes the way a politics that regulated birth, marriage, and the family could be employed to imagine the future disappearance of a colonized people without recourse to their literal or immediate killing. Where the mechanism of disappearance is no longer explicitly murderous, *natal-thanatopolitics* nonetheless relies on the sovereign exception which decides on the future absence of a given racialized population.⁵³ Where this practice is directed towards an eventual disappearance of the native, in the immediate future, the control of birth, marriage, and the rearing of children reveals the way, as Ann Laura Stoler puts it, “[c]olonial control was predicated on identifying who was ‘white,’ who was ‘native,’ and which children could become citizens rather than subjects.”⁵⁴

The idea of natal-thanatopolitics achieves its enunciation alongside a whole panoply of as yet undirected juridical powers and disciplinary practices. The Western Australian Aborigines Department had, since the 1905 Act, the power to grant

exemptions from the status of “Native,” to regulate marriage, and to remove children to institutions (under a clause whereby the Protector was the legal guardian of all natives and half-castes to the age of 16). However, the fact that this power was vested in the Department did not entail the further fact that the Department was financially equipped to implement these powers to their full extent. Nor were the ideas of racial purity yet developed among the cadre of “experts” from physical anthropology, functional structuralist anthropology, and native administration; the idea of the necessity of Aboriginal-European miscegenation, and the exclusion of “aliens” would, as I have mentioned, only coming into relief with field expeditions by Adelaide Scientists in the 1920s. What developed along with the discourse of racial crossing were the technologies of surveillance and discipline that could be retained even where their aim shifted. It might do, then, to examine the development of these technologies of surveillance in one Aborigines Department.

However, first, it is necessary to show how technologies of disciplinary biopower sometimes precede the enunciation of thanatopolitical (or cultural civilizing) missions, aims, and *teloi*. As such, I want to trace the surveillance of marriages across the colour line in a particular administration (Western Australia) which led up to the 1937 consensus.

Discipline, Biopower, and the Emergence of Governing Practices

Here I trace the emergence of practices of surveillance around marriage as they pertained to a microscopic genealogy of the governance of a small number of mixed descent Aboriginal people in Western Australia from 1915 to the late 1930s. The

principle biological and racial justification of absorption did not emerge until the idea of the Aboriginal as a primitive Caucasian was developed (principally by J. B. Cleland) through the 1920s. It was from this period that it was taken up by the administration, most forcefully by Neville and Cook. But the power to decide on who married whom and the fate of the children, as well as the focus on colour as an outcome, precedes the notion of the primitive Caucasian.

Rather than a neatly articulated plan of sinister natal-thanatopolitical intent which flowed immediately into a set of operations of surveillance and control, one sees a different attitude to normativization in the period from 1915 to 1939 in the Western Australian Aborigines Department. There appear, instead, a set of practices for deciding on the acceptability of interracial relations which precede, complement, and come into conflict with gradually articulated fears about the atavistic threat of “crossing.” These practices necessitate an adaptation of Foucault’s notion of the abnormal to contemporary thought on race. Foucault famously noted that in the seventeenth and eighteenth centuries in Europe a set of marginal and occasional transgressions took on an inflated weight of importance in relation to the regimes of normalization. In relation to sexuality particularly, at that period, Foucault identified “three figures, or, if you like, three circles, in which the problem of abnormality is gradually posed.”⁵⁵ While the historical detail surrounding these three figures is of a radically different kind from that of the figure of the “coloured persons of Alien race”⁵⁶ and his or her relations with a “native or half-caste,” the theoretical prism of thinking a “figure . . . in which a problem of abnormality is posed” is precisely crucial to identify how technologies of surveillance form around such liminal figures even prior to the emergence of a positivity, a discursive apparatus

which makes a fiction appear true (the absorbability of the primitive Caucasian) with which they will eventually combine to produce a deathly decision.

In Western Australia during the second decade of the twentieth century, it became common practice for Missionaries and Government Superintendents, (for instance of the Carrolup Native Settlement established in 1915) to ask for the advice of the Chief Protector as to the desirability of a given marriage—making the Protector aware of children perceived to be candidates for removal. At times, marriages were approved according to schema that would later come under objection. Such objection was, as we saw, based on the fear of producing a separate racial population made up of people of mixed descent. In 1919, for instance, Neville approved the marriage of a 25 year-old “half-caste” shearer named Alex Forrest to a “half-caste” girl identified in their file only as Kitty.⁵⁷ Where such a union might have brought objection twenty years later as the discourse of governmental miscegenation had developed its fictive internal logics, at this time there were only two concerns. First, Neville used the occasion to identify further details about Forrest, particularly whether he was the same individual as a “Norman Forrest.” Norman Forrest was established to be a different person of mixed descent, and had himself married a girl named “Eva.” This inquiry, before ruling on the legitimacy of the given union, had managed to gather information on two marriages that crossed the color line to add to his gradually amassing files and observations. The second concern was made clear when, later in the year, Neville agreed to the marriage, but after doing so wrote insistently to determine whether it had taken place and under what circumstances. It seemed that for unknown reasons, Alex Forrest had left the district before the marriage could take place. Initially, then, the desired outcome of the power of marriage approval

was dim, but it nonetheless remained possible to use the powers of the Act to gather information on individuals of part-Aboriginal descent.

Once such marriages were registered with the department, the children produced became objects of surveillance and potential removal to Carrolup, or after 1919, to Moore River Native Settlement.⁵⁸ Children of mixed descent were removed wherever possible. As early as 1916, at least one ground for removal could be the perception of acute intelligence on the part of a mixed descent child. One such case saw the removal of a “half-caste” child being raised by a female family member— “a gin named Bindummo”—as her daughter. The policeman who acted as Protector for the district remarked in a dispatch to the Aborigines Department that “[t]he child appears to be a very intelligent little girl & in my opinion it would be desirable to remove her from her present surroundings and place her in the Mission School.”⁵⁹ As early as 1915, the Department had begun to keep lists of all “half-caste” children as they were earmarked for removal, removed from their parents, and sent to missions and Government native settlements.⁶⁰ From 1928 onward, when Moore River and Carrolup were both simultaneously operating, most “Native” and particularly “half-caste” children in the settled southern regions of Western Australia were held in one or either institution or in smaller Mission facilities. By around the same time, regular circular dispatches from the Aborigines Department to police and missionaries were used to enumerate the number and “type” of Aboriginal subjects present in each region. Further, regular records were kept of Aboriginal children removed to the settlements and the adults who followed them there to camp on the outskirts.

The sphere of concern over the crossing of the color line was particularly acute with regard to those perceived as “coloured Aliens.” In July of 1915, a representative of New Norcia Mission wrote to the Chief Protector. “I shall feel obliged,” he began if you forward to this Mission as soon as possible the necessary information regarding the lawfulness of a marriage intended between a half-caste girl, aged 15 years, mother of a child, and a single man 28 years old, son of a white woman and of a coloured American man.⁶¹

The request was processed through an implicit three generations of genealogy. The Department’s response was frantic and referred the matter all the way to the Colonial Secretary. Neville’s initial action was to reply immediately to request more information; most particularly, he requested the details of the girl’s legitimacy. This would, no doubt, indicate best whether the Department already held information on her. The exact parentage of the child was also an issue.

By the middle of August, the Mission supplied further particulars to the Department. The unnamed half-caste woman had been born from a legitimate matrimony of two half-caste parents. Further, the Protector was informed that “[t]he father of the child is not the man who intends marry her, but another native . . . [T]he parents of the man are Harry Michael and Annie Martin, the former son of an American born in Australia and the latter *an Australian white woman*.”⁶² The genealogical inquiry had provided sufficient information, had been expanded and been cross-referenced to concerns of legal legitimacy and racial admixture. The issue that arose, however, was that such a union had not been legislated for; the idea of providing for the circumstance of intermarriage between an indigenous person and a “coloured American man” had not

been anticipated, so few were the numbers of people of perceived “coloured American” background in Western Australia. Neville wrote to the Colonial Secretary to seek his legal advice as to whether the 1905 Act gave him grounds to prohibit the marriage. The Secretary knew of no such objection but referred the matter to Crown Law Authorities. Ultimately, on the 27th of August 1915, Neville was forced to advise New Norcia that “there would appear to be no legal impediment to the proposed union.”⁶³

The Department continued, where possible, to gather information on the interactions between “natives,” and people of “alien” and particularly “alien coloured” background. However, it would be another twenty years before Neville would take significant action to address the possible extension of the Act to regulate such unions. At stake in the correspondence which circulated was the degree to which surveillance and intervention could be accomplished in relation to people of mixed descent without the need to refer the matter to parliamentary legislation. The degree to which micrological interventions could be accomplished beneath the level of the legal apparatus and addressed at the level of race and miscegenation was of great concern. On the 11th of June 1937, Neville wrote to the Deputy Commissioner for Native Affairs, F. I. Bray, to consult on the matter. He had just consulted with the Chief Secretary for Native Affairs; together they had resolved to take extensive action to address the question of marriage across the color line, particularly those that involved “aliens” and were not yet legislated for. Of particular concern, wrote Neville to his Deputy, were “native marriages” and “negroes in native camps.”⁶⁴ Bray returned the memo, advising that though it would be impossible to declare “persons of alien coloured race” natives themselves simply because they “live and associate with natives;” impossible, at any rate, without amending the Native

Administration Act---which itself had only a year earlier been enacted and revised from its 1905 form in response to the Moseley Royal Commission of the early 1930s.⁶⁵

Legislative revision seemed unlikely in these circumstances.

Nonetheless, it was potentially possible under the extant legislation to forbid “alien” individuals to enter native camps and thus potentially to cordon off “aliens” from natives. Bray suggested that if amendment was made to the Act, “it would be advisable to see that a door was not left open for coloured aliens to come in and consort with natives.”⁶⁶ Previously married families of mixed “coloured alien” and “native” descent could not so directly be managed under the existing terms of the Act. If such changes had been contemplated, as Bray put it, there were “existing cases of aliens married to or consorting with natives who have families with whom, in your opinion as Commissioner of Native Affairs, it may not be desirable to interfere.”⁶⁷ One matter at stake was how to employ extent powers as mechanisms of surveillance and information gathering without the need to push for legislative change, which were more difficult to obtain. As such, what emerged were less prescribed tactics of intervention and prohibition but rather, a set of technologies of demographic surveillance that could be adapted to differing concerns.

Neville’s preferred outcomes for the “coloured” population of Western Australia would be manifest publically in his 1947 book on the topic. There he emphasized his belief that while European and Aboriginal intermarriage was preferable, occasional exceptions were possible and a very few instances had to be avoided at all cost. While unions of people of “Negro, Asiatic, Indian, or other coloured ancestry” would necessarily imply “greater risk of atavism,” he also pointed to exceptions.⁶⁸ As such, “persons of Negro-Aboriginal descent sometimes strongly exhibit certain deleterious

cultural traits, while in those of Chinese-Aboriginal origin the good qualities of the Chinese may present.”⁶⁹ Though Neville certainly accepted a hierarchical pseudo-scientific scale of traits and characteristics, “[b]etween the full-blood and the near-white there are now so many grades of colour that it is impossible here [in *Australia’s Coloured Minority*] to make more than passing reference to what really constitutes a scientific study.”⁷⁰ The application of the perceived scientific hierarchy of race and crossing was to be regulated, according to Neville, through a government manifestation of power which he named “Authority.” This trope, always capitalized in Neville’s book, appeared to denote the application of power by state officials with the advice of “science” as their operative guide. “Governments,” he wrote, “have the money, land, the command of their officials, and the power to administer the law. The obligation by law to educate, feed, medically attend and otherwise safeguard its wards also rests upon Authority.”⁷¹ Anthropological taxonomies were also useful, since “[t]he Scientist, with his trained mind and keen desire to exert his efforts in the field investigating native culture and in studying the life history of the species, supplies an aid to administration.”⁷² Government “Authority” then, was to unify the various levels at which pastoral power, biopower, and discipline could be applied by the settler colonial state: “[l]et the Government, then, look to the practical side, the Church take care of the spiritual, and let Science help to train and advise both the nature of the people and its culture, towards whose enlightenment all three are working.”⁷³ The limits, then, of whom could be directly managed, compelled to avoid fraternization and marriage, and even the preliminary question of the racial identity of individuals vexed Neville in 1937. Ten years later, he would reflect on the limits of the Government capacity to know race through practices of surveillance. He admitted that

“[t]he various cross-sections often puzzle officials who at times find headache-making problems in deducing who is or is not a native or aboriginal in law.”⁷⁴ In this way, the moment of this informal 1937 inquiry into the status of “coloured” and aboriginal legal status represented an attempt to bring to bear the available technologies of surveillance and apparatuses of racial and conjugal discipline on a section of the population considered perhaps the most worrying figures of tension for the Department of Native Affairs.

In 1937, two months after the April Conference in Canberra, Neville was energized by the acceptance of many of his policies at the Commonwealth level. In July, several days after his consultation with Bray, Neville dispatched a circular to the principle Protector in each District in the state. It read as follows:

I am desirous of learning as quickly as possible the names and particulars of all coloured persons of alien race, including Negroes, who were living with natives in the relationship of husband and wife, legally or otherwise, prior to the passage of the “Native Administration Act, 1905-1936,” and still are so living.

In addition to the personal particulars of the alien or Negro, I would also like to know the name and age of the native concerned, together with particulars of any children.⁷⁵

Not surprisingly, the majority of Protectors returned the statement that there were no such persons living in their District. Neville’s circular was not responding to a pervasive practice, but rather to the most tense figure of transgression within the discourse of Native Administration. While there were only a handful of “negroes” in Western Australia, and still a minority of childbearing marriages between Aboriginal people and

such “coloured Aliens” more generally, nonetheless, the potential introduction of the stock of such individuals was an immense source of anxiety in the Department and called for excess of surveillance.

The Department kept all responses to Neville’s circular on file and tabulated them into a central table. However, unlike the formal system for returning Aboriginal census information, which had been in place since as early as 1928, this request did not receive a uniform response from the Protectors who gathered the information. The Protector for the District of Subiaco, for instance, felt it his duty to report on all native marriages in the District and on all of the children despite the lack of any individuals perceived “alien or Negro” individuals married to “Natives.” Fremantle, another metropolitan district provided particulars of each of the several Aboriginal and half-caste residents along with age and employment particulars. Two of the individuals resident in Fremantle were identified further as what the Department called “coloured aliens.” One was referred to as “Afghan-halfcaste,” and the other as the “half-caste” child of a “Malay-Abo native” union.⁷⁶ Even where sexual unions across the “colour line” were not present, their mere potential prompted surveillance of non-whites generally.

The Port Hedland Protector, a Constable Mounter reported one “actual alien married to a native,” whom he named and identified as “Chinaman 51 years.” His wife was identified a “h/c, 32 years,” and their seven children were named and identified by age.⁷⁷ Mounter also identified the marriage of a “believed h/c Malay” to a “half-caste” woman; again, Protector responses gave age and the names of the individuals under surveillance as well as of their children.⁷⁸ The same identifications were also observed for two further couples and the fathers of the families in each instance were cited as

“believed h/c Malay.”⁷⁹ Finally Mounter noted the existence of a white man married to a “native,” and a man “I understand is a h/c Maori . . . married to a h.c.”⁸⁰ The Marble Bar Protector was more certain in his presentation. Laying out his limited district findings in a fixed table, he identified the single marriage of an elderly Malay man and an “abo Nat[ive]” whom he noted had no children.⁸¹ The Derby Protector, a Sergeant Hopping, supplied the names of a number of children whose parents were an elderly couple; the father was identified as “Chinese,” the mother as “native.” As well as particulars of age, this protector offered the professions of each child and felt compelled to offer a legal interpretation of the status of one child. “Nellie Ah Chee (nee Loquin)” though included among the children of the family, was probably a member of the family by marriage to one of the brothers. Hopping insisted that Nellie, “is a half-caste woman and does not in any way associate with natives. She is not, therefore, in my opinion, a native within the meaning of the Act.”⁸² Where Mounter offered his “belief” as an uncertain caveat to his identification of people by racial admixture, Hopping asserted his legal interpretation that a “half-caste” who does not “associate with natives,” should be a subject of exemption from legislative Acts pertaining to Aboriginal people. This was not in line with Department policy, which tended to refuse exemption until at least “quadroon” status had been attained.

The Carnarvon Protector provided the ethnicity, age, and number of children in each union. He identified two “Indian” men, each married to an “1/2 caste native.”⁸³ The Carnarvon Protector also noted the marriage of a Japanese man to a woman who, along with her siblings, “claim[ed] to be quadroons.” In pondering this legal classification, he drew on his investigations, in this case “their mother being a ½ caste native and father a

Malay.” In this instance, one certainly found what Neville called a “puzzled official,” uncertain of either the “Scientific” or the legal grounds of “Authority,” which could be brought to bear on the individual in question and the marriage to which it pertained. This woman’s status as a quadroon in relation to her “half-caste” and “Malay” background, “is something I would like to know definitely,” he wrote.⁸⁴ Several districts, for instance Fitzroy Crossing and Busselton, provided information on European “Aliens.” Where some unions involved Southern Europeans, the Department paid some attention.

Some Districts, did not provide the Department with what was seen as sufficient information and queries were used to generate action slips, which the Department dispatched and pursued.⁸⁵ The Officer from the Dumbleyung district, for instance, included a list of three “persons of alien race living as man and wife” along with their names and ages and those of their children.⁸⁶ He did not, however, speculate on or specify the details of the suspected racial makeup of the individuals surveyed; further information was therefore requested. On the other hand, other Protectors went beyond the circular’s brief to investigate both current and historic unions across the color line in their district. Though Constable Molloy, the Busselton Protector “made inquiries and ascertained that there are no coloured aliens living or married to natives in Busselton District,” he nonetheless provided information on the various past instances of miscegenation in the district. He claimed to know of at least three marriages of “American Negro[es]” to two white Australian women and one “half-caste” respectively.⁸⁷ One of these instances had been in recent memory. These former residents of the district descended from a “negro,” and a white woman he claimed, and their children had moved to Perth. A “William Strachan,” he noted, was “an american Negro [who] lawfully married” a “Mrs Rose

Isaacs of Quindalup about 23 years ago.”⁸⁸ She was, it seemed, recently deceased. The Isaacs family was also “supposed to have negro blood but I am unable to verify this.”⁸⁹ He delved even further into the distant past of the district, insisting that “an American negro named John James Love, known as ‘Major’ Love married a woman believed to be half caste named Mattie or Mathilda Herron of O’Hern or Herne about 70 years ago and had a large family as follows.”⁹⁰ Molloy enumerated the six children of the couple. Three of the children were deceased and had no family. One son was not explicitly named as deceased, but had no family. Molloy mentioned a daughter named Jane was also listed as deceased but who had two sons by a man named Nannup. One of these sons was deceased. The other “has a large family address unknown.”⁹¹ “Eli Love, aged about 70 years” was the “only surviving issue of Major Love,” still residing at Busselton and the pair had children who were understood to be residing in Perth. Molloy also noted an Italian couple and made a point to identify the wife as “very dark.” He went on: “it is rumoured she was the daughter of Arthur Sambo a half-caste.”

Neville’s Protectors and officials paid particular attention to the few people perceived as “Negros.” The Protector from the Shire of Pingelly reported to Neville a “John Michael,” the son of the same George Michael and Kitty whom Neville had inquired about more than twenty years earlier. It seemed Neville had kept a close watch on this situation despite his diminished power; the protector would remark that, pertaining to John Michael “you have all the family history on his file at your office.”⁹² The only other marriage involving African-American descent was reported from Guilford Police Station in the greater Perth metropolitan area. William Bodney resided in the area, the “father of this man, I am informed, is an American negro, and the mother an

Australian abo native.” Bodney himself was listed as “48 years,” and “married to a half-caste abo native woman, and she has two children to him, Christopher 4 yrs, and William 2 yrs.”⁹³

Protectors were then empowered to decide the racial makeup of an individual by a combination of investigation into their background and sighting of their complexion. While most used genealogy as a mechanism to investigate the background of individuals, mere complexion and the visible detection of external features were also employed to decide the “Scientific” status of an individual’s racial-biological makeup. This categorization could then be referred to legal classification: the Department could use its various powers to intervene into the marriage, approving or disapproving it if one or other party was descended from a native. Though not characteristic of the whole field, the Busselton Protector’s recourse to a rumored “half-caste” father could be correlated to his observation that she was “very dark” and render her subject to potential proscriptions of marriage and procreation at the most and ongoing surveillance at the least. Across the circular’s replies and, indeed, even in the Department’s own tabulations, queries stood over the heads of certain individuals who were listed to “believed h.c.”

Examination of such a sample technology of racial surveillance as the 1937 circular, reveals what a skepticism about such racial physiognomic claims should already find one suspecting: that this pretension to visualize a supposed genealogical rigor of surveillance was a fiction. The annotation of an individual as half-caste, for instance, was often subject to “belief,” rumour, and anecdote. Further, individual protectors exercised their own interpretation of the legal classification of people under the Acts as “native” or otherwise. Some were more liberal than the Department, for instance Sergeant Hopping,

who spilt ink making the case for Nellie Ah Chee's exemption. Others, such as the Carnarvon Protector are uncertain to the law and enquire for instructions from above. Busselton's Constable Molloy is content to draw from local rumour and his own perception of the "darkness" of his constituents to speculate on their racial makeup. Bray and Neville were concerned over their limited powers. Bray would even offer the opinion that some "octoroons" should be reclassified as natives as, like those of "Negro" descent, they could not be classified as natives but often associated with them.⁹⁴ The legal powers of the Chief Protector and his Department inferior to what the discourse of protection gradually aimed towards in the period up to the end of the 1930s. Further, many of their functionaries were less capable of rigorously identifying their charges than Neville would later claim in his public writings. The period from 1915 to the late 1930s in Western Australia produced many technologies and pretensions at racial surveillance. Two things must be emphasized. Where racial surveillance was based on certain physiognomic fictions it follows that it was also flawed from the start. Nonetheless, the technologies of information gathering and sharing by the Department did increase in intensity and efficiency over the period, this apparatus produced an internally cogent network which actualized the pretention of racial looking.

Threshold: 1937

The apparatus of absorption, then, was a network of the kind described by Foucault. Recalling Foucault's characterization of the apparatus, we observe that it is situated between discourses and institutions and through it emerges "a set of strategies of the relations of forces supporting, and supported by certain types of knowledge."⁹⁵

Disciplinary technologies around Aboriginal marriage and children, as well as the feared figure of abnormality ascribed to “coloured people of Alien race” emerged as technologies and fears prior to the construction of the “type[] of knowledge” which justified absorption (the idea of the Aboriginal as primitive Caucasian). Here, I want to discuss how, in 1937, this field of knowledge had coalesced into an apparatus whose aim was the natal-thanatopolitical “forgetting” of Aborigines through eugenic means.

By the 1937 conference, framers posited a racial outcome of absorption, based on the Adelaide School’s racial classification and the techniques of regulation, protection, and child removal would be positioned as a set of policy enunciations—speech acts that would inaugurate a shift and unification in policy toward Aborigines. As historian Russell McGregor has argued, the appointment of the physician Cecil Cook as Medical Officer and Chief Protector of the Northern Territory in 1927 was crucial to the influence of a policy of “breeding out color” in the Territory.⁹⁶ While, in 1928, when Cook had first become Chief Protector of the Northern Territory, J. W. Bleakley was in the process of drafting a set of recommendations about the fate of the “Half-caste Aborigines of North and Central Australia.” He had recognized that the “future of the crossbreeds” if it lay with the “white community” required that “we [be] prepared to absorb them, and grant them equal rights and social advantages until this is accomplished.”⁹⁷ However, since “they are human beings with a conflicting mixture of civilised and savage,” they were therefore “more susceptible to contaminating influences,” and Bleakley ultimately recommended that “the best solution from the point of view of race purity” should see “half castes” remain “members of a protected and civilised aboriginal community;” this was especially so since in Bleakley’s opinion, “in 90 per cent of the cases the natural

leanings are more towards the Aboriginal than the white side.”⁹⁸ Such varying segregationist solutions as those of Bates, Bleakley, and, in part, Tindale (though he ultimately favored assimilation) to this question of race and population that so troubled these self-appointed guardians of a white Australia no doubt represent tendencies countervailing those of absorption. Segregation could function as a gesture of sovereign exception, but it could equally function as a mechanism for research, or as a government response to public fears about race hygiene.

Other commentators such as Neville, Cook, and Tindale rejected the idea of segregation and of half-caste segregation particularly. In his *Survey*, Tindale noted that the result of half-caste segregation would be the continual intermarriage of people of mixed descent. He worried that “[i]f this type becomes fixed, it may, in the future, be necessary to recognize a Neo-Australoid stock, a fixed blend of Australoid and European.”⁹⁹ Ultimately, Tindale came to favor what he called “assimilation” in the *Survey* (though his emphasis on racial stock, physical anthropology, and breeding populations positions his enunciations in the realm of its more eugenic form, absorption). While some favored assimilation for all Aborigines, Tindale saw segregation as only useful for full-blood Aborigines who remained connected to their traditional Country. Sydney Anthropologist and prominent government advisor A. P. Elkin saw all Aborigines as potentially capable of social and cultural uplift and assimilation although he retained much biological essentialism in his thinking, as I detail in the next chapter. Neville divided full blood Aborigines into a three tiered social scale which informed their relative assimilability. The “class (a)” of “full blood” Aborigines were the “detribalized” whose children could be educated would be treated differently to the “semi-civilized,”

who should remain subject to “benevolent supervision” in regard to employment and medical treatment until such time as they might reach “their ultimate destiny” in class (a).¹⁰⁰ The “uncivilized native” was to be “preserve[d] as far as possible . . . in his normal tribal state by the establishment of inviolable reserves.”¹⁰¹ In Neville’s 1947 summary of his outlook on Aboriginal policy (which largely reiterated the 1937 plan), “[n]o neglect of the full-blood classes was thus implied. It merely placed the people in evolutionary order looking at it from the point of assimilation,” this social-stadial view of policy was ultimately oriented to Neville’s natal-thanatopolitical ambitions as regards the future racial and social absorption of Aborigines: oriented to “the future of all native people.”¹⁰² Neville probably derived the scientific justification for his plan for the “uncivilized native” from Tindale’s *Survey*.

It was at the 1937 Conference that an attempt to decide between such countervailing policy tendencies and position matters for a unified Commonwealth scheme. The mechanisms primarily decided as means for accomplishing this destiny were the controlled miscegenation of natives “not of the full blood” and the removal of all children of this kind. As regards the latter, the disagreement came only over the appropriate age for child removal.¹⁰³ If, as I have remarked, protection and care were the catch cries of a racial discipline oriented to the immediate management of indigenous subjects, the child became the locus of a natal-thanatopolitics of the future. For Neville, where it had “been stated many times that natives, even if given a chance, will always live as they have lived for generations past,” and where “[t]hat is probably true, as far as the adults are concerned . . . [w]e have to reach for better things always through the children.”¹⁰⁴ The biopolitics of assimilation and absorption in Australia in the mid-

twentieth century was oriented toward this bifurcated temporality: protection and care for those who remained, absorption for the future. The most literal form of putting to death—the massacre—had largely ceased and was circumscribed by Aborigines Departments. Natal-thanatopolitics would proceed through a disciplinary set of practices whose practices emphasized the functional segregation of Aborigines within reserves, native settlements, and children's homes, even as their ultimate goal was absorption. Absorption was to disappear the Aboriginal population on a long time-line projected toward an imaginary future. Such figures of abnormality as “coloured aliens” would worry this apparatus, as we have seen.

In 1937, the policy emphasis on “controlled breeding” that had been already begun by Cook and by Neville in Western Australia were enunciated as the correct aim of policy nationwide. Further it was precisely the effect of the Aboriginal population's existence on the racial and cultural composition of the nation that mattered to the most extreme advocates of absorption. Neville's rhetorical question to which I referred in my opening sketch asked about the racial composition of the “Commonwealth”---whether this political economic category of state composition was to support a future of “1 000 000 blacks” or whether absorption as a policy would foment a future in which the Aboriginal population would be forgotten. Of course, for Cleland this question of forgetting was not necessary. As Anderson notes, Cleland “predict[ed] a day when, as the result of a scientific breeding and education program, all Australians claimed some Aboriginal ancestry.”¹⁰⁵ In either case, absorption and “breeding out of color” would be the goal of policy for a future nation, whose normativity would be both racially homogeneous and culturally regularized.

The policy of absorption based on miscegenation would indeed become the dominant strand in the discussion at the 1937 Conference in Canberra. Reading the conference proceedings, one encounters a field of competing enunciations which bear upon: the fate of the nation, the fate of the Aboriginal “race,” the categorization of Aboriginal people into kinds based on numerous categories---habitation, blood quantum, relative tribalization. The Conference brought together the cadre of policy experts (for instance Protectors such as Neville, Cook, and J. W. Bleakley), scientific experts (Cleland, for instance, attended), and Federal and State Politicians. They would decide that “the destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth and it therefore recommends that all efforts be directed to that end.”¹⁰⁶ This question of destiny and futurity is not incidental and is intrinsically bound to that of race and nature as either describe the normativity of the population at a biopolitical level: its physiognomy, its fitness and health, and its economic and cultural mode of life.

The biopolitical management of population, directed toward a vision of the dominant race and nation (“the people of the Commonwealth”) was the ultimate *telos* of this vision, even as it was most immediately and in its technologies of intervention a vision directed toward the destiny of the “natives.” Within this logic of futurity and destiny, the notion of the doomed race was retained, insofar as it referred to “full bloods.” Equally, a natal-thanatopolitical logic was put in place for the rising population of half-castes---they were to be absented for all time, not by a mechanism of death, but by the removal of children and the management of miscegenation.

At the Conference, policy framers would decide through such a governmental speech act as the invocation of “racial destiny” what kinds of Aborigines existed and what they were like both racially *and* behaviourally. What was a “full blood native” like, behaviourally and relative to contact with whites? How tribalized was a given full blood, how proximate to a town did he or she reside? How did a “half-caste’s” relative tribalization affect their futurity and that of the normative, white, national population. Finally, under what conditions could an Aboriginal person be exempted from the juridical status of “native?” At what status was one legally, racially, and behavioural absorbed enough to---under continued surveillance---take one’s “place in the community”?¹⁰⁷ Similar questions were asked as regards the “mixed” population. A regulatory definition of “native” was laid out based on pre-existing Western Australian legislation, “Native means---” the paragraph began, a speech act ready to define Aboriginality for the nation’s present and future

- (a) Any person of full blood descended from the original inhabitants of Australia.
- (b) Subject to the exceptions stated in this definition any person of less than full blood who is descended from the original inhabitants of Australia or from their full blood descendents, excepting, however, any person who is---
 - 1) a quadron under 21 years of age who neither associates with or lives substantially after the manner of the class of persons mentioned in paragraph (a) in this definition unless such quadron is ordered to be classified as a native under this act;

- 2) a quadroon over 21 years of age, unless that person is by order of a magistrate ordered to be classed as a native under this act or requests to be classed as a native under this act; and
- 3) a person of less than quadroon blood who was born prior to the 31st day of December, 1936, unless such person expressly applies to be brought under this act and the Minister consents.¹⁰⁸

According to the Conference's logic, "natives" were to be bound to state control, whereas those of mixed descent who demonstrated education, employment, and an avoidance of traditional custom---who avoided fraternizing with "natives" could be exempt from classification as native under Aborigines legislation. Nonetheless, as we shall see, this provisional citizenship could be revoked at any time and functioned as much as a mechanism of surveillance as a provision of rights.

For the Conference attendees, regarding the "full bloods," the question of thanatopolitical "passing" was a palpable possibility. "If we leave them alone," Cook stated, "they will die, and we shall have no problem apart from dealing with those pangs of conscience which must attend the passing of a neglected race."¹⁰⁹ "Full bloods" were not seen as a "problem" for the futurity of white Australia. Rather, in Northern Australia, the fear of a "mixed" Aboriginal population outstripping the numbers of the white in several generations precipitated great anxiety. In the settled southern regions, this was not an issue. But nonetheless, the survival of a mixed population risked disease and ill health (it was believed) for the dominant population because of poor living conditions, and threatening the physiognomic and cultural homogeneity of the envisaged white Australia. Cook argued that, in regard to these anxieties over population, the absorption of half-

castes, based on Cleland's science of race was a forgone conclusion. As regards "full bloods," "there [were] three alternatives," in Cook's view:

first, we may adopt a policy of *laissez faire* which, to every Protector of Aborigines, is repugnant; secondly, we may develop an enlightened elaborate system which will produce an aboriginal population that is likely to swamp the white; or thirdly, we may follow a policy under which the aboriginal will be absorbed into the white population.¹¹⁰

The policy of eugenic absorption would be abandoned after the war, at least in its most explicit form. The 1937 Conference can better be read as a culmination and framing of views about Aboriginal destiny and that of the Australian national racial pool during the preceding decades, with particular acuity in Western Australia and the Northern Territory. It was not Cook's preferred third option, but the second of his prescriptions---"enlightened" protection, cultural regularization, and forced civilization---that came to dominate in the subsequent assimilationist period.

Rather than focusing on the racialization of legislation (that would soon be absented and disavowed), what mechanisms of control does one see fomented by and retained in light of this legislative speech act?¹¹¹ Indeed, education and civilization or "uplift" as they were often called, were provided for in the resolutions that, subject to the goal of absorption, "efforts of all State authorities should be directed towards the education of children of mixed aboriginal blood at white standards."¹¹² Through the period of absorption, mechanisms for regularization of population, education, and other behaviorist standards were laid in place. As regards "full blood" Aborigines, a mechanism meant to provide for their "train[ing] for absorption"---if they were to

survive, the logic went---was put in place. “Full blood” natives were to be divided into three classes of supervision. Class (a) were “children of the detribalized living near centers of white population,” and were to be educated up to a standard enabling them to enter the workforce.¹¹³ Class (b) was to include the “semi-civilized” and “unemployable” natives who would be relegated to “small local reserves selected for tribal suitability,” where they might live “as nearly as possible a normal tribal life, and unobjectionable tribal ceremonies may continue.”¹¹⁴ The “ultimate destiny of these people should be their elevation to class (a).”¹¹⁵ The third class was the “uncivilized native” who was to be “preserve[d] as far as possible . . . in his normal tribal state” on “inviolable reserves.”¹¹⁶ Whether missionary access was to be granted to this last class was to be a decision of the States and Territory in question.

All people of Aboriginal descent came under the Aborigines Acts, however many States held a provision known as “exemption.” By showing their willingness to adapt to white settler economic and social modes of life, Aboriginal people could apply to be exempted from the measures of the act; though they were often subject to continued surveillance, since exemption could be revoked at any time. In his final annual report, Neville exemplified the Western Australian Native Welfare Department’s attitude to this draconian measure:

Exemption should be a valued privilege granted only to the really deserving, prepared to live according to decent white standards—but when once granted it should bestow upon the recipient all the benefits we ourselves enjoy as citizens of the State. It should also carry the obligations such citizenship entails.¹¹⁷

Exemption can be read as a governmental mechanism of surveillance of control; the colonial liberal logic of “civilization” was managed through this mechanism. Within the purview of “exemption,” Aboriginal people could enjoy the conditions of citizenship only on the proviso that they avoid all social and cultural aspects of Aboriginality and embrace a white economic mode.

Though the vision of futurity framed by the policy act produced an aim at the “ultimate absorption [of part-Aboriginal people] by the people of the Commonwealth,” there were also mechanisms of immediate implementation that were social as well as racial. These mechanisms operate as a model for subsequent policies, even as these absented the notion of race from their language. Biopolitical aggregations of population, having identified aberrations of health, welfare, and cultural normativity as it refers to reproduction (the nuclear family) frequently turn to disciplinary mechanisms. It is crucial to note, then that while the goals of futurity shift, many of the mechanisms for regulation produced under eugenic absorption, remained in place from their culmination at the end of the 1930s into the “period” of cultural assimilation. Though not in the exact form it took in 1937, such a classification by relative “tribalization” was to repeated in the cultural assimilationist era.

Assimilation and its Technologies

As we have seen, from roughly the middle of the century, the *telos* of assimilation shifted; race was de-emphasized, the potential for a slow process of acculturation leading to Aboriginal citizenship was foregrounded and colour became less central (at least in the articulation of policy). As we saw, in my opening sketch, by 1963 policy was “not [to be]

based on race,” even as “temporary” exceptional powers could be applied to Aboriginal subjects. The outcome posited was no longer the forgetting of Aborigines according to a natal-thanatopolitics, but rather emphasized the aspiration that:

all Aborigines and part-Aborigines will attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes, and loyalties as other Australians.

Historian Anna Haebich notes that this shift began “[f]rom the 1950s” when “the policy of assimilation was adopted by governments across Australia as the road to take the nation’s estimated 80 000 Aboriginal people out of institutions, pastoral stations, camping reserves, and fringe camps, and into a modern suburban family life.”¹¹⁸ But, as Haebich is quick to note, “[a]dministrative controls were also put back into place. Rather than developing on Aboriginal initiatives, administrators regrouped, reasserted their former powers, and embarked on the new battle to enforce Aboriginal assimilation.”¹¹⁹ Marriage was still regulated, exemptions still the only mechanism of provisional citizenship, and “the forced separation of children from their parents continued.”¹²⁰ By the time of Hasluck’s 1963 statement with which I opened, discipline lay below the surface of apparently benevolent, culturally directed intentions.

Chiefly with reference to A. P. Elkin’s influence in the Northern Territory, McGregor argued, in his *Imagined Destinies*, that the culmination of racial and colour-oriented biological absorption in 1937 was almost as immediately done away with by Interior Minister Jack McEwan’s 1939 “New Deal for Aborigines” in the Northern

Territory. McGregor insisted that this new brand of assimilation “far from seeking elimination of the Aborigines” was “the first in more than half a century to seriously envisage Aboriginal survival, to seek to ensure survival, and to prescribe strategies predicated on their survival.”¹²¹ For McGregor, the pre-war form of absorption is genocidal in emphasizing race and framing policy through reference to color, as well as the disappearance of Aboriginal subjects from the Australian national polity. On the other hand, McGregor marks assimilation as cultural disintegration and normativization and in so doing, attempts to exclude assimilation from any subsistence of thanatopolitical power. He does so, as I trace more closely in the chapter that follows, through a rhetoric of intentionality. The primary proof McGregor would use to mark this epistemological break is vested in the intentions of one advisor (Elkin), his influence on several legislative framers (notably McEwan), and the effect this precipitated from its implementation in one territory of the Commonwealth (the Northern Territory). McGregor, in other words would mark an epistemic break at the level of an intentional ethos, manifest in discourse.

I address these questions of thanatopolitics, necropolitics, biopolitics, and the relation of each with genocide at greater length in the next chapter. There I also deal with the mode of acknowledgement by which intentionality continues to function as a state signature of abdication of culpability; a state signature actualized by neat historical periodization. Here I want to close by introducing certain pertinent subterranean traces of a natal-thanatopolitical apparatus that subsists beyond the epistemic break marked by the second World War. As we just saw, despite the break at the level of state enunciation which we saw between, say, the 1937 and 1963 conferences, many of the technologies of

discipline and biopower associated with natal-thanatopolitics are transmitted across this threshold even as the framers of legislation de-emphasize race and its disappearance as the *telos* of policy.

As framed in 1963, the eventual outcome of assimilation, its meaning in the future is that subjects are to take their place in a Commonwealth of shared values that is yet to come; an idea of future homogeneity “not based on race” which might be read as a dialectical inclusion in the mode of an exclusion. This futurity replaced and supplanted the vision of racial homogeneity offered by the attendees of the 1937 Conference with the transmission of a vision of a future homogeneous population that must conform to “the same customs and [be] influenced by the same beliefs, hopes, and loyalties as other Australians.”¹²² The logic of a future homogeneity of population is retained between assimilation and absorption. “Race” and “color” have indeed been absented (even as the former is retained in the mode of a negation: “not based on race,” a possible recognition in the mode of a misrecognition of wider public apprehension of the goal and practice of assimilation).¹²³ In 1953, federal legislation broke down the distinction between “full blood” and “half caste” Aborigines even as it retained and reemphasized the logic of “exemption”:

3A.-(1.) The Director may, subject to the approval of the Administrator, by notice in the *Gazette* declare-

(a) that a person specified in that notice is deemed not to be an aboriginal within the meaning of this Ordinance;

or

(b) that a person, at least one of whose ancestor was a

person described in paragraph (a.) of the definition of ‘Aboriginal’ in the last preceding section, is deemed to be an aboriginal within the meaning of this Ordinance if he considers it to be in the best interests of that person.¹²⁴

Exemption remains as a mechanism of exception by which Aboriginal individuals could be made subject to the *bios* of settler colonial liberalism. Yet, the Director nonetheless retained the power to decide, within the apparatus, who belongs to the citizenry of the new state and who must remain outside it, marked as other and awaiting incorporation into the body politic. Indigenous people remained subject to a genealogical surveillance which could decide on their inclusion within the citizenry or their absencing as a subject beyond the pale of the polity. Further, to be a citizen meant no longer being native; emphasized by key aspects of the logic of exemption which stipulated that fraternizing with other Aboriginal subjects or continuing any aspect of a traditional way of life could mean a revocation of the provisional citizenship which exemption granted.

Exemption was not the only technology that crosses the apparent threshold from explicitly eugenic absorption to the apparently socio-cultural assimilation. At the 1953 Conference, well after the move to assimilation and the diminution of the rhetoric of race, agents of assimilation nonetheless emphasized the removal of Aboriginal children of mixed descent. Using the terms “mixed-blood” and part-Aboriginal interchangeably, the Conference resolutions not only reinstated the need for removal but insisted on implementing this strategy at as early an age as possible.¹²⁵

In 1951, policy framers had contemplated a more radical diminution of the language of race and blood as it pertained to the application of such measures. Yet this diminution is less evidence of a genuine move to social equality and the bracketing of race, but rather more fully reveals the transmission of technologies of distinction which subsisted despite policy language. Framing and defining assimilation at the 1953 Conference, McCaffrey noted that the 1951 meeting of Commonwealth and State Ministers, “proposed to abandon the method under which an attempt was made to define the terms ‘Aboriginal’ or Native.”¹²⁶ Instead, “all persons” would be “covered by the definition subject to special legislation unless they obtained special exemption from it.”¹²⁷ Instead, “under the new legislation proposed,” a native “will be committed to the care of the State solely on the grounds that he or she stands in need of special care and assistance.”¹²⁸ This more egalitarian policy was immediately criticized. Reverend A. F. Ellemore noted the hypocrisy it betrayed. As he noted, while the words “Aboriginal” and “Native” were no longer used in the new Welfare Ordinance, “the Welfare Ordinance can apply only to Aborigines; and it therefore becomes a farce not even to mention it.”¹²⁹ As Ellemore noted, the more neutralized the language of legislation became, the more clear it was that it was intended to operate as a means of policing, surveilling, and disciplining Aboriginal subjects. Ellemore’s criticism emphasizes the degree to which special measures “not based on race,” were indeed so. Ellemore counseled that policy framers accept their own assumptions about the inferiority and incompatibility of Aboriginal social life, claiming that extant policy was not “discrimination (an unworthy thing),” but racial distinction (a realistic and necessary thing).¹³⁰ “It would surely be far better,” he wrote, “to treat them on the dignified basis of their different stage of development, and

recognize that this is because they are of a special racial group.”¹³¹ Ellemore’s racist distinction in kind between Aboriginal and European ways of life reveals the degree to which such assumptions pervaded even the more progressive assimilationists—who wished to continue the same practices of government while evacuating an explicit avowal of the racism they nonetheless entailed.

While there is a rhetorical transformation in the 1963 document, at the twilight of assimilation, not only in the absenting of the language of race and the extension of provisions for assimilation to all Aborigines, from its preamble on the “meaning of the policy of Assimilation,” the question of the technologies of power that the sovereign institution retains is one of transmission and not of transformation. Indeed, where the thanatopolitical presumption that “full blood” Aborigines leading a nomadic life would vanish had been eclipsed, now they could be subject to mechanisms to transform their mode of sociality.

As late as the 1963 Conference, many of the framing mechanisms surrounding the social “type” of Aboriginals and even their racial “blood content” remain in play despite their “intentional” eschewal of matters of race. I have mentioned, while explicitly disavowing race, it nonetheless retained an analytics of descent; subjects were already “Aborigines” or “part-Aborigines.” Further, forms of social life recur in the 1963 policy shift as formed around the same overlapping collapse of socio-cultural factors and racial factors. Now, race is merely occluded in a rhetorical gesture. As the document’s definition provides: “[a]ny special measures taken for Aborigines and part-Aborigines are regarded as temporary measures, not based on race, but intended to meet their need for special care and assistance to protect them from any ill effects of sudden change.”¹³² As

such, the document retains the capacity to take into account temporary special measures directed at the subjects variously prepared for citizenship. The amount of preparation for assimilation was a significant question within the 1963 Policy Document. Of course, this document is explicitly of the period of the latter end of assimilation, where fomenting measures to make special laws apply only to Aboriginal subjects was a practice that was becoming less central to Aboriginal policy. It is precisely this positioning that is illuminating: a consideration for protective measures and mechanisms (including, for instance, the permission for medical testing on Aborigines by blood type¹³³) applied specifically to Aborigines that would be temporary and responsive to certain special needs vis the production of Aborigines as adequately normatively Australian citizens sharing “the same customs and influenced by the same beliefs, hopes, and loyalties as other Australians.”¹³⁴

The mass-mediated devices by which non-white subjects were solicited to perceive this shift away from race nonetheless retained the categorization of people by blood quanta as a corollary to the new social stadial model which undergirded assimilation. As Anna Haebich has noted, from the 1950s, the Commonwealth Government intensified its campaign to “spin” assimilation, endeavoring to make it acceptable as a policy to white Australians; one of the means of doing so was through the dissemination of a series of propagandist pamphlets.¹³⁵ The Northern Territory’s 1958 pamphlet boasted about the achievements of the 1953 amendments, saying that in light of them “all people of mixed blood living after the manner of Europeans were freed from the restrictions previously imposed.”¹³⁶ It also insisted that “perhaps the most positive step taken by the Government in regard to people of mixed race has been to transfer,

where practicable children of mixed race from the Territory environment, and give them a chance to develop normally in Southern States where colour consciousness is practically nonexistent.”¹³⁷ Where measures of “uplift” were in place for all Aboriginal people and not merely those of mixed descent, the categories of descent based on blood remained in play as technologies for dividing and surveilling the population. Inherited from the more openly racial policy of absorption, these categories were blatantly on display even in such propagandist documents that aimed to norm the question of “color” acceptability. As the documents aimed to educate citizens away from their color prejudice, they also relied on the analytics of blood that had been instantiated under absorption.¹³⁸ In 1963, the same year as Hasluck’s Conference, the Commonwealth released *The Aborigines and You*, which conceded that

most aborigines are still in various stages on the way to assimilation, some legislation applicable to them as aborigines is still extant. These special measures taken for aborigines and part-aborigines are regarded as temporary. They are not based on race, but are intended to meet the special needs of these people at this time to protect them from any ill effects of sudden change and to assist them to make the transition from one stage to another as easily as possible.¹³⁹

Here, the notion of types based on “stage[s]” of accommodation to civilization is distributed across a population divided by an analytics of blood and race (“aborigines” and “part-aborigines”). This retention of the capacity to define the Aboriginal population as subject to protection at the whim of Government Administration clearly forms a

transmission in the technologies of protection and assimilation, even as a break at the level of imagining the national futurity of the nation can be said to have taken place.

Where absorption and assimilation differ according to their visions of national homogeneity in the future, they retain many mechanisms for the decision about who is “native” and who is not until the beginning of the recession of such policies and the emergence of civil rights discourse predicated on citizenship in the 1960s. As late as 1963, we can see that where ultimate goals have changed, temporary measures are retained as a mechanism for the policing of cultural normativity and biopolitical policing of familial normativity. Not only did this mean the surveillance and selection of aspects of Aboriginal cultural practice that would be acceptable in the future but also, this selection process referred to the melancholic appropriation of artifacts and aspects of Aboriginal culture insofar as they could function as fetishes of a new nationalism distinct from the British Imperial Metropole.¹⁴⁰ Where absorption aimed to police the cultural lives of “half-castes” and palliatively segregate and “preserve as far as possible”¹⁴¹ the “tribalized” “full blood,” assimilation aimed at the regulation and cultural subjection to European normativity of all Aboriginal people---who were nonetheless still divided into categories of descent and behavior. This eschewal of race in cultural assimilation extended the reach of special measures by emphasizing its intention to act with equal vigor on not only the “part-Aboriginal” but also the “full blood” Aboriginal population.

It is in the context of this question of categorical mechanisms for dividing and distinguishing types of Aboriginal—according to blood, according to social life—that, while I accept the shift identified by MacGregor at the level of intentionality, I would maintain a need for discursive vigilance around the continued cross-mapping of social

forms of life, and rhetorics of crossing or of stage. There is indeed a shift at the level of the national teleologies of homogeneity undergirding policy speech acts. After the Second World War, no longer do policy framers aim to forget or disappear Aborigines in the years to come (at least if their framing enunciations are to be believed). However there also subsist alongside such shifts, a transmission of discursive categories of population and protection and variously determines the categories that are going to surround the making of “kinds” of Aboriginal: “full blood” / “half caste” / “octoroon” etc., or later, “Aboriginal” / “part-Aboriginal,” or those quasi-sociocultural types, “tribalized” / “detrribalized” / “exempt,” and therefore a precarious subject of the nation’s normative citizenry. The stadial model of assimilation essentially retained the technology of division between types (social, sanguinal) that had been developed under absorption.

Early in this chapter, I asserted that across assimilation and absorption, *continuous* techniques of discipline and biopower were retained over Aboriginal subjects. I should signal and delineate the methodological assumptions which accompanied that tactical choice of language, since what I have here identified is not exactly *continuous*. Foucault’s archeological method, which I have employed, challenges the historian’s faith in continuity. As he puts it: “We must renounce all those themes whose function is to ensure the infinite continuity of discourse and its secret presence to itself in the interplay of a constantly recurring absence.”¹⁴² Earlier, in the same text, he complicates this association in advance. Where discourse is seen to be continuous,

the great problem presented by historical analysis is not how continuities are established, how a single pattern is formed and preserved, how for so many different, successive minds there is a single horizon, what mode of action and

what substructure is implied by the interplay of transmissions, resumptions, disappearances, and repetitions . . . the problem is no longer one of tradition, of tracing a line, but one of division, of limits.¹⁴³

Indeed, at the level of discourse, many contrary horizons emerge from minds which conceive regularized *teloi* differently—whether in synchronic disagreement or through diachronic heritage and filiation of ideas. Further, and crucially, where certain horizons emerge to form and define a period, these horizons also rupture and break. Yet Foucault’s wariness of the possibility of continuity should not lead to an inevitable elision of genealogical filiation or to a scepticism around the maintenance of technologies of power at the level of disciplinary institutions; it should not, in other words, lead to skepticism regarding the subsistence of modes of power across discursive breaks. To be sure, there are “transmissions, resumptions, disappearances, and repetitions” at the level of apparatuses and technologies, but these become suspect when (and only when) they are referred to a “single pattern” at the level of the “minds” and discourses whose “substructure” would be implied by the auto-affective presence of mind to discourse, intention to horizon. From absorption to assimilation, then, one finds a movement of intentionality around discourse which obscures the transmissions, resumptions, and repetitions which connect the two at the level of a biopolitical apparatus.

Unless one fetishizes the panoply of conflicting intentions of policy makers, there is no hard epistemic break between assimilation and absorption. Insofar as a shift in the discourse around the aims moved from an open embrace of a politic directed toward the death and/or disappearance of natives (thanatopolitics), which alternated with an assumption around the extinction of natives (necropolitics) to another telos of population

regularity. This new *telos* manifest around the rhetoric of civilization, cultural uplift, and economic capability, all of which would be the metric by which Aboriginal preparedness for citizenship would be gauged. As I will show across the next two chapters, this shift in *telos* reveals a discursive maneuver around the regularity posited in the project of a biopolitical futurity. But, as I will also show, the shift in the discourse of demographic regularization and its concomitant implications for indigenous subjects does not reveal an epistemic break, a move from thanatopolitics to some antiquated and objectionable, but well intentioned move toward Aboriginal citizenship. Rather, breaks at the level of colonial power must be identified not only at the level of discourse but also correlated with the apparatus by which the ideals of policy framers and the heads of bureaucracy (such as so-called Native Protectors) apply biopower and disciplinary power toward the ends of normativization. Such breaks are only meaningful when they are compounded by the transformation of the apparatuses by which they are implemented.

To be sure, overtly racializing discourses are enunciated in relation to the governmental, disciplinary, and regulatory practices most common prior to 1945 and most pervasively in the Northern Territory and Western Australia. However, to assert a discrete break in the post-war period is to deemphasize the subterranean lines of force through which Aboriginal people were policed and governed, subsisting across both absorption and assimilation. There are, in a sense, two parallel operations which characterize settler colonial biopolitics. On the one hand, there is the set of enunciations about the *telos* of intervention in the colonized population, the enunciations about its regularization and aggregation: the destiny of the race, or training for equal citizenship and partnership in a shared commonwealth. On the other hand there subsist biopolitical

mechanisms for ordering the colonized and technologies of biopower and discipline by which they are affected, their children removed, their marriages forbidden (or sanctioned and then surveilled), and exemptions from the legal category of “Native” granted. The telos of homogeneity transforms much more rapidly and markedly than the mechanisms in place to accomplish either end.

While rhetorics of race and of external physiognomic difference may recede after the second world war, the fragmentation of indigenous culture remains annexed to the biopolitical imaginary of normativization at the level of the body and regularization at the level of the population. I now move to examine how the *artificiality* of assimilation is *actvirtually* managed through the epistemic insistence on intentionality in political and historiographic discourses. The way such historiographic divisions are made bears direct consequences in the economy of cultural memory in the present.

Chapter 3

State Signatures:

Intentionality, Normativization, Artifactuality

Our generation does not own these actions, nor should it feel guilt for what was done in many, but not all cases, with the best of intentions.¹

Brendan Nelson's Response to the 2008 Apology to the Stolen Generations

[L]eaving aside for the moment the matter of intent, it is possible to make a case that there has been conduct by non-Aboriginal people towards Australian indigenes that falls within at least four of the categories of behaviour mentioned in the Convention definition of 'genocide.'²

Wilcox J, *Nulyarimma v Thompson*, 1999.

On the 13th of February 2008, Prime Minister Kevin Rudd apologized to the Stolen Generations—the indigenous people who had been forcibly removed from their families by the Australian state. This act, itself disseminated and repeated, contested and affirmed, bore the signature of a state attempting to atone for a history of dispossession and removal. It bore the signature of the very entity which had formulated and implemented this apparatus of dispossession inscribed in such policy ideas as absorption and assimilation. The apology came heterogeneous to any commission of recompense or to extant adjudications of individual or state fault—though such adjudications have taken place, however occasionally and sporadically.³ The apology was instead a sovereign act, undertaken by an executive seeking symbolic reparation and national reconciliation. In

his response to Rudd's speech, opposition leader Brendan Nelson offered his own apology, but in doing so, de-emphasized guilt or culpability. He framed this elision through the insistence on the "good intentions" of "many, but not all" of the acts undertaken by the agents of assimilation, an utterance I have quoted with significant irony in my epigraph.

Envisioning the regularization of the settler-colonial polity through the disappearance of indigenous peoples, the apparatus of natal-thanatopolitics is embedded in the biopolitical management and normativization that exceeds and outlasts it. Genocide is an immanent and potential aspect of any thanatopolitical regime. Yet genocide as a juridical concept that has developed since its signing into international law by the United Nations in 1948 relies on an identification of intentionality which is often diffuse within a thanatopolitical regime and present only as a silenced trace (though not by any means an aphasic absence) from the archive that subsists in its wake.

As such, theorists of biopolitics such as Agamben and Esposito have chosen to use the term thanatopolitics rather than genocide, in order to draw out the symbolics of death that surrounds and accompanies the biopolitical immunization of life beyond the literal facts of state killing—extending indeed to what Foucault called the desire to "kill civilizations." Further, as we have seen, Achille Mbembe prefers the term necropolitics, perhaps because it describes the positioning of late colonial occupations (for instance in the Occupied Palestinian Territories) as well as of postcolonies in states of vulnerability wherein neoliberal maneuvers of capital extract wealth through logics which suspend the vitality and rights of the postcolony's population.⁴

Further, Esposito sees thanatopolitics as immanent to inversions in the immunitary power over life and locates it not only in the death camps of Nazism, but also in Nazism's three *dispositifs* (apparatuses): absolute normativization of life, the double enclosure of the body, and the anticipatory suppression of birth.⁵ This may be the reason for Esposito's fairly narrow description of genocide, relative to the literature on genocide. Esposito notes that "scholars do concur that in order to be able to speak about genocide, the following minimal conditions must be met: (1) that there exists a declared intention of the part of the sovereign state to kill a homogeneous group of persons; (2) that such killing is potentially complete, that is, involves, all its members; and (3) that such a group is killed insofar as it is a group, not for economic or political motive, but rather because of its biological constitution."⁶ If by scholars, Esposito means those legal scholars who frame their analyses within the ambit of the U. N. Genocide Convention as it was signed—to the exclusion of key aspects of the notion which its framer, Raphael Lemkin had wanted included—then Esposito is correct.

While attended upon by wholesale denial and revision, Australian Aboriginal history has also attempted to deal with the destructive implications of a policy of control and normativization that, while for some time imagining the disappearance of the colonized population, rarely turned to state-sanctioned models of putting to death. This is no doubt in part a result of the force of existing legal categories and doctrines. Indeed, the 1997 *Bringing Them Home* Report on indigenous child removal characterized assimilation as genocidal while drawing its authority from the 1948 Convention. Russell McGregor, as I noted in the last chapter, insists that the pre-war eugenic form of Australian aboriginal policy (absorption) was indeed a coordinated effort to "breed out

color” and disappear the Aboriginal population. McGregor however contests the existence of genocidal intentions as a basis for the postwar form of Aboriginal administration which came to be known as assimilation, insisting instead on the United Nations definition of genocide that includes the forcible transfer of children from one group to another under article 2 (e). With this in mind, he asserts that: “legitimizing miscegenation must be clearly distinguished from programs seeking to engineer miscegenation to the predetermined outcome of effacing one of the groups involved. Interwar absorption did seek to engineer this outcome; postwar assimilation did not.”⁷ In a maneuver that rhetorically evokes Nelson’s logic of cultural memory, archiving and recalling “what was done in many, but not all cases, with the best of intentions,” McGregor grounds this claim to a large degree in the intentions of one figure: anthropologist and policy advisor A. P. Elkin “who could be justly regarded as the leading mid-century theorist of Aboriginal assimilation.”⁸ Elkin, McGregor insists, “distinguished sharply between the assimilation he espoused and the absorption he deplored.”⁹

Historian Patrick Wolfe has succinctly and forcefully put a key criticism to McGregor’s historiography:

McGregor has asserted that, because officials talked publically of preparing Aborigines for assimilation into full membership of mainstream Australian society, post-World War II Aboriginal assimilation was cultural as opposed to biological, and therefore, not genocidal. Apart from the fact that Hasluck-era policy sought to elevate Aborigines from out of their group and into mainstream Australian society as individuals (a strategy aimed at eliminating the group), and

apart from the fact that, however it may be ideologically rationalized, child abduction is child abduction, the unexamined assumption that ‘culture’ and ‘biology’ are discrete categories is untenable.¹⁰

Indeed, in the last chapter I delineated certain key instances where the supposed shift from “biology” to “culture” was embedded in the continuance of technologies of biopower (“child abduction is child abduction”). However, there, we had not yet encountered the concept of intentionality. Here I take it up not within its own terms but in order to deconstruct a number of the consequences of this methodological device for the historiography of settler colonial biopolitics and the practices of cultural memory which rely upon it in the sovereign gestures of apology and excuse one finds emerging from Nelson’s reply to Rudd. What does it mean for the signature of the state to ground its memorialization of its own disciplinary practice in the rhetoric of intentionality?

Where McGregor’s archivization anchors itself in a periodization grounded in intentionality, it also relies on a conception of self-presence, one which does not account for the transmission of disciplinary practices from one “period” to the next (and one would have to deploy similar caveats for Nelson’s practice of memory, or even the insistence on intentionality posited in the *Bringing Them Home Report*). An epistemic break does not occur where it only shifts the orientation of public intentions while the embedding of the statement in an apparatus retains and reinstalls such abiding technologies of power as child removal, marriage regulation, and exemption. McGregor insists that the *Bringing Them Home Report* was insufficiently strict in its principle that acts of governance be referred to the policy frameworks in which they were formed (by reference to which, intentionality and culpability, not to mention the discretion in

identifying either the plenitude or absence of intention can be employed in defining a “period”).¹¹

Many historians of genocide emphasize the limits attendant upon an intentionalist approach to the historiography of the concept and suggest that it need be supplemented or supplanted by what they call the “structuralist” approach to genocide.¹² A. Dirk Moses succinctly limns the structuralist approach, foregrounding that it “averts the issue of perpetrator agency and intention by highlighting anonymous ‘genocidal processes’ of cultural and physical destruction.”¹³ Further, as Moses notes, there are more supple forms that (as he would schematize matters) largely conform to the intentionalist side of the distinction. Notable among these is the degree to which Lemkin, the legal scholar who principally framed the 1948 U. N. Convention, “also considered the issue of what might be called ‘unintended consequences,’” and in so doing, “postulated that genocidal intent could be inferred where mass death was not explicitly intended but where it was highly probable and reasonably foreseeable.”¹⁴ Here effects of putting the other to death might be understood as subject to culpability in so far as they failed to foresee the deathly outcomes they no doubt entailed: “[i]n the criminal law of civil law countries such an intent is called ‘*dolus eventualis*’.”¹⁵ Here, I suggest an alternative way of thinking about the relation between the framing of disciplinary measures in policy grounded in the logic of the speech act (and not of intention). I then move to an intensive discussion of the discursive formation that developed around the time of the transition between absorption and assimilation, in order to draw out the co-articulation of biologism and culture subsistent in either apparatus, and the mode of normativization this apparatus entails. Finally, I will return to the issue of cultural memory and the sovereign apology with

which I opened in order to suggest that the metaphysics of presence (intentionality) perpetuates an amnesiac approach to the memory of state crime.

State Signatures

The signature of the state is identifiable not only in the production of regimes of power, but also in their presence as artifactual remnants. The signature of state crimes against humanity is iterated in institutional efforts to normativize the memory of past injustice. Indeed, such events are never past, but remain immanent as the specters of such crimes are to the psyche of the present. If a state is a central agency whose force and application of power arises through individual acts, then where does one locate the intentionality of the state as a means to evaluate crimes perpetrated through its policies, or by reference to the discourses that frame these policies? And further, where intentionality is too bound to the fictive notion of the auto-affection of the subject present to itself, fully aware of its intentions and desires, as well as remaining similarly bound to the immanence of that intentionality in the subject which acts or commands, then where might we relocate action under the commandment of such a state signature? Where intentionality is pragmatically difficult to trace in the archive of an apparatus, with its palimpsest of orders and orderings “scratched over and recopied many times,” how might we reconstruct a model of state crime, culpability, and obligation to recompense given through Jacques Derrida’s supplantation of intentionality by the logic of the signature?¹⁶ For Derrida, a signature marks the spacing between the full presence of intention and its absence in the iterable production of acts and enunciations supposed to proceed from the intentions of a subject fully present to itself.

In order to make sense of this affirmation and deconstruction of the coimplication of justice and law, it will be necessary to emplace it in Derrida's lexicon as it is elaborated through a deconstruction of J.L. Austin's theory of the performative speech act. Derrida first described this notion in the essay "Signature, Event, Context" which first appeared in English in 1973 in the collection *Margins of Philosophy*. There Derrida deconstructs the grounding of Austin's theory of linguistic pragmatics in reference to the intentionality of the thinking subject. Whereas for Austin, the performative function of speech which he remarked, dubbed, and taxonomized, is always referentially grounded in the intentions of enunciators, in Derrida's hands speech acts are revealed to be subject to constitutive undecidability at the level of grounding in intention. The performative speech act will never be constitutively bound to the intentions of its enunciator but always evaluated and circulated within the semantic and illocutionary fields through which it circulates. The presence of the agent who "signs" an enunciation will always remain simultaneously absent and present as the event of inscription are carried forth into the future, producing consequences themselves evaluated, archived, and referred to practices of memorialization, mourning, and melancholia.

For Austin, an enunciation at its locutionary level is refracted between further domains by which it enters the world of communication, sense, and action.¹⁷ The force of Derrida's elaboration of Austin's taxonomy of speech acts is most crucial in light of Derrida's affirmation of the signature emergent from the violent acts of states and the traces they leave behind. Derrida, in his late writings was more readily concerned with concrete issues of justice and law, even as he continued to insist on their deconstructability. In one such late moment, he would nonetheless proffer the the logic of

the signature as a way to think the violence of the state. In his lecture *On Cosmopolitanism*, framing the concept of a crime against humanity, he attempted to remark the inconceivable degree of “violence that still rages on a world wide scale,” and in so doing, wondered whether it is “still necessary to highlight the fact that such crimes sometimes bear the *signature* of state organisations or of non-state organisations?”¹⁸ If state organizations, in their enunciations, inscribe both their presence and culpability and the absence of a coherent intention, then one encounters an uncannily similar form of colonizing force and dominance, and a rearticulation of the form of the regime of power proceeding from it.

A.O. Neville’s statements about absorption contain not only constative content, but also performative force, particularly since the Chief Protector of Aborigines was vested with the power to order removals of indigenous children, to approve or deny marriage licenses to those classed as “Natives” under Aborigines legislation, to exempt people from the status of “Native” under the legislation (which could always be revoked and was accompanied by discipline), to decide through the sight of a protector and through the genealogical surveillance of a person’s background whether someone was or was not native. When Neville made statements of policy aim, his acts of speech not only had constative value but also performative value. When, at the 1937 Conference on Aboriginal Welfare, Neville stated, “the problem of the native race, including half-castes, should be dealt with on a long-range plan . . . by accepting the view that ultimately the natives must be absorbed into the white population of Australia,” he was not only stating that he believed it was true that the state should frame the powers of protectors in relation to a long range plan but that he was recommending—with an illocutionary force—that

this framework become Commonwealth policy, become the basis by which the success of the implementation of power over Aboriginal people be assessed and framed. In so doing, this statement, and indeed, more particular and micro-physical statements and dispatches ordering the removal of children, approving certain marriages, exempting individuals from the status as native were all illocutionarily soliciting actions whose framing outcome was not only that the actions be done, but that their status as actions referred to a government of the future. The actions of agents of absorption and assimilation were illocutionarily referred to framing strategies which referred their implementation not only to the concrete force of a desire to normativize, discipline, and apply biopower, but also that the force of these actions be framed in the context of a regime whose actions were all contextualized by a biopolitical project of regularizing the settler colonial population and a natal-thanatopolitical project of achieving this end through the imagined disappearance of indigenous subjects from the projected polity.

Yet, illocutionary acts are also referred to an agent who acts on them. Austin called this perlocution. The illocutionary act solicits that the addressee (the agent of the regime: the Protector, the policeman) act on the dispatches of the enunciator (the Chief Protector). A communication performatively, and through its illocution, solicits that the addressee act according to its dictates and, in the case of a dispatch from a government department to an agent or employee, this illocutionary force carries particular weight.

Derrida's deconstruction of speech act theory is useful as a framing device for this thought of an apparatus of iterable acts and its remnant as an archive of the traces of such acts; this is so not only because what is imperative is the evaluation of the potential return, remainder, or repetition of thanatopolitics, but also the identification of the form

and structure of its subsistence as an archival trace carried into the present accounting of apology and culpability (which, as I opened by noting, bears the signature of the same state which authorized the regime itself). It is worth quoting Derrida at length. If we are suspicious of the grounding of the performative speech act in intention, then its displacement by the logic of the signature is instructive, even as:

In such a typology, the category of intention will not disappear; it will have its place, but from that place it will no longer be able to govern the entire scene and system of utterance [l'enonciation]. Above all, at that point, we will be dealing with different kinds of marks or chains of iterable marks and not with an opposition between citational utterances, on the one hand, and singular and original event-utterances, on the other. The first consequence of this will be the following: given that structure of iteration, the intention animating the utterance will never be through and through present to itself and to its content. The iteration structuring it a priori introduces into it a dehiscence and a cleft [brisure] which are essential.¹⁹

The problematic of grounding the performative speech act in intention, with its illocutionary force (the framing of the apparatus, the regularized aggregation of the population), refracted through the whole interpretation of this intention, the perlocutionary force taken up by its addressee (the implementation of discipline and biopower in relation to acts of policy) should be clear. The iterability of the speech act enacts a subsistence of the crimes its marks, it produces dehiscence, it opens wounds, it inscribes memory. As such, we will no doubt find a whole field of overlapping justifications, self-assurances, and affective displacements which accompany the framing

of acts in notions of care, welfare, and good. These intentions will no doubt be visible and have certainly been enunciated.

This approach is subtly different to McGregor's contention that all child removals (or the other disciplinary modes of power in the settler colonial regime to which it is connected) be evaluated against the backdrop of the policy frame in which it is elaborated. Rather than anchoring these claims to the attribution of intentions and projects in the enunciations of policy framers (Elkin, say, or Hasluck), it insists on the constant slippage between these apparently fully present policy frameworks and the framing devices of past policies iterable within them. Further, it insists that the perlocutionary force by which such acts are implicated need not be located only by reference to the enunciations of contemporary policy-makers but by reference to the fragmentary discursive field that traverses either side of a suppose periodization (biological racism prior to the war and cultural assimilation after it). Such an approach solicits that we draw out the untenability of the divide between ideologies of biology and culture that rightly concerned Wolfe. Among its other immediate consequences would be to accept that the perlocutionary force underlying the acts of agents of the state under absorption might indeed have acted with reference to other motivations than genocide and the imagined disappearance of Aboriginal people. But it also entails that no clean break can be identified in the acts of those agents of the state after the turn to a discursive insistence on culture at the illocutionary level by which injunctions to remove and discipline were framed after the War. The wounds of absorption remain open, and the devices of power which marked them do not vanish with assimilation's emphasis of culture over biology.

While my elaboration of the state signature may superficially appear to have more in common with the structuralist thesis, it does not remain proper to either structuralist or intentionalist approaches to genocide. Rather than eschewing “intentionality and perpetrator agency” (structuralism) or excluding all incidences of genocide which cannot be readily refracted through the logic of “perpetrator agency” (intentionalism), the notion of state signature proceeds from a deconstruction of intentionality as a category presupposing the presence of the self to the self. In so doing, the recognition of the mark of state signatures upon crimes against humanity reveals the degree to which the performative framing of acts and the application of violence itself are referable to a culpable agency whose role in conceiving and implementing acts of disappearance and discipline need not and cannot be grounded (only) in the logic of an intentional subject. The signature of the state is detectable not only in the production of massive acts of violence and biopower aimed at depopulation and assimilation, it is further detectable in state attempts to exonerate (and even commemorate and mourn) these acts of violence and applications of biopower. As such, the notion of a state signature reveals much not only about the culpability of the state, nor only (though certainly significantly) about the recognition of the way thanatopolitics, as a horizon of biopolitics “is held in abeyance . . . rather than being a thing of the past” therefore helping to “guard against the recurrence of what Moses calls ‘genocidal moments’ (social workers continue to take Aboriginal children in disproportionate numbers, for example).” The notion of state signature also allows one to conceive and critique the way the *actuvirtual* normativization of the crimes of the past through such categories as the “good intentions” acts to elide and obscure

these potential recurrences—the specter of the artifactual return which are concealed in the selections emergent from *actuvirtuality*.

If the illocutionary structure of the speech act is located in part at the policy level, then the move to eschew genocidal and race-based thinking in Australian Aboriginal policy after the second World War hardly becomes entirely insignificant. As such, I now turn to the relation between culture and biology at the level of the absolute normativization of life, the latter of which traverses absorption and assimilation. This conception has been immanent to nineteenth century racial evolutionism and the British Imperial rhetoric of the civilizing mission. Cultural normativization targets the economic, the religious-sacral, and fragments constitutive social modes of life given in kinship networks---as they traverse and combine consanguinal and affinal modes. Such normativization of culture (and particularly of so-called primitive society) as a mode of biopolitics is not external to thanatopolitics---as if the two stood in a relation of heterogeneity. What remains is to determine the enfolding of the one in the other.

Culture, Normativization, Biopolitics

In a 1947 United Nations memorandum, Raphael Lemkin insisted that “[c]ultural genocide is the most important part of the Convention.”²⁰ Yet while the prohibition of cultural genocide was included in the 1947 draft declaration, it was ultimately excluded from the 1948 document signed by member nations. For Lemkin, the primary definition of genocide included not only putting to death as the apotheosis of the attempt to destroy a population, but also all the phases of colonial dispossession which led to it and formed it—which Foucault called the attempt to “kill civilizations.” “Genocide,” he wrote,

has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's nationals.²¹

Noting that this idea had once been called “denationalization,” and that for some it consisted only in the deprivation of citizenship, Lemkin saw in colonial occupation the wholesale supplantation of the oppressor's mode of life for that of the oppressed. For Lemkin, there were eight techniques of genocide which preceded from this initial two phase process and, indeed, through which this process proceeded. These techniques were divided into: political, social, cultural, economic, biological, physical, religious, and moral modes of dispossession.²² Each mode targeted an aspect of a people's way of life: their way of governing themselves (political), the abolition of a people's law and special forms of knowledge (social), the education system and a people's practices of art as well as their public sphere (culture), a people's mode of value and subsistence (economic, physical), its embedding in sacral beliefs and practices (religious), “measures calculated to decrease the birthrate” of the dominated group (biological), and a refocusing of the general direction of energy of a group on base instincts over those leading to coherence and morality (moral).²³

The proposed criminalization of cultural destruction—excluded from the U.N. Convention by law but assented to by many scholars (not the least Lemkin himself)—renders anew the task of disentangling biopolitics aimed at the regularization of the population of a polity from the thanatopolitics to which the colonized are exposed as a

result. While respect must be paid to the fact that the mass killing of an entire population is the most heinous apotheosis of the thanatopolitical turn in biopolitics and its necropolitical form in the postcolony, nonetheless the logic of destruction of a people at the level of their sociocultural integrity must also be attended to. This is imperative also at the broader level of the biopolitical since, very often, under regimes obsessed with the blood and the biological constitution of peoples, the *bios* of the colonized (viewed as a “race” for instance) often refers less to a truly biological grouping (since race is a fiction) but, in so far as it has a referent at all, to a people’s self-constitution through culture. The fragmentation of indigenous modes of kinship (affinal and consanguinal) becomes central in light of such consideration, as well as their endurance in the face of state engineering. What racialized biopolitical regimes recognize as blood is often an imaginary whose referent (if there is one) is to a culturally cohesive group. As Lemkin himself put it: “[i]f the culture of a group is violently undermined, the group itself disintegrates and its members must either become absorbed in other cultures which is a wasteful and painful process or succumb to personal disorganization and, perhaps, physical destruction.”²⁴ Thanatopolitics, then, is not only the destruction of literal bodies but the aim to destroy a population at the level of its coherence, the putting to death of the *bios* of the colonized---their mode of life, cultural, collective, and sacral (even as this is imagined to refer to blood or more recently, to mitochondrial DNA). This enclosure of culture by blood can be most clearly understood in relation to an elaboration of Esposito’s three dispositifs of biopolitics, which I will briefly undertake before turning to the form which they took in the regime of Aboriginal administration.

Esposito identifies three *dispositifs* or apparatuses by which a people are immunized under a biopolitical regime. While these are elaborated from Nazism, one may, with attention to the particularity of a colonial scene, identify analogous operations of power. The first, he names the “absolute normativization of life,” within which “the two semantic vectors of immunity, the biological and the juridical, for the first time are completely superimposed according to the double register of the biologization of *nomos* and simulatenously that of the juridicalization of *bios*.”²⁵ Here life need be read not only as a biological kernel immanent to the body, but also as the mode by which this *bios* is attributed to forms of collectivity (socio-cultural, economic, religious).

The second immunitary dispositif, Esposito calls the *double enclosure of the body*, whereby aspects of subjectivity previously delineated through religious conceptions of the self become embedded in the understanding of the subject’s being at the level of their biological makeup. The conception of an “absolute identity between our body and ourselves” leads all aspects previously attributed to the self, including the religious beliefs and economic practices emergent from the elementary forms of kinship, to be embedded in the imagined physical makeup of a population and the bodies subsistent within it.²⁶ In regimes characterized by the apotheosis of biopolitical thought---those given to eugenics and to imaginaries of blood and purity—all that had been previously understood as transcendent and directed to the future and its salvation are ascribed to their inherence in the biological makeup of subjects. Here “all dualism between the ego and body collapses” and everything emergent from culture is attributed to the phylogenetic inheritance of the body.²⁷

Through the 1930s where Aboriginal people were surveilled through a physical anthropological regime, cultural anthropology was gradually displacing this physicalism as the primary ethnological mode of conceiving the indigenous self. Nonetheless, one does not find a discrete break between culture and the body in the mid-twentieth century ethnological conception of the indigenous self that undergirded native administration. Instead there emerges a positivity in which culture's relative autonomy remains frequently ascribed to an imaginary by which the past inheritance of the body and mentality is positioned within a culture alongside which it "evolved" and through which it is seen to be produced. This enclosure of culture in the indigenous body is repeated once over in its projection to the future, as the mentality vested in blood and expressed in so-called "primitive" culture must be normed in order to occupy a place in the future makeup of the social body to be bequeathed to subsequent generations. The indigenous body is not only doubly enclosed, but multiply so: once by its inheritance from the past, once more in the bifurcation between culture and biology, and finally in the normativization of this double enclosure as it is projected toward the regularized future of a nation imagined as white.

Finally, Esposito identifies a third immunitary *dispositif*: the "anticipatory suppression of birth," wherein power is exercised not only over life but over its genesis. The most overt form of the anticipatory suppression of birth is sterilization. Indeed, Tindale had mentioned the possibility of "sterilization," explicitly in his 1941 *Survey* while discussing "methods of half-caste control." He dismissed the possibility out of hand, not rejecting it on moral grounds but merely noting that "the remoteness of the possibility of its employment as a racial measure is sufficient to render it a matter of

academic interest only.”²⁸ It was at this point in his text that he launched into the elaboration of a taxonomy of crossing supposed to inform assimilation and its retention of eugenic selection criteria. As we saw in the previous chapter, at the “academic” level of physical anthropology, a field of abnormality was articulated whereby certain forms of race mixing (Australian-European) would not threaten the regularization of the racial makeup of the national polity, whereas the element of abnormal threat came from those “crosses” which exceeded this singular crossing. It was through this sovereign power and disciplinary intervention that the regularization of the future population could be managed. In short, natal-thanatopolitics was the absolute power to decide who would be assimilated into the population of the future and normativized according to its projected regularity and aggregation, as well as who would be assumed to pass away, always already as *necron* (corpse), and subject to intervention only in the mode of a palliative. We have already seen the way Aboriginal administration departments exercised absolute control over the right to approve marriages of “Natives” and over the capacity to remove indigenous children as wards of the state. What I have already called natal-thanatopolitics is more apt in describing this *dispositif* in the settler colonial context than the anticipatory suppression of life taken in *toto*. Aborigines department regimes held absolute legislative control over marriage between those who were legally “natives.” Under this regime, those of mixed descent were further subjected to a process of discipline, acculturation, and assimilation. While these powers of removal and discipline were couched in legislative framing in terms of the “interests of the child” (South Australia particularly emphasized this framing), the disciplinary mechanism of colour and physiognomic apperceptions of race undergirded this logic at the level of its application (though most

forcefully in particular states—Western Australia and the Northern Territory particularly). Whether aimed at disappearance or normativization, a field of absolute control was applied over indigenous marriage and indigenous children. This legislatively guaranteed power, continuing until as late as 1969, was referred to technologies of discipline within which the identification of abnormal racial bodies posing the threat of atavism was made possible.

Where, as we saw, the formation of absorption in the ideas of Neville and Cook found its justification in the postulates of physical anthropology—located largely, we have seen, in the Adelaide University and Museum—the emergent form of assimilation was framed by cultural anthropologists. In the late 1920s, the University of Sydney established the Foundation Chair in Anthropology.²⁹ Briefly held by A. R. Radcliffe-Brown, who subsequently moved to the University of Chicago, the position was ultimately appointed to Elkin, who held the position until his retirement. In the interim, the position was held by Raymond Firth before his own departure to the London School of Economics in 1933. One of the artifacts to emerge from the structural-functionalist school of thought as it developed and within the institutional space of the University of Sydney was the journal *Oceania*, published from 1931.

In the first volume of the newly established journal, Firth published an article which explicitly tackled the relation between anthropology and native administration. Firth's fieldwork, primarily in the Solomon Islands, saw his recommendations framed in relation to the south pacific, particularly since Australia still held an administrative mandate over New Guinea. Firth challenged cultural anthropologists engaged in “salvage” research to deal with the problem of cultural clash and depopulation which

colonialism had brought about. His broad solution meant anthropologists taking a more active role as advisors to the regime of native administration. “By the study of native peoples in contact with civilization,” he argued:

it is held, much light can be thrown on their social and political condition, and assistance can be rendered to governments who may be faced with problems of depopulation, tribal unrest, economic dislocation, refractory religious cults or lack of amenability to medical services.³⁰

As a guiding principle in this engagement with the advisory role, Firth posited a strategy of paternalistic cultural regulation, which he called “constructive substitution.” In this conception, Indigenous peoples were to be compelled to adapt to modernity. Yet this mode of acculturation, predicated as it was on the contention that so-called primitive cultures were unable to survive modernity and “cultural clash,” was not entirely assimilationist. Rather, drawing from the observation that Indigenous people had long taken on technological instruments and “novel cultural equipment” from colonizers and adapted them to their own cultural forms, Firth emphasized the way cultural forms themselves could be made subject to such a process of adaptation and “substitution” as he called it. This process was to be at least partially imposed: “[t]he principle of substitution then, of replacing an item of culture which is ill-adapted to a new situation by one which is better fitted to stand the strain, is advocated by modern anthropology.”³¹ Firth’s enunciation implied the compulsion to transform, norm, and develop indigenous societies. Constructive substitution would do so not by either segregating indigenous societies in their fixed form nor by the assimilation of indigenous people into the dominant mode of the colonizer, rather, it was to proceed by: “a change in the native

culture which does not break down but builds upon an institution which will fit into the general social scheme and is acceptable to the people themselves.”³²

Implicit in Firth’s proposal was a caveat to the position we have seen in such figures as Bates, Bleakley, and Tindale, who for differing reasons insisted upon the segregation of so-called “tribalized” indigenous peoples—those whose traditional way of life had been more readily preserved.

Too often an analysis of the effects of the impact of European civilization upon a native people has been concluded by the implication that absolute cessation of contact is the only hope—depopulation and unrest are due to interference and the withdrawal of the white invaders will avail to restore the society to something resembling a state of equilibrium and save a dying people.³³

Yet Firth framed the goal of substitution not in terms of the assimilationist program that would nonetheless soon dominate, with its emphasis on a normativizing mission of civilization. Rather, cultural substitution was to be a mode by which “protection” of indigenous peoples could be accomplished and their depopulation averted. Within this strategy, differing indigenous peoples could be normed and colonial law could take into account a unified form of cultural difference. Firth closed by wondering whether settler colonial nations could: “carry out in spirit as well as in letter the terms of the mandate of protection which by implication if not by express charter they profess to hold from civilization?”³⁴ Firth’s proposal nonetheless formed an important early intertext for the ideas about assimilation and administration which would emerge over the next ten years. As annexed as it was to “protection,” which Elkin regarded as a “negative policy,” his notion that cultural substitution should transform and norm so-called “primitive” peoples

would recur as a central feature of Elkin's approach to to what he perceived as the "positive policy" of uplift to civilization he would frame as assimilation.³⁵

Elkin's understanding of the Indigenous subject, while predominantly framed through a structural-functionalist approach emphasizing culture, retained the physical and biological conception of race in which the anthropology of his time was enmeshed.

McGregor characterizes Elkin's views as shifting through the 1930s, gradually coming to qualify characterizations of "primitive" and "civilized" life in manifestly cultural terms.³⁶

As he puts it, "[o]ver the course of the 1930s Elkin acquired a firmer faith in the capacity of Aboriginals to become civilised." Yet, McGregor immediately notes that "old doubts about racial adaptability remained."³⁷ The narrative which McGregor paints in accounting

for Elkin's position—a narrative which undergirds his periodizing break between absorption and assimilation—is grounded entirely within the observation that it was Elkin's views that caused the 1939 Northern Territory "New Deal for Aborigines" and,

through the implication that this transformation diffused throughout Commonwealth policy toward Aboriginal Administration. Not only does this logic of intentionality and policy framing elides the continuation of disciplinary practices across either side of the supposed periodization (as I argued in my previous chapter). Further, it refuses to

excavate the retention of categorization according biologization of culture, which were retained both in Elkin's thinking and across the regime as a totality. Elkin's "optimism,"

while operative through a cultural approach to the "primitive"/"civilized" distinction never effaced a latent grounding of culture in biological fixity.

Elkin's views emerged initially through an interlocution with Stanley Porteus. In 1928, the Australian-born racial psychologist Porteus was working at the University of

Hawaii. There he conducted a series of investigations into “racial psychology.”

Employing a series of visual and tactile intelligence tests he had gradually developed, he set out in 1928 to extend his investigations to the Australian “race.” Porteus reconfigured the notion that Aboriginal people were merely the lowest form of human life, a “living stone age man,” and, as Agamben would note, a fulcrum in the “anthropological machine of the modern.”³⁸ For Porteus the contention of older contemporaries such as Herbert Basedow that assumed that “in studying aboriginal life to-day we are reversing the telescope and looking back on our own ancestral life in extremely far distant perspective” was a conclusion that “may be somewhat too hasty.”³⁹ Instead, Porteus emphasized the many thousands of years of physical and cultural isolation which, he contended, might have led to an adaptation of the biological and mental makeup of the Aboriginal subject as well as the culture and technology of Aboriginal society. The thesis of Aboriginal fixation at the stone age, he contended, “is too sweeping an interpretation of the word ‘primitive,’ [and] that considering the circumstances the Australian has made considerable progress in specialized directions [. . .] and that we may need to revise somewhat our conception of his extremely inferior intelligence.”⁴⁰ Porteus’s biologicistic racism took a particular form, implicit in which was the assertion that, while remaining “inferior,” indigenous mentality had evolved along with the development and adaptation of cultural practices to the environment. For Porteus, “primitive” *bios* in the sense its environmentally-determined biology was subject to an extreme alterity of degree, almost extending to that of kind. At the level of the literal constitution of the brain as a physical object and the mind as its product the resultant indigenous bios was one immanently attached to the cultural and technological forms evolving alongside it. For Porteus,

Aboriginal people were of a *bios* distinct from the European, both as living bodies and as a mode of cultural, social, economic *bios* produced or co-emergent alongside the mind itself. Porteus's conception of biology and of culture were mutually constitutive.

Employing a number of technologies and taking his samples from both "half-caste" and "full blood" individuals (though predominantly the latter), Porteus concluded that Aboriginal Australian intelligence was inferior but not lacking intelligence; instead it was thoroughly adapted to the Australian environment. But his study did cast skepticism on contemporary ideas of social and economic assimilation. If the Australian native was equally as intelligent as the white settler, for Porteus, he was only so in regard to the special forms of memory and geometric capacities which derived from the environmental adaptation of his forebears. Porteus's "conviction" was "that the Australians as a race are unadaptable to our kind of civilization, although excellently adjusted, both socially and psychologically, to their own natural environment."⁴¹ Indeed, he made this his last word as enunciated on the last page of his book on the subject: "They are not unintelligent, but are certainly inadaptable to a civilized environment."⁴² While this line of inquiry could entail the idea that such differences might disappear through crossing, it could also entail skepticism with regard to the social assimilability of people of "full blood" or close to it.

However, before returning to these issues at the level of a further excavation of the artifactuality of biopolitics and natal-thanatopolitics as it traverses absorption and assimilation, I want to position Elkin in relation to this conception of biologized cultural fixity. This is necessary since, while intentionality is eschewed in my excavation of the the settler-colonial regime of biopolitics and the state signature it instantiates and iterates, nonetheless, Elkin's discursive project did indeed produce transformative effects in the

framing device by which illocutionary force was given to the acts of removal, surveillance, and discipline which continued after the second world war. Taking the period as a discursive positivity during which much that was imputed to culture bore the shadow of essentialism, immutability, and even biologism, Elkin certainly emerges as a figure whose views are characterized by an optimism about Aboriginal intelligence—grounded largely in cultural determinism—uncharacteristic for the period. Significantly, however, where McGregor sees a gradual evacuation of racial and biological determinism in Elkin’s thought through the 1930s, what one finds, instead, is an enfolding of the logic of the body and of mentality within a form of economic and religious thinking. If Porteus represents a figure deeply enmeshed in the environmentalist biologization of culture, then Elkin represents a figure who attempts to maneuver away from biologism even as he remains enmeshed in the same *dispositif* traversing physical and cultural anthropology. As such, Elkin’s case serves to show the degree to which biologism was insistent even in a figure of the most culturally-oriented bent.

Elkin accepted many of the physical anthropological views put forward by Porteus. In his review of Porteus’s text, he remarked that the “smaller brain capacity” Porteus’s techniques divined in Aboriginal bodies, “as compared with the bearers of the new culture suggests at least a handicap.”⁴³ Elkin elsewhere noted that: the “comparatively small size of brain, the average capacity of which is twenty per cent less than ours,” indicated, “a handicap of the brain machinery required for adaptation to and overcoming of circumstances.”⁴⁴ Taking on board this physicalism, Elkin expressed alarm that:

We are almost forced to realize the possibility that the aboriginal race may have been so completely adapted biologically as well as mentally to its own cultural environment that it cannot adapt itself to a culture of a different type, or, in other words, that it lacks the 'ethnic capacity' to become civilized.⁴⁵

However, his writings on policy resisted this position, emphasizing the suddenness of contact as a reason to doubt the extent of Aboriginal biological and mental adaptation and immutability: "we must remember that the change in the aborigines' social, spiritual and economic environment which was caused by white settlement was severe and sudden. There was no gradual change in temperature, but a sudden drop."⁴⁶ Noting the cruelty of settler violence, depopulation, and ignorance around Aboriginal culture, Elkin asserted that little had been done to attempt to "uplift" or "elevate" the Aboriginal population. The appearance of Aboriginal difference in mentality might, he contended, be attributed to this fact. Though many settlers had been cruel,

of course, there were some warmer and kinder elements in the new environment--missionaries and other good souls---but up to the present these have not, except in a very small degree approached scientifically the problem of helping the native to adapt himself to the change. Until this has been done we cannot say that it is impossible for the aborigines to advance along the road of civilization and be of positive value in the exploitation of Australia.⁴⁷

The history of segregation was taken itself as evidence that the experiment of uplift might be evaluated only after its implementation as policy. Elkin refused to accept the implications of Porteus's enfolding of biology in culture, even as he nonetheless accepted many of its premises, such as the notion that: "there is no reason for expecting that our

civilization in all its developments would be the most suited to the aborigines; there are racial differences and inequalities.”⁴⁸ Elkin, while primarily trained in a field increasingly emphasizing culture, remained concerned with an inextricably biologicistic question: “Are they really biologically capable of playing an average part in a civilised society.”⁴⁹ The idea that half-caste Aborigines might be incapable of education was discussed but eventually dismissed at the 1937 conference, but Cook qualified this egalitarianism, noting that while “the percentage of children of outstanding ability may be higher among whites,” nonetheless, “given equal chances, the average half-caste is not inferior.”⁵⁰

Much of Elkin’s reasoning for maintaining this line emerged not only from a conviction which presupposed the assimilation process as the policy to be preferred. Elkin also detected methodological problems in Porteus’s investigation which are telling, ironically, for his own attitude toward mentality, biology, environmental adaptation, culture, and their production of a multiply enclosed Aboriginal body. One of Porteus’s operative assumptions was that Central Australian Aboriginal people as a foundational “type” were likely to evince the ideal form of Aboriginal mentality. Ignoring the fact that the paradigmatic status of Central Australian Aboriginal society (for instance the *Arrernte* and contiguous tribes) may have as much to do with the prominence of this society as an ur-model in the emergence of anthropology—from Spencer and Gillen’s earliest forays, through the privileged use of such data by Durkheim and Levi-Strauss. Implicit in Porteus’s privileging of the Central Australian “type” was an assumption on Porteus’s part that he might also find Central-Australians to be the most intelligent. Porteus had clearly aimed to focus on the “purist” model of Aboriginal subject for his research. Once on the ground, in July of 1929, Porteus made contact with Neville about

the number of “full blood” natives available in the more convenient southern Government Native Settlements---the same sites where indigenous wards were interred. Porteus visited Moore River Native Settlement near the town of Mogumber after Neville wired him “[o]nly fifty full-blood natives Mogumber. Remainder halfcastes visit can be arranged for self and one other.”⁵¹ Elkin made much of the limits of full blood testing in his review, noting that those whose intelligence Porteus had tested through the Goddard method in missions, many of whom were of mixed descent and who had been, he put it “Mission-trained” often fared better.⁵² Those in the Moore River Native Settlement scored slightly higher than Porteus’s Central Australian subjects and, Elkin bemoaned, Porteus had not even bothered to conduct tests at the Beagle Bay Mission. Elkin’s emphasis on the half-caste subject and those Aboriginal people in closer contact with settler society is telling.

Elkin’s comments imply the attitude that he believed “Mission-train[ing]” and exposure to settler industry would allow Aboriginal subjects to display higher intelligence. And despite his difficulty in escaping the inheritance of physical anthropology, he became increasingly committed to promoting the education of Aboriginal people regardless of their blood quantum. Yet, Elkin’s conviction that all Aboriginal people deserved uplift, civilization, and assimilation as the ground of a positive policy did not emerge entirely from a conviction that mentality was culturally conditioned. Elkin himself gathered as much information as he could from white informants in the administration and asserted that “half-castes are superior to full bloods as consistent workers” and are “higher in intelligence and in capacity for work.”⁵³ Elkin’s insistence on the absence of an investigation of half-caste adaptation in Porteus’s study

indicates a conviction both that “Mission-train[ing]” was potentially effective for “full bloods” and undoubtedly so for “half-castes.” The cause of half-caste intelligence was sometimes attributed to their closer social proximity to a settled way of life through “earlier association with whites than is usually the lot of the full-blood.”⁵⁴ According to this logic, “half-caste” people displayed greater acumen in the adaptation to civilized life because of a longer period of social acclimatization. From as early as 1932, Elkin had been attempting to draw generalizations about native educability from anecdotal evidence gathered largely through Native Affairs Departments. Amongst these materials was a questionnaire meant to be filled out by Native Administration staff aiming to establish “whether it is possible for [half-castes] to become part of our social and economic order.”⁵⁵ In June of 1936, he had sought information from Neville as to the degree of education “Aboriginal and half-caste” children currently received and inquired as to Neville’s opinion about the potential of indigenous subjects for education. On the 16th of that month, Neville replied that while he “contend[ed] that children should be educated at least up to and including the fifth standard,” at that time, “as a rule, generally [educated] to the third or fourth standard.”⁵⁶ Neville offered his own speculations, as to the reason; at the stage they reach at standard four they “are seized with the desire to get out into the open and have difficulty concentrating upon school work.”⁵⁷ Implicit in this assertion were several common departmental anecdotal explanations—ones that had indeed become both stereotypes and truisms—about inherent Aboriginal psychological characteristics. Elkin’s investment in Neville as a source of objective information on Aboriginal “mentality” and educability itself indicates Elkin’s incapacity to see the way the apparatus of Native Administration produced subjects.

Yet, there was another current in Elkin's thought which came dangerously close to attributing this adaptability to an environmentally-conditioned biological determinism. Elkin railed against the popular and pejorative assertion that "the half-caste inherits the vices of both of the parents, but none of the virtues."⁵⁸ Yet he also took seriously the form of thinking that came from an absorptionist model correlating blood quantum with intelligence, "in the opinion of some teachers," he noted, "the quadroons and octoroons are nearer to the whites in educability than the half-castes."⁵⁹ Concluding an article on *Native Education*, Elkin insisted that:

so far they have shown little power to adapt themselves to our culture; there may be biological reasons for this, for their adaptation to aboriginal life may have become part of their very physiological make-up . . . The mere fact that the half-castes are said to be superior to the full-bloods, and yet are only seldom successful in adaptation, makes the matter all the more serious for the latter.⁶⁰

While Elkin emphasized this in part to show the potential educability of all Aboriginal people regardless of "caste" and "blood," traces of "colour" and blood thinking remained in his language and policy prescriptions. As late as 1947, in the introduction he wrote for Neville's book, Elkin, describing "Australia's population [of] nearly 30000 people of mixed White and Aboriginal descent," and the term "half-caste" which had remained a dominant description both in Aborigines departments and the vernacular, he insisted, "[b]etter terms would be mixed-bloods, part-Aborigines [or] (part-Whites!)."⁶¹ If people of mixed descent were part Aboriginal, they were also part white. Where Elkin frequently repudiated the pejorative claim that "persons of mixed Aboriginal and white descent inherit only the vices, and none of the virtues, of both stocks," the implication was also

that stock was a reality of the mixed person's body and mind, whether as a virtue or a vice.⁶² He praised Aboriginal institutions, practices, and beliefs—which he perhaps never saw entirely disentangled from an evolutionist model of adaptation. Yet, in so far as Elkin never escaped a trace of stock thinking, one implication of his insistence on “half-castes” being “part whites!” was that not only cultural but also biological proximity played a role in their posited capacity for settled modes of economic life and work—and hence preparation for assimilation.

While Elkin advocated “uplift” for all Aboriginal people, his thinking never moved from a biologism which retained a kernel of the notion of Aboriginal mentality's fixation to its form. This logic never implied inferiority, but, in a mode reminiscent of Porteus, insisted that adaptation of culture shaped the mind. The self and its potential was enclosed by a biological fixity emergent from culture. The body and its mentality were seen as fixed racial constructs, even as the source of this fixity was embedded in the cultural form within which it evolved. It was this tension in his thought, retaining the mutual enfolding of culture and biology which led even this most culturalist representative of the anthropological *dispositif* of 1930s Aboriginal policy to an influential bifurcated approach to assimilation—a gradualist approach to “full-blood” assimilation and the retention of the same disciplinary mechanisms around “half-castes” that had developed under absorption.

Despite his retention of so much biologism, Elkin challenged the contention that a difference in Aboriginal intelligence was a barrier to Aboriginal assimilation. Elkin, for instance, felt that Aboriginal people:

have evolved a working adaptation to their geographical and social environment, and in applying or even modifying their plan of economic, social, and spiritual life, they show as much intelligence as does the average European with regard to the cultural adaptation of his own group. The problem is the extent to which the Aborigines are capable of working out a fresh adaptation to the changed conditions which have come upon them as the result of the settlement of their country by whites.⁶³

Where, for Porteus, Aboriginal people could never adapt to “civilized” social life, for Elkin “full blood” Aborigines were not essentially fixed within their social (kinship), cultural, and technological adaptation. Through something resembling a form of Firth’s cultural substitution, they might be compelled to transform their mentality to the dominant social, economic, and political form according to a mode that, for Elkin, enclosed the Aboriginal self within a mentality whose fixed difference determined its amenability to acculturation and therefore, assimilation.

What emerges in the discursive formation that traverses the anthropology of the nineteen thirties is a positivity increasingly culturally oriented, yet still bearing the unhealed lacerations of environmental determinism and racial-biological fixity. Assimilation was formed from the arsenal of techniques, practices, and enunciations which culminated between the 1937 conference (administrators such as Neville and Cook, physicalists such as Tindale and Cleland) and the turn to culturally-oriented assimilation undergirded by the thought of structural-functionalism (Firth and Elkin). Yet, as I have indicated, the two cannot be discretely disentangled at the level of a discursive formation. Rather, as a discursive positivity giving rise to an apparatus of

power, biologism and cultural determinism form the twin poles of a nexus of thought within which the future regularization of the Australian population is produced. Here the enduring indigenous body is multiply enclosed. Initially, this body and the population it makes up is not to be absented from the national population through death but through absorption, forming an absent presence in the future. As opposed to the threat of the “coloured Alien” other, the indigenous body as much as the white body forms the seat for the spiritual as well as corporeal regularity and wholeness envisaged in the biopolitically regulated future of the settler colony, even as it is to disappear in its absorption. In as far as it is vested in an imaginary of indigenous disappearance, absorption remains thanatopolitical. Yet insofar as this disappearance is to be accomplished through the inclusion of the biological makeup of the indigenous subject in the population of the future, it is also enclosed once more over—by the degree to which the body itself becomes the seat of the transcendence and futurity of which it is to be the progenitor.

Under both absorption and assimilation, culture and mentality are viewed as emergent from a parallel and mutually constitutive process of evolution, one perhaps even biologically immanent in the body. The indigenous body and mind as well as the indigenous cultural form which is produced and in which it was embedded were given to primitivity: “objectionable” sexual practices, the subsumption of the elementary family within the kinship structures of the “horde” (as Radcliffe Brown called it),⁶⁴ non-economic conduct, as well as religious and sacral difference all functioned as indexes of abnormality that were thought as the locus of a necessary imposition of discipline and biopower. As such, the Aboriginal body becomes the object of extreme normativization. Discipline through education of removed children and the imperative that the docile

bodies produced through this process, exempted from the status of native under Aborigines Acts, will perform and maintain their normativity as culturally and economically whitened subjects.

Elkin produced a model of assimilation that echoed Firth's notion of constructive substitution. If indigenous mentality was fixed in a mode of difference, it would need to be normed through a slow process, built upon its own foundations. The normativization of indigenous *bios* attempts to account for fixed patterns of cultural disposition, economic practice, and religious belief. Indigenous people are to be compelled to adapt but:

What the adaptation in any particular case will be cannot be foretold, for it must not only be conditioned by the new, by the changes brought about by civilization and its various agents; it must also and inevitably be conditioned by the people's own history and ideals by the patterns and bias of its own culture.⁶⁵

Elkin drew from observations of the skill and adaptation of "full-blood" Aboriginal people to station life to insist that nomadism had been exaggerated. If Elkin was ever explicit about his rejection of biologism, he was so on this point: "We must not therefore over-emphasize the nomadic characteristic as though it were a biological endowment—it is a limited controlled effect of economic conditions."⁶⁶ Instead, the spiritual life, the connection to kin and to land are emphasized by Elkin as central to the indigenous mode. A central slippage between innateness and culture occurs as Elkin declares that this spiritual life: "is psychological, and is felt to be fundamental."⁶⁷ Felt to be fundamental by whom? The Gordian knot which emerges in this expression encapsulates the degree to which cultural difference is imbued with a sense of essential, even innate, psychological difference. Clearly, the belief in totemism, kinship, and its connection to country remains

central to the Aboriginal sense of self. Yet, in light of all we have uncovered of settler colonial biopolitics' mutually constitutive sense of culture, innateness, and biology, there is another sense latent here. Is this psychological imperative to respect the spiritual life also perceived as fundamental *by the anthropologist*—not only in the important sense of a respect for the thickness of the other's conviction—but also, in so far as it might extend to depicting the other as static: bound to a co-adaptation of mentality and corporeality, culture and biology. The question must remain in suspension as regards Elkin's intentions, or the full formation of his conceptions of indigenous mentality. Nonetheless, the slippage in Elkin's oeuvre reveals a field of cultural determinism that remained anchored by an essentialism, itself shadowed by a biologicistic conception of mentality; between either, the Aboriginal body and mind was enclosed as a bearer of disciplined potentiality for the projected nation.

As McGregor has suggested, albeit within over-emphasis on Elkin's eschewal of biologization, by the close of the 1930s Elkin developed a stadial approach to the education and assimilation of "full blood" Aborigines. Where Firth saw constructive substitution as a means to norm and protect, Elkin in advocating such "an adaptation to the Australian Aboriginal conditions of the principles adopted in the Administration of Papua and New Guinea" would move it toward an assimilationist paradigm. This program of gradual normativization would be stadial and recall the civilizing mission. If "the aborigines do possess a social, economic, legal, political and religious organization by which they are able to adapt themselves to their own geographical and social environment," this fact needed to be "taken into consideration in our endeavours to do

them justice and to frame and put into operation a policy designed to raise them in the scale of civilization.”⁶⁸ McGregor frames Elkin’s stadial approach in this way:

Elkin’s conception of the Aboriginals’ ‘own’ civilisation entailed no radical departure from European norms. Rather he envisaged a transformation from an indigenous to an essentially Western economic, religious, and social order, in which only the trappings of traditional art, ceremony and ritual would be retained. His insistence on their retention derived not so much from a desire to preserve the exotic, as from lingering notions of a connection between racial and cultural attributes.⁶⁹

The process involved a temporary deployment of syncretism resembling Firth’s notion of constructive substitution, but one which would aim toward the ultimate normativization of Aboriginal social life, grounded as it was supposed to remain in an essential coadaptation between mentality and environment, biology and culture.

This process involved the forced adaptation of Aboriginal economic practices from nomadic to sedentary subsistence and was articulated alongside an understanding of Aboriginal Christianization. Where nomadism was seen as auxiliary to the Aboriginal mind, spiritual grounding in land was recognized as primary. Civilization, then, would not be capable of transforming the fixed mentality of the Aboriginal insistence upon spirit but could rather substitute its manifest content with Christian practices and beliefs:

Just as most Christians take a long time to pass through the Old Testament type of life to that required by the New Testament, so it is with the Aborigines. They, too, must pass through the Old Testament state before attaining to our view of life, but

it must be *their own* old testament of myth and sanction, for this alone has intimate relationship with their social and economic life.⁷⁰

Part of this was to be accomplished by adapting the simultaneously sacral and economic logic of the gift to modern economic conceptions of production, commodity, and exchange.⁷¹

We should make use of the native institution of gift exchange and ‘exchange routes’ in our endeavours to interest the natives in our occupations of stock-raising, wool growing, and farming for the market.⁷²

Whether Elkin’s essentialism was culturalist or biologicistic, now it produced apparatuses enfolding either and aimed at the absolute normativization of the life of the Indigenous subject through a program of disciplinary power—one which apprehended the other as an essentially fixed form of life, slow to grasp the principles of time, contract, and hygiene.

Late in his article on “Native Education,” Elkin described a strict program for indigenous education, one which presumed the absence of these conceptions from Aboriginal mentality. Through discipline, these economic means were to be inculcated.

The children are to be educated to a standard comparable to that required by the State for white children, particular attention being devoted to:

- (i) Equipping the child to take its place in the white community with a proper realization of his obligations to it, a knowledge of the significance of time, and the value of money, neither of which is realized by the aborigine at present;

- (ii) teaching him to recognize the significance of contract (one of the principle difficulties in the employment of an aboriginal at present is the irresponsibility of native labour);
- (iii) inculcating a high appreciation of the principles of hygiene and personal cleanliness; and
- (iv) eradicating the nomadic background and developing the community sense centered upon the provision of a home for the individual and his family and the exploitation of the soil and domestic animals as a source of food supply.⁷³

The eradication of nomadism which was to precipitate the knowledge of time, contract, and hygiene, was also connected to laboring capabilities and was to be enmeshed in gradual substitution of the Aboriginal “old Testament” with the Christian “new Testament.” Elkin insisted that indigenous people were, for the time being, adapted to particular kinds of tasks and in need of particular forms of instruction, these he called the “three R’s:”

- (1) Crafts and occupations, especially those which are somewhat related to the aborigine’s own former economic life, such as boat-work, timber-work, carpentry and fencing, mechanical occupations, stock and sheep work and also gardening

- (2) Instruction in the meaning, method and purpose of the new pursuits in which we require his service or which we desire him to follow for himself; especially is this necessary in the case of gardening and stock-raising
- (3) Instruction in religion; this cannot be omitted, and in this the Government must necessarily seek the co-operation of religious missions.⁷⁴

Elkin's stadial approach to Aboriginal education was particularly focused on so-called "full blood" and "tribalized" Aborigines. However, while this plan shifted the policy toward "full bloods" from segregation to cultural assimilation, many of the absorptionist discourses and disciplinary techniques remained in play after the seeming turn to assimilation and particularly as regarded people of mixed descent. This double enclosure of the Aboriginal mind, when taken as a *dispositif*, emerges not as a transformation or development in the thinking of a single anthropologist—from racial determinism to cultural determinism—but rather as a key to the way both absorption and assimilation were grounded in an enfolding of *bios* in an evolutionist logic.⁷⁵ Where Elkin did indeed envisage Aboriginal survival, he did so by reference to the stadial model designed to countenance his fears of the fixity or belatedness of Aboriginal adaptation.

Elkin retained the logic of blood and even colour in his writings as late as 1944. Further, he praised the commonwealth plan for dividing its measures based on social, economic, and supposed biological situations and predilections. Even as he moved toward a unified process of "uplift" for all Aboriginal people, Elkin insisted: "the methods must be related to the different types of regional contact (isolated, marginal and closely settled) as well as to the facts and degrees of detribalization, civilization and

miscegenation.”⁷⁶ Further, the 1944 document entirely retained his commitment to measures of biopower such as child removal, compulsory removal of adult Aboriginal wards to and between government settlements, and exemption:

It is sometimes necessary to remove Aborigines (full blood or other) or their children to Reserves, Settlements or other Institutions for reasons of health, education, or welfare . . . No one with experience in Aboriginal administration will doubt the necessity for such powers of removal from institution to institution, from free-choice residence (in undesirable conditions) to a controlled settlement, and even of children from parents for the well-being of the former.⁷⁷

Elkin thus insisted upon the disciplinary powers emergent with absorption. While he de-emphasized the selection of removed children by colour, he did not proscribe it. As Elkin framed it, the problems arising from Aboriginal removal could be assuaged by ensuring that discretionary power to approve removals was referred beyond Officers and administrators but by a magistrate who would review the circumstances of each case. With little reflection, Elkin declared that this would bring juster outcomes, even as he assured his reader that “in those State administrations where complete discretionary power resides in the Administrative head or his Minister, the actual implementation is benevolent in intention.”⁷⁸ Further, as Haebich has detailed at length, at the perlocutionary level—the level of implementation and interpretation of state policy by its agents—this practice continued to disproportionately target children of mixed-descent and fair complexion.⁷⁹ As I remarked in the last chapter, as late as the 1953 conference, the language of blood was retained as Missionaries and Protectors insisted that assimilation entailed the removal of children of mixed descent at an increasingly younger

age. Regarding “the problem of removing half-castes from their native environment,” at the 1953 Conference, “[i]t was considered that if possible they should be removed at an earlier age than five years.”⁸⁰

Elkin also praised the process of exemption by which half-castes were exhorted to enter “white” society. Employing the language of “colour” and blood, Elkin approved of the Commonwealth approach to Aboriginal Affairs of providing mainstream services to: “all half- and lighter-caste Aborigines who are not being provided for by Government institutions, and also those persons with a preponderance of Aboriginal blood, who have been granted Certificates of Exemption from Aboriginal Acts.”⁸¹ While Elkin believed that those granted exemptions should be encouraged to enter the wider community, his approach aimed to curb the extreme compulsion which those powers had previously entailed.

The influence of the stadial model of normativization, with its economic and religious correlates, is easy to detect in subsequent assimilationist governmental writings and enunciations. At the 1953 Conference, questions of economy and spiritual life were at the forefront of discussion. The organization of Aboriginal family life, for instance, was to be transformed “to fit natives into a new spiritual and economic life.”⁸² In order to “bridge the gulf between aboriginal heritage and white economy . . . Gardening and other practical work must be a living part of the school curriculum.”⁸³ “The basis of our civilization was the acquisition and conservation of property and the modification of nature to our service,” the conference summary noted.⁸⁴ Whether Elkin ever came to personally doubt his essentialist and biologizing suspicions, this idea of a primitive mentality fixed by adaptation often returned to justify a slow, step-by-step approach to

the project of economic and religious “uplift.” Advising Missionaries on how to train and compel Aboriginal subjects in agriculture, the Government Agricultural officer W. F. Nixon-Smith noted that:

there is some evidence to suggest that environmental effects of many thousands of years have created in the aboriginal a number of such impulses which, by the standards of the society into which it is desired to incorporate him, constitute instability and complete lack of a perception of the economic responsibilities of modern society.⁸⁵

As socio-cultural normativization became the primary government policy, biological considerations around normativization did not disappear.

As such, the three immunitary *dispositifs* of biopower elaborated by Esposito are present within both the intensively eugenic policy of absorption and, at the level of the absolute normativization of life, continue into the period of cultural normativization represented by assimilation. The anticipatory suppression of birth, as I noted, does not always take the same form within settler colonial biopolitics. Under absorption, of course, indigenous people were to be disappeared from visibility by their absorption into the dominant settler population. This natal-thanatopolitics produced a field of absolute control over indigenous marriage and indigenous children. Additionally, as I noted, absorption favored children produced through the unions of European and Aboriginal descended individuals and manifested concern over unions incorporating any more anomalous “coloured Alien” descent. What one finds, then, in place of the anticipatory suppression of birth is an attempt at absolute control over miscegenation and an effort to engineer its outcomes.

In this sense, one finds with assimilation not so much a diminution of the power to decide on miscegenation, but an avowed policy attempt at the illocutionary level to soften this power. People of mixed descent were still subject to a more extensive removal of children into the assimilation period (even, as we saw, to some degree, in Elkin's own policy writing). However, where absorption aggressively aimed at natal-thanatopolitical outcomes, both through technologies of power and their policy framing, assimilation retained the powers while referring their framing more to cultural normativization and the "civilizing" mission. In this sense, what one finds under assimilation is the implication of culture in the essential phenotypic framing of the body and the mind. Mentality, in particular, is used to frame the degree of plasticity to which the individual "savage mind" may be subjected and, insofar as this is expressed in, through, and by culture, the degree to which the correlative cultural form may itself be subjected to a stadial process of assimilation. The indigenous mind is fixed as an essential feature of indigenous difference and embedded in the body as the bearer of stock and descent. The Aboriginal body and particularly the essentialized mind seated within it are enclosed by their fixity and coadaptation along with an environment (itself containing culture). Yet, as bearer of the inheritance of culture, coadapted alongside this structurally fixed form, the Aboriginal mind also encloses it. As enclosed by a body whose normativized form will enter the "wider community," intermarry and bear its features into the future, Aboriginal mentality is subject to discipline, training, and "uplift." As such, the Aboriginal essentialized subject is in body and mind as well as in its position as simultaneous bearer and product of a fixed and yet plastic cultural form, a potential part of the spirit of the future of the settler colonial population. The Aboriginal body and mind are multiply enclosed as the

turn to culture in anthropology and native administration nonetheless bear along with them traces of the thought of biologized racism (physical anthropology, absorption). Both the natal-thanatopolitics of absorption and the multiple enclosure of the Aboriginal *bios*, emerging acutely with assimilation, are annexed to a regime whose project is the absolute normativization of life.

As anthropologist W. E. H. Stanner would ironically quip in 1964, “[o]ur intentions are now so benevolent that we find it difficult to see that they are still fundamentally dictatorial.”⁸⁶ I am concerned here not only with the identification of a set of technologies and powers whose dictatorial application could suggest instances of *dolus eventualis* in the acts of “removal” and “protection” in twentieth century Australia (though this is no doubt likely in many cases). Nor am I only concerned with the form of biopolitical power that characterizes the apparatus of absorption-assimilation. I am also concerned with the repetition of such logics in the present in the form of *artifactual* remainders and *actuvirtual* representational economies. This *artifactual* elision of the defining disciplinary strategies of that regime are covered over by the insistence (Nelson’s for instance) in the public sphere on the pervasive category of good intentions. The state signature of “good intention” obscures past wrong and whitewashes the biopolitical paternalism of the present. The traces and marks of illocutionary force (“the problem of the native race, including half-castes, should be dealt with on a long-range plan”) whose aim was to produce a natal-thanatopolitical discourse, was and continues to be referred to acts whose perlocutionary enforcement (the removal and discipline which to varying degrees referred themselves to such framing policy illocutions). I am concerned that the archive of these traces and marks, insofar as it is iterated and recalled

in the present deploys the category of “good intentions” and operates as a means to elide the complex relation between acts and their framing. It is to this concern that I now turn.

Reconciliation and the Signature of the State

In Palyku playwright David Milroy’s 2011 comic musical *Waltzing the Wilara*, reconciliation is identified as the latest in a sequence of government policies. The vaudevillian figure of indigenous humour Old Toss sings:

You

Start with colonisa-*tion* to soften up the meat,

Then miscegena-*tion* to whiten up the cheeks,

Then assimila-*tion* to make you fit right in

ALL: Then reconcilia-*tion* to forgive us of our sins.⁸⁷

A wry joke, and one which was no doubt more of a comic shock to the predominantly settler audience of the play’s first run in February of that year, than to indigenous audience members. Indigenous public figures have already emphasized the limits as well as the virtues attendant on the idea of reconciliation. As one such public figure, Noel Pearson, has observed, there are pressing material questions that have been excluded from the purview of the implementation of reparation for the wrongs done to the Stolen Generations survivors. As Pearson puts it:

The majority of white Australians will be able to move on (particularly with the warm inner glow that will come with having said sorry), but I doubt that indigenous Australians will. Those people stolen from their families who feel entitled to compensation will never be able to move on. Indeed too many of them will be condemned to harbour a sense of injustice for the rest of their lives. Far from moving on, these people – whose lives have been much consumed by this issue – will die with a sense of unresolved justice.⁸⁸

Pearson's criticism emphasizes the charge that the Apology risks emptiness and tokenism unless complemented by measures of material redress. The harder question to address is what the materiality of reconciliation might look like, a question I cannot attempt to answer in the context of this conclusion, this chapter, or, indeed, this dissertation as a whole. Nonetheless, it may be meaningful to dwell on the relation between symbolic and material models for commemorating and recomensing past state crimes committed against indigenous people.

Reconciliation is a significant and weighty task in the settler colonial archipelago of the modern globe. Settler colonies in the twenty-first century aim to reconcile colonizer with colonized, or colonizers with themselves and the guilt which besets them. Reconciliation is not only for the benefit of the colonizers of course, the amount of healing that events such as the apology have afforded the Stolen Generations and their families must be recognized and can hardly be emphasized enough. The degree to which reconciliation is also a practice of "forgiv[ing]" the colonizers "of our sins," is a *caveat*

that must nonetheless be born in mind. Reconciliation is rarely mentioned, whether in South Africa, Canada, or Australia, without reference to “the nation,” its future, its totality, and its transcendence into the future.

(Post)settler colonies like Australia have also modeled (and disavowed) certain approaches to the practical reconciliation which might accompany its symbolic apologetics. The Australian state has foregone any compensation scheme, “mainstreamed” much health and service provision—eliding in the process cultural sensitivity much needed at the level of such provision—and pursued through the broad policy ethos of “practical reconciliation” the admirable aim of attaining norms of life expectancy, health, and education, wherein Aboriginal citizens might expect opportunities commensurate with their settler-descended compatriots. Normativization is not inherently a vice. Yet, as Foucault long ago showed and Agamben has more recently elaborated, the subjection of subaltern populations to special conditions often involves the sovereign suspension of norms of law and ideas of justice, which accompanies the biopolitical processing of demographic norms.

As Rudd offered his sincere apology in 2008, he also called for practical outcomes. These were implicitly those to be attained through the continuation of the Northern Territory Emergency Response Act, which Rudd (and his successor Julia Gillard) maintained from the Howard Government.⁸⁹ Nelson even more forcefully attributed to the project of practical reconciliation the need for the exceptional measures given in the NTERA, defending the policy of intervention that had been established by his government and emphasizing many of the features of its justification: notably the accusations of child sexual abuse in indigenous communities. In part, the Intervention

was justified by its supporters by reference to a 2007 report which highlighted child sexual abuse in remote some remote indigenous communities.⁹⁰ Indigenous people were suffering as a result of a legacy of dispossession. This, no-one denied. Nonetheless, the image of the suffering indigenous child functioned to justify immediate unreflective action, no matter how complex the issues, no matter how paternalistic, effective, or ineffective the mode of response. Ironically, this image of the suffering indigenous child, along with the overemphasis on the “good intentions” of the agents of assimilation came to disproportionately fix the cause of indigenous dispossession in the alterity of indigenous life, obscuring the concrete legacy of (post)colonial governmentality. Of most import here, where both Rudd and Nelson drew a correlation between the need for material reconciliation along with symbolic commemoration, Nelson’s response also dubiously covered over the connections between past and present, an effect which has spread into academia—most worryingly in Peter Sutton’s connection of social problems in Aboriginal communities to a cultural “pathology” stemming from indigenous tradition.⁹¹ Not only conservative politicians, but even, we have seen, liberal academics such as McGregor, find their discourse affected by the historiography of intentionality. The past treatment of indigenous people, given to a logic of bioculturalism, recedes under the veil of intentionality leaving indigenous culture itself as the essential source of endemic social problems in the present.

How is it that sovereign assertions of benevolent intention come to delegitimize forms of speech in the present and the forms of cultural memory referred to the past? Discussing reconciliation in South Africa, Derrida came to theorize the relation between memorialization and its retention of the signature of the very state which perpetrated an

injustice and threatens to repeat the spectral and artifactual remainders in the policies of the present:

The proliferation of scenes of repentance, or of asking ‘forgiveness’, signifies, no doubt, a universal urgency of memory: it is necessary to turn toward the past; and it is necessary to take this act of memory, of self-accusation, of ‘repentance’, of appearance [*comparution*] at the same time beyond the juridical instance, or that of the Nation-State.⁹²

Derrida further notes the way the performative aspect of reconciliation on the national scene, while arising in a positive desire for justice also finds itself parasite on by exoneration, justification, and amnesia:

the grand scene of repentance which we are concerned with, is played, sincerely or not. Often it has, in its very theatricality, the traits of a grand convulsion – dare we say a frenetic compulsion? No. It also responds, fortunately, to a ‘good’ movement. However, the simulacra, the automatic ritual, hypocrisy, calculation, or mimicry are often a part, and invite parasites to this ceremony of culpability.⁹³

Nelson’s covert deployment of such calculation and his imposition on “the grand scene of repentance” of an insistence on the “good intentions” of many agents of assimilation is likely sincere, yet it nonetheless “invite[s] parasites to this ceremony of culpability.” As I have examined here, the presence of such a parasitic play of memory and exoneration is not present only in politics but even in rigorous, well intentioned practices of historiography.

For Derrida, justice and law remain mutually constitutive, even as each deconstructs the other. Let me cite his most concrete explication of this concatenation,

even as it will only become gradually intelligible as the terms which he deploys are delineated and remarked. Justice, for Derrida,

is always a question of differential force, of différence as différence of force, of force as *différance* (*différance* as a force *différée-différante*), of the relation between force and form, between force and signification, performative force, illocutionary or perlocutionary force, of persuasive and rhetorical force, of affirmation by signature, but also and especially of all the paradoxical situations in which the greatest force and the greatest weakness strangely enough exchange places.⁹⁴

In this way such “affirmation by signature” bears with it the force of affective reckoning, affective avowal of past injustice and its legitimate claim on the present, even as it retains the parasitic potential of the elision of justice through the amnesiac trace brought to historiography by intentionality. The signature of the state inscribes potential recompense as well as potential revision, as it refracts through the play of memory. Derrida, in elaborating the logic of genocide through the thought of signature, trace, and iterability, remarks the way this problem of the archive and the recollection of crimes contains the mechanism for historical amnesias around regimes of discipline and governmentality. Derrida asserts that the demand for justice after massive state regimes of power is a demand which entails memory as well as recompense:

One must try to think [state crime] starting from the point of singularity, the singularity of the signature and of the name, because what the order of representation tried to exterminate was not only human lives by the millions,

natural lives, but also a demand for justice; and also names: and first of all the possibility of fixing, inscribing, calling and recalling the name.

This, he continues, is especially important in light of the fact that the signature of the state is marked not only as the apparatus of power in the past, but the force by which official memory is undertaken in the present.

Not only because there was a destruction or project of destruction of the name and the very memory of the name, of the name as memory, but also because the system of mythical violence (objectivist, representational, communicational, etc.) went all the way to its limit, in a demonic fashion, on the two sides of the limit: *at the same time*, it kept the archive of its destruction, produce simulacra of justificatory arguments, with a terrifying legal, bureaucratic, statist objectivity and paradoxically produced a system in which its logic, the logic of objectivity made possible the invalidation and therefore the effacement of testimony and of responsibilities, the neutraliation of the singularity of the final solution; in short, it produced the possibility of the historiographic perversion that has been able to give rise both to the logic of revisionism . . . as well as a positivist, comparativist, or relativist objectivism.⁹⁵

For Derrida, then, the signature of the state is not only inscribed in the acts committed by state agents, but also in the very act of commemoration and memorialization by which such acts are remembered or effaced. This situation is no doubt rendered more difficult since it is the state which itself manages the archive of this memorialization.⁹⁶ Practices of symbolic commemoration and public memory are, then, far from extraneous to concrete questions of justice by which the crimes of the past are reckoned today.

It is necessary to add a further factor to the consideration of speech acts and their reference to the state which still bears the trace of the illocutionary force marked in the signature of earlier regimes of thanatopolitics and, indeed, genocide. The logic of “good intentions” absented of their embedding in the illocutionary force of discursive formations (for instance the embedding of biological thinking in cultural assimilation) produces a language game which serves to silence the culpable nature of acts framed as such. This factor attends upon the tracing of time, archivization, and memorialization. Whereas, Nelson and other apologists for assimilation want to frame the actions of its agents within the terms of their intentions—their auto-affective, self-present beliefs about what was right or best for Aboriginal children (for instance)—one should instead insist that the actions of individuals be referred to the circulation of illocutionary devices by which such acts were framed within the apparatus in which they were embedded. This framing is not given when an illocutionary force is grounded in intention or when a perlocutionary force is refracted through the justificatory affects through which the illocution to remove, fragment, and disappear indigeneity were interpreted by agents who carried out the acts (of removal, of surveillance, of discipline). Rather, the relation between the performative actions referred to the illocutionary force of policy statements should be understood as a broad apparatus whose consequences could to a lesser or greater degree be anticipated.

The difficulty in commemorating, mourning, and recalling the destructive and harmful effects of past policy arises when the transcendental guarantee of mistakenly good intentions is ascribed to the past as an overdetermined force, when it is allowed to overturn and obscure the various ways in which indigenous subjects were exposed to

intervention, removal, and discipline. The notions of good ascribed to the agents of discipline were nonetheless refracted through framing ideas about the disappearance of the Aboriginal race and the assimilability of people of mixed descent (itself, we noted in the last chapter, frequently implicated in disappearance). Where the concern is the reference of the state signature to a culpability which implicates its agents as well as its framers, and carries this culpability in the signature of the present, the pithy remark of one legal scholar suffices to draw out the force still nascent in the perlocutionary action of indigenous child removal: “forcible separation per se can be seen as effecting a wrong even if that separation was pursuant to a misguided belief that it was in the interest of the child to be integrated into white society.”⁹⁷ This statement not only shows that intention to harm is not the issue, but reveals the way an imaginary of good must be referred to the frame produced by the apparatus in which “good” or “kind” intentions was framed and to which it was referred.

The iterable marks of these ideas framed a state practice whose signature has identifiable effects (the consequences of which will, in some cases, find their apotheosis in acts of negligence referable to the principle of *dolus eventualis*). The iterable chain of discursive strategies by which absorption and assimilation were framed, embedded the illocutionary force of orders of discipline and biopower over Aboriginal lives not in any rationale of the good, but in a rationale of care, protection and goodness that was itself refracted through (at turns) the necropolitical palliative care of a race presumed to be “passing away,” the natal-thanatopolitical apparatus of absorbing and assimilating people of mixed indigenous and European descent, and the biopolitical imperative (nascent in culturalism) that all indigenous people be normativized according to the regulatory

outcomes of the national polity. Perlocutionary implementation of acts were emplaced within this field and the intentional structure of justification which one might find in such state agents remains heterogeneous to it. Finally, it is necessary to insist on a wariness around the structural forces (rather than intentions) that framed regimes of power and the destructive actions they precipitate (removal, dispossession) and to further insist that this wariness is not only pertinent to memory and historiography. As state signatures return to cover over the potential artifactual resonances of past policy in present, it is important to recognize that thanatopolitics, normativization, and cultural destruction are “in abeyance (as mercifully, it seems to be in contemporary Australia) rather than being [] thing[s] of the past.”⁹⁸ If we fail to recognize the resonances between the past and the present, then we fail to see that late liberal biopolitics, while thankfully avoiding the intensive eugenics and bioculturalist normativization of the past nonetheless retains ways of making forms of life things of the past. As Povinelli reminds us, late liberalism may no longer literally kill subaltern and minority subjects bearing alternative modes of life—alien to the mechanism of the market. Nonetheless “it has resuscitated *faire mourir* into the typology of *faire vivre* and *laisser mourir*, even as the more dominant powers of making live and letting die have changed the techniques of state killing.”

Chapter 4

Biopolitical Correspondences:

Anthropology, Native Administration, and Cultural Nationalism

“[P]hysiographic factors work slowly . . . Ultimately the Australian race will be quite different from the ‘English’ race and hence Australian literature will be quite different from the merely English literature, of England.”¹

P. R. Stephensen

How does (post)colonial literary culture, so often annexed to nationalist concerns, interface with the biopolitical regulation of race and sexuality? Colonial biopolitics can be defined as the regularisation of a population according to the perceived insistence on norms. Unlike the diffuse, microscopic, governmental mechanisms of surveillance that identify the need for disciplinary interventions, biopolitics concerns itself with the regularisation of societies on a large scale, notably through demography. As Ann Laura Stoler has put it, Foucault’s identification of these two forms of power, “the disciplining of individual bodies . . . and the regularization of the life processes of aggregate human populations” has led to much productive work in the postcolonialist critique of “the discursive management of the sexual practices of the colonized,” and the resultant “colonial order of things.”² Indeed, biopolitics is crucially concerned with what is perceptible at the macroscopic level of an entire population – often rendering its operations blind to more singular, small, identitarian, or even communitarian

representations and imaginaries. Certainly one can find representations of disciplinary power across the canon of oft-taught postcolonial texts, from Ngugi Wa Thiong'o's critique of colonial policing in *Petals of Blood*, to Tsitsi Dangarembga's meditation on the affective violence of mimicry in *Nervous Conditions*, to Salman Rushdie's magical realist parody of Indira Gandhi's state of emergency in *Midnight's Children*.³ Such texts are cognizant of policing, colonial education, and the retention of exceptional measures threatening the democratic form emergent from the subcontinent.

But what does one begin to write of the lettered settler colony, particularly since so much of the national imaginary, including its positioning of indigenous peoples, has been conjured as an intertext, a canon, an inheritance by the simultaneously antipodean and (nonetheless) colonizing imaginaries of settler colonists? As Wolfe suggested, settler colonies are not merely premised on the subjection of indigenous peoples, but very often also on their total disappearance. As we have seen, the natal-thanatopolitical, biopolitical, and other mechanisms by which this is attempted are variegated. It is incumbent to similarly survey the cultural correlates of such ideas. In the Australian context, the processes of absorption and assimilation directed toward Aboriginal people in the twentieth century clearly involve disciplinary practices driven by biopolitical projections of future normativity and homogeneity. But literary texts, while making truth claims about such contexts, rarely prescribe policy.

Those singular settler imaginaries that traverse the backdrop of the governance and policing of indigenous people—constrained by the inheritance of genre, form, convention, and voice—nonetheless hardly reproduce the fantasies and anxieties of colonial governance as facsimiles of Aborigines Department memoranda. How do we

read the narration of subaltern death, survival, or indeed assimilation when such an imaginary of doom in literary and cinematic texts has found itself displaced within the discursive formations of colonial governance: why do Aboriginal characters in novels keep dying after the turn to cultural assimilation? Why do settler poets consistently return to a melancholic lamentation of Aboriginal loss (as though it were their own) after this turn? Is it too much to say (as Foucault did not, at least not in so many words) that postcolonial texts—these small and particular representations—can be read alongside texts from the archive of settler colonial biopolitics? Taking seriously the degree to which such literary frames are not mere carbon copies, this chapter nonetheless insists on a tactical attempt to map the occasional correspondence of such archival and literary expressions. Doing so, I contend, brings into greater relief the moments of non-correspondence: when imaginaries of death subsist after the supposed turn to assimilation, when policies about subaltern peoples are debated by white settler characters and not resolved. This notion of correspondence also allows us to tell the story of the way anthropological conceits and practices of colonial administration produced concrete concurrent effects in the cultural sphere, particularly, the emergent literary nationalist public sphere.

The projected outcome of both absorption and assimilation was the homogenization of the Australian national polity. Where absorption imagined the disappearance of Aboriginal people via natal-thanatopolitical methods, assimilation—while retaining its disciplinary measures—turned on a more subtle articulation of its outcome vis a vis ideas of race, culture, and national homogeneity. Assimilation's vision of national homogeneity was paralleled by regularizing functions that correspondingly

operated in anthropological discourse as well as literary nationalist discourse; it is these correspondences which I examine here. In the post-war period anthropologists, literary nationalists, and agents of assimilation variously contributed to a networked discursive formation that anxiously concerned itself with the place that Aboriginal culture and social life was to have in the new nation. Mid twentieth century Australian cultural nationalism drew heavily on the physiognomic, racial, and eugenic data that was also significantly in play in the discourse of Aboriginal policy.

A key methodological investment of this chapter arises from the assertion that the biopolitical outcome of regularization and homogenization parallels the concerns of cultural nationalism, drawing out imaginaries, forces and desires that exceed and outlast their concrete governmental implementation. Many of these imaginaries insist on the symbolic value of settler nativity over against the voice of the too often expendable indigene. As Chadwick Allen suggests, “Aboriginal inhabitants of what are now First World nations have been forced to compete for indigenous status with European settlers and their descendants eager to construct new identities that separate them from European antecedents.”⁴ This is often the way indigenous characters operate in settler texts heavily concerned with indigeneity. While Aboriginality is avowed to the point of fetishization, it is also often made so at the expense of the indigenous body and mind as living presence. One organizing question, which precipitates this observation asks: how, as the physical anthropological and absorptionist elements retained by assimilationist doctrine called for the biological incorporation of the “Australoid race” into the settler nation’s normative population, were the correlative cultural appropriations disseminated as a party to the settler nation’s cultural uniqueness and homogeneity? How does the settler nation

imagine its coherence and independence through the sublation of an indigenous identity which it simultaneously destroys, constrains, and normativizes?

Here I explore the way a certain artifactual Aboriginal constellation would have to be regularized and presented as acceptable to the dominant white population of the nation. Assimilation required that Aboriginal tradition be regularized as a “primitive” social form adaptable to the settler cultural model of nuclear familialism. If orientation to an environment hostile to whiteness was a problem for what Warwick Anderson has called Australia’s “reproductive frontier,” and if adaptation to this environment could (for many assimilationists) benefit from the biological absorption of Aboriginality, would there emerge an analogous desire for cultural adaptation?⁵ Discourses of Aboriginality were disseminated alongside government policies of assimilation in order to negotiate a form of nativist primitivism that would be acceptable to the nation’s future cultural homogeneity.

The late 1930s are a key period in the government of Aboriginal people in Australia. I want to mark three further dates from the late 1930s that index three acutely biopolitical instances of the settler nationalist imaginary:

October 1937. Elkin would continue a correspondence with his lay-ethnographer contact, W. E. “Bill” Harney, who was gathering ethnographic data at the Missions on Bathurst and Melville Islands. In this particular letter, alongside notes on the subsection systems of neighbouring peoples, the Anula and the Mudbura, Harney would insert his opinion about the potential normativization of the Aboriginal family and what precisely could be “abolished or modified”:

The system of polygamy seems to me to be quite OK in a nomadic race and can be eradicated without going to extreme means as I have found that the natives try to imitate the white and this they do in marriage and it is incredible the amount of natives in the bush working with the white man that have only one wife, they do not want another and when questioned on this, they remark that two women would be a nuisance as they would be jealous of each other.⁶

For Harney, the “imitat[ion of] the white” was a process that was already taking its course. Harney would elsewhere criticize the attitude (among missionaries and government agents) of “no compromise” in approaching the modification of native customs.⁷ His correspondence with Elkin would help produce a genre of popular narrative inviting settlers into the transforming Aboriginal life-world.

January 1936. After its first two instalments had been published in *The Australian Mercury*, P.R. Stephensen’s *The Foundations of Culture in Australia: An Essay Toward National Self Respect* is published in book form by W.J. Miles. A short way into the essay’s third instalment, Stephensen would declare, ‘[a]ll parties agree that population is Australia’s paramount need’ (149). For Stephensen, a large population was one of the preconditions of a culturally nationalist Australia, independent of the British metropole. Yet, questions of race, hybridity, and the legitimacy of settler belonging would also not be absent from his prose. Coinciding with key transformations in Australian Aboriginal policy, Stephensen’s tract would influence a number of nativist and nationalist writers who desired both cultural independence and the incorporation of Aboriginal motifs into their writing; these included Rex Ingamells, Ian Mudie, and, most notably, Xavier Herbert.

June 1936. Herbert writes to his friend Arthur Dibley, a manuscript reader at P.R. Stephensen and Co., from the veranda of his house in the Kahlin Aboriginal Compound in Darwin.⁸ In early 1934, Herbert and Stephensen had worked closely on the revision of *Capricornia*;⁹ indeed, in the early 1960s Stephensen even claimed his role in editing to be so extensive as to warrant co-authorship.¹⁰ When Herbert wrote to Dibley, he was employed as acting superintendent of the compound—an agent of the surveillance and discipline of Aboriginal people. In his letter, Herbert clearly related his literary ambitions to grandiloquent dreams of nationalism and race-consciousness:

Do you know what I've been dreaming of doing? Why, no less than teaching the Aboriginal race to accept citizenship & win a place in the Nation, & honourable place [sic], so that they may cross with the invaders & enrich the new Nation with their blood. Already I have founded a Euraustralian League, the members of which are Halfcastes and Quartercastes whose blood is pure Aboriginal and European, the aim of which is to teach pride of race to these people & to teach others to honour them & ultimately to found a Nation.¹¹

Herbert's imagined project of a hybrid nation was not only premised on the citizenship of Aboriginal Australians. It was also an appeal to contemporary population and attitudes toward potential preservation of 'full blood' natives through reserve land¹². Before turning to limn the correspondences between these events, it is incumbent upon me to say something further about the methodological stakes of correspondence itself.

Biopolitical Correspondences

The use of the notion of *correspondence* in the title to this chapter carries a tripartite meaning. First it indexes the correspondence between biopolitical regularization

of the colonized indigene and the regularization of its social form in policy discourse; this correspondence has been extensively explored in the preceding chapters. The second meaning of correspondence concerns the relation between the socially regularized image of the Aboriginal subject and the emergent worry over a culture of national homogeneity. Finally the literal correspondence between colonial administrative, anthropological, and popular primitivist literary discursive enunciators deploys at times complementary and at others conflicting demands of and about Aboriginality; these at turns confirm and and challenge the policies and imaginaries of the settler colonial biopolitical apparatus. In this chapter, correspondence in the sense of letter writing, unpublished and concealed discursive spaces that draw in the epistolary encounter, suggests the discursive networks that link actors in the colonial administration and those in cultural and literary nationalist circles.¹³ But the idea of correspondence is also a means of evoking the relationship between mechanisms of control over population and the cultural imaginary of an emerging literary nationalism that is a good deal more nuanced than a simple notion of causality might suggest. Ideas of demography animate fantasies of culture, but they do so only in a subterranean manner, connecting the symbolic grammar of raw demographic data with imaginary projections of cultural futurity. Here I emphasise the paradoxically privately networked public sphere of letter writing as one such underground correspondence. While experts on the ‘Aboriginal question’ were imagining the ‘long-range plan’ by which Aboriginal presence would be evacuated from the national scene, literary nationalists were attempting to position their visions of future homogeneity in relation to the ‘Aborigines question’. On either side of the correspondence, a rhetoric of the future of the nation as a whole lay at the centre of debate.

Yet, on either side of this correspondence—be it that of the settler writers or the administrators or somewhere imperceptibly in the interstice—there must remain a recognized fluidity in views which might at once posit contradictory desires: Aboriginal disappearance alongside imaginary national hybridity, whiteness alongside the absorption of the native. These ideas were simultaneously bound together and traversed by contradiction. Discourses of normativization are often ghosted by such contradiction, even as the goal of discursive analysis is to extrapolate fields of generality. Foucault refers to such consistent fields, traversed by contradiction, as the “epistemic web;” he notes that the fact “that it is so tightly woven certainly does not mean that everyone is thinking along the same lines.”¹⁴ Stoler translates the term as a “tight epistemic weave” and relates it to Theodor Adorno’s notion of “force field” in the analysis of ideology.¹⁵ Such a tightly woven web, Foucault asserts,

is in fact a precondition for not thinking along the same lines or for thinking along different lines; and it is that which makes the differences politically pertinent. If different subjects are able to speak, to occupy tactically different positions, and if they are able to find themselves in mutually adversarial positions, there has to be a tight field, there has to be a very tightly woven network to regularize historical knowledge.¹⁶

If, on either side of this correspondence, one finds an internally consistent field that nonetheless entertains contradictions, one is certain to find both correspondences and divergences. Further, where there is much contradiction at the level of the ideas of administrators, or between the bureaucrats of racial governance themselves and the

anthropologists on whose knowledge they rely, then the knowledge of lettered subjects and their fictive enunciation will doubtless be given to multiple, intersecting layers of contradiction.

Nonetheless, despite their operation in differing discursive registers, the fact of frequent correspondence (literal and figurative) between literary, anthropological, and administrative agents regarding the “Aborigines question” means that they might be viewed not only as three separate sets of experts, but also, in some sense, as a cohesive cadre. Further, the allegories of nation and race narrated by literary figures from within this cadre can be read as attempts to articulate cohesive imaginaries of racial and cultural nationalist futurity by reference to the field of governmental enunciations on which they draw for their imaginary. One way to view the cadre of “experts” on Aboriginality that emerged at this time is through a Gramscian lens. As Antonio Gramsci argued, hegemony is the domination of subaltern others through the production of a semblance of consensus. But hegemony functions not by the consistent decisions of a central, autonomous power, but rather, through the contradictory enunciations of its infrastructure. Colonial hegemony asserts itself as a functional application of power when the technologies and attitudes of the bureaucratic order of society coincide with the interests of the ruling class. In the case of settler society, the latter would correspond to the elite among the settlers. The hegemonic form of this coupling can be explained via Gramsci’s incisive assertion that, “[t]he members of [the bureaucratic, administrative, policing] stratum are accustomed to direct command over nuclei of men, however tiny, and to commanding ‘politically,’ not ‘economically.’ In other words, their art of command implies no aptitude for ordering ‘men and things’ into an organic whole.”¹⁷ As we have implicitly seen in

preceding chapters, the structural coupling of anthropological discourse and native administration discourse was the key discursive intersection that produced the absorption-assimilation regime. This is true even before its apparatus functioned to the degree intended by its framers (which it, of course, never fully did). Such a distinction as Gramsci's between those with apparent "aptitude" for ordering and those who carry out the concrete practice of governmental ordering may be a useful one in unraveling the order of settler colonization. As we saw in the previous chapters, the stratum of Native Administrators who met in 1937 drew the legitimacy for their decision on the future of the Aboriginal population from the assertions of anthropologists such as Cleland and Tindale. Neville was able to state that the Aboriginal population are absorbable Caucasians on the basis of Cleland's knowledge. In other words, the physical anthropologists were understood to possess an "aptitude for ordering" native peoples, thereby becoming the source for the legitimacy of the eugenic program of the settler state.

Similarly, post-war reframing of assimilation in terms of culture were formulated by McEwan under the advice of Elkin. If physical anthropologists lent their legitimacy to such eugenic projects, might it be reasonable to investigate the way functionalist social anthropologists engaged in producing the legitimate model for cultural assimilation? Further, what role might settler literary and cultural knowledge-makers have played in constructing the place of indigeneity as it related to the production of nationalism? We will no doubt also find multiple contradictions in this tight field of settler literary nationalism. There will remain divergent imaginaries among those who translated their assertions into popular and literary fictive enunciations, but there may also remain

consistent threads that move between the realms of policy, anthropology, and the literary imaginary.

Normativization played a key role in conditioning the idea of Aboriginality in the literary texts of the mid twentieth century, particularly from the 1930s to the 1950s, but with certain residual conceptions continuing to the 1970s. While cultural nationalists called upon Aboriginal subjects to act as the seat of their primitivist cathexis and the source for their fetish of national independence, assimilation demanded that these same Aboriginal subjects transform their social life in forms commensurable to “civilized” settler norms. Elizabeth Povinelli suggests that the continued subjectification of colonized people under the cover of multiculturalism bears a complex relation with the interplay of nation and authenticity I here identify. The relation of policy, anthropology, and literary nationalism forms a background to the kind of multiculturalism she has identified in her work. As she puts it:

[M]ulticultural domination seems to work . . . by inspiring subaltern and minority subjects to identify with the impossible object of an authentic self-identity; in the case of indigenous Australians, a domesticated nonconflictual “traditional” form of society and (inter)subjectivity. As the nation stretches out its hands to ancient Aboriginal laws (as long as they are not “repugnant”), indigenous subjects are called on to perform an authentic difference in exchange for the good feelings of the nation and the reparative legislation of the state.¹⁸

The project of nation formation—in so far as it reached out to indigenous society as a fragment of its self conception—relied consistently on a selection process to identify

what was and was not “repugnant” in indigenous tradition. While the mass media has often emphasized the most “repugnant” of alterities—from the idea of the cannibal native, to ritualized patriarchal practice, to the more recent identification of child sex abuse in remote communities—and identified them with the essentialized root of indigenous cultural difference, framers of nation and of Aboriginal policy did not need to look deep into the ethnographic record to find sources of tradition whose alterity was sufficiently different to come under the gaze of normativization. Polygamy, complex modes of kin organization, practices of initiation: these were all subject to a compulsion to modify and transform indigenous practices in order that indigenous subjects might either find themselves assimilated or, if permitted to perform tradition, to do so according to an acceptable, unobjectionable “authentic difference.”

Policy-makers insisted not only that indigenous Australians identify with a “domesticated nonconflictual ‘traditional’ form of society and (inter)subjectivity” but also that settler subjects accept this model as an index attached to national belonging. The solicitation of desire for identification with the normativized tradition in question was also often accompanied by a desire to become native (on the part of literary nationalists particularly) that was both appropriative and thanatopolitical at an imaginary level. This selection and assimilation process was also parallel and consonant with a process of settler nation-formation. At the precise moment when these artifactual “domesticated nonconflictual ‘traditional’” Aboriginal subjects were in the process of being constructed, this tradition was also being made available to settler subjects as misrecognized objects of appropriable nativist belonging. This process of appropriation recalls Renato Rosaldo’s notion of “Imperialist nostalgia.” For Rosaldo, many imperialisms display a

melancholic desire for the culture of the colonized that they are nonetheless in the process of destroying. Similarly, the mode by which Imperialist nostalgia operates often relies on the “salvage” and appropriation of native motifs and recalls what Robert Dixon calls the appropriative process of “plagiarism.” For Dixon: “[c]olonial texts . . . are built up by plagiarism, whose Latin root, *plagiarius* or kidnapper, resonates with the history of indentured labour . . . The plagiarism performed by colonial texts is a theft of cultural materials, another form of blackbirding, a kind of captivity.”¹⁹

As Aboriginal tradition was being domesticated, the resultant “safe” form of indigeneity that eventuated was also being melancholically fetishized. It is within this intersection that nationalism with its foreclosed multicultural potential came into being in relation to assimilation. Either vector in this process, be it the regularization of indigenous social life or the correlative plagiaristic capture of indigeneity within the settler mainstream imaginary, were equally involved in a biopolitical process. Regularization of the colonized is, in the settler colony, frequently oriented, at the cultural level, to an apparatus of capture and appropriation whereby the normed and deterritorialized aspects of indigenous life can be made available to the imaginary codes of settler social life. Chief amongst the outcomes of such capture is the virtual indigenization of the settler by which every semblance of correlation renders the settler public sphere more capable of subjectivizing its constituents as, in their self-conception, “indigenous.” Just as anthropologists such as A. P. Elkin were involved in discourses of assimilation and practices of normativization, they were also participating in the making of popular narratives for the settler populace. Such nationalist movements as the Jindyworobak literary cadre that emerged in the late 1930s drew much inspiration from

the new representations of indigeneity which had begun to be disseminated. Amongst these were the vision of Aboriginal social life emergent from structural-functionalist anthropology.

The Elementary Family and Assimilation

Oedipus is always colonization pursued by other means.²⁰

Deleuze and Guattari

If the microphysical application of biopower takes individual bodies as its target and, at the biopolitical level, population is taken as the object of aggregation by which its interventions are calculated, then the institution of the nuclear family can be seen as the hinge space between the two. Partha Chatterjee praises Foucault for showing the way modernity consolidated state power by emphasizing population as the new object of power. But Chatterjee adds a further insight. . Even as population emerged as a new object for aggregation and intervention, the role of civil society in norming the family took precedence after this turn, particularly in colonized regions. As Chatterjee notes:

In the classical theory, the family is the elementary unit of social organization: by the nineteenth century the contractually formed family became the normative model of most social theorizing in the West as well as of reformed laws of marriage, property, inheritance, and personal taxation.²¹

In colonial contexts, civil society formed the means to normativize the familial form of colonized peoples whose religious and economic practices drove a wedge, which reduced the capacity of the colonizer to maximize economic utility, even as this practice was justified through the greater inclusion of non-Western communities in civil society.

Within this framework, “the function of civil-social institutions [such as the family and the church] in relation to the public at large will be one of pedagogy rather than of free association.”²² In colonial societies such as India, hegemonic regulation of civil society was employed to pedagogically normativize elites on the model of English standards. In settler colonial society, matters differed slightly. Rather than a civil society extant among the colonized, remote institutions loosely affiliated with the settler civil society such as missions, as well as governmental organelles such as native settlements were employed to normativize indigenous family life. These instruments of governmentality were the product of a discursive formation which drew from sectors of the anthropological community, native administrators, and administratively-minded missionaries.

The pursuit of norms was inscribed deep within the structural-functionalist attempt to describe a universal model of family life. While the contractually formed family developed in the nineteenth century in Europe as a normative, the postulate of primitive social organization as essentially other required a theoretical form which could mediate between the native and the modern and form the justificatory basis for assimilation. In 1930 when A. R. Radcliffe-Brown’s writings on the “Social Organization of Australian Tribes” were serialized in the opening issues of *Oceania* he defined the family as a subsistence unit “formed by a man and his wife or wives and their dependent children.”²³ Ten years later, at the Presidential Address to the Royal Anthropological Institute in 1941, Radcliffe-Brown defined “[t]he unit of structure from which a kinship system is built up [as] the group which I call an ‘elementary family,’ consisting of a man and his wife and their child or children, whether they are living together or not.”²⁴ For Radcliffe-Brown, in spite of the complexity of kinship structures emergent from a given

society, the elementary family remained a unit which crossed European and native lines as a comparative absolute. Where the discourse of ethnography proceeded to account for the complexity of indigenous kinship beyond the postulate of the elementary family, this conception of a transcendent organizational form became central to attempts to governmentally norm these complex structures of kinship. If Radcliffe-Brown was right that, despite complex affinal and consanguinal economic and sacral modes, the elementary family could be found even in the most “primitive” of societies, then such societies could also be normativized in a manner commensurate with the civilized European standards maintained by settler colonizers.

From the 1950s, Australian Governments provided increased funding to Missions as a means to accomplish assimilation in remote areas. Since Missions were already in contact with 4000 of the estimated 14000 resident in the Northern Territory, for instance: [t]he Government looked to the Missions as its agents for carrying out native policy” and funded them accordingly.²⁵ Faith was vested in the missions as sites of assimilation, while it was insisted that missions defer to Government authority and that the governance and normativization of indigenous people be as uniform as possible. Taking the 1953 Conference on Missions as an exemplum, we can see how this postulate informed the socio-cultural normativization of indigenous life. There, R. K. McCaffrey noted that “aboriginal social organization and relationship systems are very different from our idea of a family” and that, as a result, “there is some instability in aboriginal family groups.”²⁶ Later in the conference, the Reverend J. B. Montgomery argued that while traditional Aboriginal kinship structures served the needs of indigenous people in the past, such a “system may have been suitable to the Aborigine living in his raw state, but with the

advent of civilization and the breaking up of tribal life, it is surely not the type of family life which should be preserved for the betterment of the Aborigines.”²⁷ Montgomery’s prescription emphasized a logic reminiscent of the “elementary family” postulate and, in doing so, correlated Christian indoctrination and economic efficiency in facilitating uplift to civilization. “This native system,” he wrote, “belongs to an economy peculiarly their own, and definitely not suitable to the civilised way of life.”²⁸ As a result, he argued, “it would appear that in the best interests of all concerned, both economic and spiritual, the family unit must be re-arranged, so that it consists only of father, mother and offspring.”²⁹ Montgomery also insisted upon the institution of monogamy and advised that the architectural model of individual family housing in order to habituate individuals to the social standards of citizenship. The desire for the nuclear family as a mode of economic, religious, and social normativization found its scientific justification in the elementary family postulate as its moral force was countenanced by Government reliance on the missionary as the agent and his institution as the site for the implementation of assimilation.

The diversity and alterity of indigenous naming practices made normativization of the family a challenge while also making the biopolitical imperative that the inhabitants of a territory be enumerated more difficult. For McCaffrey, “a reliable and sufficiently complete system of statistical data” on the Aboriginal population of the Northern Territory implied the need for a uniform practice of naming Aboriginal people according to European norms: “As aboriginal families are assimilated into the life of the Northern Territory, it will be necessary that a system of names be developed for them in line with our European system of one or more Christian names and a family or surname.”³⁰³¹ This

practice of normative naming would also assist in the regularization of indigenous social and familial life: “the acceptance and use of a family surname,” he argued, could “counter the normal social organization of tribal society.”³² Naming itself became a technique of normativization and a mechanism for enumeration.

Even as assimilation was fomented at conferences and cabinet meetings, administrators and “experts” were painfully aware of the necessity of promoting its postulates. It was imperative that as Aboriginal family life was normativized, those traditions and practices that were allowed to continue would be accepted by the white community. Similarly, as people of mixed descent were subject to the economic and religious discipline that would “train them for citizenship” (as the phrase often went), acceptance was also solicited from the wider community—even as so-called fringe dwellers were often blamed by administrators for the stigma they encountered from whites. Archdeacon P. McD Smith stated this most forcefully at the 1953 Conference. Drawing from the Archdeacon’s remarks, the 1953 Conference framers took up his imperative to simultaneous normativization and acceptance:

Assimilation implied full acceptance by the white community and this had a reciprocal demand that the natives must be acceptable. If he was to be accorded the rights and privileges of full citizenship, he must be able to live at a standard which offered no hygienic, moral, or social affront to the rest of the community.

Assimilation, then, traversed and employed multiple forms of normativization.

Simultaneously, a plethora of texts and enunciations entered the public sphere as a means

to promote the government's revised policy. As in so many areas, Elkin had long stepped into this fray.

Promoting Assimilation

Elkin saw his role not only as a key framer of assimilation, but as its promoter. Several decades earlier, 1938 had seen the publication of the first edition of his *The Australian Aborigines: How To Understand Them*. Designed to be accessible to a wide audience, this mainstream ethnography was to translate the cultural institutions of Aboriginal life as they pertained to the average white Australian, whose assent was essential if assimilation was to attain mainstream acceptability. *The Australian Aborigines* became an international bestseller, accessible to a general readership.³³ In identifying his audience, Elkin specified those under whose administration Aboriginal lives fell: “cabinet ministers, officials, missionaries [and] settlers.”³⁴ In the book, Elkin defines the family in Western society such that it “consists of father, mother, and children, and in some cases step-children and adopted children.”³⁵ In rapport with Radcliffe-Brown's postulate of the elementary family, traversing civilizations, Elkin contrasts Aboriginal families, noting that “[t]he Aborigines . . . reckon their relationships through the whole community,” before proceeding to translate the strange terms of Aboriginal kinship to his reader.³⁶ Elkin was less concerned with the possession of the elementary family by the traditional Aboriginal social scheme than with the potential adaptability of complex Aboriginal kinship systems to the most elementary of family structures: the nuclear family. This outcome went along with the stadial mode of uplift he advocated, which I described at length in the previous chapter. Elkin's unstated question

became: can indigenous families be rendered at once commensurate with settler-European economic and social standards and nonetheless remain exemplary emblems of a (modified) indigenous tradition. The structure and function of the family mattered to ethnographers because of the way ‘primitive’ social formations served to explain the unconscious of civilized man. Inversely, the apparent fact that man’s innate tendency was subject to inherent structural predilections seemed to imply that the native could be regularized according to the reproductive and social norms of the settler nation whether or not the variation within “primitive” social forms outwardly displayed nuclear familial characteristics. The postulate of the elementary family saw that, however complex or abnormal a kinship structure might appear on the surface, Aboriginal society had the potential to be normed according to “civilized” standards.

Elkin was a different kind of anthropologist to Radcliffe-Brown, taking a much more sustained interest in the relation between anthropology and native administration. After a cabinet reshuffle of 1937, Elkin’s influence was taken on board by the new Commonwealth Interior Minister Jack McEwan. The result, as we have seen, was a policy that emphasized the role of Aboriginal administration in the civilization of all Aboriginal people—not merely those of mixed descent.³⁷ Elkin’s resultant reframing of the policy of absorption as cultural assimilation would be the template for the mode of national policy up to the mid-1960s. He similarly oriented his anthropological writings to complement the aim of “uplift” and “civilization.” If Elkin had more “progressive” ideas about race than Neville, the anthropologist apparently agreed with many of the Native Administrator’s ideas about the implementation of assimilation—its technologies, mechanisms, and categories. The settler colonial analytics of blood upon which

assimilation relied is one example. While Elkin is credited with disavowing the 1937 conference's notion that "tribalized" "full-bloods" were incapable of assimilation, he nonetheless advocated the classification of Aboriginal people into types based on blood and behavior: "[t]he use of the term caste (half or other)," he wrote,

is effective if it reminds us that we divide our population into Australians proper (that is, our white selves); full-bloods, who, incidentally are not included in the general census figures; and, in thought and behaviour, the Aboriginal castes of mixed bloods. These last are in our midst, and partly of our blood, but they are not yet 'of us.'³⁸

The question of whether Aborigines and of which "caste" were capable of assimilation, of education to the "white" level, had been in play for some time prior to its discussion at the 1937 conference. As we saw in the previous Chapter, racial psychologist Stanley Porteus had argued that Aborigines were not unintelligent but perfectly adapted to their environment. Elkin certainly agreed that half-castes were capable of uplift and had been communicating with Neville about his experience with "half-caste" education for some time, receiving a letter on the issue during the years of drafting the first edition of the *Australian Aborigines*.³⁹ As we have seen, while Elkin's "progressive" policy advocated citizenship for all Aborigines, it also did so through a taxonomy that relied on the old racial eugenic classificatory system of blood quanta and assimilated behavior (employment, "non-'nomadic' conditions"). Elkin maintained this line about the question of Aboriginal adaptability as late as the 1954 edition of his popular ethnography, even as he was more optimistic by this stage, with all Aborigines now coming under the control of Commonwealth and State regulation in health, welfare, education, and social life.

In tracts like *Australia's Coloured Minority* and *The Australian Aborigines*, Neville and Elkin promoted their overlapping but divergent visions of assimilation to the Australian public, as well as to the officials who could implement real change. Neville saw cultural assimilation as an extension of absorption; it “merely placed the people in evolutionary order looking at it from the point of view of assimilation—the future of all native people being under consideration.”⁴⁰ In other words, Aboriginal social life was to be framed in evolutionary stages on its road to sociocultural assimilability. But for Elkin, a further vexing problem lay in the question of which indigenous cultural practices were to be eradicated and which were to be subject to a process of substitution. “We may,” Elkin wrote in *The Australian Aborigines*,

even feel that these [strange and puzzling] customs are not so good as ours, that they are degrading and should be abolished, but before we pass such opinions or act upon them, we must first understand what those customs are . . . But while such an understanding undoubtedly makes another people's customs less puzzling to us, it does not necessarily commend them all, and we may still feel constrained to use our influence or authority to have them abolished or modified.⁴¹

Elkin would implore his settler reader to attempt to understand Aboriginal culture even as he retained the assimilationist imperative that aspects of Aboriginal social organization be “abolished or modified.”

In a curious analogy, while emphasizing the importance of “initiation” to “every male member of the tribe,” he further asserted that “[y]ou and I, too, whether students at home or fieldworkers, must, in spirit, do the same, for then and only then shall we gain

some conception of what life means to the Aborigines.”⁴² What precisely Elkin meant by a certain “spirit[ual]” “initiation” of settler Australians remains a matter of speculation as this fleeting reference is vague and inchoate. However it joins to a wider notion shared by literary nationalists such as Xavier Herbert or the Jindyworobak Group that aspects of Aboriginal cultural knowledge needed to be taken on by white Australians; this would be an influential cornerstone of the cultural and literary nationalism forming at the time.

Elkin himself would come to participate in the making of popular and literary texts designed to make “modified” tropes of Aboriginal culture available for popular consumption. Much of this was due to his association with the Territorian W. E. Harney. Harney was neither an anthropologist, an acclaimed writer, or a high level official, though he dabbled in all these pursuits. As well as being a popular troubadour, bush character, and lay-ethnographer, Harney was also a “combo,” as the derogative colloquialism went: a white man who pursued Aboriginal women sexually. Harney would operate as Elkin’s source for points of ethnographic data, “checking points of kinship detail for Elkin, clarifying the meaning of the word, giving him the gossip.”⁴³ “In return,” recounts Elkin’s biographer Tigger Wise, “Elkin became [Harney’s] informal literary agent in the south.”⁴⁴

The letter marking the first of the three “events” with which I opened is an instance of a long correspondence that continued between Elkin and Harney from the mid 1930s through to Harney’s death in 1962. Their letters provide a constellation of overlapping assertions about the salvage of ethnological truth, the reality of Aboriginal adaptation to colonialism, and the amenability of either the “tribalized” or “detrIALIZED” native to civilization. Elkin’s faith in Harney’s ethnographic authenticity was great and

the University of Sydney anthropologist promoted his friend as such. Elkin would later write that Harney was “one of those extremely rare persons---a man who had lived in close contact with the aborigines and really did have some knowledge of their life.”⁴⁵ As such, Elkin, the assimilationist reformer, solicited not only ethnographic data from Harney but also, his opinions on the reform of native welfare and precipitants to assimilation. Both men shared the notion articulated by Elkin that anthropological knowledge was essential to assimilation: “before we pass such opinions or act upon them, we must first understand what those customs are.” As we have seen, some cultural practices, they argued, would nonetheless need to be “abolished or modified,” if assimilation was to proceed among the most “tribalized” natives.

In 1939, Harney offered another extended policy opinion: “[o]nly one thing will save the abo: centres under strict medical and anthropological care; complete segregation of natives from towns especially Darwin.”⁴⁶ He railed against the way the native administration was put at the service of native indentured servitude, rather than along the lines of his southern colleague’s “positive policy” of assimilation and “uplift” toward citizenship. Protectors, he wrote, often saw their “job [as] not the welfare of the native, but a labor bureau for cheap servants.”⁴⁷ Harney’s diagnosis of this problem viewed it arising from the fact that, “contact seems to spoil the native.”⁴⁸ He extolled what he saw as the virtues of a combination of segregation from this cheap labor market and the corruption of towns:

In regards halfcastes I would suggest that as all the halfcast [sic] boys
have been sent to Alice Springs why not send the half cast [sic] girls there
also . . . These half caste boys in Alice Springs become a menace to

society with their repressed sexual desires and in time come to Darwin to find a mate & instead of being useful bushmen and pioneers of our back blocks will become steeped in the vices of our northern city. . . half cast [sic] women . . . are out of hand. I would suggest to send the incorrigible ones to the missions, or try and get them to marry and absorb them into the stations, they would only be too glad to return to their old homes & once there would marry. The whites would snap them up as a companion. What is more important let no more halfcaste children be brought to the towns.⁴⁹

It was clear that Harney disapproved of the effect of “towns” with their corrupting influence on “half-caste children.” These were rather to be controlled in their upbringing and marriagability. Like Elkin, Harney accepted child removal as a policy for the “uplift” of Aboriginal people to citizenship. In other words, Elkin and Harney were supportive of the tactics of assimilation: child removal, the regulation of marriage and of cohabitation, and the exemption and continued surveillance of Aboriginal subjects—particularly “half-castes.” Their subjective visions of the outcome of these policies differed slightly. Nonetheless, they accepted the mandate of such powers.

Elkin would come to solicit Harney’s opinions in framing his own advice to such influential members of the administration as Hasluck. In 1943, he sought Harney’s opinion on the effects of war and the “future development of Aborigines”:

I wonder what the future will be for them. Do you think there will be an extensive white development of the country after the war? And what will this mean to the Aborigines? In any case, what will these Aborigines, who are working for the military, do when the war is over, and will those who have drifted from their

reserves return to them again? I am particularly concerned with the problem of the effect of the war situation and also of possible future development of the Aborigines.⁵⁰

Promising to gather data on “war and Aborigines,” Harney set about the task of acting as Elkin’s man on the ground. The question of an “extensive white development after the war,” perhaps referred to the degree to which the country would be populated by its settler subjects. For Elkin and Harney what this “will mean to the Aborigines” was a question to be answered through a two-fold strategy. On the one hand, the “modif[ication]” of Aboriginal society was to be pursued according to the biopolitical norms of the nuclear family, the possibility of which the postulate of the elementary family guaranteed. On the other hand, white Australians were to be prepared to accept the assimilation of Aboriginal people into their midst; “spinning” assimilation, as Anna Haebich has called it.⁵¹ For Elkin, the use of popular, literary accounts would be essential to this latter process.

Harney would later become the Northern Territory’s most famed citizen for his popular accounts of Aboriginal life, Territory life, and cultural clash. The ideas the men cultivated about assimilation would become part of the appeal of their works. Not only were Harney’s popular accounts romanticizations of traditional Aboriginal culture and its loss through “cultural clash,” they were also attempts to foment and influence debate about Aboriginal policy in the public sphere. Elkin wrote, in his introduction to Harney’s 1943 *Taboo* that: “almost every story in this book is a concrete illustration of the change wrought in the natives’ manner of life by contact with the white man and his ways, and of the disastrous consequences.”⁵² In introducing *Taboo*, he wrote that “we are formulating

new policies and methods designed to assist the . . . [aborigines] in adjusting themselves to the great changes we have wrought in their environment and manner of life.”⁵³ Harney’s and Elkin’s forays into popular accounts were essential to the latter’s vision for policy change. Where Elkin saw all his works as contributing to the education of administrators, missionaries, and the white population at large, popular accounts held a special role:

The publication of books like my *The Australian Aborigines: How to Understand Them* and *Citizenship for the Aborigines* are of value to those whose interest has been aroused and who desire to know more, and perhaps would like to influence political, administrative or military action. Only comparatively few people, however, read books of this type; moreover, such books cannot present human beings as living personalities in a changing social situation. It is here that the short story and the novel come to our help.⁵⁴

Where the ethnographic texts were to “influence political, administrative or military action,” popular accounts could bring to life Aboriginal sociality, soliciting the sympathy of the wider community for the goals of assimilation.

In this way, *Taboo* narrated what was referred to by anthropologists and administrators as “cultural clash.” Harney’s narratives drew out the way contact between white settlers and Aboriginal people led to the dissolution of the latter’s culture; in the midst of this loss, Aboriginal people were seen to come adrift from this rich tradition and become the victims of white exploitation. While there is no doubt much truth in this representation, like many (post)colonial liberals of the time, Harney turned to assimilation as an answer to the problem of cultural clash. This viewpoint, while

skeptical of the veracity of the idea of a “doomed race” nonetheless also romanticized Aboriginal tradition and, in doing so, represented it as fixed and incapable of change and adaptation. For Harney, the only authentic Aboriginality was traditional Aboriginal custom, which was nonetheless to be modified:

We protect our native only because they are a dying race. At first we despised them. Then, after a time, owing to this same weakness, we first exploited and then pitied them. Should they become strong and in their increase menace the white man’s prestige, ah! what a different tale we might tell. I may be wrong, but when I see them at their dances of increase and initiation, singing their old-time corroborees, and when I behold the ragged wretches hanging around the towns and station homesteads, their social structure crumbling round their heads, it is then I think to myself, ‘Better this race to pass away leaving its tradition behind than for them to be sold into a life of slavery.’ Perhaps my narrow view of life cannot visualise the future, as do they who continually strive to assist these people to a better way of living.⁵⁵

While Harney ironizes the notion of the “dying race” by noting the potential fact of the “increase” of Aboriginal population, he nonetheless reinscribes the idea of a doomed race as a means to romanticize and fix traditional Aboriginality as a melancholic remnant, always already absented: “[b]etter this race to pass away” with its tradition intact than to be left a remnant of its former glory. However, Harney also hints that there are those who are attempting the modification of Aboriginal social life in order to “assist these people to a better way of living.” Harney’s assertion no doubt served to underscore Elkin’s

introductory promise of “new policies and methods.” He asserted that the modification and abolition of Aboriginal culture was a regrettable necessity, writing in *Taboo*: “[t]he Government authority bases its right on the belief that their natives’ only hope of survival lies in dropping their old customs and embracing the white man’s standard of living—a commendable scheme.”⁵⁶ In this way, Harney indulged in the ideal of assimilation, even as he traded on (and no doubt genuinely held) nostalgic fixation on “natives” and “their old customs.” Assimilation, as it was presented to the public sphere, was not incompatible with a fetishization of a culture depicted as passing away. Cultural normativization was clearly capable of the fetish for an imagistic multiculturalism that nonetheless obscured the concrete normativization of extant institutions of Aboriginal cultural organization.

Elkin and Harney’s 1949 collaboration *Songs of the Songmen: Aboriginal Myths Retold* was so successful that many of their Anglophone renderings of Aboriginal song in verse were set to melodies and pressed to vinyl by Alfred Hill Music. *Songs of the Songmen* was a collaboration which attempted to “present in verse the beliefs, myths, and customs of the Aborigines . . . [just] as the Aborigines have song specialists.”⁵⁷ Writing in request of a grant from the *Commonwealth Literary Fund* in 1948, Harney described his and Elkin’s *Songs* as “a complete outline of Aboriginal mentality based on their legends.”⁵⁸ According to Elkin, the book was largely Harney’s making: “his was the conception and the first draft.” Elkin saw himself as adding to the craft and expert authenticity of the text. In his own terms, he “put the text through the finest of Aboriginal cultural sieves to ensure that it truly reflects native life and thought . . . for I do know the

Aboriginal culture and environment, and what we want to express.”⁵⁹ Elkin and Harney were no exception to either Imperialist melancholia or colonialist plagiarism.

They even fantasized themselves as becoming “elders” through their engagement with those they saw as remnants of an authentic cultural tradition. In 1952, Elkin remarked to Harney by mail that “the time may come when you and I will have to go bush and take our rightful place as elders and so give the tribes the privilege of feeding us.”⁶⁰ The anthropologist-assimilationists, in the process of “modify[ing]” and “abolish[ing]” “native customs” according to the familial, social and cultural norms of the settler colonial nation, were also promoting the modified form of Aboriginality that was as much a product of this biopolitical process as it was of either the culture of the colonizer or colonized. This destructive alteration of native custom—made to suit the palette of the national public sphere—was also a process of melancholic nostalgia on the part of its agents. The tradition in which Elkin and Harney viewed themselves as “Elders” was their new assimilable form of Aboriginality. Though this perception is somewhat concealed in the published versions of their texts, the archive of their correspondence reveals the way their settler colonial literary productions were not only normativizations for the sake of their Aboriginal informants or their public but also for the benefit of their own egos. The sublation of settler identity into a newly constructed sense of nationalist belonging is a paradigm one finds in numerous settler writers of the period. As practitioners of colonialist plagiarism, settler writers frequently arrive at a self understanding of privileged belonging. As Elkin put it in the book’s introduction, “Mr Harney and I are fortunate in sharing with the Australian Aborigines what might be termed fellowship—a fellowship based on understanding, not on fictional and self-

deluded ‘blood-brotherhood.’”⁶¹ *Songs* was to have been a well crafted translation, whose authorial hand would be undetectable, the authorial voice was to be a “secret” that “belongs to Mr Harney and myself: it is part of our ‘Dreaming.’ . . . [The] expression of Aboriginal philosophy and doctrine, are indeed our joint efforts.”⁶² The poet translators were to have a privileged place in the making of a settler public sphere steeped in the simultaneous plagiarism, modification, and promotion of indigenous culture. Divested of their organic relation to its owners, plagiarized versions of indigenous culture like the *Songs* sought to function as a basis for settler cultural rootedness.

This authorial privilege arrogated by the pair is evinced to a large in degree in the opening dedicatory poem to *Songs*. Titled “Our Dreaming,” the published version of the poem begins with an invocation, in its first stanza, of the relation of the author-translators to their text. As though the “our” of “our dreaming” refers to Elkin and Harney themselves, the first stanza positions them “Together,” in the present, hearkening back to Aboriginal tradition as its privileged translators:

Together now we chant the ‘old time’ lays,
Calling to mind camp-fires of bygone days.
We hear the ritual shouts, the stamping feet,
The droning didgeridoos, the waddies’ beat.⁶³

An unpublished 1943 revision, altered by Elkin, even more noticeably emphasizes the two authors’ claim on these texts---of which they primarily purport to be merely the translators. The poem is titled “To You My Friend” and the first line reads, “To you my friend I dedicate these lays,” as though Harney is addressing Elkin directly.⁶⁴ The

dedication poem draws a distinct line between Aboriginal people as they lived at the time of writing and traditional Aboriginal society. Harney and Elkin would write

Not of their huts, the bones, the dirt
Of the mangy curs they will not hurt,
Nor the strange far look in a native's eyes,
As he looks to his country 'ere he dies.⁶⁵

Rather than this vision of the apparently doomed “native,” which, we saw, Harney had also bemoaned in *Taboo, Songs of the Songmen*, would purport to extol the romantic figure of the pristine noble savage. The poem continued:

Tis not of these we muse today:
For the ‘Dreaming’ comes, and we drift away
Into myth and legend where we’ve caught
The simple grandeur of their thought.

In both versions, the closing lines claim that “we,” the author-translators with the secret “dreaming” of authorial voice have “caught / the simple grandeur of their thought,” where “their thought” designates that of the Aborigines.⁶⁶ It is as though the pair’s poetry claimed to be able to salvage and recapture the “dreaming,” represented as no longer accessible to Aboriginal people themselves. Elkin and Harney were not merely cultural brokers, their correspondence reveals the degree to which the project of promoting Aboriginal culture through popular literature was bound up with the biopolitical project of assimilation and, in this way, premised on the modification of Aboriginal culture to meet the values and expectations of the mid-twentieth century Australian public.

“Physiographic Factors”: Biopolitics and Literary Nationalism

Elkin and Harney had taken a bold foray into the literary, one which corresponds to Elkin’s vision of a modified assimilable Aboriginal tradition. While they were using “their influence or authority to have [Aboriginal customs] abolished or modified,” they were also using this influence to educate the public on this “modified” form of Aboriginality. Simultaneously, a less anthropologically educated but equally (if not more) influential cadre of Australian literary and cultural nationalists were in the process of interfacing with the place of Aboriginality in the nation. While these figures had less of an impact on policy than such anthropologist reformers as Elkin, they nonetheless professed an “aptitude for ordering men and things” which attempted to provide a vision of the place of Aboriginality in the nativist poetics of a settler Australian aesthetic logic. In disseminating the meaning of Aboriginality to the settler nation, the literary project of cultural nationalism operated as the correlative to cultural assimilation. While cultural assimilation operated to modify Aboriginality, literary appropriation of Aboriginality attempted to modify settler social life in relation to a more or less spurious idea of “the native.”

Xavier Herbert and P. R. Stephensen were two key participants in the literary nationalism of the day. As I opened by noting, after its first two installments had been published in *The Australian Mercury*, P. R. Stephensen’s *The Foundations of Culture in Australia: An Essay Toward National Self Respect* was circulated in book form by W. J. Miles. Population was a central question in Stephensen’s treatise, alongside ideas of race and physiographic adaptation. Herbert would echo the question of population in his masterpiece *Capricornia*. Opening its second chapter, Herbert remarked on the racial

makeup of the imaginary northern population of his novel: “So slow was the settling of Port Zodiac district that in the year 1904 the non-native population numbered no more than three thousand, a good half of which was Asiatic, and the settled area measured but three or four square miles.”⁶⁷ With its concern over the intersection of population and race, Herbert’s novel and Stephensen’s essay functioned as the medium for assimilationist promotion sought by Elkin.

While assimilation was emerging as federal policy in Canberra, Herbert was emerging as a famed literary figure with *Capricornia*’s 1938 publication and subsequent success in the Sesquicentenary Literary Prize. *Capricornia*’s paternalistic take on the Imperialist social problem novel was recognized by H. G. Wells, who, on reading the tome, promptly sent Herbert a congratulatory note. Wells’s also public promoted *Capricornia* by taking out an announcement of his esteem for it in a 1939 issue of the *Daily Telegraph*.⁶⁸ More locally, Herbert’s novel was recommended to Elkin by Harney, who declared that: “*Capricornia* . . . is indeed a grand book and embodies the spirit of the cultural clash.”⁶⁹

Like many of their lettered contemporaries, Herbert and Stephensen were developing ideas about the connection between Aboriginality, racial “science,” and the making of an independent Australian literature and culture. Stephensen and Miles were advocates of the idea of an analogy between the physical body and the body politic put forward by Morley Roberts in his 1938 essay *Bio-Politics*.⁷⁰ An Englishman, Roberts had spent some time in Australia as a young man in the 1870s. His essay argued that the analogy of the corporeal, of fitness, and of pathology was the most effective means to think the nation. Statesmen, he argued, should be educated in biology and he offered a

long meditation on the aptness of the metaphor. In the early 1940s, Stephensen had whimsically written in his journal of an ideal plan for the education of Australian statesmen. They should have to read Plato, Machiavelli, Hobbes, Rousseau, and Roberts. For Stephensen, the idea of the nation as a social body was essential to the formation of truly nationalist independence in a settler colony like Australia. Not only was Stephensen eager to promote Australian cultural independence, but to do so through as sustained engagement with what he saw as biological and “physiographic” human characteristics.

According to Stephensen’s biographer, Craig Munro, the publisher and man of letters not only indulged in eugenic theory, but also possessed a lay familiarity with developments in physical anthropology and a particular investment in theories about the diffusion of the human species. While it is unclear whether Stephensen was aware of Tindale’s or Cleland’s ideas about the “Aboriginal caucasian,” he was certainly aware of the work of Carl Tüber who had published findings in 1932 claiming that human life originated in Australia. In his novel, *Bushwackers*, Stephensen’s character Dr Morpeth would become the mouthpiece for some of his resultant views on the place of race in Australia: “*On the Australian plains Man learned to walk upright! Then he crossed to India, the home of the Aryan race . . . The Aryan race began in Australia. Australia is the original home of the white man.*”⁷¹ As Munro puts it, this view of human evolution “allowed Stephensen a vision of Australia that saw it depicted as both the oldest and the newest frontier of human civilization, linking the original Aborigines and white Anglo-Saxon settlers across time.”⁷² For Stephensen, not only was colonization of Australia the white man’s destiny but this destiny also tied the culturally independent settler nation to the parallel fate of Aboriginal Australians. This understanding of racial destiny led

Stephensen's journal the *Publicist* to support the policy of absorption despite widespread public outcry against its methodology of miscegenation.⁷³ Ironically, Stephensen also worked with the Aborigines Progressive Association on organizing the protest against the Sesquicentenary Celebrations.⁷⁴ Needless to say, Stephensen's attitude toward the "Aboriginal question" was complex, particularly when nativism, Australian independence, and the concerns of Aboriginal people coalesced. He repeatedly insisted on the place of Aboriginal people in his and the *Publicist's* vision for nation, even as it was cultural nationalism with its bulwarks of homogeneity and independence that were the emphases to which he most repeatedly returned. In his earlier rhetorical statements about Aboriginal people, Stephensen had embraced a stance less oriented toward the citizen rights of living Aboriginal people in favor of a more paternalistic stance; he included in a 1934 Press Release on the manifesto of a proposed new magazine designed to promote the "Preservation and study of Aborigines."⁷⁵ As his influential *Essay* shows, however, it was the contribution that Aboriginality could—through assimilation—make to national independence that most occupied Stephensen.

Stephensen was interested in the long term effects of racial admixture and Lamarckian transformation on the future settler population of Australia. In *The Foundations of Culture*, he wrote "[c]ulture in Australia, if it ever develops indigenously, begins not from the Aborigines, who have been suppressed and exterminated, but from British culture, brought hither by Englishmen, Irishmen, and Scotsmen through the Nineteenth Century."⁷⁶ The capacity for settler Australians to identify their own independence would rely on a biological transformation of European stock; as the book's opening credo went: "[a] new nation, *a new human type*, is being formed in Australia."⁷⁷

For Stephensen as for the absorptionists, the presence of “Aboriginal blood”—in Herbert’s words—was not, or should not have been, a source of anxiety. Where Stephensen saw “America” as a “racial hotch-potch” of “Negro, Asiatic, and Red Aboriginal elements,” his assent to the idea of the Aboriginal as Aryan, led him to the notion that Australia could support a new “human type” adapted to the antipodean environment.⁷⁸ While “concrete” political action and “control of the political system of the Commonwealth,” would be needed to attain literary and cultural nationalism’s immediate goals, for Stephensen, there was also a Nationalist “argument from physical Geography.”⁷⁹ While “physiographic factors work slowly . . . Ultimately the Australian race will be quite different from the ‘English’ race and hence Australian literature will be quite different from the merely English literature, of England.”⁸⁰ The attitude toward racial descent that Stephensen acquired from his reading of Tüber meant taking seriously Aboriginal blood as well as settler “physiographic” change in envisioning the hybridity that could undergird a future homogeneous and independent national culture. For Stephensen, it was the milieu of the Australian environment combined with an argument for the racial “Aryanism” of both Aboriginals and Anglo-Saxons that ensured the national futurity of Australian independence from Britain. For Stephensen, the embrace of the Aborigines question did not necessarily refuse the possibility that hope was lost for the native “suppressed and exterminated.” The cultural contribution of living Aboriginal people seems, for Stephensen, to have been valuable primarily as a means to a nationalist end.

Elkin was an almost iconic figure to many cultural nationalists. He was the living inheritor of the anthropological tradition that many of the settler nativist writers perused:

a tradition consisting of such eminent predecessors as Walter Baldwin Spencer and T. G. H. Strehlow. The poet and literary editor Rex Ingamells visited Elkin in the late 1940s.⁸¹ Shortly after the publication of *Songs of the Songmen*, Harney also recommended Rex Ingamells's *Selected Poems* to Elkin noting that the poet "has some fine thoughts about our old people."⁸² "Us Poets," Harney writes, "should keep abreast of the moderns."⁸³ As sympathetic as he was, the Aboriginal people who made up Harney's subjects were primarily of value as "our old people" —his and Elkin's. What were Ingamells "ideas about the 'old people?'" It is worth positioning Ingamells not only as a poet revered by the duo of anthropological assimilationists (themselves popular writers) but also in relation to other cultural nationalists. In 1937, while Elkin and Harney were musing on the modifiability and assimilability of Aboriginal social life, Ingamells was following Stephensen in considering the influence of the Australian environment and its native people on a possible future literary and cultural nationalism. This moment saw the birth of the movement Ingamells termed "Jindyworobak"—in many ways, the apotheosis of settler (post)colonial plagiarism.

Stephensen's ideas about environmental influence and the production of a new Australian "human type" were highly influential, particularly among the Jindyworobak literary movement of which Ingamells was the leader. Ingamells was "vividly impressed" by Stephensen's essay, but also complained that it was "not Australian enough."⁸⁴ Ingamells was more directly impressed by Aboriginal tradition than Stephensen had been; the former named his burgeoning movement for an Aboriginal word meaning "to join."⁸⁵ Ingamells appears to have taken and accentuated Stephensen's notion of "physiographic factors" in producing a "new human type" in Australia; Ingamell's term

for this transformation of settler biology was “environmental values.” While Neville and his colleagues were deciding upon the mode by which Aboriginal people were to be “absorbed” into the white population of the Commonwealth, Ingamells was publishing his first ideas about the relationship between Aboriginal influence, environmental factors, and the making of an independent Australian literature. This was the source of the metaphor of joining. For Ingamells,

The Jindyworobaks, I say, are those individuals who are endeavouring to free Australian art from whatever alien influences trammel it, that is, to bring it into proper contact with its material. They are the few who seriously realize that an Australian culture depends on the fulfilment and sublimation of certain definite conditions, namely:

1. A clear recognition of environmental values.
2. The debunking of much nonsense.
3. An understanding of Australia's history and traditions, primaeval, colonial, and modern.⁸⁶

Ingamell’s notion of “environmental values,” was more explicit than Stephensen’s earlier ideas in asserting the necessity of the white settler adoption of Aboriginal tradition as a precondition of national consciousness. He declared that

[w]hen I see wommeras, spears, bullroarers, boomerangs, dillybags, message sticks, tjurungas and wax figures in the Aboriginal sections of our museums, and when I read scientific treatises and pioneer reminiscences dealing with Aboriginal occultism, funeral rites, initiation ceremonies and so on; I am strongly conscious, often unhappily so, of much in our

colonial tradition. As a people it is our duty to be familiar with these things. In them must spread the roots of our culture. Our culture must make artistic realizations of these things and the spirit permeating and engendered by them acceptable to the world.⁸⁷

Yet the fact that Ingamells has only encountered these things in “museums” indicates the degree to which Aboriginal influence was to be an inheritance of “spirit” that did not challenge the thanatopolitical idea that Australia’s indigenous people made up a “doomed race.” Ingamells confirms this as he writes that “[a]lthough such a culture has itself, for the most part, died with the tribes, something of its spirit has been preserved.”⁸⁸

This notion of environmental influence, with its veiled relation to racial transformation, was not merely a passing fancy of individual writers like Stephensen and Ingamells. Strehlow, in a 1948 Jindyworobak retrospective publication wrote that:

Science has pointed out to us that man has managed to reach every part of the globe and to live in every type of environment mainly by adapting himself to his environment and by making the fullest use of its natural resources. I believe that Australian writers, using the same principle will in the future come more and more to love their country, its trees, its flowers, its animals, and its physical features.⁸⁹

Novelist Dymphna Cusack, in her contribution to the same retrospective appreciation, made the explicit connection to the influence that contemporary anthropology had on such literary movements. Jindyworobak, she wrote, was “an aesthetic application of the discoveries of modern anthropology and psychology.”⁹⁰ Nationalist men of letters like Stephensen and Ingamells not only crafted the relation between Australian nationalism

and indigenous culture through incidental means but in rapport with their—often partial—understanding of the contemporary “discoveries” of “anthropology,” “psychology,” and native administration.

Euraustralian Story

If Stephensen underemphasized the role of Aboriginality, and Ingamells unquestioningly retained the idea of the “passing of the Aborigines,” Herbert, as we have seen, avowed a notion of “Euraustralian” hybridity. Similarly, if both Stephensen and Ingamells were less explicit about assimilation, Herbert came closer to avowing its techniques of protection and intervention—if not its vision of Aboriginal disappearance. Unlike his literary nationalist colleagues, Herbert had actually served as a functionary of the Native Administration in Darwin, if only briefly. For Harney, Herbert’s book reflected the fact that “apathy in regards to native affairs is noticeable here in the NT. They use the Abo problem here not to study the native but to make a job for themselves & the more sympathy one has for the native, or if one tries to understand them, he is regarded in these parts with suspicion.”⁹¹ Herbert’s imagined project of a hybrid nation was not only premised on the equal citizenship of Aboriginal Australians which he proclaimed in the letter I earlier cited. It was also an appeal to contemporary racial science as to the degree to which hybridity might transform the settler population by “enrich[ing] the new Nation with [Aboriginal] blood.” Herbert’s vision of founding a “Euraustralian” league responded to the so-called “Aborigines problem,” by embracing Aboriginal “blood” as a necessary physiognomic dimension of the “found[ing of] a Nation.”

For his part, Herbert also believed himself an expert on the anthropological views of the time. On 27 April 1936, he wrote to his friend Arthur Dibley with a scheme to auto-didactically study the texts of the University of Sydney's course in Anthropology, complete a paper and "request . . . an honorary diploma or some such recognition."⁹² In a subsequent letter, Herbert represented himself as possessing some "ordinary anthropological knowledge," as gained from the normal course of acting as Superintendent of Kahlin Compound; Herbert, it seems, accepted the contemporary premise that anthropology and administration went together. Herbert also convinced Elkin to recommend him as a Patrol Officer in the Administration, though he later turned the position down.⁹³ He was also privy to some of the ethnographic documents, which Harney was supplying to Elkin. Harney asked permission to show this information to his novelist acquaintance: "X Herbert has expressed a desire to see all the abo data that I have left with you and I would deem it a favour if you would let him read them."⁹⁴ Elkin evidently consented, as these documents appear to have remained in Herbert's possession until he eventually donated them to the University of Queensland along with his other papers.⁹⁵ Herbert no doubt employed Harney's ethnographic papers as source materials; Aboriginal character names occurring as late as Herbert's final *Poor Fellow My Country* were evidently suggested by charts of Anula and Mudbura kinship systems which Harney had gathered for Elkin from inmates of the Bathurst and Melville Island Mission.

Herbert's idea of assimilation was eugenic, but differed from the eugenics of the native administration he abhorred. Herbert saw, in assimilation, an opportunity not for the disappearance of the Aboriginal people as a "race"—the way the earlier natal-
thanatopolitical "Protectors" had—but rather, as a form of transformative hybridity that

would strengthen the settler individual and produce a national culture. In the 1930s, we saw, Herbert explicitly viewed the goal of nationalism as reliant on “the enrichment of the new Nation with [Aboriginal] blood” —a line of thinking that corresponded to the racial taxonomy of the absorptionists. Similarly, he did not see the administration and surveillance of Aboriginal people on governmental lines as inimical to his nativist desire to belong to the country as authentically as its indigenous population. In a letter of mid-1936 to Stephensen praising *The Foundations of Culture*, Herbert confessed that he “dream[ed] of being made a patrol officer, so that I may go right home to the old people and become one of them.”⁹⁶ For Herbert, a place in the Aboriginal administration is obscurely connected to the idea of nativist identification.

Where histories of biopolitical intervention operate through the regulation of colonized populations through miscegenation—whether the goal is thanatopolitical or not—it may not be possible to decouple their ends from those of an ostensibly benevolent, apparently unrelated, but in fact correspondent cultural politics of hybridity. As Graham Huggan has recently argued,

The problem is not, as some might see it, how to turn the prohibitory rhetoric of ‘miscegenation’ into the permissive possibilities of ‘hybridity.’ It is rather that hybridity itself is an inadequate mechanism for counteracting a white-colonial racial imaginary; indeed hybridity might well be seen as part of the very white-colonial racial imaginary it is often called upon to dissolve.⁹⁷

Herbert's idea of a hybrid nation was rooted in blood. Herbert's literary logic bears a remarkable correspondence to certain tendencies in cultural assimilationist policy, and like cultural assimilation itself, Herbert's logic does not eschew the idea of blood, race, and inherited characteristics.

It is difficult to ascertain the degree to which Herbert was aware of the taxonomic claims about racial descent proffered by such physical anthropologists as Cleland. Herbert's vision of national enrichment through miscegenation clearly embraces the value of Aboriginality in a way that absorptionist rhetoricians like Neville did not. In a 1937 letter from the Kahlin Compound to A.P. Elkin, Herbert had remarked that "the Euraustralian is a very fine type of young man."⁹⁸ The year before, he had proposed to Stephensen what would eventually become *Poor Fellow My Country* in the postscript to a long letter praising *The Foundations of Culture*: "Someday I shall write 'True Commonwealth', a vast tale of the Euraustralians and the birth of the happiest nation on Earth and some day I shall father a Euraustralian so as to truly root myself in this dear earth and so as to legitimize my bastard whitefella genius."⁹⁹ For Herbert, this imaginary fathering of a "Euraustralian" was apparently fundamental to the project of settler literary independence and legitimacy. His vision of a future nation is as tied to miscegenation, as was that of the assimilationists he often opposed and criticised.¹⁰⁰ It would do to track the trajectory of this project from Herbert's *Capricornia* to *Poor Fellow My Country*. I will not endeavour to provide exhaustive readings of either text, but rather to emphasise the correspondence of Herbert's literary project to a positive paternalistic racism of hybridity that recalls certain elements of assimilation's biopolitics. Both *Capricornia* and *Poor Fellow My Country* can be read as tragedies of colonial contact and cultural clash. While

the former recounts the “Euraustralian’s” lack of acceptance by the white community, the latter bemoans the tragic loss of the “Euraustralian” ideal.

In part a family epic, *Capricornia* moves from a mythic description of the founding of northern Australian settlement to tell the story of the arrival of brothers Mark and Oscar Shillingsworth in the imagined region of Capricornia. Oscar earns respect in the civil service and establishes the family as successful cattle-farmers, while Mark is drawn into the alcohol-fuelled exploitation of Aboriginal women by the working class men he befriends. As a result of his transgressions, a part-Aboriginal son is born. Initially named “Nawnim”—an (imagined) Aboriginal word for “no name”—the child is first embraced and just as quickly abandoned by his father. Left in the care of his uncle, Nawnim, re-named the more normative homophone Norman passes through the novel believing himself not to be of Aboriginal descent but South East Asian, a “Javanese prince.” Enabled by his and the government’s lack of knowledge of his Aboriginality, Norman is able to attain an education as an engineer and to partially pass in white Capricornian society. Yet his dark complexion leaves him nonetheless an outsider within his father’s polite social circles. On learning of his Aboriginality, Norman wanders Capricornia in search of the truth of his identity, taking a lover in “half-caste” Tock Lace and becoming implicated in a murder he did not commit. Ultimately, the novel turns from comic satire to the tragic death of Tocky as a generic emplotment of Norman’s abandonment between two cultures.

In *Capricornia*, Herbert would emplot discussions of Aboriginal policy which framed both his views on and his frustrations with the Aboriginal administration of the time. The first of these dialogical moments occurs as Oscar worries over how he is to

raise Nawnim/Norman. The second concerns Norman's own acceptance of himself as Aboriginal. The novel's Peter Differ, father of several children by Aboriginal women, advises Oscar to take an assimilationist view on Norman's upbringing, even as this viewpoint is framed as an unproblematic avowal of his self conception. He insists that the "Binghis are really highly intelligent . . . Trouble is the white man won't teach 'em anything that might raise 'em a bit."¹⁰¹ Shillingsworth objects with thanatopolitical rhetoric—"it's not much use worrying about them now. They're dying out"—to which Differ rejoins by reference to a rhetoric of the transformation of the rising population ("thousands and thousands of them") through education.¹⁰² "Send 'em [to school]," Differ insists, "[k]eep at it generation after generation. Don't look for immediate results."¹⁰³ The rhetoric of "generations"—of the future of the colonised as a eugenic speculation—reveals that the focus on cultural transformation that defined assimilation is also imbricated in a biopolitical logic of intervention into population.

One key thread of *Capricornia*'s narrative concerns Norman's gradual acceptance of and pride in his Aboriginality. This narrative thread comes to fruition in the second key discussion of the book between Andy McRandy and Norman, with Mark Shillingsworth, in his persona as Jack Ramble, looking on. Like Differ (and, indeed, Harney, whom Herbert knew) McRandy is a "combo," through whom Herbert articulates his vision for Euraustralian "genius," with its form of "bastard" hybridity. Indeed, one might consider the degree to which Herbert's characters of wisdom and insight are frequently those who marry Aboriginal women. Herbert does not cover over the degree to which such men were, in reality, often ignoble and sexually exploitative. For instance, Mark Shillingsworth himself is a white absentee father. However, I would suggest that

Differ and McRandy, embody Herbert's idealisation of 'bastard whitefella genius' through fathering Euraustralian children. As such, the dialogues hardly take place between the voice of Aboriginal culture and a settler who might learn from it. Rather, it becomes bastard white-fellow genius that acts as the proper pedagogue of indigeneity.

During the dialogue, Norman is questioned by McRandy as to the source of his sensitivity about his pedigree: "What have you got to be ashamed of 'em about?"¹⁰⁴ McRandy then launches into what appears a long defence of Aboriginal tradition: "If you know anything about the Binghis in their native state, you can't help but honour 'em, unless you're a fool."¹⁰⁵ This defence culminates in an avowal of the future of the "new Nation" and of Aboriginality's place in it. McRandy's argument is reminiscent of Cleland's ethos. Where Cleland could predict a hybrid future through "a scientific breeding and education program," McRandy insists that

the day'll come in your own time when your Old People'll be recognized as our Old People too, as the Fathers of the Nation, and'll be raised to a place of honour. No exaggeration. There's signs of it now. Twenty years ago they was killing off the Binghis around here like Dingoes. The Government didn't mind at all ... The people of Australia are waking up to the fact that they've got a responsibility in Brother Binghi.¹⁰⁶

Not only does Herbert position Aboriginal tradition as the basis for a future national culture, he also reflects on and avows the transition from frontier violence to the discourse of protection and assimilation: the future of "Brother Binghi" is a "responsibility" that registers with the making of a future nation. The telos of assimilation and the vindication of the "Old People" is to provide a foundation for the new nation. Yet

Norman—both an educated engineer, raised by a white family, and “racially” of Aboriginal descent—comes to this Aboriginality through the very frame of the novel itself: bastard whitefella genius, indexed by Herbert’s pretensions as author, and the correlative sphere of the Jindyworobaks. Aboriginality emerges as a tradition that is to be known and redeployed among indigenous peoples through a frame given by its settler appropriation. Made safe for cultural nationalism from all that was “repugnant,” “savage,” and unassimilable, Aboriginality can be returned to people of Aboriginal descent on the pedagogical scene enacted by Differ (and Herbert).

Herbert scholar Sean Monahan observes, “for all McRandy’s praise for Aboriginal tradition, there is no suggestion that it has anything to teach white Australia. It is not Norman’s Aboriginality that provides hope for the future but his genius for white technology.”¹⁰⁷ Herbert’s contemporary statements outside the text challenge the reading that his use of McRandy’s voice reveals no role for Aboriginality in white Australia; still, Monahan’s point remains salient in light of Herbert’s emphasis on the effect that Aboriginal “blood” will have on the settler subject and the new nation. For Herbert, we saw, fathering a child by an Aboriginal mother is a legitimisation of his self-described “bastard whitefella genius” This act would transform the cultural cringe of illegitimate bastardry into a new hybrid identity independent of Britain. In this way, “Aboriginal blood” enriches Norman’s “whitefella genius.” Where Cleland envisaged a hybrid utopianism for which living Aboriginality would be merely a memory, Norman learns pride in his Aboriginal ancestry, bolstering the future “bastard” genius that, as Herbert’s letters reveal, is nonetheless the eugenic undergirding of a future nation-state. Norman’s apprehension of pride from McRandy is thus vested in a vision of futurity reminiscent of

that held by such assimilationists as Cleland. While that future day may involve “Aboriginal ancestry,” and appropriation of the ways of the “Old People,” it also involves the inscription of whiteness. For McRandy (as for Neville and Cleland) “colour” has no place in the future. Only a page after his praise for “Brother Binghi,” he turns to make explicit the eugenic and racializing rhetoric already implicit in his praise for socio-cultural assimilation: “The black feller ain’t a Negroid type. His colour’s only skin-deep. Three cross-breedin’s and you’ll get the colour right out, with never the risk of a throw-back.”¹⁰⁸ Differ has become the pedagogue of bastard genius, capable of properly instructing a normativized Aboriginality. This normed form of indigenous knowledge and self-conception can then be retaught to a future “race” whose hybridity secures national independence. The avowal of Aboriginality then becomes a desire for independence that is happy to dissolve indigeneity into itself. What is perhaps more unsettling than the loss of an ideal past indigenous object (an ideology with its own troubling limits) is that the only custodian and pedagogue of Aboriginal knowledge is presented as *gardiya*, white.

Like the vision of absorption’s natal-thanatopolitics, both of Herbert’s major “Aboriginal” novels end with the death of an Aboriginal character and, by extension, the figural tragedy of the death of a certain element of Aboriginality. After Norman is acquitted of Frank McLash’s murder, he returns to Red Ochre Station to rebuild his life. There, in the novel’s closing lines, he discovers, in the stocktanks, “[a] human skull – no – two – a small one and a tiny one . . . Tocky and her baby!” (448). Where Norman survives to build the new nation on the combination of his sublation of Aboriginality and white “bastard” genius, his “half-caste” lover Tocky and their infant die as a tragic result of the inability of the law to police such combos as McLash and such part-Aboriginal and

part-“Asiatics” as Charles Ket. This tragic ending can be read as a specific indictment of the administration of the time; an administration of which Herbert was a vehement critic. However, reading through the lens of biopolitical correspondence, one can also see the death of Tocky as the condition of Norman’s sublation. While Tocky is depicted as a failed subject of assimilation and a victim of the Aboriginal compound, Norman’s successful assimilation and his reconciliation with his father can be read as the parallel conditions for his survival. In their dialogue, Differ corrects Oscar for his assertion that Norman’s whitened racial inheritance is “submerged” (70). Norman emerges as a white part-Aboriginal with a future in the “new Nation,” whereas Tocky is sacrificed to the thanatopolitics of race. As Monahan argued, it is Norman’s whiteness that is emphasised. The tragedy of “Capricornian” society is that it will not recognise the future potential of the “Euraustralian.” Norman’s Aboriginality is de-emphasised, it is able to “enrich” with its “blood” but, as McRandy underlines: “you’ll get the colour right out, with never the risk of a throw-back.” Herbert’s sacrifice of Tocky and his further redemption of Norman imply that, in this vision, Aboriginal survival is less significant than the degree to which Aboriginality can “enrich the new Nation with [its] blood.”

This fetishization of a hybridity put to the service of whiteness is confirmed as, later in his career, Herbert would depict the loss of a possible hybrid, or creole, Australia as a tragedy. This tragic mode operates in his late work as a past conditional. In 1976’s *Poor Fellow My Country*, Jeremy Delacy, the white patriarch and grandfather of the part-Aboriginal protagonist Prindy, tells a visiting cattle inspector,

‘In my opinion a beautiful breed of people could have been created if only our forefathers’d had the courage to breed with the Aborigines like men, instead of

dirty little boys ... and one that would have loved the land because they truly belonged to it ...' Jeremy launched into his subject of what Australia might have been as a Creole nation.¹⁰⁹

The hybrid potential of a new "breed of people" is the source of this tragic conditional past nation that might have been, but has failed to achieve fruition. Herbert's late work draws inspiration from the tragic failure of racial hybridity that he, in the 1930s, had seen as the potential font of nationhood.

Monahan has emphasized the development of Herbert's politics from the assimilationist *Capricornia* to Prindy's agency or his "rown road" in *Poor Fellow My Country*. There remain, however, a number of assimilationist strategies and thanatopolitical imaginaries occluded in this reading. The closing deaths of the latter novel reinscribe and even accentuate a view of hybridity undergirded by the death of Aboriginality—a loss given the tone of a tragedy, but a death nonetheless. At *Poor Fellow My Country*'s close, the two protagonists, Delacy and Prindy, are killed when Delacy interrupts Prindy's initiation ceremony. Whereas Prindy's death signals the failure of the part Aboriginal to produce an effective hybrid identity for the new nation, the close of the novel brings about Herbert's desired legitimisation of 'bastard whitefella genius' in Delacy's death. In Prindy's death, Delacy's alienation from true hybrid Australianness is sublated and overcome as he finds himself rooted in the soil, as he has so desired through the novel. He declares with his dying breath, "to die ... like this ... but ... how better? The debt ... the ... the ancient debt ... paid ... Old Yalmaru ... come ... get me ..."¹¹⁰ It is as if, as Huggan suggested, the appropriation of Aboriginal culture through assimilation aims to produce an authentic nativism for the white

inhabitants of the settler colony. In the face of this nativist appropriation, Aborigines of mixed descent are destined to death, alienation, and to act as the conduit for this “bastard” desire for rootedness. Prindy’s and Jeremy’s deaths symbolically guarantee a future hybridity of spirit for the Australian nation, one supplied by the maintenance of traditional Aboriginal custom. Yet, this vision of hybridity sacrifices the young Aboriginal protagonist Prindy in order to transmute his death into the spiritually meaningful death of the white settler. Prindy’s death marks the meeting of Delacy with his whitefella Yalmaru (spirit double); in Herbert’s imagining, it is Delacy whose spirit transcends these deaths and he finally finds himself at home on the soil of which he is an invader. It is Delacy who benefits from hybridity; Prindy merely dies. *Poor Fellow My Country* reiterates a spectral trace of the logic of the doomed race by marking the death of the part-Aboriginal child as a means to the end of the cultural appropriation of Aboriginality qua settler rootedness. Monahan stresses the relative agency displayed by Herbert’s Aboriginal characters and sees this as an index of the transformation of Herbert’s awareness of race between *Capricornia* and *Poor Fellow My Country*. His discussion also risks uncritically reifying Herbert’s hybrid vision while failing to observe adequately the degree to which it ghosts and repeats an assimilationist vision of miscegenation. Monahan comes closest to this uncritical avowal of Herbert’s nationalism when he, for instance, writes “the half-caste hero Prindy ... offers symbolic hope for an Australia in which new and old can join in productive harmony.”¹¹¹ According to this reading, Herbert’s success as a settler writer depicting Aboriginal people is evaluated by the very logic that reproduces the biopolitical norms discussed in the first part of this essay. Precisely because Aboriginality is appreciated as something to be transvalued for

the benefit of settler Australian subjects, Herbert's novels refuse to establish a legitimate place for Aboriginality on its own terms.

The generic device of tragedy must be connected to the persistent spectre not only of the doomed race theory but also of the thanatopolitical conception that Aboriginality could be bred out of the life of the nation. While, as we have seen, Herbert did not necessarily share Neville's vision of an Australian future wherein Aboriginality would be forgotten, he did subscribe to an assimilationist hybridity reminiscent of Cleland's ideas. By closing with the transvalued spiritual death of Jeremy Delacy, *Poor Fellow My Country*, even more fully than *Capricornia*, embeds its exploration of Aboriginal custom in a crypto-assimilationist logic, wherein the primary goal of writing Aboriginality is to emphasise settler hybridity as the basis for cultural independence. The pervasiveness of the doomed race theory, its transformation into a natal-thanatopolitics, and the disciplinary function of miscegenation and stolen children cast a heavy shadow on otherwise "well-intentioned" (so to speak) texts by settler writers of the time. The limits of Herbert's empathy lie in the form of hybridity immanent to his project and this reflects the assimilationist programs of his time. It is significant also that Herbert did not successfully emplot this idea of 'bastard whitefella genius' through the appropriation of Aboriginality until his later novel, even though, as we see, he had been developing the notion since the late 1930s. Where Monahan sees *Poor Fellow My Country* as more successful in its depiction of Aboriginality, I would suggest that its return to tragedy with the death of the 'half-caste hero' confirms how insistent the thanatopolitical influence was on even Herbert's later writing. As a cultural imaginary, the thanatopolitical trope of the doomed race outlasts assimilation itself, passing into the public sphere via texts like

Poor Fellow My Country and Nicholas Roeg's 1971 film *Walkabout*, which closes with the suicide of David Gulpillil's character (credited only as "black boy").

Stephensen's vision of a "new human type" for a future white Australia indicates that his idea of national futurity may well have shared its telos with aspects of the absorptionist worldview: if not that of Aboriginal disappearance, certainly that of the value of hybridity that privileges the cultural identity of the settler. Herbert's view of the Aboriginal place in the nation is more assured: his emphasis on 'combo-ism' and miscegenation orients towards a positive vision of hybridity, while he also stressed, like the Jindyworobaks, the cultural legitimacy of the settler appropriating Aboriginal motifs. Yet, as I have tried to show, these aspects of Herbert's project also risked reiterating the assimilationist and absorptionist logics that we find in the policy frameworks of the time. This correspondence establishes the uncomfortable relationship between Australian literary nationalism and a peculiarly settler biopolitics that continues to inform visions of a (post)colonial Australia.

Chapter 5

Panoptic Recurrence: Evaluation, Artifactuality, and Indigenous Endurance.

The perception of many Australians of an Aboriginal person will no doubt be influenced by stereotypical images of dark skinned Aboriginal persons in outback Australia

Bromberg J, *Eatock v Bolt* [2011] FCA 1103. Summary. [190].

These moments are especially troublesome for indigenous subjects. Indigenous persons face the demand that they desire and identify in a way that just so happens, in an uncanny convergence of interests, to fit the national imaginary of the traditional Aboriginal person.¹

Elizabeth Povinelli

Moments of adjudication on identity are troublesome for indigenous subjects. Such moments mark discourses of identity across the fourth world, particularly where evaluations of identity and belonging circulate in the public sphere of settler (post)colonies. These events are often enmeshed in tense adjudications wherein settler subjects claim the authority to recognize or disavow social worlds that subsist in the late liberal era—an era in which economic individualism and nuclear familial social worlding has surged up as the normative more than ever before.² This essay explores the way modes of governmentality emergent within colonial liberalism return as

artifacts in the mass media of the late liberal multicultural moment.³ In doing so, the essay delineates the relation between the endurance of alternative collectivities and their evaluation by settler colonial subjects. Strategies of gazing and surveillance persist to inform these evaluations in settler colonial public spheres. In Australia one finds the return of such a gaze, smuggled back from the most intense era of governmentality: the white Australia policy period from roughly 1901 to 1966. Thinking through these recent moments of governmentality's subterranean recurrence in the mass media allows us to unpack the shifting terrain within which settler social imaginaries recognize, misrecognize, or fail entirely to recognize representations of social forms and the identifications that emerge from them.

Between March and August of 2009, a series of articles were syndicated across the Herald and Weekly Times banner—newspapers owned by Rupert Murdoch's News Limited Corporation. Penned by conservative columnist Andrew Bolt, the articles employed a wide range of false or misleading imputations about indigenous artists, intellectuals, writers, activists, and other public figures.⁴ These indigenous people were of mixed descent and did not readily conjure "stereotypical images of dark skinned Aboriginal persons in outback Australia." As such, their identifications implicitly challenged the "national imaginary of the traditional Aboriginal person." Ironically, many of the indigenous artists named in Bolt's articles have complicated and critiqued the stereotypes and imaginaries searched for by this gaze. Blind to these complex deconstructions of identity, Bolt's articles accomplished their rhetorical imputations in no small part by recourse to a logic of racial gazing that has long subsisted in the settler Australian imaginary. The articles employed cunning rhetorical tactics to imply that the mode of self-formation by which these indigenous public figures had come to their subjectivities was a choice rather than an identification emergent from within an organic and living indigenous collectivity. This late liberal rhetoric of choice acted in no small way to cover over the endurance of models of communal

recognition in which these, like many, indigenous subjects encounter and position diverse practices of identification.

Bolt's articles registered unease at "a nation that now institutionalizes even racial differences you cannot detect with the naked eye," a rhetoric that was tactically varied across the syndicated Herald and Weekly Times' networks; this rhetoric ultimately culminated in Bolt's comparable assertion that those he was criticizing chose to "sign up" as "white Aborigines," insisting on "differences invisible to the eye."⁵ "[F]ull blood aborigines," he loudly rhetoricized, "may wonder how such fair people can claim to be one of them."⁶ The print version provided selected pictures of the derided fair-skinned people of Aboriginal descent. This rhetoric of "blood" and its supposed quantum, was connected also with antiquated European notions of externality. It posited a physiognomic gaze that imagines a capacity to see the essence of others through the external features of the body. Bolt's column was also published on the *Herald Sun's* blog section; there readers could link from the names of each indigenous subject and scrutinize their facial features. Of two artists, he evaluated their Aboriginality as a stretch of definition, evidence for which was to come from "studying the faces of these two 'Aboriginal' men."⁷ Bolt's insistence on the unmediated correlation between racial exteriority recalls and reproduces a white gaze neutralized as "the naked eye."⁸ Criticizing one of his targets, Bolt drew on such a genealogical mode of surveillance: in the case of novelist Tara June Winch, he noted that "her father has both Afghan and Aboriginal heritage."⁹ This gaze was imbued with an imaginary capacity to evaluate not only Aboriginal identity but also invited an invasive genealogy of the background of an individual's "racial" inheritance.

By September of 2010, the indigenous activists publically attacked by Bolt had rallied, lodging a complaint under the Racial Discrimination Act of 1975.¹⁰ The Act, a watershed of self-determination alongside the Native Title Act of 1976 was passed only three years after the

formation of the Aboriginal Tent Embassy—an event which saw indigenous people come together before the steps of Parliament House in Canberra to demand political recognition, rights, perhaps even an emergent sense of sovereignty grounded in the then palpable prospect of a treaty. Pat Eatock was among those indigenous people who protested the discriminatory policies of the state and negotiated among other indigenous subjects to articulate political potentialities across the public sphere and its counterpublics.¹¹ She has since found herself adjudicated one of those “fair-skinned Aboriginal people” —as the legal apparatus has named them—who came under public attack from the mode of late liberal panopticism which the Bolt columns represent.¹²

Eatock and her fellow plaintiffs were successful in their claim. Justice Mordecai Bromberg found in September of 2011 that “fair-skinned Aboriginal people (or some of them) were reasonably likely in all circumstances, to have been offended, insulted, humiliated, or intimidated by the imputations conveyed by the newspaper articles”—the central factor of Section 18C of the Act.¹³ But response to Bromberg’s finding in the public sphere has been divided across a number of registers in the short time since the decision. Many commentators in the mass-media have invoked the doctrine of freedom of speech—protected by a provision in Section 18D of the Act that hinges on “good faith” and accuracy. Others have pointed to Bromberg’s emphasis on the doctrine that freedom of speech should be subject to constraint.¹⁴ This notion was publically asserted most prominently in the Fairfax media by indigenous intellectual Marcia Langton and indeed has subsisted—rather silently—in transnational liberal political theory.¹⁵ One could cite, for instance George Kateb’s seminal essay on the possibility of limiting harmful speech.¹⁶ Kateb’s caveat to free speech posited that harmful public speech could and should be subject to restriction where it impinges on other more fundamental rights such as freedom of association and freedom from persecution. Yet, Kateb’s formulation remains within the purview of classical liberal discourse, neither concealing nor bearing witness to the governmental aspects

of liberal models of speech act and classification.¹⁷ Bromberg’s decision was clearly vested in a dialectical tension between freedom of speech (emphasized in section 18D of the Racial Discrimination Act) and harmfulness (in 18C). But this was not the only consideration in the case, questions of rhetorical strategy and evaluation were also significantly in play. Why, one is prompted to ask, does the eventfulness of the decision emphasized by many respondents in the public sphere—across a number of Op Ed pieces and throughout the blogosphere—hinge only on the question of free speech, without a more adequate thinking of harmfulness, suffering, and endurance? Here, I mark these debates within the liberal modeling of the public sphere because I want to underscore what is excluded even within the dialectic between freedom of speech and its constraint. I want to push, instead, toward the historical and temporal conditions of harm to which Bolt and his supporters are blind, as well as to meditate on the shifting way in which indigenous identity is evaluated, scrutinized, and policed by settler subjects.

Both the defenders of unconstrained free speech and those who proceed from the position articulated by Kateb remain within the language game of liberalism. Yet, in this late liberal moment, these logics are no longer only ethical or economic principles; indeed, they are only occasionally concerned with such classical liberal concerns. Under late liberalism, such ethical and economic principles have become discursive strategies employed to evaluate social worlds; particularly those that refuse a simple economically individualist and culturally (or, indeed, “racially”) unmarked subjectivity. Evaluations now tend to be carried out through the economic and ethical scripts of liberalism—even when, as in the case of Bolt, self-identified conservatives inhabit this space on the late liberal discursive spectrum. In referencing this spectrum, I have in mind Elizabeth Povinelli’s savvy description of late liberalism. For Povinelli, liberalism subsists beyond the architecture of a neutralized rights discourse or the market fictions of neoliberal economic axioms: “[l]iberalism, late liberalism, and neoliberalism do not exist as things in the ordinary sense of the term but rather as actions like a sighting or a citing.”¹⁸ Liberalism, then,

only exists as such a citing of axioms and an evaluative sighting of alternative social worlds. These late liberal sightings and citings function “insofar as they are evolved to conjure, shape, aggregate, and evaluate a variety of social worlds, and each of these conjurings, shapings, aggregations, and evaluations disperse liberalism as a global terrain.”¹⁹ One consequence of this reading of late liberalism, as it regards the enduring social worlds of indigenous peoples, is that it allows one to make key observations about the representational and, indeed, exclusionary form given to these social worlds in the public spheres of settler colonies. Within these hypermediated spaces, relics and artifacts of (post)colonial liberalism shape how settler subjects perceive, order, and evaluate those indigenous people who do not adhere to its projects, imaginaries, expectations, and stereotypes.

Where public utterances about identity and difference (such as Bolt’s) claim the capacity to evaluate alterity, decisions such as Justice Bromberg’s in *Eatock vs Bolt*, *adjudicate* between the complexity of the legal system and indigenous forms of collectivity, identification, and affectation. Settler subjects continue to arrogate the evaluation of indigenous identity and Bolt’s articles act as a hypermediated solicitation of this abiding tendency. While the liberal turn to, for instance, civil rights and self-determination in many settler (post)colonies has progressed state models of adjudication and recognition beyond the assimilationist paradigms of colonial liberal governmentality, here I describe the covert remainder of such surveillance.

Much of Bolt’s mode of rhetoric can be traced to the subsistence of a gaze of the white subject identified most clearly in the contemporary Australian context by sociologist Ghassan Hage. As Hage contends in his 2000 study *White Nation: Fantasies of White Supremacy in a Multicultural Society*, this gaze is claimed by many white subjects of multicultural societies. It forms part of a broad fantasy of exclusionary belonging—one that is particularly prevalent despite the multicultural pretence of the liberal present in settler (post)colonial societies.²⁰ For

Hage, part of the reflexive self-formation of white Australians is their arrogation of the capacity to decide who belongs in and to the nation. Justice Bromberg's awareness of this pathological gaze links Bolt's rhetoric to the correlative fields of social power associated with what Hage correlatively names "governmental belonging."²¹ In *White Nation* drawing on Michel Foucault's notion of "governmentality"—tempered with a strong Lacanian register founded in the notion of subjective fantasy—Hage coins this term to describe a way of thinking identity and difference that emerges from "the field of Whiteness," as well as from "those who aspire to occupy it and assume a governmental position within it, and consequently within the nation."²² For Hage, this strategy of looking, knowing, and evaluating, "is pathological. It reflects the neurotic character of the gaze that is collecting the empirical data."²³ Subjects emerge from this field who claim "the feeling that one is legitimately entitled in the course of everyday life to make a governmental / managerial statement about the nation."²⁴

Deploying this physiognomic gaze in the most pathological of imagined empirical projects, we have seen, Bolt worried about the cache afforded identities "you cannot detect with the naked eye." Bolt's seeming unawareness of the twentieth century Assimilation regime's surveillance and biopolitical management of Aboriginal hybridity with those of migrant descent was glaring here. As Bromberg noted, in Bolt's articles: "[c]olour is . . . used as a point of contrast between people in the group and those intimated to be 'real' Aboriginal people."²⁵ Through this use of "colour" and of a rhetoric of scrutiny and knowing, Bolt produced himself as a such a pathological subject standing in for the presumed white privilege of evaluating governmental belonging. I detail key artifacts of this practice as this essay unfolds, and before returning to theorize more fully the form of their return in the twentieth century and circulation in the sphere of *actuvirtuality*.

As artifacts of past apparatus recur in the present, they inscribe themselves not only in the imaginaries of privileged subjects but through the virtuality that traverses the mass media and frames the capacity (or pretension) of these subjects to evaluate the identity and belonging of those whose social worlds subsist tenuously outside late liberal normativity. Within Bolt's articulation of governmental belonging, we find that at least two technologies of biopower—in Michel Foucault's sense—returning from the assimilation period. Yet now the fantasized dimension of this governmentality—its mentality per se—is not only vested in the state but in the circulation of mass-mediated evaluations of alterity across the public sphere. Before theorizing this return further, let me turn back to the particular apparatuses which the Bolt articles can be seen to unconsciously reference.

Three Biopolitical Technologies of Absorption-Assimilation

The manner in which Aboriginal people have identified, and have been identified, by others since the British settlement of Australia is a background matter of some significance to a number of issues in the case, including whether the Articles were reasonably likely to offend and the extent to which Mr Bolt should have realised that to be so.

Bromberg J, Eatock v Bolt. Summary [167]

I now turn to a nonlinear discussion of crucial discursive instances of the technologies of power—of state gaze and genealogy—which formed the settler colonial apparatus of governmentality around policies of absorption and assimilation and which—at moments such as the span of Bolt's 2009 articles—return in spectral form in the late liberal mass media. Here I trace key aspects of the emergence of these technologies of gaze and genealogy as they arose in the biopolitical operations of the Australian state. The purposes to which white subjects of governmental belonging might put this pathological gaze (purposes such as the imputation of

Aboriginality as a choice outside communal belonging) are not identical to the genocidal aims of absorption.²⁶ Nonetheless, the notion that white subjects of governmental belonging are those to adjudicate on Aboriginal identity is retained at either end of this spectrum. Before returning to the present, it is necessary to track the multiple and inconsistent uses to which logics of surveillance around race were put during the period of absorption and assimilation during which the Australian state became most biopolitical.

The most notorious eugenicist “Chief Protector” A. O. Neville retired in 1940 from his post as Commissioner of Native Affairs for Western Australia. In 1947, he published a book on Native affairs, feeding into the public sphere his own reflections on the administration of what he called “Australia’s Coloured Minority.” Neville’s “long range plan” divided Aboriginal people via both categories of blood quanta and economic and behavioural modes. His 1948 book was manifestly concerned with the racial and social absorption of people of mixed descent, particularly in Australia’s earlier colonized southern regions.²⁷ Neville insisted on the externality of racial physiognomy:

Time and again I have been asked by some white man: ‘if I marry so-and-so (a coloured person) will our children be black?’ As the law imposed upon me the responsibility of approving or objecting to the proposed marriage, I felt I had to give an answer to that vital question. The answer of course depended upon whether the woman was of purely European-Aboriginal descent.²⁸

While Neville here implicitly claims that his administration held sway over a scientific system of taxonomizing race and miscegenation across the colour line, Neville’s articulation also dialogically calls out to a certain public: “some white man.” Neville’s public was to be populated by the white paternalist inhabitants who arrogated the right to decide on the governmental belonging of a future “white Australia.”

Some provisional schematics are necessary in tracing an archeology of this regime.²⁹ One can identify at least three technologies of absorption and these technologies that would subsist through the era of assimilation and return as artifacts in the mass mediated present. As a generality, one can specify that these three discursive fields of knowledge each possessed their own technological forms. The census of Aboriginal subjects, particularly as it proceeded sporadically prior to 1967 relies on technologies of surveillance but also on statistical aggregates at a national level focusing on health, geographic distribution, and miscegenation. Second, one finds the use of networks of communication by which surveillance was channeled, passing between the Chief Protector and his agents—the telegram, the letter, the native affairs department circular, the police circular. These acted in relation to perceptions of demographic crisis identified by the census. Finally, between these two technologies emerges a metaphoric of pantopticism retained throughout the West Australian regime. The photograph, as we shall see, appeared in Neville’s published materials as an expression of this biopolitical conjugation of physiognomic gazing and of adjudicating indigenous identity.³⁰

The census emerged in varying states sporadically prior to the 1967 Referendum, but an attempt at the aggregation of such data from across the States and Territories had not been attempted until 1924. As is now well known, one of the principle settler colonial anxieties of this period was the decline in the population of “full blood” Aboriginal people and the rise in miscegenation, leading to many more recorded “half-caste” Aboriginal people.³¹ Here I focus on the shifts in categorization themselves as an index of the kinds of technology by which difference was processed by the state apparatus. From 1928, the Western Australian Aborigines Protection Department, drawing information from surveys done across 78 regions around the state (the jurisdictions of local “Protectors”), divided between those perceived to be “half-caste” and those perceived as “full blood” natives under the 1905 Act and its amending legislation. Sporadically,

counts and surveys were undertaken of the spatial distribution of “natives” identified under the initial distinction based on blood quantum. This second strategy divided between modes of economic habitation and surveillance between the categories of “nomadic” people, those “in regular employment,” and those “in supervised camps.”³² In 1933, information from a Commonwealth Census was made available to the states, permitting larger aggregates to be produced within the biopolitical logic of absorption. Nonetheless, annual surveys after 1933 continued to retain the bipartite division between tables articulating blood quanta and the three part system divided economic modes of life (nomadic, supervision through regular employment, supervision within camps) across the 78 jurisdictions of the various protectors. By 1936, the Commonwealth Statistics Bureau had cross-referenced the two systems, identifying economic modes of life (nomadic, employed, in supervised camps) and dividing the trends across this three part taxonomy between blood quanta and economic mode. The census remains the most biopolitical of technologies, aggregating data on populations at large scales.³³

At the biopolitical level, the administration tracked assimilation through surveillance of “natives.” As such, any increase or decrease in the number of people of mixed descent represented through axiomatic means in the census was understood by its agents in one of two ways. An increase marked a threat, the persistence of resistant identification as Aboriginal and the retention of indigenous religious, economic, and community modes of belonging which assimilation targeted and aimed to render absent, dead, or extinct. The administration ascribed any numerical decrease in the number of half-castes to a success of assimilation. While I regard the settler colonial census as a system subject to selection criteria which reveal the imagined gaze of its agents, the persistence of rises in the “half-caste population” (for instance, from 2437 in 1928 to 4602 in 1938)³⁴ to indicate the endurance of indigenous identification and communal belonging in the face of attempts to assimilate Aboriginal bodies and destroy their mode of life.³⁵

A decrease, on the other hand, in the number of “half-castes” appearing in the census implied a decrease in the number of exemptions granted by the states to indigenous peoples of fairer skin. Neville, for instance, interpreted a decrease in the Western Australian half-caste population from 1940 to 1941 as an indication that “a number were no longer classified as natives at all.”³⁶ My analysis here is focused on the kind of biopolitical aggregates asserted by the administration, not on any correlation they might have with the “truth” of indigenous identification, communal recognition, and belonging. As such, I refuse to make generalizations, here, of the kind which would be made by a historical demographer. I will offer instead a few provisional conjectures on the complexities of thinking through biopolitical systems of accounting on demography and population in relation to the modes of surveillance which produced them.

With the move from assimilation to absorption in the period after the “New Deal For Aborigines” was implemented nationally in 1939 by Interior Minister Jack McEwan and based on the advice of A. P. Elkin, beginning a reorientation away from “colour” in assimilation discourse. Nonetheless, this project was consistently biopolitical. The state continued to evaluate and decide which modes of indigenous life it would permit to live and which it would allow, precipitate, or imagine to pass away.³⁷ Nomadism was a form of life which all cadres in the administration saw as subject to such a passing away, whether desired or melancholically bemoaned—from thanatopolitical absorptionists such as Neville to liberal assimilationists such as Elkin and McEwan, or through to Neville’s liberal assimilationist successor Stanley Middleton. The assimilationist logic saw “supervised camps” as a pathway to “regular employment,” and, therefore an assimilation of indigenous people into the economic mode of life of the nation. For Neville, this process accompanied the logic of colour, race, and physiognomy, whereas, for Elkin and others, this assimilationist ethos eschewed colour for a broader liberal idea of forced civilization. In order to develop the aggregates at which pre-1967 Aboriginal censuses aimed, the Western Australian Aborigines department kept indigenous subjects under constant surveillance.

The networks of surveillance which emerged from such practices took genealogies of Aboriginal individuals as their objects and at key moments, rendered this genealogical imaginary in visual form—through the printed photograph, such as that inscribed in the plates of *Australia's Colored Minority* and return in an uncannily reminiscent form in Bolt's use of photographs.

The 1869 Aboriginal Protection Act of Victoria is perhaps the earliest instance wherein an officer of the state was given such a capacity to judge race through external appearance as it manifest to the gaze of the functionary in question. A justice could decide the status of an individual under the terms of Section 8 of the Act “in the absence of other sufficient evidence . . . on his own view and judgement” whether an individual was legally an Aboriginal or not.³⁸ C. D. Rowley, who became one of assimilation's first prominent critics in the 1970s, noted that under the 1869 Act “a justice could decide whether a person was an Aboriginal by sighting him.”³⁹ Neville's utterances then comes at the twilight of a long standing practice of sighting and classifying.

As Warwick Anderson's work has shown the logic of absorption—assimilation in its most biopolitical form—was undergirded by the construction of the Aboriginal “racial type” as a fixed early descendent of Caucasian man.⁴⁰ Children of “purely European-Aboriginal descent” were therefore seen as assimilable within the Aborigines administrations—particularly in Western Australia and the Northern Territory. Invoking a genealogical and heritable imaginary, Neville asserted that where children were the offspring of “European-Aboriginal” unions, “the children would be lighter than the mother, and if later they married whites and had children these would be lighter still, and that in the third or fourth generation no sign of native origin whatever would be apparent.”⁴¹ In most instances, this eugenic outcome could be verified by the gaze itself: “a half-blood mother *is unmistakable as to origin*, her quarter-caste or quadroon offspring almost like a white, and an octoroon entirely *indistinguishable* from one (see illustrations).”⁴² The goals of the

administration were to produce visibly indistinguishable white Australians. Neville's use of plates ("illustrations") to exemplify his typology of anthropometric forms derived from an administration which had used photography relatively little over the course of his tenure. Before turning to read the gaze solicited by these images, it is necessary to delineate the genealogical tactics assumed in Neville's widely circulated tract.

In the Western Australian Native Affairs Department as it formed itself in the twentieth century, the regulation of marriage was the most significant organelle of discipline by which these structures of surveillance were applied. Neville asserted this most explicitly in 1947, unabashedly insisting on the regulation of miscegenation as the means to the "white Australia" project: "the success of our plan of assimilation is so allied with the question of who shall marry whom, and because colour plays so great a part in the scheme of things, that we must encourage approach towards the white rather than black, through marriage."⁴³ On the other hand, with the introduction of what the Western Australian Aborigines Department under Neville had for some time referred to as "alien" bloodlines, Neville asserted: "the indications are that if a white man marries a coloured woman of Aboriginal descent also possessing some Negro, Asiatic, Indian or other coloured ancestry, then he must take a greater risk of atavism in any children of the union there may be."⁴⁴ Where absorptionist and assimilationist discourses accepted the offspring of carnal encounters across the colour line readily when they concerned Aboriginal and European parents, marriages were more frequently forbidden by the state when they were proposed between Aboriginal people and non-Aboriginal migrants of non-European descent.⁴⁵ This policy trend, reveals a distinct fear of supposedly aberrant racial types—"negroid," "Asiatic," "Afghan," to cite a number of confused biopolitical indices. Racial surveillance focused on managing physical uniformity at the external level, though this was also correlated with habits and capacities. As such, the administrative regulation of marriages and unions apprehended by the state as "illicit"

was greatly concerned with managing miscegenation between indigenous subjects and diasporic subjects perceived as “non-white.”

As has been well established, between as early as 1915 and as late as 1975 in Australia, children of mixed descent were subject to surveillance and potential removal.⁴⁶ Carnal and intimate encounters transpired at times with the consent of (predominantly) aboriginal women and at others through rape by (predominantly) white men. Where unions between people of mixed descent were seen to cross or worry “racial” lines, a approach to race panic arose in the administration: on the one hand, this gave rise to the surveillance, removal of children (followed by their discipline within state and church institutions). On the other hand, a concomitant mechanism of power developed which bore on questions of the economic and moral propriety of the parents as well as their perceived racial descent and blood quantum. “Had our forebears insisted upon a clean-cut embargo upon illicit sexual intercourse between black and white beginning a hundred years ago,” Neville asserted, “the process of assimilation would have been further advanced because such action might have resulted in many more legal unions bringing about naturally the same result.”⁴⁷ This mechanism of categorization reveals the way, as Ann Laura Stoler has put it: “[c]olonial control was predicated on identifying who was ‘white,’ who was ‘native,’ and which children could become citizens rather than subjects.”⁴⁸ Not only were legal unions perceived to be defensible through the morality of whiteness pervasive within wider public discourse, they also generated written records which were used by Protectors and police (often a coincident office) to track the economic and collective mode of life of mixed-descent members of indigenous families. Absorption’s technologies of surveillance were retained through the assimilation period, even as they came to focus less on “colour” and more on evaluating the economic and sacral practices by which individuals identified with and through their indigenous collectivity.⁴⁹

Writing in South Australia in 1941, anthropologist Norman Tindale had serious misgivings about the accuracy of categories of racial taxonomy; he wanted to revise the system. Remarking upon the way such racist colloquialisms as “half-caste,” “mixblood,” and “yellow fellow,” had made their way into the administration, he further noted that one problem with the categorization was that it failed to account for the distinction between favored European-Aboriginal “crossing” and Aboriginal “crosses” with migrant others. Such colloquial terms, he bemoaned, “are applied generally to anyone bearing an admixture of alien blood with that of Australian aborigines.”⁵⁰ Tindale did not object to managing and regulating unions across the color line, rather he insisted that the current nomenclature lacked rigor. He would remark at length:

[i]n the case of crosses between aborigines and whites there is a tendency to qualify the term with the addition of the adjectives white (or light) and dark respectively, to indicate the predominating strain, but other adjectives such as ‘real’ and ‘proper’ half-castes are also ignorantly employed. However, use is by no means uniform and even Government officials have been found to regard the first cross as a ‘true half-caste,’ the second cross as ‘quadroon,’ and the third as ‘octaroon,’ this false terminology in some measure reflecting an undoubted tendency for further white dilution to occur even in areas where the first half-castes have been under official surveillance.⁵¹

Tindale therefore, set out to provide what he saw as a total system for classifying and surveilling the offspring of interracial “crosses.” This apparent rigor operated entirely within the eugenic logic of taxonomy.

Tindale’s taxonomy operated to identify the typical characteristics and capacities of “crosses” over at least four generations. The goal of this taxonomic apparatus was to survey the

“general trends of admixture in the population” in order to make generalizations about the risk of atavism in each cross and the relative intelligence of individuals of mixed descent.⁵² The “first cross or ‘first half-caste’” he designated F1, which was understood to be “brought about by the cross-mating of members of two separate ethnic groups.”⁵³ In the second generation of crossing, Tindale identified three types of intermixture. F2, he designated as “the mating of two F1 individuals.” The sign $\frac{1}{4}$ came to stand for “the progeny of the mating of an F1 and the alien race.”⁵⁴ Tindale participated in the sophisticated pseudo-scientific construction of justification for the fear of Aboriginal “crosses” with migrant peoples such as those designated in the discourse as “Afghans,” “Asiatics,” and the few “Negro,” individuals identified in Australia. However, in regard to his use of “alien” in $\frac{1}{4}$ stock, he specifically meant to include not only these “coloured” aliens but also European immigrants. Nonetheless, such European others and their unions were normalized, while fear and eugenic regulation surrounded unions perceived to breach the threshold of whiteness. While in Aborigines Department language, alien meant immigrant, in Tindale’s nomenclature it broadly designated non-Aboriginal. The final category in the “second generation of crossing,” was the $\frac{3}{4}$: the progeny of the “cross” of an F1 and the full blooded Aboriginal. This final category was designed to show that simply moving down crosses over generations did not precipitate absorption; absorption instead required a consistent effort to regulate unions and marry the first and second generations with fairer skinned individuals. Tindale’s “third generation of crossing” took in many and multiple categories (**attach image [Tindale pp. 84-5]**) and he proceeded to expound at length on the various possibilities of crossing.

Tindale argued that “[i]n some ways the first cross with ‘white’ seems to deviate slightly from the mean towards the characters of the white parent and to present a remarkably uniform appearance.”⁵⁵ But he warily alerted his readership among physical anthropologists and

Aborigines Department administrators to the possibility that further crossing did not imply reduced atavism. In fact, he cautioned, “F2 folk may be somewhat more variable” than F1 folk. Indeed:

Personal observations lead to the suggestion that in the case of F2 individuals there is a greater range of variability and that in some individuals there is a somewhat closer approach to the aboriginal type of physical form and mental outlook and reaction than there is to be found in F1.⁵⁶

Drawing on the physiognomic gaze implied by “personal observations,” Tindale developed his taxonomy. There is, he submitted, certainly “some evidence, not yet properly considered, which suggests that in the third generation of crossing this variability may be still further increased.”⁵⁷

This variability was a point of anxiety for Tindale and his contemporaries. If this third generation continued to intermarry within a discrete “native” population, such “variability” would subsist and the desired outcome of a “white Australia” could not be achieved. As we saw in the last chapter, Tindale, along with Cook and Neville, rejected segregation of Aboriginal people of mixed descent; if left to intermarry among themselves, this course entailed “the ultimate development of one or more ethnic pockets or variously diluted and altered aboriginal peoples. These may remain apart, sometimes as dependent or partly dependent peoples, living in isolation.”⁵⁸

Tindale introduced a complex notation system to be used in accounting for the origin of “alien” blood. Employing troubling language drawn from species discourse, Tindale described the the categories of the third generation, saying: “[m]atings of all the above types regularly occur and indicate the type of admixture to be found in any old half-caste community even when the alien blood is all one ethnic type.”⁵⁹ Partly because they were the majority and partly because they were increasingly considered desirable, Tindale’s notation system assumed that the majority

of “crosses” took place between European and Aboriginal subjects except where otherwise noted. Whereas “[i]n those hybrids in which alien blood is of non-white origin the ethnic type or nationality of the alien parent is indicated as follows:---F1 negro, $\frac{1}{4}$ Afghan, etc.”⁶⁰ As Tindale further noted,

[i]n the course of specialist genealogical studies it has been necessary to record persons with such complex trihybrid genetic combinations as ((F2)x(F1xCinghalese)), i.e. with $\frac{1}{4}$ Cinghalese, $\frac{3}{8}$ white and $\frac{3}{8}$ aborigine, and quadrihybrids such as ((F1))x(F1 Melanesian x F1 Malay)) in which there appears $\frac{1}{8}$ Melanesian, $\frac{1}{8}$ Malay, $\frac{1}{4}$ white and $\frac{1}{2}$ aboriginal.⁶¹

Tindale’s *Survey* was, in large part, an attempt to fix and totalize racial categorization once and for all. This assertion of racial-scientific knowledge-power relied on correlation between blood and behavior at the level of surveillance. Certainly the basic assumptions about phenotype, blood type, and other methods of genealogical intervention employed by Tindale were pseudoscientific. Nonetheless, Tindale’s writings on intermarriage were an attempt to render this fiction of race cogent. Tindale produced a notation system for those who deviated from the norms of blood quantum, and to potentially correlate these deviances from the norm with generalizations about behavior. The norm, then, was not only an ideal to be achieved: fair-skinned homo economicus at the tip of the bell curve. The normativizing process was also a means to regulate, surveil, and taxonomize those who deviated from it. As Michel Foucault observes, in the context of disciplinary biopower, “the norm is not simply . . . a principle of intelligibility; it is an element on the basis of which a certain exercise of power is founded and legitimized.”⁶² Yet children who formed the offspring of mixed descent couples were not social outcasts. The opposite was true, at least in theory. Children of approved crosses could be removed from parents and, if they were adequately “whitened,” from “quadroon” onward for some time, they could even be allowed to

enter the white community. The whole system of deciding who could be thus assimilated--- potentially or actually---relied on this system of deciding on the desirability of crosses. In this way, “the norm’s function is not to exclude or reject. Rather, it is always linked to a positive technique of intervention and transformation, to a sort of normative project.”⁶³

One thing was certain. For Tindale, his mentor at Adelaide University, J. B. Cleland, and such administrators as Neville and Cook, who read, accepted, and aimed to implement their assertions: if the racial admixture remained Northern European and Aboriginal only, the horizon of racial futurity in Australia was safe. This was the apex of the longed for white Australian normative subject. Yet the existence of “aberrant” types was a reality and needed to be managed. Tindale’s articulation of this pseudoscientific orthodoxy read:

[o]n general grounds and from a study of their mental and social responses the present writer concludes that there are not likely to be any marked aberrant characteristics introduced by the low percentage of Australian aboriginal blood that is being added to that of the predominantly North European ethnic strain of white Australians.⁶⁴

In rapport with such contemporary figures as Elkin and Stanley Porteus, Tindale also purported to identify mentality with his genealogical imaginary.⁶⁵

For Tindale, dissonance between the nomadic mentality and the assimilation to a modern economic, sacral, and social outlook could be minimized by managing the kinds of crosses that were permitted; it was a question of the proximity of descent. Giving broad examples of “crossing” between stocks, Tindale noted that although “[s]ome American authorities have come to the conclusion that in the United States the negro-white ethnic admixture is a bad one, producing many physical and mental disharmonies,” on the other hand, contemporary studies of

“negro-white mixture both in Jamaica and the United States” implied that “physical and psychological disharmonies of a serious nature may be expected to occur when partners to a cross come from stocks which are too widely diverse.”⁶⁶ For Tindale, the question of intermixture was rooted in the perceived proximity of peoples within the racial phylogenetic ordering of the human species. Intelligence and temperament could be controlled by only “breeding” peoples of similar “stocks.” Physical characteristics were to be disappeared on a longer eugenic temporality. Noting a number of influential mixed-race populations such as not only “Negro-white,” but also “Tahitian-white” crosses on Pitcairn Island as well as Hawaiian, Chinese, and Phillipino intermarriage with whites in Hawaii, Tindale set out to survey the potential for physical characteristic formation and its relation to the future of Aboriginal people of mixed descent. “The negro cross” he remarked, “is held as least desirable” according to the physical characteristics entailed; mentality was out of the picture.⁶⁷ These physical characteristics included: “body proportions, gait, sebaceous glands, skin colour and hair form, and the fear of the recurrence of these factors in relatively undiluted form.”⁶⁸ For “the Australian aborigines hair and eye-form are within white limits; skin colour being the most obvious factor in which he is completely outside white range.”⁶⁹ Physical characteristics were, for Tindale, a barrier that existed even if one did not believe the claims of racial mental deficiency. In this way, some tracts were able to tactically assert the humanitarian aspect of assimilation. In so far as the discourse was willing to accept that the intelligence of racial others was not aberrant, arguments were still proffered from physical difference. In an ideal world, the argument went, white Australians would be all accepting of Aboriginal alterity, but the existence of color prejudice acted as a precipitant for physical homogeneity. Anthropologist A. P. Elkin, for instance, wrote that color should not be a factor where civilizing discourses could take their place. Yet voices from the absorptionist camp questioned the idea that those who “seem to think that by taking a coloured man, just able to read and write, out of his environment, dressing him in a nice suit and granting him full civil rights so

to speak . . . all will be well with him.”⁷⁰ Racial homogeneity, it seemed, was necessary to such social homogeneity in the minds of these individuals: “[t]here is still the colour prejudice and inherent traits which few adults now living will ever surmount.”⁷¹ The slippage between “colour prejudice” and “inherent traits” however, also reveals the assumption that colour was not only a barrier to acceptance, it also implied an assumption that internal worlds of morality, psychological, and intellect are expressed in physical appearance.

Further, the very mode of thinking that operated by reference to occluding Aboriginal cultural, economic, and physical difference could be presented as a well intentioned policy of uplift by reference of the degree to which these factors were barriers to social cohesion and integration. However, even as the framers of policy moved their intended outcomes away from thanatopolitical discourses such as absorption and toward biopolitical discourses of social and cultural assimilation, consistent residues remained that were positioned to imply that normativization could not be only economic and social, but required reference to colour. “Colour prejudice,” Neville put it,

is the main stumbling block towards assimilation---colour combined with ignorance, ill-health, deleterious living conditions, and suchlike disabilities, has no chance of finding a place in Australian social life. Colour alone, without such disabilities, ought at least to have a sporting chance of finding its proper place in the community.⁷²

Further, “colour” in this discourse, is also indexical of the three technologies of absorption: the circular, the census, and the photograph. As he had already stated, “the success of our plan of assimilation is so allied with the question of who shall marry whom, and because colour plays so great a part in the scheme of things, that we must encourage approach towards the white rather than black, through marriage.” Though there is little doubt that the idea of regulating

assimilation on the model of absorption through colour remained in microscopic applications even after the socio-cultural turn, it is also true that even before this turn, many exceptions were made. Even marriages of supposedly aberrant “coloured” individuals to natives and half-castes was sometimes permitted and often by reference to moral and social factors. The break at the level of intentions (while it certainly took place at the discursive level) did not always reflect the level of discipline and biopower on the ground, in the eyes and thoughts of those applying the legislation. Though he ultimately could not approve them, Neville himself even wrote of his administrative system’s potential tolerance for children the offspring of unions between “natives” and “Chinese.” At this juncture in his text, Neville invited the gaze of his reader to scrutinize their features: “see illustrations of these first-cross Chinese-Aboriginal girls.”⁷³ The photograph culminated as the technology by which the genealogically disciplined background of individuals were produced for and presented to the reading public.

While such unions were to be avoided and “the offspring of these ethnically unsuitable unions too often is found in institutions,” nonetheless, some such children could “turn out well, too, intelligent and capable.”⁷⁴ Nonetheless, offspring of “crosses” between indigenous and migrant subjects formed the basis of a figure of abnormality and potential atavism, which the state kept under particular surveillance.⁷⁵ One key instance of the application of surveillance as a response to this concern over such figures of abnormality in 1937, as Neville dispatched a circular to his Protectors around the state:

I am desirous of learning as quickly as possible the names and particulars of all coloured persons of alien race, including Negros, who were living with natives in the relationship of husband and wife, legally or otherwise, prior to the passage of the “Native Administration Act, 1905-1936,” and still are so living.

In addition to the personal particulars of the alien or Negro, I would also like to know the name and age of the native concerned, together with particulars of any children.⁷⁶

Elaborations in the discourse of physical anthropology, then, also refracted extant practices of surveillance as they subsisted in the regime of absorption-assimilation.

Neville's photographs in *Australia's Coloured Minority* deploy a number of intersecting and divergent strategies. The photographs allowed readers to marvel at just how physiognomically indistinguishable from the white population people of mixed Aboriginal and European descent could be. The first plate shows "Three Quadroon Sisters," identifying them by their blood quantum, but also emphasizing their appearance of whiteness; a further caption reads: "[t]he large freckles on the face of the centre figure are the only trace of colour apparent." The uniform framing of the three images also seems to suggest a uniformity of outcome: whitened children of uniform admixture will uniformly conform to a relative and therefore relatively manageable external appearance. The placement and captioning of the pictures shows two sets of photographs which offer a glimpse of mixed descent Aboriginal children "As I found them" in the status of a young "bush waif," and then repeats images of the same young women who, years later, have gone through the process of institution life. In both sets, the children chosen are designated as "first cross half-blood girls." The photos of the young women, unlike those depicting their past as "bush waifs" show them posed in European dress. One of the many intersecting suggestions of the photographic pairing is to imply that even those whom Tindale called "F1" individuals are capable of assimilating fully enough to facilitate the next step in the absorptionist plan of social engineering, producing offspring who would, in turn, marry fair skinned individuals and progress socially toward settled bourgeois existences. This implication is

expanded as the next plate is captioned “half-blood mother with her quadroon child.” Again, the photographic genre recalls the bourgeois family photo, correlating blood with behavior.

As Alan Sekula importantly points out, amidst a panoply of aims advanced by the emergence of photography in the nineteenth century were practices of archiving the human mean, the so-called “*homme moyen*”; these practices nonetheless subsisted alongside the genre of bourgeois honorific which suddenly allowed any and every individual, regardless of socioeconomic class, to potentially possess a portrait of loved ones.⁷⁷ Neville’s plates bring these historical photographic practices uneasily together. As each generation is whitened and captioned by cross, so too do the photographs pass from records of the “tribalized” Aboriginal past and, instead, come to emphasize the bourgeois assimilability of Aboriginal people. “Crossing” and the adaptation to settled social life are rendered concomitant through techniques of composition and captioning.

Neville’s second set of plates emphasize this further. The first, titled “Three Generations,” shows a son, his mother, and the former’s grandmother from left to right. The photo uneasily straddles the dimensions of visual anthropometry and bourgeois family photography. Deploying a biopolitical narrative wherein the logics of whitening, *homme moyen*, and the bourgeois social form (*homo oeconomicus*), converge as consubstantial social forms. Mother, son, and grandmother are each equally spaced apart so, perhaps, as to allow the features of each to be apprehended separately, signaling the gradual progression of physiognomic externality which—Neville believed—would emerge with each new generation. The Grandmother is labeled “half-blood” and her full “racial” makeup is listed, “Irish-Australian father, full-blood Aboriginal mother.” The mother, in the photo, is similarly designated “quadroon” through captioning, while her father is noted to be “Australian born of Scottish parents,” recapitulating the normativization of Euro-Australian unions. The “Octoroon Grandson”

is noted to have a “father of Irish descent.” The “Three Generations” plate signified Neville’s ideal progression at the level of absorptionist demographic incorporation of Aboriginality. At each generation, people of mixed Aboriginal and European descent would marry “whiter,” moving ever closer and closer to the normativized “*homme moyen*,” no longer racially marked.

The uniform portraiture allowed 1940s readers to practice amateur physiognomy in their scrutinization of “racial” features while the trace of bourgeois portraiture provided the implication of the potential or actual sociality of a concretely liberal bourgeois social form emerging in the subject of absorption. Amidst these plates, one could see one instance of the feared aberrant “Chinese-Aboriginal” “half-blood.” In this plate, a girl stands in a garden setting wearing a neat dress. Her facial features, however, are not framed in close up for the reader to observe. Neville’s inclusion of a “Chinese-Aboriginal” girl in the plates reflects his attitude of toleration for those existing children alongside his eugenic objection to such further unions. No narrative of “progress” across “generations” includes people of “coloured alien” descent. Rather as she was seen in the biopolitical discourse of race futurity, the “Chinese-Aboriginal” girl is posed in isolation; well dressed according to bourgeois standards, she is nonetheless isolated from a visual narrative of Australian cultural and racial homogeneity.

In 1947, Neville offered photographs as evidence of the “unmistakable” correlation between physiognomy and racial genealogical background. However, though his agents were called upon to determine the legal classification of individuals as natives and though this legal power required them to engage in further surveillance of the relative blood quantum of the individual (half-caste, quadroon, octoroon) and their racial makeup (the presence of “coloured alien” blood), nonetheless, many of these protectors felt less confident in their capacity to make such decisions than Neville himself would advertise. The scrawling which responded to Neville’s circular on “coloured persons of alien race” often betrayed uncertainty. One Constable Mounter,

for instance, registered a number of his darker skinned constituents as “believed h/c Malay.”⁷⁸

The genealogical imaginary and the pathological gaze emerged as mutually constitutive technologies of surveillance. Yet each remain part of a fiction: that external appearance and the tracking of descent might reveal secrets of identity. These technologies recur in the space of *actuvirtuality* represented by the late liberal public sphere.

Acting in the Actuvirtual

The return of artifacts of settler colonial biopolitics exposes the play of power not to inert indigenous subjects but to dynamic forces of collectivity in the face of state efforts at the regularization of such collectivities. In late liberal settler colonies, an assimilationist logic of disciplinary surveillance returns in the evaluations which pervade the public sphere, even as it recedes in some operations of state apparatuses.

For Hage, it is white settler-descended Australians who imagine this entitlement to such an affective governmentality. Governmental belonging, Hage contends, emerges from this field of whiteness to give form to hateful acts against migrant subjects the apotheosis of which, for Hage, is the fantasized, spoken, or enacted moment in which the subject of governmental belonging tears a scarf from the head of a diasporic Arab female subject. This gesture—assaulting the Arab subject while also aiming to absent her otherness—is often annexed to late liberal evocations of modernity even as these invocations eschew enduring modes of intersubjectivity, belief, and kinship subsisting within diasporic communities—modes of collectivity heterogeneous to indigenous collectivity but nonetheless rendered other within late liberal evaluation of assimilable, modern, subjectivity. Modernity here becomes a thing conjured within the imaginary of late liberalism, one which refuses to acknowledge alternate modes of collectivity and

belonging. However, where Hage's study focuses on the xenophobic logic of violence against diasporic subjects ideated by the white subject of governmental belonging, he excuses himself (in the opening pages of the text) from addressing the possible implications of governmental belonging as it pertains to settler affective and material attitudes to indigenous subjects. Settler governance of affect around indigenous cognatic and affinal modes of belonging also directs itself toward indigenous subjects of mixed descent.

Hage's tactical avoidance of the evaluation of indigeneity within the field of whiteness—and through the imaginary of governmental belonging—is perhaps one reason to reconfigure these concepts, particularly in light of the eventfulness of moments such as *Eatock v Bolt*. While the gaze of governmental belonging does not question whether indigenous peoples *belong within* the nation, this gaze clearly claims the desire to evaluate *how such subjects belong* (both together and within wider imaginaries). That this gaze does not see the way indigenous subjects comport their immanent belonging is particularly central to the way the physiognomic gaze attempts to render alterity subject only to an evaluation of its surface from the colonizing exterior. Subjects who arrogate the capacity to determine the belonging of others often do so by drawing on a lexicon of assumptions about an imaginary connection between race and the gaze—a lexicon undergirded by the legacy of mid twentieth century state gazes linking identity with physiognomy, and shadowed by the concrete technologies of surveillance to which indigenous families of mixed descent were subjected in the twentieth century. That this disturbing visual aspect of governmental belonging has remained more or less absent from debate in the public sphere in Australia after the legal event of *Eatock v Bolt* is surprising, especially since Justice Bromberg's decision acutely foregrounds this problematic aspect of Bolt's rhetoric.⁷⁹

A level of complexity has developed as Native Title has formed through the tireless efforts of indigenous activists and their allies. As the notion of land rights won a place and the

discourse of Native Title arose in the Australian legal system, a complex adjudicatory function arose, which came to process the parallel complexity of indigenous identification and communal recognition, subsisting outside the purview of late liberal individualist understandings of identity.⁸⁰ These two parallel modes of complexity can be seen as structurally coupled according to a second order of organization that inhabits the Australian state and gives rise to the tripartite legal doctrine including identification and communal recognition: one which has importantly de-emphasized the prominence of descent in its process of definition.⁸¹ This processing of indigenous alterity's complexity is far from an unproblematic apperception of indigenous social life. Nonetheless, when contrasted with the kind of artifactual retention of alterity's evaluation which we have encountered here, it becomes clear that, after the turn to self-determination in the settler (post)colony, governmental belonging remains far more active in the public sphere as it traverses the actuvirtual circuits of the mass media.

As we have seen, Bolt developed the false and misleading imputations of his articles by recourse to a rhetoric of the gaze which insisted on the physiognomic correlation of external features with authenticity. Bolt's articles recapitulate an assimilationist logic in at least two ways: first, by attacking "fair-skinned Aboriginal people" for continuing to identify as Aboriginal. Not only does this assertion imply an assumption of the superiority of the invisible subject position of whiteness, it also camouflages this assumption within the rhetoric of humanism and, by association, the liberal subject of economic individualism.⁸² This first recapitulation of assimilation also serves to misperceive the enduring presence of indigenous identification and belonging, which subsists despite colonialist artifacts of race and colour thinking. Second, Bolt's utterances—textual and through photographs—reproduce the assumptions of assimilation through the technologies of the physiognomic gaze and the photograph by which settler subjects in the public sphere are solicited to arrogate it.

Bolt's characterization of indigenous photographer Bindi Cole, distasteful even to quote, asserts that she: "could in truth join any one of several ethnic groups, but chose Aboriginal, insisting on a racial identity you could not guess from her features."⁸³ It should now be clear that this spurious physiognomic rhetoric—organizing the veridiction of "racial identity" around "features"—also continues to be annexed to a genealogical imaginary. This genealogical imaginary was produced in the nineteenth century, implemented (as we have seen) in twentieth century a biopolitical apparatuses such as that of assimilation-absorption. As I have further detailed, this genealogical imaginary came to undergird the logic of physiognomic gazing and produced such artifacts as the photograph, which disseminated this gaze across the public sphere. The mediation and dissemination of the physiognomic gaze returns in Bolt's articles, through the use of photographs—recapitulating a spectral instance of Neville's plates.

Within this hypermediated gaze of governmental belonging, European descent is rhetorically privileged as a fetishized mode of fixed identity. In reproducing the technologies of surveillance and physiognomic gazing that arose under absorption and assimilation, settler mediations also reproduce the specter of an assimilationist privileging of whiteness qua European descent. Bolt's conservative neoliberalism claimed to speak for a humanism that relied on the unmarked subject of humanism: "In fact, let's go beyond racial pride. Beyond black and white. Let's be proud only of being human beings set on this land together."⁸⁴ Where Bolt had previously emphasized a liberal egalitarianism as the alibi for his racist solicitation of the physiognomic desire to know others through the gaze, he had also covered over his fetishism for Europeanness. Perplexed by artist Anita Sax's complex and polyvalent identificatory strategy, Bolt had asserted that: "Racially, if these things mattered, she is more Caucasian than anything else. Culturally, she's more European."⁸⁵ Here, Bolt inscribes racial difference in the materiality of the signifier "racially" as the biological fact which biologists, geneticists have long shown it

not to be.⁸⁶ Concealing this within a clause of toleration (insisting that “these things [don’t] matter”), Bolt nonetheless privileges “crossing” in an assimilationist mode.⁸⁷ As I noted earlier, Bolt named one indigenous public figure as possessing “Afghan and Aboriginal heritage.” He also named other individuals as having “Pacific Islander heritage.” With the knowledge of Tindale’s constructed racial taxonomy we can see how, under the assimilationist regime, such individuals were subject to eugenic regulation, the refusal of licenses to marry, and the removal of children. Bolt’s articles foreground an eschewal, unawareness, or denial of this facet of Australian history.⁸⁸ Yet they also reveal a fetishization of European genealogy that recalls the worst excesses of the white Australia policy—a central framing device in the assemblage of assimilation. As Bromberg noted, the conservative columnist honed in on a “multi-stranded but largely European genealogy.”⁸⁹ In a blog post subsequent to the decision, Bolt most explicitly expressed this when he asserted that he believed “even many academics” and certainly his readership are “uneasy” that “people with clearly significant European ancestry can identify themselves solely as Aboriginal.”⁹⁰ Here, it was clear that it was the eschewal of identification as European in particular that troubled the mentality undergirding such settler evaluations of governmental belonging. It should be clear from my discussion of the historical legacy of assimilation that this anxiety acts as an artifact of the genealogical gaze developed in Tindale’s 1941 text from practices such as Neville’s 1937 circular inquiring into the: “particulars of all coloured persons of alien race living with natives in the relationship of husband and wife, legally or otherwise.” For Bolt, there is, then, such a thing as race, but it is his liberal (albeit neoconservative liberal) embrace of toleration which enables his capacity to genealogically surveil, physiognomically scrutinize, and misperceive the collective modes of belonging and identification by which many indigenous people claim and position their modes of living with and within self and kin. Here, governmentality around race subsists even in the moment of late liberalism.

Very often, settler colonial subjects believe that the empirical data they neurotically purport to perceive as they scrutinize the face of the other is verifiable. Their fantasies of alterity are imagined to inhabit the object they sight in much the same way as physiognomy imagined a correlation between external features and the essence of the self. Similarly, late liberalism cites the precedents of its economic and ethical precepts in order to manage and constrain those aspects of alterity which unsettle the late liberal subject. Povinelli's identification of the way liberalism, neoliberalism and late liberalism are "actions like a sighting and citing" describes—amongst other things—this practice of evaluation which settler colonial subjects unconsciously claim, particularly in relation to collectivities—across race, class, gender, and sexuality identification—that refuse liberal regulation. It is productive to take liberalism not so much in the terms of its own articulations—where it cites its classical model and represents its subjects as a community of neutral, self-interested individuals competing economically under the protection of rights—but rather as subject to practices of conjuring, shaping, aggregation, and evaluation, particularly around such "other" differences and identifications. In light of this rearticulation of liberalism, different conceptions of public utterance begin to take shape, even as the cunning of such enunciative practices acts to conceal its evaluations of alterity within discourses of liberal, humanist, individualism. One such formulation would run as follows: public speech is not objectless, rather, when dealing with alterity in situations of plurality such speech frequently taxonomizes, regulates, and divides.

What is challenged by the imposition of such an artifactuality is not presence per se, but the imperative that one form of presence (conjured as the "traditional indigenous person" or the "unspoiled" *Arrernte* man) displace another, more mobile, if less cathected indigenous presence. Limning the idea of *actuvirtuality*, Derrida notes the need to insist on the remainder of presence even within the zone of hypermediation:

this requisite deconstruction of artifactuality should not be used as an alibi. It should not give way to an inflation of the simulacrum and neutralize every threat in what might be called the delusion of the delusion, the denial of the event: ‘everything,’ people would then think, ‘even violence, suffering, war, death, everything is constructed, fictionalized, constituted by and for the media apparatus.’⁹¹

Derrida insists that a trace of presence remains even if it is subject to distortion and virtualization in the mass media. Further, just as we emphasize the return of biopolitical logics, we must also acknowledge the endurance of indigenous collectivity and identity, even as its enduring form might not conform to actuvirtual imaginaries. Such presence is often immanent in a shared awareness of the legacy of colonizing force. In so far as one effect of this collective awareness is at risk of trauma, one finds just such a series of traumas produced by Bolt’s *actuvirtual* fictions in the indigenous subjects he attacked. As Bromberg found, the offensive and traumatic dimensions of Bolt’s remarks not only discursively wounded the nine named plaintiffs in the case, it also sent traumatic shockwaves through their extended families; an attack on living and active networks of kin, presence, and belonging.⁹² Yet what was wounded was not any subjectivity per se, but a collectivity that is constantly strung between the compulsion to assert its alterity and the need for anonymity and camouflage. Furthermore, however wounded, the presence of the indigenous collectivities compelled to assert themselves in the case also remain durative, persistent, tough.

Disentangling this actuvirtual play of presence, one might employ Povinelli’s terms from her 2002 genealogy of Australian multiculturalism and the function of indigenous alterity within its polyvalent logic. What Povinelli calls the cunning of recognition marks the pliable affinal and cognatic modes of kinship and affiliation through which indigenous modes of life endure and are either recognized or refused recognition by the apparatuses of the settler (post)colonial state. The cunning of recognition is of crucial import in surveying the unwarranted evaluation of these

modes by settler subjects in the public sphere—evaluations whose valence has shifted after the events I describe here.⁹³ Since the self-determination era, juridical practices of adjudication have emerged from fields of knowledge the complexity of which has developed to process the equally complex modes of indigenous communal recognition to which settler colonial governance has long been blind.⁹⁴ Such complex modes of communal identification and belonging nonetheless endured colonial governmentality in Australia and continue to endure the return of spectral instantiations of such governmentality under late liberalism. As Povinelli remarks, connecting indigenous endurance and survival from the colonial period to more recent developments in late liberalism, “endurance” manifests through “its ability to suffer and persist . . . endurance encloses itself around the durative—the temporality of continuance, a denotation of continuous action without any reference to its beginning or end and outside the dialectic of presence and absence.”⁹⁵ As subjects of endurance, indigenous people find themselves constantly under the scrutiny of settler colonial evaluations whose blindness to their agile, transformative social forms is compounded by parallel blindness to the suffering precipitated by such misrecognition. This is particularly so as such misrecognition repeats and retains the evaluative gestures by which they and their forbears were so long evaluated, surveilled, and disciplined by the settler state.

In a nationalist positioning of his covertly neoconservative emphasis on individualism—concealing the immunitary assumptions of this position—Bolt railed against the institutionalization “racial differences” imperceptible to “the naked eye” of evaluation.⁹⁶ Those with even a passing awareness of the terms of applied anthropology as it has emerged alongside the discourse of Native Title would immediately recognize the way that Bolt’s rhetoric eschews the complex structures of affinal and cognatic kinship, which remain in place among indigenous people—including those of mixed descent. As Anne Brewster has recently argued through Kim Scott’s recent fiction, such collectivities maintain “multiple forms of agency and mobility which

cannot, by definition, be assimilated to the settler state”—forms which she sees as Scott’s assertion of Noongar Sovereignty.⁹⁷ This complex and multiple nexus of belonging which the legal apparatus designates through the tripartite adjudication of descent, identification and communal recognition. It would do to briefly contextualize the relevant Australian legal concept of indigeneity.

The active presence of a reconstituted indigenous subjectivity endures both settler colonialism’s governmentality and even late liberalism’s normativizing strategies. The Australian state has indeed moved beyond the biologism of absorption and the disciplinary power of assimilation—at least in its most genocidal forms. Instead, from the era of self-determination, the juridical logic of descent, countenanced by the recognition of the significant role of identification and communal recognition in Aboriginal identity, has developed a complexity that structurally couples with indigenous modes of collectivity and often allows a mode of recognition that facilitates genuine land rights within the discourse of Native Title. This remains an adjudication by the state, no doubt, which always indicates a retention of colonial sovereignty (whether the Commonwealth decides for or against the interests of indigenous people).

Subaltern subjects have endured settler colonial modes of governmentality, they have suffered and persisted—in Povinelli’s terms—in identifications that exceed and challenge assimilation’s specters and late liberalism’s imperative to normativity. Similarly, under late liberalism, indigenous subjects refuse to silently endure the evaluation and regulation of their form of life and the identities which abide within it. They resist the pathological gaze’s capacity to sight social difference. Where the physiognomic gaze recurs in late liberal mass-media, complexities of identification and belonging remain invisible. Indeed, as Noongar writer Kim Scott has suggested in the life account he wrote of himself and Wilomin Noongar Elder Hazel Brown, at times, modes of collectivity and kinship must remain hidden from settler subjects in

order for such endurance to be maintained.⁹⁸ Such a conception recalls the tension between politics and policing identified by Jacques Rancière.

Politics, as Jacques Rancière has argued, is not the exercise of power, the organization of perception, or of social life; these, he usefully understands as operations of policing.⁹⁹ Politics begins instead with the way those excluded from the everyday accounting of *communitas* intervene in the distribution of what can and cannot be perceived to count in the accounting of the dominant. This accounting of the dominant mode of perception correlates to the police and is often termed by Rancière the distribution of the sensible (*partage du sensible*). Povinelli usefully parses Rancière notion of policing for the late liberal and settler colonial context currently under examination, noting that: “[a]s the dominant technique of the governance of difference in late liberalism, cultural recognition manages the difference between policing and politics in Jacques Rancière’s sense.”¹⁰⁰ Describing policing, she asserts that:

policing [is] the management of a given distribution of social places and roles, ways of being and saying such that some activities are visible and sayable (are located in the order of *logos*) while other activities appear to be nothing more than noise (are located in the realm of *phonos*).¹⁰¹

One concrete assertion we might make of this constellation would be to say that where under colonial liberal projects of governance such as assimilation and absorption the bodies of indigenous people were most acutely governed, disciplined, and policed, after the apparent turn to late liberal multiculturalism, such a policing happens at the level of the visible and sayable, which is, in large part to say, in the mass media. Settler colonial biopolitics saw Chief Protectors and Colonial Administrators able to decide on the distribution of indigenous bodies, sexual couplings, and familial collectivities. as the state moves . While the state has turned to acknowledge Native Title and has proceeded through a period of self determination, the public sphere continues to

retain the artifacts of a colonial biopolitics. While the physiognomic gaze is no longer employed by the state to sight indigenous others and the genealogical imaginary, retained by the state in the juridical logic of descent, has been countenanced by recognition of the importance of identification and communal recognition, nonetheless, these logics subsist into the present as hypermediated artifacts. As Foucault long ago observed, The Panoptic modality of power --- at the elementary, technical, merely physical level at which it is situated --- is not under the immediate dependence or a direct extension of the great juridico-political structures of a society; it is nonetheless not absolutely independent.”¹⁰²

As opposed to the logic of the police, Rancière’s notion of politics can be parsed as the redistribution of the sensible. Politics, for Rancière, is action organized around the reason of the excluded. The tension at the heart of politics in his sense, emerges in so far as, in order to be counted or recognized, the excluded are forced to make visible their social, cultural, and collective condition. As Rancière puts it: “the particular feature of political dissensus is that the partners are no more constituted than is the object or the very scene of discussion. The ones make visible the fact that they belong to a shared world the other does not see.”¹⁰³ As the mode of governing indigenous peoples develops complexity, responding to indigenous assertions of self-determination (such as the Tent Embassy in which Pat Eatock played a key role), technologies of managing and fixing difference become more agile. Now the state no longer simply distributes, fixes, and arrests abnormal subjects or racial others. To be sure, it retains the sovereign power to adjudicate who is indigenous and who is not, but, as we have seen, it does so by a complex process of recognition, structurally coupled to indigenous modes of collectivity, however imperfect this structural coupling may remain. On the other hand, in the actuvirtual sphere of the mass media, with the arrogation of artifacts of governmental belonging and its retention of formerly state-based technologies of physiognomic gaze and genealogical imaginary, the distribution of the sensible recurs and returns, concealing the desire to decide who belongs and

how, who seems or can be seen to be indigenous. Governmental belonging draws its imagined legitimacy from the artifacts of a mode of thinking, seeing, and distributing alterity which has long been recognized as discriminatory within the accounting of the state. It is in this context that indigenous subjects who might have emphasized their desire to maintain the privacy of their modes of collective and communal belonging are compelled to make public and therefore, political, how they belong together---challenging the distribution of the sensible that traverses the actuvirtuality of such mass media evaluations as Bolt's.

Indigenous subjects often walk the line between the revelation of their identification and the resistance to making "visible the fact that they belong to a shared world the other does not see." Where, for Rancière, such revelation is a political act, indigenous subjects often eschew politics in favor of endurance. But where the physiognomic gaze recurs in the mass media and the invocation of late liberalism's legal apparatus remains the only recourse for public repudiation, such indigenous subjects also find their political revelations of collectivity subjected to yet another round of state adjudication. By revealing how they belong within the logos of the state adjudication, they are able to silence and delegitimize mass mediated misrepresentations, but this political act always comes with the accompanying surrender of a degree of autonomy. By challenging actuvirtual evaluations, subaltern subjects must often find their recourse in state adjudication. Nonetheless, in key moments, such adjudication perceives and upholds the networks of identification and communal recognition, which traverse indigenous kinship. In such moments, it seems, we must be more wary of the pundits than the sovereign.

CODA

“Need I Repeat?”:

Settler Colonial Biopolitics and (Post)colonial Iterability in Kim

Scott’s *Benang*

Sergeant Hall was remarkably progressive in his ideas, particularly for a policeman. He understood it was necessary to raise the level of debate.

Raise it? Raise it from the level of troublesome indigenous fauna, of vermin control, of eradication and slaughter; raise it to the level of animal husbandry.

...

And need I repeat radical, progressive thoughts of the time?

Kim Scott, *Benang* 1999, 75–6.

Settler Australia is increasingly conscious of the need to redress the material consequences of its colonial history, and to symbolically commemorate related injustices. The dialectic between symbolic and material politics may appear to render either as incommensurate poles. Nonetheless, in the Australian context, this apparent incommensurability raises the specters of the long term derision of symbolism by former Prime Minister John Howard.¹ To raise such questions as the materiality of redress and of its necessary relation to the symbolism of mourning and reconciliation implies questioning the very language of *raising* in the context of the policy of assimilation. In the above epigraph, Nyoongar novelist Kim Scott begins to do just that. Scott's text suggests that the covert regulatory function underlying the "progressive thoughts" of Australia's settler colonial regime is intrinsically linked to its "animal husbandry" enfolding of racial difference into the biopolitics of physical anthropology.² The meaning ascribed to repetition raises the stakes for the settler colonial nation's self assertion as an unquestionably postcolonial multicultural liberalism. This is especially so since, as Scott makes clear, direct medical and sexual regulation of indigenous people also underlay the "progressive" policy of assimilation.

In such a biopolitical colonial setting, repetition can position the cultural reconstruction of the colonized so as to necessitate a dual encounter; one that aims at reconnecting to the absent presence of the colonized while confronting the disruptive inscription of statistics that had attempted its effacement. Such an encounter takes place at the moment when postcolonial writing engages the colonial archive. Here I want to offer an analysis of the specific form of biopolitics to which Indigenous Australians were subjected through much of the twentieth century, by close reference to a text of A. O. Neville—Western Australian Chief Protector of Aborigines for much of the first half of the twentieth century. In light of this, I will assemble a

reading of Scott's novel *Benang: From the Heart* to reveal its reconfiguration of traces of this source text and its deconstruction of what I tactically call *wadjelocentricism*.³ From within this fictive critique of the colonial archive, *Benang* offers a magical realist reconstitution of Aboriginal identity.

Some historians have attempted to separate government policies toward Aborigines of manifest genocidal intent from those aimed at cultural destruction. Scott's novel intertwines the biopolitical dimensions of native administration with the disruption of cultural modes of belonging, problematizing the foundational assumptions of such historiography. To do so, Scott foregrounds the analytics of blood, descent, and sexual relations that will become increasingly subject to regulation within the regime of Aboriginal administration. Scott calls Neville's *Australia's Colored Minority* a "perverse[ly]" revealing source for *Benang*.⁴ Neville's text plays out the analytics of sex and blood through a set of terms that foreground biology and enfold culture.⁵ That Neville entangles this biopolitics within a rhetoric of cultural "uplift" may be amid the reasons for the aforementioned historiographical elision of biologism in favor of cultural destruction.

Neville's text consistently employs a tropology that collapses racial and cultural destruction within the frame of a colonial biopolitics. Tropes of raising, uplift, elevation, and drift, reverberate throughout *Benang*, entwining cultural destruction in racial science and population mapping. Neville's application of these tropes situates a cultural progressionism undergirded by an operative biologism. Playing on such floating figures, Scott puts into play a deconstructive repetition of colonial biopolitics to séance the specters of Aboriginal kinship's past buried between the lines of such archival marks.

Disheartening Biopolitics: Assimilation's Perverse Prescriptions

We must be realistic—*the heart should not overrule* the head in such matters.⁶

A. O. Neville, 1947.

The settler colonial discursive field consistently approaches colonized bodies by reference to the futurity of the Aboriginal population, itself referred to the norms of color and blood type of the white Australian population. One contemporary colonial writer asserted that Aboriginal policy should “make use of the study of anthropometry for [the] study of what the [white] race may become.”⁷

Within the settler colonial regime, some government actors focused on Aboriginal cultural logics, others on the postulates of racial biology. One can disentangle this discourse in the terms of Michel Foucault, who argues that such a regime's discursive webs of semiotic enunciations (*énoncés*) and apparatuses (*dispositifs*) enmesh knowledge about subjects of power in the regimes of their regulation. “Given that such a regime is capable of containing contradictory *énoncés*,” the operation of a apparatus must be extracted from what is consistent despite differences of opinion, say, in policy framing and intention.⁸ Absorption—the manifestly racial and eugenic policy of “breeding out color” among Aboriginal people—and the more culturally focused assimilation, in this light, constitute a field of power which enfolds cultural

destruction within the biological modeling of the colonized population and direct intervention at the level of the anatomo-physical disposition of colour, blood, and intermarriage. In other words, either is rendered in the terms of biopolitics and its application as biopower. In that light, it may be necessary to further clarify the way that term will be used here.⁹

In the Australian context, as we have seen, such Native Administrators as Neville understood their role in relation to native peoples by reference to an abstract model of the future white population's homogeneity. This homogeneity was always to be determined by the application of pastoral power as a mode for transform the population of the postcolonial settler state. The gathering of information on "proposed marriages," and the perceived colour of those involved, was at the heart of this process. This question of racial "destiny" resounds throughout *Australia's Coloured Minority*. The analysis of Aboriginal birth and death rates led to the recognition of a rising population of aborigines of mixed parentage. The resultant concern over "the half-caste problem" came to occupy every proceeding settler colonial administration. Perceptions of white vitality were implemented through the analytics of color that protectors used to maintain the state of exception under which the population of people of Aboriginal descent found itself differentiated.

This simultaneously gendered and raced analytics of the Aboriginal population is referred not only through analytics of colour, but also through an evaluation of cultural factors: degree of tribalization, morality of gender relations at the frontier. While this biopolitics enfolds the perceived "evolutionary order[ing]" of aborigines, taxonomized through the assertions of anthropologists, its goal is the "futuraity" of the population, the "destiny of the race," and with it, the correlative concern with "welfare," and "security."¹⁰ This structure positions an evaluation of

cultural development such that the overall goal of the *dispositif* is to place “people in evolutionary order, looking at it from the point of view of assimilation—the *future* of all the native people being under consideration.”¹¹

Neville’s administrative aims are reliant on a knowledge power which comes to define concrete application: the relation between missions, state institutions, and government “Authority.” This prescription for the future regulation of generations of Aboriginal people through a plurality of disciplinary mechanisms—forced marriage, adoption, stolen children—applies power by enfolding biopolitical control within this sovereign Authority. For Neville, Authority—which appears capitalized throughout the book—stands for “[t]he power [and] . . . obligation by law to educate, feed, medically attend and otherwise safeguard [Aboriginal] wards [of the Government],” a power which “rests upon Authority.”¹² For Neville, the centralization of “Authority” retains mechanisms of biopower (and its correlative civilizing mission at the level of the Church) while subjecting the entire Aboriginal population to a reorientation consonant with the population’s futurity and subordination to the maintenance of the white racial type. Neither emerging entirely from the level of federal state government—though perhaps from the office of Chief Protector—and only vested in the police, Authority is something that agents of biopower should themselves submit to in applying power to the native bodies and minds to which they minister. Authority appears to be the force that is associated with the government and the sovereign while never wholly reducing to it.

“Authority” is to centrally distribute the epistemology of life, death, birth, race, and sex which will underpin such application. Government is to “look to the practical side,” while “the Church [is to] take care of the spiritual.” “Science” is to enfold either by “help[ing] to train and

advise both of the nature of the people and its culture, towards whose enlightenment all three are working.¹³ Within this “far-sighted plan of operations,” assimilation of the target “half-caste” population is to be realized—as Neville and numerous other writers within the dispositif of this settler biopolitics insist—across “generations.”¹⁴

Within this biopolitics of racial destiny and national normativity, two aspects of “Science” are identified. For Neville, “[t]he Scientist, with his trained mind and keen desire to exert his efforts in the field investigating native culture and in studying the life history of the species, supplies an aid to administration.”¹⁵ The trope of “native culture” covertly encodes certain development assumptions of the contemporary functionalist anthropology—as opposed to the physical anthropology favored at the University of Adelaide—particularly those favored by University of Sydney Chair in Anthropology A. P. Elkin, who writes Neville’s introduction. Elkin and Neville also corresponded over issues of policy. In a single letter, Neville concisely offers information on the form of education of half-castes in “mission and settlement schools,” the highest level Neville “contend[s],” up to which children should be educated, the state of native settlements, and other questions of native administration. What Neville calls “the nature of the people,” rhetorically and syntactically precedes their “culture.” The “nature of the people” refers to the place of Aboriginal people within the “life history of the species.” In this way, the administration of aboriginal people operates as an anthropological machine which refers to the future of the white settler population.

Neville situates this “science” of “the people,” as a knowledge of “the life history of the species.” Every biopolitical agent of “protection” within the new regime is to take on the knowledge of “science” necessary to position each sanction of a marriage, cohabitation, or copulation, as well

as each removal and placement of a child. As such, each agent of biopower was to position each act of discipline and care within a paradigm that aims to determine the future of the homogeneous normativity of white Australia.¹⁶ Relying on Cleland's taxonomy, this mode of pastoral regulation relied on a rhetoric of elevation, uplift, and "raising." For Neville, uplift is elevation into a population within which Aboriginal people are to be absent in every way except as spectral traces within the pool of blood that comprises the future Australian *genus*. Neville cites Cleland's assertion that "the ultimate absorption of these persons into the white community . . . will not necessarily lead in any way to a deterioration of type."¹⁷ On the same page Neville's assertion that, "[a]s I see it, what we have to do is to *elevate* these people to our own plane," appears for the first time (emphasis added). This phrase finds its way into *Benang*, the first citation of Neville's text by Scott in his critique of uplift. The metaphors of "raising," and elevating run through Neville's text and are played on in their various modes by Scott. Neville also refers to this upward metaphor in terms of "lift[ing] out," amidst else (Neville 25). By inserting a parallel metaphor, Scott's creative citation manifests a palimpsest which not only produces the magical realism of his novel, but also, when read adjacent to Neville's text, draws out the metaphoricity that runs through the latter, rhetoricizing a spatial metaphor in order to flesh out a groundless taxonomy. There are numerous variations on the metaphor in Neville's text, including the other question of "raising," on which Scott similarly plays, and such figures as "lift[ing] out."

As a source for Scott, Neville stands to reveal how the discursive operations of such a regime of power manifest the conditions for their own deconstruction. In drawing out such a deconstruction, Scott exceeds the dismissal of racial pseudoscience to underscore the way this biopolitical brand of colonial knowledge, while perverse, is far from random. This perverse

biopolitical power posits and refines an internally consistent regime of population modeling that cannot be dismantled merely by its dismissal as pseudoscientific. For this reason, we should risk along with Scott this gesture of taking the colonial archive of biopolitical power seriously, in order to foment a more rigorous critique.

Benang's Strong Pulse: Kinship and Iterability

I touch the earth only once in my performance—leaving a single footprint in white sand and ash—through me we hear the rhythm of many feet pounding the earth, and *the strong pulse of many hearts beating*

Kim Scott, *Benang*, 1999, 9.

The specter of biopolitics and biopower—of missions, institutions, and racialized population control—haunts the colonial archive as it haunts (post)colonial Australia.¹⁸ Employing this archive as the enabling hinge between a critique of colonial biopolitics and a reconstruction of the kinship lines it has disrupted, *Benang* is the complex tale of a Nyoongar-descended child of the stolen generations, whose white grandfather Ernest Solomon Scat was enmeshed in Neville's "science" of breeding out skin colour. *Benang* repositions the genre of family history in light of its disruption by the regime in which Scat is enmeshed, designed to make of *Benang*'s protagonist Harley, "the first-born-successfully-white-man-in-the-family-line."¹⁹ The traces of

kinship concealed within this textual space concern both Scott the writer— working in the Batty Library—and Harley the character, floating above Scat’s papers.²⁰ Scott notes that he worked in the J. S. Batty Library of West Australian History while researching such colonial archival sources for the novel as the Aborigines and Native Welfare Departments; the motif of Harley while reading through the colonial records of his grandfather recurs throughout the novel.²¹ Here, I refer to one of the earliest instances. As Lisa Slater has argued, the body transformed by this textual presence, continuously risks its own monstrosity.²² Scott’s novel traverses textual and performative convention in order to transcend the legacy of biopolitical determination that assaults Harley’s body through the insistence of text.

“Uplift” and “raising” are central among a panoply of terms drawn from Neville’s text and emplaced within *Benang*. Playing with these tropes, Scott draws out the biopolitics which, we have seen, undergirds colonial liberal governance. This figural uplift sees *Benang*’s protagonist Harley “floating toward the ceiling,” in response to his researches into Scat’s past. Harley’s body is enmeshed in text, the traces not only of a formally colonial European mode of expression, but also of the specific signifiers that have been drawn from the colonial archive, from Neville’s text. He attempts to transform his levitation into a practice that can speak through Nyoongar orality: “hovering in the campfire smoke and sing[ing] as best [he] can.”²³ Through this text, Harley recovers traces of the culture that has been withheld from him through the *dispositif* of absorption-assimilation.

By transmuting terms through repetition, Harley’s singing also allows him to make meaning from the family name he uncovers in Scat’s papers: Benang. He becomes Benang, a meaningful reappropriation of a name that cannot adequately transliterate his Nyoongar grandmother’s true name. Harley/Benang exhorts his reader to “consider the ignorant scribes:

Benang, Pinyan, Winnery, Wonyin.”²⁴ Attending to such repetition and difference, Scott’s novel makes possible Harley/Benang’s rediscovery and (re)appropriation of the name and kinship denied him. The novel ends by returning to this name “Benang,” in order to reaffirm the renewed meaning of this (re)appropriation. In *Noongar*, “benang” is also the word for “tomorrow.” This indexical naming, then, also temporally projects toward a restorative model of the future. This is the case for Harley particularly—and, in the form of his linguistic acts of conjuring—for descendents of stolen Nyoongar people more generally, in so far as they have been cut off from those to whom their descendents had been knowing kin. The novel closes, “offer[ing] these words, especially, to those of you I embarrass, and who turn away from the shame of seeing me . . . [Y]ou hear something like a million million many-sized hearts beating, and the whispering of waves, leaves, grasses . . . We are still here Benang.”²⁵ Here, through a critical and wary repetition, the continued presence of Nyoongar people in general and the Benang family in particular attains presence through Harley’s prose. This repetition is redoubled as a continuous, unfinalizable project. “We are still here Benang,” means that a family name and with it, a whole complex of kinship, has been reclaimed while also simultaneously connoting “we are still here tomorrow.” This unfinalizable closure of the novel’s model of restoration and endurance, Scott elsewhere calls “regeneration, continuity, and going back to go forward.”²⁶ Through Harley’s imagined autobiography, this operation serves as a model for the futurity of such a speech act outside the bounds of the fictive diagesis of the novel. By repeating Harley’s attainment in advance, Scott’s story models a possible future Aboriginal life writing against the archive of colonial biopolitics—one that acts in the world by recourse to the tension between fictionalized and productive destabilizations of the genealogies of already “ignorant scribes.”

Rather than purporting to rediscover an essential Nyoongar identity, Scott describes Harley's working through the tension between the act of singing while floating and physical presence in proximity to the earth; a dialectic facilitated through the painful engagement with the textual archive that has left him separated from his family's kinship. Harley's floating singing refuses a simplistic return to the precolonial essentialism offered through the colonial archive. Instead, this *poiesis* thematizes the confusion that surrounds the recovery of kinship through such an archive, and the sublation of text and song, body and cultural expression. The locus of corporeal transformation at the "heart" can be read as Scott's subtle retooling of Neville's rejection of this metaphoric body part's "overrul[ing] the head." The heart becomes a locus of rediscovery for the wounded body of the stolen Aboriginal child, evading its overdetermination in terms of whiteness and descent within the colonial genealogies of the absorption-assimilation dispositif. *Benang*, then, attempts to deanchor kinship and the body from their position within and positioning by the colonial archive. In doing so, it valorizes the "heart" beyond a biological stratum, or something "overrule[d]" by the "head" of this *wadjelocentrism*. To do so, the novel must work back through the text of the dispositif that produced the colonial trauma of the stolen generations.

The novel's first mention of kinship comes in the context of the disposal of the body of a deceased Aboriginal boy named for Premier John Forrest—discarded because of the threat it apparently poses to the security of the settler population's health. In a rhetoric that ironically mimes an administrative report, the reader is informed, "Kylie Bay's Board of Health had written to the Aborigines Department asking for funds for the disposal of the body of said child which, having been deposited within the town area by *blacks*, posed a hazard to the town's health.²⁷" This fear will be repeated and magnified later in the voice of Mark, a son of the villainous

pastoralist families—the Mustles and the Dones. Mark’s “dad talked of a *White Australia*, about the dangers of contamination and infection.”²⁸ Immediately after the Board of Health incident, Harley’s voice wells up, “I feel a certain kinship with the boy . . . when I began this project, I too breathed in the scent of something discarded, something cast away and let *drift* and now only washed up.”²⁹ It is as if the book’s project returns to pursue its “feel[ing]” of “kinship,” through entering the space of the archive of “discarded” textual traces; one part and parcel of the regime of biopolitical control that linked the local “Board of Health,” to the “Aborigines Department” in the past. Just so, in the present the archives of each remain discursively connected in the traces of date and contemporaneity that also allow the narrator to reconstruct narrative and even kinship.

Yet the discarded fragments of text in the colonial archive also refer to Aboriginal bodies. The archive fragments bodies through language, fixing and reordering them. Such bodies were seized as wards and placed in institutions, assaulted by the police (as is *Benang*’s Harry Cuddles soon after receiving his exemption papers),³⁰ prevented from marrying or retaining children (as happens throughout *Benang*), or exhorted to marry as soon as they were adequately “trained for absorption.” If then, Harley “breath[s] in the scent” of the discarded fragments of the past, it is as part of a project which accounts for text while aiming to recover the meaningful subject position of that which has been left a-drift.

Like the trope of uplift, “drift” is sourced from Neville’s text, in which it smooths over the slippage between heredity and environment—a central *aporia* in the *wadjelocentrism* of Neville’s biopolitics. For Neville, “[h]eredity produces physical results, many of which are subject to correction by modern medical science, while the influence of environment can perform miracles. Take the native child in infancy and it will grow up as you choose to train it, its

antecedents influencing its life not at all, being completely forgotten.”³¹ In this way, the ontogeny of the native child—particularly the partially “uplifted” half-caste—is to be understood as capable of “performing,” the “mirac[ulous]” capacity to acquire civilization. Heredity completes the task of whitening the native child, rendering this child an amnesiac with regard to his or her “antecedents”—enacting a violent disruption of kinship by recourse to a colonial system of descent and genealogy.

Neville’s fear is that natives might “revert” for, “should its training stop short of adolescence, some adverse human influence may cause a cultural reversion to type of an undesirable character.”³² By conditioning the “environment” of stolen native children, the operations of the administration at the level of biopower are to perfect the ontogeny of the “living stone age” Caucasian. It is at the moment in the controlled development of the child to adulthood that Neville’s worries figure as a metaphor of drift and reversion: “some,” he fears, “will drift back to native camps.”³³ Without rigorous regulation to prevent “reversion,” then “[t]he youngster is apt to find himself as in an oarless boat adrift on a wide sea.”³⁴ In *Benang*, this line is repeated through Scat’s voice at the moment when Harley notes he has freed himself “from the timetable set for [him]” by Neville’s biopolitics; effected through his Grandfather’s applied “training for absorption.”³⁵ In the inscription of the regime, drift stands for the failure of biopower’s rigorously attempted distinction between heredity and environment.

These drifting and floating metaphors overlap in *Benang*. Thinking of “Nyoongar language [and] Culture,” Harley muses upon “all the things I did not have. Unsettled, not belonging—the first white man born,” whereupon he floats toward the ceiling: “I let myself

drift.”³⁶ Harley floats “as far as the joists” worried by the textuality of his floating, which risks rendering him “a solitary full stop.”³⁷ Drift and uplift compound one another, threatening to make a self-fulfilling prophecy of Neville’s dubious prognostications for the settler nation’s biological future. The rhythm of repetition surges up in the novel to sublimate the dimension of cultural loss that threatens such stolen children as Harley through the dialectic of drift and uplift.

This sublation must move the assemblage of wadjelocentric binaries—drift/uplift, earth/uplift, Nyoongar orality/archival text—through various rhythmic repetitions in order to finally attain the closing motif of “repeat, return, remain.” Promising restored kinship, this motif must banish the spectral whiteness that haunts the Nyoongar people of mixed parentage. Even as Harley watches the horizon while indulging in one of his flights, tethered “like a balloon,” he notes that while

I preferred to be let drift, and it came so naturally to me . . . The sea, like the fire, formed and reformed out of the island—even at night—there was that blossoming; white, gone, white, gone white gone. Like what? Like ectoplasm, like breathing.

Here.

Here.

Here.³⁸

This notation of the whiteness of the sea insistently returns to haunt Harley. The ectoplasmic whiteness in the archive of the White Australia Policy's eugenic regime insistently affects the lives of generations. The return of "white," from its regular recession into the waves ("gone") makes Nyoongar identity merely the absent dialectical other of whiteness: "white, gone, white, gone." Yet Harley's use of repetition deconstructs this rhythm, rendering it a rearticulation of the full stop that has hitherto threatened Harley's textual body, "gone white gone." The colonial dialectic of complexion is fragmented. In emplacing such fragmentation, Scott produces an indigenous belonging that is not fixed within a colonialist reiteration of the Hegelian dialectic of master and slave but rather proffers a multiple and productive futurity. What follows is Nyoongar presence and its necessary repetition in the rhythmic tripled "Here." As Scott's prose continues to expound such repetitions throughout the novel, this textual weave leads to the rhythm of song, and to the "repeat, return, remain" that affirms to Nyoongar people that they too remain as a presence: "We are still here. Benang." By repeating from the very archive whose traces foreground the absencing of Aboriginality, Scott reconstructs kinship from within such floating biopolitical signifiers as "drift" and "uplift."

Coda: Need I Repeat?

Towards the end of 2004, I recall driving along the peninsula in Maylands, Perth's local radio station RTR FM crackling on the stereo. The program was a segment on etymology in which a prominent local linguist—an expert in Aboriginal languages—would discuss a different word each week, which that week was Sorry—to coincide with the Reconciliation Council's annual "Sorry Day." The linguist sharply expressed the way that sorrow, in English, could be

endowed with the sense of a shared mourning that need not reduce to a calculation of blame; an accusatory simplification that many deriders of “Sorry Day” had leveled (Jones 171-2). Yet even this left leaning intellectual said he felt that, since John Howard’s refusal to apologize to the victims of the stolen generation, the necessity of this symbolic gesture had given way to more material imperatives. I raise this, anecdotally in order to return to and repeat debates over reconciliation from the recent past. Scott’s question of the necessity of “repeat[ing]” such traumas is, I think, pertinent to a general structure of presence and absence that must inform any self-ascribed postcoloniality in a nation that has never ceased to be, in some sense, a settler colony.

The question with which I began, “need I repeat?” is followed on a separate line by an immediate “no”—at once questioning and underscoring the centrality of repetition in Scott’s literary project. Scott *should not have to repeat* the policies of the past. Yet Harley nonetheless *does* repeat the “radical progressive thoughts of the time.” One can read this tension between the presences and absences of repetition through a theoretical concern with the productive function of language which Jacques Derrida calls iterability. For Derrida “a performative statement succeed[s]” only through “a repeated ‘coded’ or iterable statement” (“Signature, Event, Context,” 326). In Derridean terms, the first significations to metaphorize Aboriginality in the colonial archive of “progressive thoughts” at once limit and delimit the conditions for their possible reconfiguration. Repeated iterations might remark a formal dimension of their initial inscription—say, of the status of Aboriginal subjects in Neville’s text. Such repetitions might precisely repeat the initial limits and blindnesses of that which they repeat—even as such limits also return in today’s government policies. The performative repetition of absences occulted by colonial discourse is both a crucial gesture of resistance and, ironically, the condition of

remembrance per se. Such an insistence on repetition—on postcolonial iterability—makes clear that Australia’s claim to postcolonial status is reliant upon a never ending need to memorialize past trauma.

The lesson of Derridean iterability is that Howard’s refusal to mourn conjures the refusal of white memorialization that can only now be repeated—even in the apology of 2008 when opposition leader Brendan Nelson continued to insist on the “good intentions” of the agents of assimilation. The initial refusal of apology itself repeats colonial trauma—in the mode of a denial. If one follows the logic of the academic in my story, the symbolic repetition of past trauma is less significant than the continued need to address the care and welfare of Aboriginal people—a biopolitical imperative on the part of the national agenda that is being repeated in the Northern Territory Intervention, many of the aspects of which remain in the Gillard Government’s policies. This materialism, directed toward Aboriginal bodies, reproduces a structure of *anomie* (the suspension of native title by compulsory acquisition and its substitution by government leases) and biopower (medicalizing the body) that very much looks like a repetition of earlier settler colonial biopolitics. Separating out the material needs from the colonized from the memory of past injustice is impossible. As Mick Dodson recently stated that, “I can’t think of anything symbolic that’s not also concrete” (Browning). The ethos of repetition in Scott’s novel could, then, be seen as a critique of the refusal—until recently—to mourn the past of colonial biopolitics in the most frank, honest, and confronting manner possible.

Any transcendent refusal of mourning must be utterly rethought for postcolonial spaces where the body of the colonized continues to be subjected as bare life. Repeating the symbolic, repeating the traumatic, and reestablishing such structures of recovered kinship and belonging is

an absolute necessity when colonial biopolitics appears poised to return as the dominant repetition to disrupt the lives of those who remain—at some level—irreparably colonized.

ENDNOTES

INTRODUCTION

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4. "Bank of New South Wales: Circular," IV, 1 (1936):1-9. WASRO 993 304/28.
5. Foucault, *Society Must Be Defended: Lectures at the College De France 1975-6*. Trans David Macey. New York: Picador, 2003, 242.
6. Foucault, *Society Must Be Defended*, 242.
7. Foucault, *Society Must Be Defended*, 243.
8. Foucault, *Society Must Be Defended*, 245.
9. Foucault, *Society Must Be Defended*, 243.
10. Foucault, *Society Must Be Defended*, 253.
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12. Foucault, *Society Must Be Defended*, 241.
13. Foucault, *Society Must Be Defended*, 247.
14. Duncan Ivison, *Postcolonial Liberalism* (Cambridge: Cambridge University press, 2002). 15-16.
15. Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995).
16. Foucault, *Society Must Be Defended*, 257.
17. Foucault, *Society Must be Defended*, 257.
18. *Race and the Education of Desire* 55.
19. *Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities*. Canberra: Government Printer, 1937, 10-1.
20. Foucault, *Security, Territory, Population: Lectures at the College De France 1977-8*. Trans Graham Burchell New York: Picador, 2007.
21. Foucault, *Birth of Biopolitics: Lectures at the College De France 1978-9*. Trans Graham Burchell New York: Picador, 2010, 21.
22. Foucault, *Birth of Biopolitics*, 22.
23. Foucault, *Society Must Be Defended*, 255.
24. Esposito, Roberto, "Totalitarianism or Biopolitics ? Concerning a Philosophical Interpretation of the Twentieth Century," *Critical Inquiry* 34, no. 4 (2008): 633-44. 642.
25. Esposito, "Totalitarianism or Biopolitics?" 641.
26. David Scott has emphasized the way the postcolonial critique of exclusion needs also to take account of the political rationalities of modern power, which, he argues, frequently turn on the government of the body

- and its reduction to value and utility. Scott, David, "Colonial Governmentality," *Social Text* 43 (1995): 191-220.
27. Povinelli, *The Cunning of Recognition*, 8.
 28. Healy, Chris, *Forgetting Aborigines* (Sydney: University of New South Wales Press, 2008).6.
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 31. Hodge, Bob and Mishra, Vijay, *Dark Side of the Dream* (Sydney: Allen and Unwin, 1990). 35-7.
 32. W. E. H. Stanner, "Continuity and Change Among the Australian Aborigines," in *The Dreaming and Other Essays*. Collingwood: Black Ink, 2010, 146-171.
 33. Povinelli, *Cunning of Recognition*, 109.
 34. By using the word "complexity," I mean to implicitly evoke Niklas Luhmann's notion that in modern liberal society, function systems (such as the legal system) develop the capacity to account for complex systems by reducing their own internal complexity. I do not mean to suggest that the legal system accurately observes Aboriginal society without significant blindness, rather, I mean to suggest that it has developed a means of conceiving Aboriginal kinship and country relations in the post-Mabo era where prior, traditional Aboriginal culture was far less legally comprehensible to the system itself, difficult, clamoring on Western ears with nought but primitive noise. Niklas Luhmann, "System and Function," in *Social Systems* (Stanford CA: Stanford University Press, 1995), 12-58.
 35. Gilles Deleuze and Felix Guattari, "7000 B. C.: Apparatus of Capture." In *A Thousand Plateaus: Capitalism and Schizophrenia*. Trans. Brian Massumi. Minneapolis: U. of Minnesota Press, 1987, 424-73.
 36. Jacques Derrida and Bernard Stiegler, *Echographies of Television*, Trans. Jennifer Bajorek. Cambridge: Polity, 2002, 9.
 37. Derrida and Stiegler, *Echographies of Television*, 3.
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3. Michael Griffiths, "'Need I Repeat?': Settler Colonial Biopolitics and Postcolonial Iterability," in *Postcolonial Issues in Australian Literature*. Ed. Nathanael O'Reilly. (Amherst NY: Cambria, 2010).
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5. Edward Said, *Culture and Imperialism* (New York: Vintage, 1994), 80-81, 162-7.
6. Ivison, *Postcolonial Liberalism*, 16.
7. Ivison, *Postcolonial Liberalism*, 30.
8. Homi K. Bhabha, "Culture's In-Between" in *Questions of Cultural Identity, Identity* (London: Sage, 1996). 56.
9. Bhabha, "Culture's In-Between," 57.
10. Taylor, cited in Bhabha, "Culture's In-Between," 57. Bhabha's emphasis.
11. Johannes Fabian, *Time and the Other: How Anthropology Makes its Object, Time* (New York: Columbia University Press, 1983).
12. Ivison, *Political Liberalism*, 39.
13. Povinelli, Elizabeth A., *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality* (Durham NC: Duke University Press, 2006).

14. Derrida, Jacques, *Spectres of Marx: The State of Debt, the Work of Mourning, and the New International* (London: Routledge, 1994). 57.
15. Esposito, "Totalitarianism or Biopolitics?" 643.
16. While Fraser is critical of a confusion she finds in previous feminisms between the private sphere of the domestic and the private sphere of the economic given in mainstream liberal political thought, nonetheless, Fraser's ethos insists on both the recognition of the marginalization as well as the contribution of alternative publics. For Fraser, civil society is constituted through multiple publics, principally the bourgeois space of opinion enunciation and unenforceable deliberation (which she calls *weak publics*) and the sovereign parliamentary space within which both debate and enforceable decision making takes place (which she calls strong publics). Fraser also accounts for the sphere of alternative publics within which the excluded voices of working class groups, people of colour, women, LGBT peoples, and other cultures traditionally excluded work out positions which can then transform debates in either weak or strong publics. Nancy Fraser, "Rethinking the Public Sphere : A Contribution to the Critique of Actually Existing Democracy," *Social Text* 26, no. 25 (2012): 56-80. 75.
17. Povinelli, Elizabeth A., *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham, NC: Duke University Press, 2002). 6.
18. Povinelli, *The Cunning of Recognition*, 5-17.
19. Povinelli, *The Cunning of Recognition*, 9.
20. William Connolly, for instance, has suggest that even the presumption that secularism represents a neutral frame denies the constraining genealogy of modern western secularism as a framework whose norms entail a genealogy and whose assumed position presupposes an affectively charged world view. William E. Connolly, *Why I Am Not a Secularist*. (Minneapolis: University of Minnesota Press, 1999), 25-9.
21. Povinelli, *The Cunning of Recognition*, 9.
22. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 1.
23. Tim Campbell, *Improper Life: Technology and Biopolitics from Heidegger to Agamben*. (Minneapolis: University of Minnesota Press, 2011).
24. Foucault, *Society Must Be Defended*, 240.
25. Agamben, *Homo Sacer*. 75.
26. Agamben, *Homo Sacer* 71.
27. Agamben, *Homo Sacer* 73.
28. Agamben, *Homo Sacer* 136-143.
29. Agamben, *Homo Sacer* 9.
30. Mbembe, Achille., "Necropolitics," *Public Culture* 15, 1 (2003): 11-40. 14-5.
31. Mbembe, "Necropolitics," 22-3.
32. Mbembe, "Necropolitics," 21. Original Emphasis.
33. Chatterjee, Partha, "Beyond the Nation? Or Within?," *Social Text* 16, no. 13 (1998): 57-69. 58.
34. OED, 3rd Ed., combining form. *necro-*
35. OED, 3rd Ed., n. *euthanasia*.
36. Povinelli, Elizabeth A., *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham NC: Duke University Press, 2011). 22.
37. Agamben, *Homo Sacer*, 15-29. Agamben, Giorgio, *State of Exception*, Trans. Kevin Attell (Chicago: University of Chicago Press, 2005).
38. Schmitt, Carl, *Political Theology Four Chapters on the Concept of Sovereignty*, *Political Theology* (Cambridge MA: MIT Press, 1985). 5.
39. Schmitt, *Political Theology* 7.
40. On Schmitt's critique of positivism in law, see particularly *Political Theology* 16-35.
41. Schmitt, *Political Theology* 12-13.
42. Agamben, *Homo Sacer* 27.
43. Campbell, *Improper Life*.
44. Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press, 2003). 42-29.
45. Schmitt, *Nomos of the Earth* 46.
46. Schmitt, *Nomos of the Earth* 108-33.

47. Schmitt, *Nomos of the Earth* 70.
48. Agamben, *Homo Sacer* 19.
49. Agamben, *Homo Sacer* 19.
50. Agamben, *Homo Sacer* 37.
51. Schmitt, *Nomos of the Earth* 80-1.
52. John Locke, *Two Treatises of Government*. (Cambridge: Cambridge University Press, 2008).
53. Esposito, Roberto, *Bios: Biopolitics and Philosophy* (Minneapolis: University of Minnesota Press, 2006).65-6.
54. Esposito, *Bios* 65.
55. Locke, *Two Treatises of Government* 287.
56. Locke, *Two Treatises of Government* 294.
57. Morgan Brigg, "Biopolitics meets Terrapolitics: Political Ontologies and Governance in Settler-Colonial Australia," *Australian Journal of Political Science* 42, no. 3 (2007): 403-417, 410.
58. Brigg, "Biopolitics meets Terrapolitics," 415.
59. Milirrpum v Nabalco (1971) 17 FLR 141-293, 143.
60. Milirrpum v Nabalco (1971) 17 FLR 141-293, 272.
61. Milirrpum v Nabalco (1971) 17 FLR 141-293, 272.
62. Milirrpum v Nabalco (1971) 17 FLR 141-293, 272.
63. Mabo v Queensland (No 2) [1992] HCA 3; 175 CLR 1 (3 June 1992) [51].

BREAKS AND TRANSMISSIONS

1. Allison Bashford, *Imperial Hygiene: A Critical History of Colonialism, Nationalism, and Public Health*. New York: Palgrave, 2004, 166.
2. Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. New York: Cassell, 1999, 2.
3. Patrick Wolfe, "Structure and Event: Settler Colonialism, Tim, and the Question of Genocide," in *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History*. New York: Bergahn, 2008, 102.
4. A. Dirk Moses "Genocide and Settler Society in Australian History," in *Genocide and Settler Society*. Ed. A. Dirk Moses. New York: Bergahn Books, 2004, 3-48.
5. For this reason, Allison Palmer usefully distinguishes between 'society-led' and 'state-led' genocides. Cited in Wolfe, "Structure and Event," 110.
6. A. P. Elkin, "Aboriginal-European Relations in Western Australia: An Historical and Personal Record," in Ed. R. M. and C. H. Berndt. *Aborigines of the West: Their Past and their Present*. Crawley: U of Western Australia P, 299.
7. Ibid.
8. Spencer quoted in Russell McGregor, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory*. Carlton: Melbourne UP, 1997, 61.
9. Walter Baldwin Spencer, *Preliminary Report on the Aborigines of the Northern Territory*. Melbourne: Government Printer, 1913, 21. NLA.
10. Russell McGregor has articulated the way both that the notion of a doomed race theory remained persistent even as it was gradually being displaced in relation to evidence of a rising "half-caste" population and attitudes toward to potential preservation of "full blood" natives through reserve land. Finally, assimilation of all Aboriginal people intervenes as the most influential mid century policy. McGregor, *Imagined Destinies*.
11. Gordon Briscoe, *Counting, Health, and Identity: A History of Aboriginal Health and Demography in Western Australia and Queensland 1900-1940*. Canberra: Aboriginal Studies Press, 2003, 7.
12. *Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities*. Canberra: Government Printer, 1937, 10. AIATSIS
13. Norman B. Tindale, "Survey of the Half-Caste Problem in South Australia: Results of the Harvard-Adelaide Universities Anthropological Expedition 1938-1939." In *Proceedings of the Royal Geographical Society, South Australian Branch, Session 1940-41*. 67.
14. Tindale, "Survey of the Half-Caste Problem," 101.

15. *Aboriginal Welfare*, 1937, 11.
16. *Aboriginal Welfare*, 1937, 11.
17. Cite source
18. *Aboriginal Welfare: Conference of Commonwealth and State Ministers, Darwin 1963*. Canberra: Government Printer, 1963, 3. AIATSIS
19. *Aboriginal Welfare* 1963, 3.
20. *Aboriginal Welfare* 1963, 3.
21. "Summary of the Missions Administration Conferences, Held at Darwin from 7th to 11th December 1953." National Archives of Australia (NAA). A452 1953/138.
22. Hasluck to Layden. 2nd December 1953. NAA. A452 1953/138. This statement was read by the Acting Administrator of the Northern Territory R. S. Layden, in Hasluck's absence.
23. R. K. McCaffrey, "The Government Policy of Assimilation," NAA. A452 1953/138.
24. McGregor, *Imagined Destinies*. 100-141.
25. Paul Hasluck *Native Welfare Conference: Opening Statement by the Minister for Territories*. July 11, 1963, 3.
26. Neville, *Australia's Colored Minority*, 74.
27. Bates held to this view until her death. See for instance her *The Passing of the Aborigines: A Lifetime Spent Among the Natives of Australia*. London: John Murray, 1944; Haebich, *Broken Circles* 141-2.
28. Quoted in McGregor, *Imagined Destinies*, 55.
29. Ibid.
30. Tindale, *Survey* 79.
31. Tindale, *Survey* 80.
32. Tindale *Survey* 80.
33. Tindale, "Survey of the Half-Caste Problem, 67
34. While it was overwhelmingly the carnal interactions of white men and Aboriginal women that led to the emergence of this new population, Katherine Ellinghaus has drawn out a number of instances of interactions between white women and indigenous men in her *Taking Assimilation to Heart: Marriages of White Women and Indigenous Men in the United States and Australia 1887-1937*. Lincoln: U. of Nebraska Press, 2006.
35. Warwick Anderson, *The Cultivation of Whiteness: Science, Health, and Racial Destiny in Australia*. New York: Basic Books, 2003; Extensive studies of the cultural logics of degeneration and atavism have been undertaken in, for instance, Gilman, Sander L, *Difference and Pathology: Stereotypes of Sexuality, Race, and Madness* (Ithaca: Cornell University Press, 1985).; Chamberlain, Edward J, *Degeneration: The Dark Side of Progress* (New York: Columbia University Press, 1985).; Seitler, Dana, *Atavistic Tendencies: The Culture of Science in American Modernity* (Minneapolis: University of Minnesota Press, 2008).
36. Warwick Anderson, *The Cultivation of Whiteness*, 225-52.
37. Anderson, *The Cultivation of Whiteness*, 227.
38. Anderson, *The Cultivation of Whiteness*, 191-252.
39. Ronald and Catherine Berndt. *The World of the First Australians*.
40. *Aborigines Act 1905*, Western Australian Parliament 23 December 1905. Accessed online at http://asset0.aiatsis.gov.au/webclient/StreamGate?folder_id=0&dvs=1298453133061~538
41. Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1940*. Crawley: Univ. of Western Australia Press, 1992, 153-187.
42. *Aborigines Protection and the Restriction of the Sale of Opium Act*, Queensland Parliament 1897. Accessed Online at http://asset0.aiatsis.gov.au/webclient/StreamGate?folder_id=0&dvs=1298453133061~538.
43. *Aborigines Protection Act 1886*, Parliament of Victoria. Accessed Online at http://museumvictoria.com.au/encounters/coranderrk/legislation/index_imagea.htm; Ellinghaus, *Taking Assimilation to Heart*, 199.
44. *Aborigines Act 1911*, Parliament of South Australia No. 1048. Adelaide: Government Printer, 1911. Accessed at http://www1.aiatsis.gov.au/exhibitions/removeprotect/leg/sa_leg.html; *1923 Aborigines (Training of Children) Act*. Parliament of South Australia No. 1565. Adelaide: Government Printer, 1923. As I discuss at greater length in chapter 4, South Australia is the first state to follow Recommendation 3.1 of the 1997 *Bringing Them Home* Report, which called for monetary compensation. Mr Bruce Trevor

was successful in his attempt to show that he was unlawfully and forcefully removed from his mother in 1957.

45. *Trevorrow v State of South Australia* (No 5) [2007] SASC 285.
46. Cameron Raynes, *The Last Protector: The Illegal Removal of Aboriginal Children From their Parents in South Australia*. Kent Town: Wakefield Press, 2009.
47. *Report of the Select Committee of the Legislative Council Upon "The Aborigines."* Adelaide: Government Printer, 1860, 5.
48. Walter Baldwin Spencer, *Preliminary Report on the Aborigines of the Northern Territory*. 21.
49. *An Ordinance Relating to Aborigines*. Northern Territory No. 16 of 1911. Canberra: Government Printer, 1911.
50. Haebich, *For Their Own Good*, 79.
51. Haebich, *For Their Own Good*, 128-152.
52. By invoking the concept of signature here, I mean to reference Jacques Derrida's notion that certain instances of crimes against humanity can bear not only individual signatures but the "signatures of state organizations." See Derrida, *Of Cosmopolitanism and Forgiveness*. Trans. Mark Dooley and Michael Hughes. London: Routledge, 2001, 5.
53. Agamben, *State of Exception*.
54. Stoler, *Carnal Knowledge and Imperial Power*, Berkeley: U of California P, 2002, 43.
55. Foucault, *Abnormal*, 55.
56. Neville, "Circular to principle Protector in each District," 24 June 1937. WASRO 993 0238/37.
57. "Half-Caste Alex Forrest Marry 'Kitty' of Girls Home," WASRO 652 396/19.
58. Carrolup Native Settlement closed late in 1918, but was reopened in 1928. After 1928, then, children were also removed to this site.
59. "Police Department Report" WASRO 652 677/16.
60. "Missions: General File Dealing with Applications for Admission of Half-Caste Children," WASRO 652 1371/15.
61. "Asking if it is lawful for a H.C. girl aged 15 years to marry the son of a white woman and a coloured American man," WASRO 652 1122/15
62. Author Unknown "To the Chief Protector, Sir," 9th August 1915. WASRO 652 1122/15. Emphasis in Original.
63. A. O. Neville, "Dear Sir," 27th August 1915. WASRO 652 1122/15.
64. A. O. Neville, "To The D. C. N. A." 11 June 1937. WASRO 993 0238/37.
65. F. I. Bray, "The Commissioner," 17 June 1937 WASRO 993 0238/37.
66. F. I. Bray, "The Commissioner," 17 June 1937 WASRO 993 0238/37.
67. F. I. Bray, "The Commissioner," 17 June 1937 WASRO 993 0238/37.
68. Neville, *Australia's Coloure Minority*, 59.
69. Neville, *Australia's Coloure Minority*, 60
70. Neville, *Australia's Coloure Minority*, 61.
71. Neville, *Australia's Coloure Minority*, 93.
72. Neville, *Australia's Coloure Minority*, 94.
73. Neville, *Australia's Coloure Minority*, 94.
74. Neville, *Australia's Coloure Minority*, 61-2.
75. Neville, "Circular to principle Protector in each District," 24 June 1937. WASRO 993 0238/37.
76. J Nicholson, "The Commissioner of Native Affairs," 5 July 1937 WASRO 993 0238/37.
77. H Mounter, "Chief Commissioner Native Affairs," 27 September 1937. WASRO 993 0238/37.
78. H Mounter, "Chief Commissioner Native Affairs," 27 September 1937. WASRO 993 0238/37.
79. H Mounter, "Chief Commissioner Native Affairs," 27 September 1937. WASRO 993 0238/37.
80. H Mounter, "Chief Commissioner Native Affairs," 27 September 1937. WASRO 993 0238/37.
81. W. G. Comanshall, "Commissioner of Native Affairs," WASRO 993 0238/37.
82. J. Hopping. "Mr A. O. Neville," 6 July 1937. WASRO 993 0238/37.
83. J. Part. "Comm. Of Native Affairs," 18 August 1937. WASRO 993 0238/37.
84. J. Part. "Comm. Of Native Affairs," 18 August 1937. WASRO 993 0238/37.
85. WASRO 993 0238/37.
86. H. Quartermaine. "Commissioner of Native Affairs," 23 August 1937. WASRO 993 0238/37.
87. M Molloy. "The Commissioner of Native Affairs," 25 August 1937. WASRO 993 0238/37.

88. M Molloy. "The Commissioner of Native Affairs," 25 August 1937. WASRO 993 0238/37.
89. M Molloy. "The Commissioner of Native Affairs," 25 August 1937. WASRO 993 0238/37.
90. M Molloy. "The Commissioner of Native Affairs," 25 August 1937. WASRO 993 0238/37.
91. M Molloy. "The Commissioner of Native Affairs," 25 August 1937. WASRO 993 0238/37.
92. A. A. Kapua, "Re: Circular 159," 6 July 1937. WASRO 993 0238/37.
93. J. R. Pritchards, "Commr. Of Native Affairs," 23 August 1937. WASRO 993 0238/37.
94. Bray, "The Commissioner," 17 June 1937 WASRO 993 0238/37.
95. Foucault, *Power/Knowledge*, 194-6.
96. McGregor, *Imagined Destinies*, 161-173.
97. J. W. Bleakley, *The Half-Caste Aborigines of North and Central Australia: Suggestions Towards Solving the Problem*. Pamphlet distributed by the Association for the Protection of Native Races, c. 1930, 11.
98. Ibid.
99. Tindale, *Survey of the Half-Caste Problem*, 117.
100. Neville, *Australia's Colored Minority*, 28-9.
101. Neville, *Australia's Colored Minority*, 29.
102. Neville, *Australia's Colored Minority*, 29.
103. *Aboriginal Welfare*, 1937, 11.
104. Neville, *Australia's Colored Minority*, 141.
105. Anderson, *The Cultivation of Whiteness*, 227.
106. *Aboriginal Welfare*, 1937, 3.
107. I take this phrase from the subtitle to Neville's 1947 book which aimed to promote assimilation in Australia by reference to many of the categories that had emerged at the conference.
108. *Aboriginal Welfare*, 1937, 21.
109. *Aboriginal Welfare*, 1937, 14.
110. *Aboriginal Welfare*, 1937, 14.
111. By speech act, I mean to refer to the performative function of words in J. L. Austin's pragmatics.
112. *Aboriginal Welfare*, 1937, 21.
113. *Aboriginal Welfare*, 1937, 3.
114. *Aboriginal Welfare*, 1937, 3.
115. *Aboriginal Welfare*, 1937, 3.
116. *Aboriginal Welfare*, 1937, 3.
117. *Annual Report of the Commissioner for Native Affairs for the Year Ending June 30 1938*. Perth: Government Printer, 1939, 15.
118. Haebich, Anna, *Broken Circles: Fragmenting Indigenous Families 1800-2000* (Fremantle: Fremantle Press, 2000).
119. Haebich, *Broken Circles*. 420.
120. Haebich, *Broken Circles*. 421.
121. MacGregor, "Governance Not Genocide," in *Genocide and Settler Society*. Ed. Moses. 290-311, 290.
122. *Aboriginal Welfare: Conference of Commonwealth and State Ministers, Darwin 1963*. Canberra: Government Printer, 1963, 3.
123. By misrecognition, I mean to invoke Jacques Lacan's notion that it is precisely the recognition or negation of a psychic phenomenon that assures its unconscious existence. That the operation of assimilation must be assured as "not based on race" is greater evidence of the continuance of the notion of race in its very operation. Lacan, "The Freudian Thing, or the Meaning of the Return to Freud in Psychoanalysis," in *Ecrits: A Selection*. Trans. Bruce Fink. London: Norton, 2002, 107-37.
124. *An Ordinance to Amend the Aborigines Ordinance 1918-1947*. Canberra, Government Printer, 1953, 2. AIATSIS.
125. Missions Administration Conference. Resolutions. NAA. A452 1953/138. See Resolutions 11 and 12 particularly.
126. McCaffrey, "The Government Policy of Assimilation," NAA. A452 1953/138.
127. McCaffrey, "The Government Policy of Assimilation," NAA. A452 1953/138.
128. McCaffrey, "The Government Policy of Assimilation," NAA. A452 1953/138.

129. A. F. Ellemore, "Some effects of the Policy of Assimilation on Full-Blood Aborigines," NAA. A452 1953/138.
130. A. F. Ellemore, "Some effects of the Policy of Assimilation on Full-Blood Aborigines," NAA. A452 1953/138.
131. A. F. Ellemore, "Some effects of the Policy of Assimilation on Full-Blood Aborigines," NAA. A452 1953/138.
132. *Aboriginal Welfare* 1963, 3.
133. *Aboriginal Welfare* 1963, 6.
134. *Aboriginal Welfare: Conference of Commonwealth and State Ministers, Darwin 1963*. Canberra: Government Printer, 1963, 3.
135. Haebich, *Spinning the Dream*. 152-4
136. *Progress Toward Assimilation: Aboriginal Welfare in the Northern Territory*. Canberra. Government Printer, 1958, 33.
137. *Progress Toward Assimilation*, 33.
138. In the first volume of the *History of Sexuality*, Foucault writes of an "analytics of sexuality" and a "symbolics of blood." Foucault, *History of Sexuality: Volume 1. An Introduction*. London: Vintage, 1990, 148; As Homi Bhabha has noted, the racial logic of blood has its own "analytics." Homi Bhabha, *The Location of Culture*. London: Routledge, 1994, 108.
139. *The Aborigines and You*. Canberra: Government Printer, 1963.
140. In my use of the term "melancholia," I have in mind Renato Rosaldo's notion of "Imperialist nostalgia," which he describes as a melancholic desire for the culture of the other that the colonist has nonetheless destroyed or is in the process of destroying. Rosaldo, *Culture and Truth: The Remaking of Social Analysis*. New York: Beacon Press, 1993, 68-90.
141. *Aboriginal Welfare* 1937, 3.
142. *Archeology of Knowledge* 25.
143. *Archeology* 5.

STATE SIGNATURES

1. ¹ "Brendan Nelson's Response to Apology," in *The Australian*. February 13, 2008.
2. *Nulyarimma v Thompson* [1999] FCA 1192, 7.
3. Three major compensation cases have been fought to date by indigenous men and women aiming to acquire reparations and, in doing so, to establish precedent by which others might do the same. Only the most recent has met with success. *Kruger & Ors v Commonwealth of Australia* M21/1995 [1995] HCA Trans 204; *Cubillo v Commonwealth of Australia* (includes summary) [2001] FCA 1213; *Treverrow v South Australia* (No 5) [2007] SASC 285.
4. Mbembé, J.-A., 1957- Meintjes, Libby., "Necropolitics," *Access* 15, no. 1 (2003): 11-40.
5. "Esposito, Roberto, *Bios: Biopolitics and Philosophy* (Minneapolis: University of Minnesota Press, 2006). 11, 138-145.
6. Esposito, Roberto, *Bios: Biopolitics and Philosophy* (Minneapolis: University of Minnesota Press, 2006). 137.
7. McGregor, "Governance not Genocide," 293.
8. McGregor, "Governance not Genocide," 294.
9. McGregor, "Governance not Genocide," 294-5.
10. Wolfe, "Structure and Event," 119.
11. McGregor, "Governance not Genocide," 291.; On the perils of periodization and intentionality, see Foucault, *Archeology of Knowledge* 3-17.
12. A. Dirk Moses. "Genocide and Settler Society in Australian History," in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children* (New York: Bergahn, 2004). 3-28, 27-8; Wolfe, "Structure and Event," 121-2.
13. Moses, "Genocide and Settler Society," 23.
14. Moses, "Empire, Colony, Genocide: Keywords in the Philosophy of History," in *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Bergahn, 2008). 19.

15. Moses, "Empire, Colony, Genocide," 19.
16. "Nietzsche, Genealogy, History," in Foucault, Michel, *Aesthetics: The Essential Works of Foucault, 1954–84*, James D. Faubian (London: Penguin, 2000). 369-92.
17. The locutionary act is divided between phonetically producing sound, phatically referring to a state of affairs, and rhetically affirming that this state of affairs indeed refers to what it purports to reference. The initial semantic content of locutions can be evaluated at the constative level--the degree to which a statement has value at the level of verifiability and seriousness. The degree to which commensurability between the phatic and the rhetic takes place between the enunciation and its addressee confirms or denies the relevance of a constative act. But beyond the constative function of a statement's locution, a statement also acts—it produces effects in the world. It is at this moment that the constative moves to the performative as locution. Austin calls this move from the constative to the performative in the statement "illocutionary force." Illocutionary force emerges as the enunciation of an act with potential exceeding the constative and attaining toward the performative enters the world; illocution takes place in "performance of an act *in* saying something as opposed to performance of an act *of* saying something." Austin, J L, *How to Do Things with Words* (Oxford: Clarendon Press, 1962). 94-9, 99-100, 99,
18. Derrida, Jacques, *On Cosmopolitanism and Forgiveness, Politics* (New York: Routledge, 2001). 5. Emphasis added.
19. Derrida, Jacques, *Limited Inc.*, Gerald Graff (Evanston IL: Northwestern University Press, 1988).
20. Cited in Moses, "Empire, Colony, Genocide," 12-3.
21. Lemkin, Raphael, *Axis Rule in Occupied Europe* (Washington: Carnegie Endowment for International Peace, 1944). 79.
22. Lemkin, Raphael, *Axis Rule in Occupied Europe*, 82-90.
23. Lemkin, Raphael, *Axis Rule in Occupied Europe*, 86.
24. Moses, "Empire, Colony, Genocide," 12.
25. Esposito, *Bios*. 138.
26. Esposito, *Bios* 141.
27. Esposito, *Bios* 141.
28. Tindale, *Survey*, 116.
29. Gray, Geoffrey G., *A Cautious Silence: The Politics of Australian Anthropology* (Canberra: Aboriginal Studies Press, 2007). 40-61.
30. Firth, Raymond, "Anthropology and Native Administration," *Oceania* 1, no. 2 (1931): 1-8.
31. Firth, "Anthropology and Native Administration," 4.
32. Firth, "Anthropology and Native Administration," 6.
33. Firth, "Anthropology and Native Administration," 2-3.
34. Firth, "Anthropology and Native Administration," 8.
35. Elkin, "A Positive Policy for the Aborigines," 1932.
36. McGregor, Russell, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory 1880-1939* (Carlton: University of Melbourne Press, 1997). 206.
37. McGregor, *Imagined Destinies* 199-200.
38. Agamben, Giorgio, *The Open: Man and Animal*, Kevin Attell. (Stanford CA: Stanford University Press, 2004). 33-8.
39. Porteus, Stanley D., *The Psychology of a Primitive Race* (New York: Longmans, 1931).
40. Porteus, *The Psychology of a Primitive People*, 200.
41. Stanley Porteus, *The Psychology of a Primitive People* 378.
42. Porteus, 420.
43. Elkin, A. P., "The Social Life and Intelligence of the Australian Aborigine," *Oceania* 3: 101-13.. 111.
44. Elkin, A. P. "Cultural and Racial Clash in Australia," in *Morpeth Review* 21 (1932) 38.
45. Elkin, A. P., "The Social Life and Intelligence of the Australian Aborigine," *Oceania* 3: 101-13.. 111.
46. Elkin, A. P., "The Social Life and Intelligence of the Australian Aborigine," *Oceania* 3: 101-13.. 111-2.
47. Elkin, "The Social Life and Intelligence of the Australian Aborigine," 112.
48. Elkin, "The Social Life and Intelligence of the Australian Aborigine," 112.
49. Elkin, "Cultural and Racial Clash," 43-4.
50. *Aboriginal Welfare* 1937, 21.
51. A.O. Neville, "To Stanley Porteus," 29 July 1929 WASRO 993 133/28.
52. Elkin, "The Social Life and Intelligence of the Australian Aborigine," 112.

53. Elkin, A. P., "Native Education, With Special Reference to the Australian Aborigines," *Oceania* 7 (1937): 459-500. 471, 493.
54. Elkin, "Native Education," 496.
55. Cited in McGregor, *Imagined Destinied* 202.
56. Neville to Elkin, 16 June 1936. Series 12. Box 72. Elkin Papers. P. 130. University of Sydney Archives.
57. Neville to Elkin, 16 June 1936. Series 12. Box 72. Elkin Papers. P. 130. University of Sydney Archives.
58. Cited in McGregor, *Imagined Destinied* 204.
59. Elkin, "Native Education," 493.
60. Elkin, "Native Education," 496-7.
61. Elkin, "Introduction," to *Australia's Coloured Minority*. 11.
62. Elkin, A. P., *Citizenship For the Aborigines: A National Aboriginal Policy* (Sydney: Australasian Publishing, 1944). 26.
63. Elkin, *The Australian Aborigines: How To Understand Them*. Sydney: Angus and Robertson, 1954 (38), 22.
64. Radcliffe-Brown, A. R., *Structure and Function in Primitive Society* (New York: Macmillan, 1952). On the concept of "horde," see pp. 34-6. On that of elementary family, see 51-2, 67.
65. Elkin, Native Education, 460.
66. Elkin, Native Education, 463.
67. Elkin, Native Education, 464.
68. Elkin, A. P., "Anthropology and the Future of the Australian Aborigines," *Oceania* 5, no. 1-18 (1934). 15.
69. McGregor, *Imagined Destines* 208.
70. Cited in McGregor, *Imagined Destines* 209.
71. Mauss, Marcel, *The Gift: The Form and Reason for Exchange in Archaic Societies* (London: Norton, 1990).
72. Elkin, "Anthropology and the Future," 13.
73. Elkin, Native Education, 483.
74. Elkin, "Anthropology and the Future," 18.
75. This concept has a long and complex history. One emergence point could be traced to Fichte. See Johann Gottlieb Fichte, *Addresses to the German Nation*, trans. R. F. Jones & G. H. Turnbull (Chicago: University of Chicago Press, 1922). For a discussion of the connection between Fichte, nationalism, cosmopolitanism, and practices of exclusion, see "Geslecht II: Heidegger's Hand" (1985), trans. John P. Leavey, Jr., in *Deconstruction and Philosophy*, ed. John Sallis (University of Chicago Press, 1987), 161-196.
76. Elkin, *Citizenship For the Aborigines* 21.
77. Elkin, *Citizenship For the Aborigines* 35.
78. Elkin, *Citizenship For the Aborigines* 35-6.
79. Haebich, Anna, *Broken Circles: Fragmenting Indigenous Families 1800-2000* (Fremantle: Fremantle Press, 2000). 468-77.
80. "Summary of the Missions Administration Conferences, Held at Darwin from 7th to 11th December 1953." National Archives of Australia (NAA). A452 1953/138.
81. Elkin, *Citizenship For the Aborigines* 21.
82. "Summary of the Missions Administration Conferences, Held at Darwin from 7th to 11th December 1953." National Archives of Australia (NAA). A452 1953/138.
83. "Summary of the Missions Administration Conferences, Held at Darwin from 7th to 11th December 1953." National Archives of Australia (NAA). A452 1953/138.
84. Summary of the Missions Administration Conferences, Held at Darwin from 7th to 11th December 1953." National Archives of Australia (NAA). A452 1953/138.
85. W. F. Nixon Smith, "Agriculture in relation to Missionary Efforts," NAA. A452 1953/138.
86. W. E. H. Stanner, Foreword to *Aborigines Now*. Ed. M Reay. Sydney: Angus and Robertson, 1964.
87. Milroy, *Waltzing the Wilara*, 49.
88. Noel Pearson, "When Words Aren't Enough," in *The Australian* 12 February 2008.
89. Footnote on "building stronger communities etc".
90. Nelson, in his response to the apology, inflated this figure claiming that sexual abuse was conclusively identified "in every one of the 45 communities" surveyed in the report. This claim was exaggerated from

the more cautious finding of the Report's authors, Rex Wild and Pat Anderson, based predominantly on statistical estimation. They indeed found that indigenous children are "overrepresented as the victims of child abuse and neglect" and that sexual abuse in indigenous communities was likely to be disproportionately higher. But none of their findings made concrete claims about specific communities. Further, Nelson's reference to the Report ignored one of the key causal factors of abuse and neglect which it discussed: the historical legacy of trans-generational violence produced by the past effects of dispossession and child removal.¹ Wild and Anderson, have since repudiated both the misrepresentation of their findings and the form which the government response (the Intervention) took. Anderson, Patricia. and Wild, Rex., "Ampe Akelyernemane Meke Mekarle "Little Children are Sacred": Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse" (Canberra: Government Printer, 2007). Anderson and Wild, "Little Children are Sacred" 224. Judy Atkinson. *Trauma Trails: Recreating Song Lines: The transgenerational effects of trauma in Indigenous Australia*, Spinifex, North Melbourne, 2002. Anderson, Patricia. and Wild, Rex., "Ampe Akelyernemane Meke Mekarle "Little Children are Sacred": Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse" (Canberra: Government Printer, 2007).

91. Sutton argued in a controversial 2001 paper that pathology should not be imputed only to perpetrators of violence but could also be deduced from cultural forms (his example was indigenous Australian society). He subsequently reproduced this thesis in more vernacular tones in a non-academic book published in 2009. See Sutton, Peter, "The politics of suffering : Indigenous policy in Australia since the 1970s," *Anthropological Forum : A journal of social anthropology and comparative sociology* 11, no. 2 (2001): 37-41. Sutton, Peter, *The Politics of Suffering: Indigenous Australia and the End of the Liberal Consensus* (Carlton: Melbourne University Press, 2009). 65-8.

92. Derrida, Jacques, *On Cosmopolitanism and Forgiveness* 28.

93. Derrida, Jacques, *On Cosmopolitanism and Forgiveness* 29.

94. Derrida, "Force of Law," 7.

95. Derrida, "Force of Law," 60.

96. This state signature of mnemonics and amnesia could also be thought through what Jean Francois Lyotard calls the *differend*. For Lyotard, a *differend* arises in instances wherein two regimes of language (two Wittgensteinian "language games") are incommensurable. Lyotard has noted the way the enunciation of trauma in relation to such an experience of being subjected to the apparatus of the state becomes invalidated in the language games of the state which bears the signature of this same apparatus. Insofar as the enunciation of wrong is marked by the language games ascribed to trauma---of the psyche, of mourning, and of the inability to speak attributed to this condition---such an enunciation becomes invalidated as it attempts to voice itself within the spacing of iterations of state logic which arose from the signature of the earlier apparatus. Survivors can be rendered as victims over again if their ability to enunciate their subjection to violence and its legacy is occluded, as is risked significantly in the rhetoric of intentionality. Lyotard, *Differend: Phrases in Dispute*. 8.

97. Cassidy, Julie, "Case Comment: Cubillo and Gunner v Commonwealth: A Denial of the Stolen Generation?," *Griffith Law Review* 12, no. 1 (2003): 114-36. 130.

98. Wolfe, "Structure and Event," 121.

BIOPOLITICAL CORRESPONDENCES

1. Stephensen, *The Foundations of Culture in Australia: An Essay toward National Self Respect*. Gordon, NSW: W.J. Miles, 1936, 141.

2. Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*. Durham NC: Duke UP, 1995, 4.

3. Ngugi Wa Thiong'o, *Petals of Blood*. (London: Penguin, 1995); Tsitsi Dangarembga, *Nervous Conditions*. (London: The Woman's Press, 1988); Salman Rushdie *Midnight's Children*. (London: Picador, 1982).

4. Chadwick Allen, *Blood Narrative: Indigenous Identity in American Indian and Maori Literary and Activist Texts*. Durham: Duke UP, 2002, 9.

5. Warwick Anderson, "The Reproductive Frontier," in *The Cultivation of Whiteness: Science, Health, and Racial Destiny in Australia*. New York: Basic Books, 2003, 225-52.

6. Harney to Elkin, 21 October 1937. Elkin Papers P. 130, Box 30 1-8-1.

7. W. E. Harney, *Taboo*. Sydney: Australasian Publishing, 1943, 156.
8. Craig Munro, *Wild Man of Letters: The Story of P. R. Stephensen*. Carlton: Melbourne UP, 1984, 137.
9. Munro, *Wild Man of Letters*, 138; Frances de Groen. *Xavier Herbert: A Biography*. St Lucia: U of Queensland P, 1998, 88-95.
10. P. R. Stephensen, "How I Edited *Capricornia*," in *Bulletin*. 15 March 1961: 33-4.
11. Xavier Herbert, *Letters*. Ed. Frances de Groen and Laurie Hergenhan. St Lucia: U of Queensland P, 2002, 71.
12. Herbert, *Letters*. 60-99.
13. Such networks exceed the public reception of authors as purely literary figures, as has been emphasized in the Australian context by Philip Mead in his *Networked Language: Culture and History in Australian Poetry*. Sydney: Australian Scholarly Publishing, 2008.
14. Foucault, *Society Must Be Defended*. 208.
15. Stoler, *Race and the Education of Desire*, 79.
16. Foucault, *Society Must Be Defended*. 208.
17. Antonio Gramsci, *Selections from the Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Nowell-Smith (New York: International Publishers, 1987), pp. 212-3.
18. Elizabeth Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham: Duke, 2002, 6.
19. Robert Dixon, *Prosthetic Gods: Travel, Representation, and Colonial Governance*. St Lucia: U of Queensland P, 2001, 101.
20. Gilles Deleuze and Felix Guattari, *AntiOedipus: Capitalism and Schizophrenia*. New York: Continuum, 2000, 186.
21. Chatterjee, Partha, "Beyond the Nation? Or Within?," *Social Text* 16, no. 13 (1998): 57-69.61.
22. Chatterjee, "Beyond the Nation? Or Within?" 61.
23. Radcliffe-Brown, Quoted in Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. London: Cassell, 1997, 191.
24. A. R. Radcliffe Brown, *Structure and Function in Primitive Society*. New York: Macmillan, 1952, 51.
25. "Summary of the Missions Administration Conferences, Held at Darwin from 7th to 11th December 1953." National Archives of Australia (NAA). A452 1953/138.
26. R. K. McCaffrey, "Identification and Naming of Aborigines," NAA, A452, 1953/138.
27. J. B. Montgomery, "The Preservation of Native Family Life," NAA A452, 1953/138.
28. J. B. Montgomery, "The Preservation of Native Family Life," NAA A452, 1953/138.
29. J. B. Montgomery, "The Preservation of Native Family Life," NAA A452, 1953/138.
30. R. K. McCaffrey, "Identification and Naming of Aborigines," NAA, A452, 1953/138.
31. R. K. McCaffrey, "Identification and Naming of Aborigines," NAA, A452, 1953/138.
32. R. K. McCaffrey, "Identification and Naming of Aborigines," NAA, A452, 1953/138.
33. Haebich provides ample evidence for the influence of Elkin's book in her *Spinning the Dream: Assimilation in Australia 1950-1970*. Fremantle: Fremantle Press, 2008, 112-3.
34. A. P. Elkin, *The Australian Aborigines: How to Understand Them*, Sydney: Halstead Press, 1954 (38), 22.
35. A. P. Elkin, *The Australian Aborigines*, 51.
36. Elkin, *The Australian Aborigines*, 60.
37. For a discussion of this policy shift, see McGregor, *Imagined Destinies* 182-3.
38. A. P. Elkin, "Introduction," to A. O. Neville, *Australia's Coloured Minority: Their Place in Our Community*. 11
39. Neville to Elkin, 17 June 1936. U. Sydney. Elkin. P. 130. Box 72. 1/12/193.
40. Neville, *Australia's Coloured Minority*, 29.
41. Elkin, *The Australian Aborigines*, 108.
42. Elkin, *The Australian Aborigines*, 156.
43. Tigger Wise, *The Self-Made Anthropologist: A Life of A. P. Elkin*. Sydney: Allen and Unwin, 1985, 164.
44. Wise, *The Self-Made Anthropologist*, 163.
45. Elkin, "Introduction" W. E. Harney, *Taboo* 3.
46. Harney to Elkin, 20th November 1939. Elkin Papers P. 130, Box 30 1-8-1.

47. Harney to Elkin, 20th November 1939. Elkin Papers P. 130, Box 30 1-8-1.
48. Harney, *Taboo*, 169.
49. Harney to Elkin, 20th November 1939. Elkin Papers P. 130, Box 30 1-8-1.
50. Elkin to Harney, 17th September 1943. Elkin Papers P. 130, Box 30 1-8-1.
51. Haebich, *Spinning the Dream*.
52. Elkin, "Introduction to," Harney, *Taboo*, 9.
53. Elkin, "Introduction to," Harney, *Taboo*, 4.
54. Elkin, "Introduction," to Harney and Elkin, *Songs of the Songmen: Aboriginal Myths Retold*. Melbourne: F. W. Cheshire, 1943, 5.
55. Harney, *Taboo*. 21.
56. W. E. Harney, *Taboo*, 156.
57. Harney and Elkin, *Songs of the Songmen*, 6.
58. Harney to Commonwealth Literary Fund. 27 January 1948 Elkin Papers P. 130, Box 30 1-8-3.
59. Harney and Elkin, *Songs of the Songmen*, 6-7.
60. Elkin to Harney 23rd December 1952. Elkin Papers P. 130, Box 30 1-8-4.
61. Harney and Elkin, *Songs of the Songmen*, 5.
62. Harney and Elkin, *Songs of the Songmen*, 8.
63. Harney and Elkin, *Songs of the Songmen*, 2.
64. This rendering of the poem is attached with a letter from Elkin to Harney of 17th of September 1943. Elkin Papers P. 130, Box 30 1-8-2.
65. Harney and Elkin, *Songs of the Songmen*, 2; Elkin to Harney of 17th of September 1943. Elkin Papers P. 130, Box 30 1-8-2.
66. Harney and Elkin, *Songs of the Songmen*, 2; Elkin to Harney of 17th of September 1943. Elkin Papers P. 130, Box 30 1-8-2.
67. Xavier Herbert, *Capricornia*. Sydney: Sirius Books, 1963, 6.
68. Herbert, *Letters* 139
69. Harney to Elkin, 5th April 1938. Elkin Papers P. 130, Box 30 1-8-1.
70. Morley Roberts, *Bio-Politics: An Essay in the Physiology, Pathology, and Politics of the Social and Somatic Organism*. London: Dent, 1938.
71. Cited in Munro, *Wild Man of Letters*, 123-4.
72. Munro, *Wild Man of Letters*, 123.
73. Munro, *Wild Man of Letters*, 188.
74. Stephensen and Miles assisted William Ferguson and J. T. Patten of the Aboriginal Progressive Association in promoting their day of Mourning and Protest against the Sesquicentenary Celebrations of 1938. Fliers for the day signed by Ferguson and Patten demanded "full citizen status" and "equality within the community" (Flyer archived in Exhibition at Australian Institute of Aboriginal and Torres Strait Islander Studies [AIATSIS]). Stephensen's motives were questioned by some as opportunistic and his involvement caused a split between Ferguson and Patten, the former feeling Aboriginal interests should be distanced from the influence of those with extremist political agendas (Munro 185).
75. Munro, *Wild Man of Letters*, 188.
76. Stephensen, *The Foundations of Culture in Australia*, 12.
77. Stephensen, *The Foundations of Culture in Australia*, 11, emphasis added.
78. Stephensen, *The Foundations of Culture in Australia*, 89.
79. Stephensen, *The Foundations of Culture in Australia*, 141-2.
80. Stephensen, *The Foundations of Culture in Australia*, 141.
81. Elkin writes "[Ingamells] called on me a couple of times." Elkin to Harney, 7th March 1949. Elkin Papers P. 130, Box 30 1-8-3.
82. Harney to Elkin, 6th February 1949. Elkin Papers P. 130, Box 30 1-8-3.
83. Harney to Elkin, 6th February 1949. Elkin Papers P. 130, Box 30 1-8-3.
84. Ingamells, "Introduction," to *Jindyworobak Review 1938-48*. Melbourne: Jindyworobak, 1948, 10.
85. Ingamells, *Conditional Culture*. Adelaide: F. W. Preece, 1938, 4.
86. Ingamells, *Conditional Culture*, 4-5.
87. Ingamells, *Conditional Culture*, 17.
88. Ingamells, *Conditional Culture*, 17.

89. T. G. Strehlow. "A Message from Mr T. G. Strehlow," in *Jindyworobak Review 1938-48*. Melbourne: Jindyworobak, 1948, 35.
90. Dymphna Cusack, "Salute to Jindyworobak," in *Jindyworobak Review 1938-48*. Melbourne: Jindyworobak, 1948, 42-4, 44.
91. Harney to Elkin, 5th April 1938. Elkin Papers P. 130, Box 30 1-8-1.
92. Herbert, *Letters* 64-5, 65.
93. Herbert, *Letters* 127.
94. Harney to Elkin, 3rd September 1938. Elkin Papers P. 130, Box 30 1-8-1.
95. Herbert Personal Papers, UQFL 83, Box 16.
96. Herbert, *Letters*, 70.
97. Graham Huggan, *Australian Literature: Postcolonialism, Transnationalism, Racism*. Oxford: Oxford UP, 2007, 96
98. Herbert, *Letters* 105.
99. Herbert, *Letters* 71.
100. Herbert spent some energy attacking individuals in the Administration whom he saw as corrupt, notably NT Chief Protector Cecil Cook; in 1937 he wrote to A. P. Elkin denouncing Cook's administration (Letters 88-91). The full letter is held in Elkin's personal papers at the University of Sydney (Herbert to Elkin. Elkin Personal Papers, Box 72). In this longer version of the letter, he writes: '[h]ow could I tell [Cook], whom it was my ambition gradually to wean from his vanity to my way of thinking, that he is regarded by the natives not as their Chief Protector, but as the Chief white Debbil-debbil of the land. Natives run miles to avoid him'. Many administrative figures would enter Herbert's fiction. Cook, for instance, would become Poor Fellow My Country's villainous Dr Cobbity.
101. Herbert, *Capricornia* 70.
102. Herbert, *Capricornia* 71.
103. Herbert, *Capricornia* 71.
104. Herbert, *Capricornia* 286.
105. Herbert, *Capricornia* 288.
106. Herbert, *Capricornia* 288.
107. Sean Monahan, *A Long and Winding Road: Xavier Herbert's Literary Journey*. Crawley, WA: U of Western Australia P, 2003, 65.
108. Herbert, *Capricornia* 289.
109. Herbert, *Poor Fellow My Country*. London: William Collins, 1975, 110
110. Herbert, *Poor Fellow My Country*, 1444.
111. Monahan, *A Long and Winding Road*, 80.

PANOPTIC RECURRENCE

1. Elizabeth A. Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham: Duke University Press, 2002, pp. 188-9.
2. Scott L. Morgensen, Scott Lauria, "Queer Modernities Theorizing Settler Colonialism within Queer Modernities," *GLQ* 16, no. 1 (2010): 105-131, doi:10.1215/10642684-2009-015.
3. David Scott, "Colonial Governmentality," in *Social Text*. 43 (1995): 191-220; Foucault, "Governmentality," in *Power: The Essential Works of Foucault, 1954-84, Vol. 3*. Ed. James D. Faubion. Trans. Robert Hurley. New York: New Press, 2001.
4. Eatock v Bolt [2011] FCA 1103. Summary. [67]-[166]. Specific instances of explicit falsehood were most objectionably made about Larissa Behrendt, [118]. The imputations made by Bolt about all the plaintiffs were at least misleading. Take for instance the evidence given by Anita Heiss [69], and Geoff Clarke [89] in Bromberg's summary of the case. Anita Heiss's recent article reflecting on the case is instructive in revealing the specific nature of Bolt's factual distortions and inaccuracies. Anita Heiss, "Bolt Decision: Anita Heiss hopes for more responsible media." *Crikey.com*. 28 September 2011.
5. Andrew Bolt, "White is the New Black," *Herald Sun*. April 15 2009.; Eatock v Bolt [2011] FCA 1103. Summary. [41]. Reproductions of the articles are contained as evidence in the appendix to the summary.
6. Bolt, "White is the new black."

7. Bolt, "White fellas in the black," *Herald Sun*. 29 August 2009.
8. Bolt, "It's So Hip to Be Black," 15 April 2009.
9. Bolt, "It's So Hip to Be Black," 15 April 2009.
10. Racial Discrimination Act. Commonwealth Act No. 52 of 1975.
11. Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," in *Social Text* 25. 26 (1990): 56–80; Michael Warner, *Publics and Counterpublics*. New York: Zone, 2002.
12. Eatock v Bolt [2011] FCA 1103. Summary. [2].
13. Eatock v Bolt [2011] FCA 1103. Summary. [5].
14. Here are a number of examples showing the prominence of this interpretative frame in defining the eventfulness and meaning of the decision: Julian Asange and Jennifer Robinson, "Play ball, not Bolt, in free speech debate. *Sydney Morning Herald*, 28 October 2011; Greg Barns, "Even Bolt's Freedom of Speech Isn't An Absolute Right," *The Drum: Opinion*. 29 September 2011; Stephen Drill, "Ruling against Andrew Bolt will harm healthy debate, say libertarians," *Herald Sun* 30 September 2011. A more discursively critical example, in the public sphere, which cuts to some of the issues which I address is: Dylan Bird, "Aboriginal identity goes beyond skin colour," in *Sydney Morning Herald*. 6 April 2011. This critical op-ed piece solicited further hateful and racist discourse from a South Australian white supremacy group calling themselves the "Church of Creativity" too distasteful to quote here. This response appeared on their website on the 8 April 2011 as "An Open Letter to the Institute for Postcolonial Studies."
15. Marcia Langton, "The Gripes of Wrath." 2 October 2011.
16. Kateb, G. "The Freedom of Worthless and Harmful Speech" in *Liberalism without Illusions: Essays on Liberal Theory and the Political Vision of Judith N. Shklar*. ed. Bernard Yack. Chicago: University of Chicago Press, 1989.
17. J. L. Austin, *How to Do Things With Words*. Oxford: Oxford UP, 1962; Jacques Derrida, *Limited Inc*. Ed. Gerald Graff, Trans. Jeffrey Mehlman and Samuel Weber. Evanston: Northwestern UP, 1988.
18. Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Durham: Duke UP, 2011, 16.
19. Povinelli, *Economies of Abandonment*, 16.
20. Ghassan Hage, *White Nation*, 191.
21. Ghassan Hage, *White Nation: Fantasies of White Supremacy in a Multicultural Society*. New York: Routledge, 2000,
22. Hage, *White Nation*, 57.
23. Hage, *White Nation*, 191.
24. Hage, *White Nation*, 46.
25. Eatock v Bolt [2011] FCA 1103. Summary. [145].
26. For a discussion of the deathly dimension to colonialism and neocolonialism, see Achille Mbembe, *Necropolitics*, Trans. Libby Meintjes. in *Public Culture*. 15, 1 (2003): 11–40.
27. The phrase "long range plan" comes from Neville's most explicit statement of the genocidal dimension to absorption and assimilation as a process. *Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities*. Canberra: Government Printer, 1937, 11. I have elsewhere critiqued this notion vis a vis the settler Australian literary imagination, particularly in Xavier Herbert. Griffiths, "Biopolitical Correspondences: Settler Nationalism, Thanatopolitics, and the Perils of Hybridity," in *Australian Literary Studies*. 26, 2 (2012): 20–42.
28. Neville, *Australia's Coloured Minority*, Sydney: Currawong, 1947, 59.
29. Michel Foucault, *The Archeology of Knowledge*. London: Vintage, 1982, 135–140.
30. Alan Sekula, "The Body and the Archive," in *October* 39 (Winter 1986): 3-64.
31. Anderson, *The Cultivation of Whiteness*; Anna Haebich, *Broken Circles: Fragmenting Indigenous Families*. Fremantle: Fremantle Press, 2000; Russell McGregor, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory 1880–1939*. Carlton: Melbourne UP, 1997.
32. Western Australian State Records Office (WASRO) 993 1928/0304.
33. Foucault, *Society Must Be Defended: Lectures at the College De France 1975-6*. Trans David Macey. New York: Picador, 2003; *The Birth of Biopolitics: Lectures at the College De France 1978–9*. Trans. Graham Burchell New York: Picador, 2003

34. WASRO 993 1928/0304.
35. Further, it is instructive to consult indigenous oral accounts of their own endurance against such efforts at assimilation. See for instance: *Speaking from the Heart: Stories of Life, Family, and Country*. Ed. Sally Morgan, Tjalamina Mia, and Blaze Kwaymullina. Fremantle: Fremantle P, 2007. 95–108.
36. A. O. Neville to Commissioner of Native Affairs, 20 January 1943. WASRO 993 1928/0304.
37. Povinelli, *Economies of Abandonment*, 6–11.
38. An Act for the Protection and Management of the Aborigines of Victoria. Parliament of Victoria, 1869, No. 349.
39. C. D. Rowley, *Outcasts in White Australia*. Sydney: Pelican, 1972, 3.
40. Warwick Anderson, *The Cultivation of Whiteness: Science, Health, and Racial Destiny in Australia*. New York: Basic Books, 2003.
41. Neville, *Australia's Coloured Minority*, 59.
42. Neville, *Australia's Coloured Minority*, 59. Emphasis Added.
43. Neville, *Australia's Coloured Minority*, 68.
44. Neville, *Australia's Coloured Minority*, 59.
45. Povinelli, *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality*. Durham: Duke, 2006; Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*. Berkeley: U of California P, 2002.
46. Haebich, *Broken Circles*.
47. Neville, *Australia's Coloured Minority*, 49.
48. Stoler, *Carnal Knowledge and Imperial Power*, Berkeley: U of California P, 2002, 43.
49. Povinelli, *The Empire of Love*, 13–7.
50. Tindale, *Survey of the Half-Caste Problem in South Australia*. Proceedings of the Royal Geographical Society, 1940-1, 83.
51. Tindale, *Survey*, 83-5.
52. Tindale, *Survey*, 86.
53. Tindale, *Survey*, 84-5.
54. Tindale, *Survey*, 84-5.
55. Tindale, *Survey*, 92.
56. Tindale, *Survey*, 93.
57. Tindale, *Survey*, 93.
58. Tindale, *Survey*, 116; *Aboriginal Welfare*, 1937, 14.
59. Tindale, *Survey*, 85.
60. Tindale, *Survey* 85-6.
61. Tindale, *Survey*, 86.
62. Foucault, *Abnormal: Lectures at the Collège De France 1974-75*. New York: Picador, 2003, 30.
63. Foucault, *Abnormal*, 30.
64. Tindale, *Survey*, 91.
65. Stanley Porteus, *The Psychology of a Primitive People: A Study of the Australian Aborigines*. New York: Longmans, 1931, 378; Elkin, *The Australian Aborigines: How To Understand Them*. Sydney: Angus and Robertson, 1954 (38), 22.
66. Tindale, *Survey*, 89.
67. Tindale, *Survey*, 90.
68. Tindale, *Survey*, 90-1.
69. Tindale, *Survey*, 91.
70. Neville, *Australia's Coloured Minority*, 71.
71. Neville, *Australia's Coloured Minority*, 71.
72. Neville, *Australia's Coloured Minority*, 71.
73. Neville, *Australia's Coloured Minority*, 64.
74. Neville, *Australia's Coloured Minority*, 64.
75. This notion of a figure of abnormality is developed by Foucault in *The Abnormal*, 55–79.
76. Neville, "Circular to principle Protector in each District," 24 June 1937. WASRO 993 0238/37.
77. Sekula, "The Body and the Archive."

78. H Mounter, "Chief Commissioner Native Affairs," 27 September 1937. WASRO 993 0238/37.
79. Eatock v Bolt [2011] FCA 1103. Summary. [41]–[49].
80. Niklas Luhmann, "System and Function," in *Social Systems*, 12–58.
81. Luhmann, "Interpenetration," in *Social Systems*. 210–54.
82. On whiteness and its invisible privilege, see for instance, Richard Dyer, *White*. (London: Routledge, 1997); Mike Hill, *Whiteness: A Critical Reader*. (New York: New York University Press, 1997).
83. "White is the New Black."
84. "White is the New Black."
85. "White is the New Black."
86. Eatock vs Bolt reaffirmation of racism as bunk
87. Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire*. Princeton: Princeton UP, 2006.
88. And of course---bolt is a stolen gen denier etc
89. Eatock v Bolt [2011] FCA 1103. Summary. [41].
90. Bolt, "The New Racism of our Universities," *Herald Sun*. Blog. January 17 2012.
91. Derrida and Stiegler, *Echographies of Television*, 6.
92. Eatock v Bolt [2011] FCA 1103. Summary. [72-3], [73-4], [92], [102], [112-114], [125-8], [140-141], [152-3],
93. Povinelli, *The Cunning of Recognition*, 16–7.
94. Niklas Luhmann, *Social Systems*. Stanford CA: Stanford UP, 1995.
95. Povinelli, *Economies of Abandonment*, 32.
96. Ibid.
97. In another layer of irony, Scott was yet another indigenous person who came under Bolt's scrutiny. Anne Brewster, "Whiteness and Indigenous Sovereignty in Kim Scott's *That Deadman Dance*." *Journal of the European Association of Studies on Australia*. 2, 2 (2011): 60–71, 69.
98. Scott, *Kayang and Me*. Fremantle Arts Center Press, 2005, 191.
99. Ranciere develops these ideas over many texts, some recent key examples include: *Dis-agreement: Politics and Philosophy*. Trans Julie Rose. Minneapolis: U of Minnesota P, 1999; "Ten Theses on Politics" in *Theory and Event* 5, 3 (2001) .
100. Povinelli, *Economies of Abandonment* 50.
101. Povinelli, *Economies of Abandonment* 50.
102. Michel Foucault, *Discipline and Publish*, 221-2.
103. Rancière, "Ten Theses on Politics" in *Theory and Event* 5, 3 (2001): 10.

CODA. NEED I REPEAT.

1. Howard both steadfastly refused what he called the "politics of symbolism" and rendered this refusal as a political normative, setting the terms for indigenous reconciliation as Government policy throughout the 1990s. For a recent journalistic account of this, see Howard Closed the Circle on Symbolism." *The Australian* November 29, 2007.
2. Giorgio Agamben, *The Open: Man and Animal*. Trans. Kevin Attell. Stanford, Stanford Univ. Press, 2004.
3. My neological application of the term "logocentrism" refers to Jacques Derrida's influential concept that Western language privileges terms in a binary by rendering one supplementary to the other, for instance, speech/writing, man/woman, black/white. Here I am playing with the contextual specificity of this form of colonial linguistic subjection by combining Derrida's term with the Nyoongar—often disparaging and certainly resistant term for whitefella—*wadjela*.
4. In his acknowledgements, Scott refers to Neville's book as "a continual—albeit perverse—source of inspiration." Scott, *Benang* 499.
5. For Foucault, the nineteenth century sees the emergence of an analysis of population whose focal point is the analytics of sexuality. The analytical tactics of investigating sexuality converge on two separate emphases. First, sexuality becomes the focus of a production of truth and confession. Second, this emphasis

- on kinds of sexual praxis and interaction is used to gather data about population. A general “symbolics of blood is also connected to marriage, breeding, child-rearing and class. Foucault, *History of Sexuality* 147.
6. A. O. Neville, *Australia's Colored Minority: Their Place in Our Community*. Sydney, Currawong, 1947, 25.
 7. Warwick Anderson, *The Cultivation of Whiteness: Science, Health, and Racial Destiny in Australia*. New York, Basic Books, 2003. 170.
 8. Gilles Deleuze, “What is a Dispositif?.” *Michel Foucault, Philosopher* Ed. Timothy J. Armstrong. New York, Routledge, 1992, 163.
 9. Discussing the distinction between biopower and biopolitics, Paul Patton (2001) questions the scope of antihumanist critique in Agamben (2004), which conflates agitation for human rights with—in Agamben’s view—the irreducible category of citizenship (Patton 210–1). Referring to the 2007 U. N. Declaration of the Rights on Indigenous Peoples, Patton argues that Indigenous Rights discourse remains pragmatically useful and can historically attune theorization of biopolitics (211–2).
 10. Neville, *Australia's Colored Minority*, 27, 22.
 11. Neville, *Australia's Colored Minority*, 28.
 12. Neville, *Australia's Colored Minority*, 93.
 13. Neville, *Australia's Colored Minority*, 94.
 14. A. P. Elkin, “Introduction,” to Neville, A. O. *Australia's Coloured Minority*.
 15. Neville, *Australia's Colored Minority*, 94.
 16. As Haebich points out, the application of disciplinary power at the level of the police, or biopower at the level of medical examination did not always play out in a manner precisely disciplined by a central bureaucracy. Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1940*. Nedlands, Univ. of Western Australia Press, 1992, 93–5.
 17. Neville, *Australia's Colored Minority*, 57.
 18. My use of “specter” and “haunt” have in mind Jacques Derrida’s notion of “spectrality” and the *revenant* discussed in my introduction. Gail Jones has emplaced Derrida’s idea of in the haunting context of the settler colony to “like Derrida, employ the trope of the spectral in an ethical argument—not to render Aboriginal historical subjects as phantoms (in a kind of racist act of dematerialization)—but to suggest that mourning is only possible if one allows oneself to be haunted, if those alive are prepared to imagine existence outside the present tense,” Jones, Gail. *Imagining Australia: Literature and Culture in the New New World*. Ed. Judith Ryan and Chris Wallace-Crabbe. (Cambridge, Harvard Univ. Press, 2004), 159-172.
 19. Kim Scott, *Benang: From the Heart*. Fremantle, Fremantle Arts Centre Press, 1999, 13.
 20. Scott, *Benang* 34.
 21. Scott, *Benang* 500.
 22. Slater, Lisa. “Kim Scott’s *Benang*: Monstrous (Textual) Bodies,” in *Southerly: A Review of Australian Literature*. 65.1 (2005): 63-73.
71–3
 23. Scott, *Benang* 497.
 24. Scott, *Benang* 105.
 25. Scott, *Benang* 497.
 26. “Mixed Blood: Featuring Kim Scott, Thomas King, and David Malouf.” Narr. Daniel Browning. *Away!* (ABC Radio National. 1 March 2008).
 27. Scott, *Benang* 11, original emphasis
 28. Scott, *Benang* 295
 29. Scott, *Benang* 11, emphasis added.
 30. Scott, *Benang* 309–323
 31. Neville, *Australia's Coloured Minority* 180.
 32. Neville, *Australia's Coloured Minority* 180.
 33. Neville, *Australia's Coloured Minority* 181.
 34. Neville, *Australia's Coloured Minority* 180.
 35. Scott, *Benang* 21.
 36. Scott, *Benang* 111.
 37. In Australian English, the punctuation mark of a “period” is referred to verbally as a “full stop.”
 38. Scott, *Benang* 191

