

II. NO STRONGER LAW: COLONIAL RULE AND THE WHITE WOMEN'S PROTECTION ORDINANCE

Amirah Inglis, *"Not a White Woman Safe". Sexual Anxiety and Politics in Port Moresby 1920-1934.* Australian National University Press, Canberra, 1973.

The fascinating and stylishly written narrative focuses on the *White Women's Protection Ordinance*, which amended the Criminal Code by requiring a mandatory death penalty for any person convicted of rape or attempted rape upon a European woman or girl. When the "ordinance was passed in January 1926," Inglis tells us, "no white woman had been raped in Papua." The ordinance also provided severe penalties, including flogging, for various lesser sexual offences involving European females.

In her description of Port Moresby, Inglis vividly sketches the general setting of the ordinance: the racist attitudes of the whites, the social and sexual relations between the races and the political domination over the "black peril" -- all of which was reflected in a comprehensively repressive and degrading system of laws. She then looks at the more immediate prelude to the ordinance: a few incidents of assaults on white women, the political pressures and the general ethos of the white community which was "something very like hysterical." Finally she tells of the passage of the ordinance, its general effects and the cases tried under it up to 1934. A curious sidelight which Inglis discovers is that the first hanging resulting from the ordinance is almost totally ignored in other histories and accounts of period.

Inglis offers only occasional and incidental explanations of the events she describes. In some ways this is a pity because analyses and explanations can lead to more incisive description. For example, in describing cases under the ordinance, Inglis seems to assume that the Papuan defendants did the things of which they were convicted--or worse. But comparable situations in other countries suggest the need for a more searching inquiry on this score. When an affair, seduction or dalliance involving a black man and white woman was discovered, the woman's obvious defence was to cry rape or assault, for the admission that she had acted voluntarily, much less provocatively, would have meant her social ruin in racist society.¹ Also, the black man was forbidden fruit,

¹ On this point, see, for example, D. Lessing, *The Grass is Singing* (1950).

considered an "animal in sexual matters" with "greater potency" than the white man. As such, it was inevitable that he should become the object of a woman's phantasy rape or phantasy assault. And before a white colonial court how does the black man fare when a white woman can be seen to "suffer . . . horribly in the witness box with a nigger facing her in the dock"?

Another explanation not unusual in situations where one race dominates another receives this passing mention: "the goaler's investigations revealed to him that attacks on white women were 'a sort of "pay-back" because a white man takes a Papuan female when he wants one and the men resent this'." It is tantalising to have the issue thus posed. But Inglis does not further attempt to discover the extent to which the white worthies of Port Moresby in fact took Papuan women when they wanted them.

On the whole, however, Inglis' account is so sensitively and finely wrought that it provides the basis for a general explanation of the passage of the *White Women's Protection Ordinance* and of the behaviour of the white residents of Port Moresby at the time. The ordinance meant something fundamental to white residents. The government-produced paper *Papuan Villager* said, "There is no stronger *taravatu*, or law, in this land." Assaults on white women by Papuan men were described by the white newspaper *Papuan Courier* as "a class of crime which is perhaps the most serious that could possibly be imagined in a country such as this." In the debate on the ordinance in the Legislative Council, one member put it in these terms:

None of us like the idea of flogging, and none of us like the idea of capital punishment, but we are all agreed that even capital punishment, or even the horror of flogging with the cat, is preferable to the greater horror of white women and young children being violated by natives.

Later, the white residents also wanted castration as a punishment.

"Around this sexual issue," says Dollard, writing of the Southern United States, "centers quite visibly the whole caste problem."² The white man had access, perhaps with ease, to

2 J. Dollard, *Caste and Class in a Southern Town* (1957) 165.

black women but, as Inglis phrases it, "even the most permissive of the white . . . rulers of Papua . . . were shocked and frightened by any suggestion of sexual connection between black men and white women." As Day has pointed out, mulatto babies with a black mother stay with the mother - remain of her caste - and so "posed no threat to the white power structure." But if a white mother wanted to keep her mulatto baby, the child "might threaten white power." The structure of sexual relations and prohibitions was in part "designed to insure that all children with a black parent should be kept out of the white caste."³ Caste distinctions between the races were, as Dollard has said, maintained by marital prohibitions and by excluding lower-caste men from sexual contact.⁴ As Douglas observes, "Women are the gates of entry to the [higher] caste."⁵

White power in Port Moresby was precarious in the extreme. Whites were a "small minority" in what they considered "a sea of naked or ragged and dirty betel-chewing people who did not use lavatories" and who were in some way "contaminating." Even the relatively enlightened Murray saw Papua as "a small white community . . . surrounded by a barbaric population hardly out of the stone age." The aptly called "colour-line" had to be held. Its preservation ultimately depended on the white woman but she herself was an unreliable defender. She was thought of as weak and fragile and considered by many white men to be sexually irresponsible. The "lady with towel [who calls in her male servant to pass her a towel whilst she is naked in the shower] seemed to typify the wicked temptress who incited chaos," the breaching of the colour-line and the breakdown of racially based order. In that situation she must also have typified vulnerability. The white woman, then, had to be set apart as something "sacred and a . . . not [to] be interfered with" as the *Papuan Villager* put it. According to a letter in the *Papuan Courier* she was "God's greatest gift." Sexual relations with a Papuan man would mean that this sacred object was "defiled." The risks resulting from such relations were deemed so great that separation and protection of the white

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- 3 B. Day, *Sexual Life Between Blacks and Whites: The Roots of Racism* (1972) 6 and 86.
 - 4 Dollard, *op. cit.* 171. (Not everyone would agree with the use of the term "caste" in the American and Papuan contexts.)
 - 5 M. Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (1970) 130.

woman went to paranoid lengths. The Native Regulations of 1922 restricting the making of films in Papua prohibited any scene that "brings a white woman into close contact with natives though there may be no sexual suggestion." A Papuan view of the *White Women's Protection Ordinance* saw the situation in these grimly humorous terms:

If a Papuan smiled at a white woman he was gaoled; if he looked at her, he was gaoled; if he touched her, he was gaoled; if he touched her on the breast, he would be hanged.

More specifically, the *White Women's Protection Ordinance* resulted from a particular threat to the existing order of things - a touch of chaos. So long as the black man stayed in his place and was a predictable savage then "the white men were always in control," but when he started to comprehend and follow European ways--to get "cheeky"--he was not so easily classifiable nor so easy to deal with and he became not only disliked but, significantly, feared by the white community. Whites assumed that the new Papuan man was typically responsible for sexual attacks. This new man could be looked on as an anomaly or, more ominously, as transitional, but either state was a fundamental threat to existing order.⁶

In this way the *White Women's Protection Ordinance* was an assertion of colonial rule, an apt affirmation of the existing structure of power which whites saw as coming under a threat and as vulnerable at its most crucial point. In this light it is no mystery that the draconic provisions dealing with rape in the ordinance were introduced at a time when "no white woman had been raped in Papua" and that the white response to attacks on women "was out of all proportion to the number of these attacks." Writing on the American situation, Day observes:

. . . southern white women, as Lillian Smith once pointed out, are as likely to be raped by a black man as to be struck by a bolt of lightning. In the 3,811 lynchings recorded between 1889 and 1941, with overall justification of "protection of white women" from rape, rape (actual or suspected) accounted for less than sixteen percent. The charge was little more than a useful smoke screen behind which white supremacists kept the black down with respect to economic and social caste status.⁷

6 *Ibid.*, 53 and 116.

7 Day, *op. cit.* 79.

Inglis has written the best monograph we have on the real nature of colonial law in Papua New Guinea. As such it contains basic lessons that would hardly seem worth mentioning--except that quaint views are still widely held about the nature of law in colonial society. Thus the conservative anthropologist believes that the Australians introduced into Papua New Guinea "a concept of universalist morality and the view of an individual as a citizen-unit, who, before the law was identical with all other such units, who had equal rights, privileges and obligations guaranteed and enforced by law" and who could expect "impartial or abstract justice."⁸ Doubtless these values of the introduced system are frequently professed, but reality, as Inglis describes it, would accord more with the view of John Kaputin that "in this country, the law was an instrument of colonialism and a means whereby the economic dominance of the white man was established over us."⁹

--Peter Fitzpatrick

8 P. Lawrence, in International Commission of Jurists, *The Rule of Law in an Emerging Society* (1970) at 2.

9 J. Kaputin, *A Policy Statement* (1973) 2.