# ‘Natives’, ‘Immigrants’ and ‘libérés’: The Colonial Regulation of Mobility in New Caledonia

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With reference to the theme of mobility, this paper explores the separate but often overlapping regimes designed to police or control ‘natives’, *libérés* (freed convicts) and ‘immigrant’ (indentured) labourers in New Caledonia during the colonial era. In so doing, it also seeks to sketch the forms of mobility and circulation that were sanctioned and regulated by colonial authorities. A key point concerns the need to not treat Kanak experiences of colonial rule in isolation from those of other groups. No single institution and no one piece of legislation defined the colonial experience. In so far as histories of subject peoples in New Caledonia have been dominated by histories or discourses centred on indigenous/Kanak experiences, this thematic focus provides a way of thinking about experiences of subjection in broader terms, and also draws attention to the gendered dimensions of colonial mobility.

The idea of mobility, and even more so its various antonyms, has enormous resonance in New Caledonia where historical processes of *cantonnement* (containment) and segregation have left an enduring mark on relations between indigenous and settler communities. Of the many shadows cast by colonial rule in New Caledonia perhaps the best known is the confinement of Kanak to the reserves (known as *tribus*) that were created by the policy of *cantonnement* between the 1860s and early 1900s. Along with enforcement of the head tax and forms of forced labour, the emphasis on confinement is the most common gloss for Kanak experiences of colonial rule in any précis of

New Caledonian history, and it contributes to a picture of indigenous mobility curtailed by the restrictions of the colonial era. As portrayed in the Pacific more generally, the dynamism and mobility of Pacific peoples came to a halt as colonial borders were established in the 19th century, but were re-dynamised after 1945 in the era of decolonisation (Hau'ofa 1994: 155-6). In New Caledonia, Kanak became French citizens in 1946 when the colonial regulations that made up the *indigénat* were gradually abolished. Accordingly, a major theme in post-war histories is the liberation of Kanak as citizens, and the new freedoms of circulation and assembly; 1946 not infrequently marks a 'chronological and historiographical divide' separating 'the colonial period and the era of citizenship' (Muckle and Trépied 2010: 213).

While certainly not misplaced, this image of Kanak immobility or confinement in the colonial era may be refined in several ways. One challenge is provided by archaeologists who recently have advanced the argument that the received picture of Kanak society prior to contact as 'demographically weak and made up of small mobile groups' is largely a function of the destabilisation resulting from greater than previously estimated post-contact depopulation during which certain groups 'became semi-nomadic, abandoning one place of cultivation for another at the first sign of declining soil fertility and/or the presence of viral diseases' (Sand et al 2000: 189). Colonisation, and its attendant policies of segregation and isolation, may have helped preserve the traditions of the immediate pre-colonial era which emphasise mobility rather than those of the more settled pre-contact era.

More central to the following discussion, however, are two further points about our understanding of the form, impact and legacies of colonial rule. The first concerns the need to explore the limited forms of mobility that characterised and were produced during the era of high colonialism (cf Steel 2009: 110-11). The level of coercion involved in the colonial regulation of mobility should not be underestimated, nor should its legacies. Rather than simply locking up Kanak in the reserves or freezing them in time, the colonial period saw the formation of social and political relationships between Kanak and settlers which

outlived the granting of citizenship and new political and labour rights in 1946. The country's cattle runs provided one such site (Muckle and Trépied 2010). Another was the principal town, Nouméa, where post-war urbanisation (migration from the reserves to Nouméa) has a grounding in colonial-era histories which also allowed such movement albeit in much more controlled and attenuated forms (Naepels 2000: 362-3). The Pacific labour trade in New Caledonia involved not only the importation of immigrant workers but also saw the creation of a significant internal labour trade the history of which remains unwritten (Shineberg 1999: 10).

The second point concerns the need to not treat Kanak experiences of colonial rule in isolation from those of other groups. In 1911, nearly six decades after annexation by France in 1853, New Caledonia's population was estimated at just over 50,000 people which, in the terminology of the colonial authorities, comprised: 13,138 free settlers (including 1202 Japanese citizens), 2444 *condamnés* or *relégués* (convicts serving sentences), 3227 *libérés* (freed convicts), 3214 'regulated immigrants', and 28,075 'natives' (the indigenous people today known as Kanak). The 'regulated immigrants' were for the most part indentured labourers from Tonkin, India, Java and the New Hebrides, but included 760 Kanak. All other Kanak lived in reserves on the mainland or Grande terre (16,297), the Loyalty Islands (11,173) and the Isle of Pines (605) — though at the time of the census many were absent from their reserves: 578 from the Grande terre and 950 from the Loyalty Islands.[1] In this context, in which colonial categories and regulations proliferated, the extent to which the mobility of Kanak or any other group was regulated and controlled can be properly appreciated only by exploring the regimes designed to control different groups and the extent to which they intersected and overlapped.

With reference to the theme of mobility, this paper explores the relationship between the separate but often overlapping regimes designed to police or control 'natives', *libérés* and indentured labourers in New Caledonia.[2] In doing so, it also seeks to sketch the forms of mobility and circulation that were sanctioned and regulated by colonial

authorities, and to examine Kanak experiences of colonial rule in relation to those of other groups. In so far as histories of subject peoples in New Caledonia have been dominated by histories or discourses centred on indigenous/Kanak experiences, this thematic focus provides a way of thinking about experiences of subjection in broader terms; it also draws attention to the gendered dimensions of colonial mobility and helps to question the colonial project to demarcate Europeans and 'natives' as discrete entities (cf Perry 2001: 123).[3]

## Kanak Under the indigénat

There are two key dimensions to the regulation of Kanak mobility. One that has been much studied is *cantonnement* — the alienation of land and the creation of reserves, a process that commenced soon after French annexation and continued until the early 20th century (for example, Saussol 1979, Dauphiné 1989). The following discussion, however, focuses on the regulation or control of the movement of persons, the principal instrument of which was the *indigénat* — the bureaucratic apparatus created by the colonial state to govern the peoples classified as 'native' in New Caledonia between 1887 and 1946. The term *indigénat* refers both to the status of the 'native' and to the administrative regulations governing 'natives' (Merle 2004, 2010). One of its several functions was to allow that specific infractions deemed special to 'natives' could be punished by administrators without being subject to the judicial process (with fines of up to 100 francs and prison sentences of up to a fortnight). While the Governor held a variety of special powers before 1887, the *indigénat* legislation placed these on a more regular and certain footing. It was largely under the *indigénat* that colonial authorities sought to control and regulate the movement of Kanak.[4]

The *indigénat* was not peculiar to New Caledonia; it was developed under military rule in Algeria and from the 1880s onwards extended to most of France's modern colonial Empire. As elsewhere, the study of the *indigénat* calls into question the notion of an 'Empire of law' and allows 'a reassessment of the role of violence in the practice of colonial

authority' (Mann 2009: 331-2; cf Saada 2002, 2003). Furthermore, attention to the 'political statuses, exemptions, and privileged categories developed around the *indigénat*' may balance the disproportionate emphasis often placed on the 'narrow category' of colonial citizenship — the few people who acquired citizenship before 1946 (Mann 2009: 332). In New Caledonia, where the acquisition of citizenship by any 'native' prior to 1946 was truly a rarity, the historiographical preoccupation with colonial citizenship is less evident, but it remains the case that little attention has been paid to the proliferation of statuses during this era and the role of the *indigénat* in shaping them.

Underlying most attempts to regulate the mobility of Kanak as well as other 'natives' were the fears and insecurities of settlers. As the author of a digest of colonial regulations noted in the mid 20th century: 'Above all else the regulation of the movement of natives is based on a preoccupation with security and order' (SAI [c1949]). Central to these regulations were attempts to control gatherings in areas settled by Europeans: 'At the beginning, with limited means, it was a matter of ensuring within normal conditions the maintenance of order in the town of Nouméa and in the principal European centres where, due to the demand for labour, one risked encountering an influx of unruly and ill disciplined natives' (SAI [c1949]).

The rationale for restricting Kanak mobility throughout the colony was articulated on the eve of the *indigénat*'s introduction in 1887 by the colony's Secretary General, Léon Gauharou. Gauharou argued that Kanak mobility was increasing as the semi-permanent state of war — which had been, he claimed, the natural state of relations between Kanak groups — was broken down under the influence of French rule and the introduction of a *lingua franca*:

> … as the relations between valleys become more and more frequent so too the unity of the natives becomes greater. If in these circumstances we allow the natives to circulate freely and for no apparent reason in the various *arrondissements* where they have no business we will create the possibility of a rapid entente between the different *tribus* and at the same time destroy one of the principal elements of our security. [5]

Gauharou's assumptions about warfare and his dismissal of the capacity of Kanak to form alliances across linguistic or tribal boundaries must be treated sceptically, but it is telling that in this instance the immediate source of preoccupation was the '*promenades*' (wanderings) of Kanak who had been displaced following a colonial war in 1878-79 and who were suspected by uneasy settlers of fomenting unrest.[6] Indeed, the Kanak mobility that preoccupied administrators in the 1880s and 1890s was largely a function of conflicts and colonial policies such as *cantonnement* in conjunction with the ravages caused by the advancing pastoral frontier. The toings and froings of Kanak displaced by the colony's expanding cattle herd and free settlers would continue throughout the first two decades of the 20th century.

There is no evidence that ideas about nomadism were part of the various discourses which constructed Kanak as 'savage' and created the rationale for in turn policing and 'civilising' them. Indeed, Gauharou's comments suggest that increased Kanak mobility and communication were seen as effects of 'civilising' contact. And, as Bullard (2000: 33) notes, the idea of 'circulation' — connoting sociability in counterpoint to notions of physical and moral isolation — was seen as necessary to the process of civilisation:

> The appellation 'savage' denoted the predominant unwillingness to circulate, to join in the hierarchy of civilization, to participate in the customs and values of the French. These denotations, in turn, added their powers to the blocking of mutual regard and beneficial interactions. However, the blocked circulation in the long term created a degree of autonomy for the Kanak.

Colonial authorities refused to allow or admit that Kanak might ever reach the same level of civilisation as Europeans.[7] The further irony was that '[e]xpropriation of land figured as a primary material means of creating a "savage" population' (Bullard 2000: 303 n7).

As colonial rule became entrenched the nature of the threat presented by Kanak mobility shifted perceptibly from the fear of violent mass revolt to, on the one hand, the fear of the dangerous individual (cf Muckle 2002) and, on the other, the danger presented by Kanak as a

race. In the 1890s and early 1900s, growing concern about the spread of leprosy — and especially its spread from Kanak to Europeans — led to the development of further degrees of containment or segregation. In the case of Kanak, in the 1890s the colony experimented briefly with the creation of centralised leprosariums, but from 1898 onwards it set about establishing *léproseries partielles* (isolation villages) in each district and placed them under the authority of administrative chiefs. At the height of this system in the 1920s, there were more than 60 such sites designated, though the number would eventually be reduced to six by the late 1940s (SAI [c1949]). The related regulations provide a further illustration of the way in which '[a]cross the imperial world, colonial administrators conflated disease with local bodies, and control over space became control over native social and sexual relations, especially if they involved or threatened imperial subjects and interests' (Perry 2002: 111).

By 1915, restrictions on mobility made up about one quarter of the infractions punishable under the *indigénat*. The principal offences relating to mobility were: leaving one's *circonscription* (an area usually comprising two or more districts) without permission; failing to declare one's arrival in/departure from Nouméa; 'presence without reason in an area inhabited by non-indigenous people after sunset and the performance of *pilou pilou* [traditional dances] or other noisy celebrations after the hour fixed by the authorities'; entering or circulating on private property; entering cabarets and bars; 'carrying arms in areas inhabited by non-indigenous people and nudity on roads or within localities'; and sheltering escapees from the *léproseries*.[8] These measures were carried over into all later elaborations of the *indigénat*'s infractions. In addition, the 1890 regulations setting out the powers of the administrators in each *arrondissement* stipulated: 'Unless able to show an indenture contract with a public service or a private individual, no native may leave their reserve for more than a fortnight without the authorisation of the Administrator.'[9] Further refinements were elaborated in legislation in 1898 which set out the functions and powers of the Service of Native Affairs which forbade 'natives' from 'settling in any part of the colony other than in the reserves assigned

to them'; forbade any private landowner to allow non-indentured natives to live on their property without permission; and required any 'native' wanting to leave their district to request permission from the local Gendarmerie.[10] With the development of a form of indirect rule, the same regulations empowered *grands chefs* (high chiefs) to impose unspecified punishments so as to maintain order in the reserves while *petits chefs* (petty chiefs) could ask that the *grand chef* impose a punishment.

The tendency of the infractions enforced by the *indigénat* to treat Kanak as if they were criminals did not escape the attention of the colonial inspectorate. A note prepared for the Ministry of Colonies in 1936 observed that 'there are some [infractions] which the most basic equity demands must be got rid of'.[11] The reasons for removing them were set out as follows (with reference to the sections in the 1931 list of the infractions):

> It is manifestly excessive to assimilate the Canaques, even educated and well brought up, to freed convicts … [by requiring them to report to the Service of Native Affairs within 24 hours of their arrival in or departure from Nouméa] (s2); to enclose them in 'reserves' in the American fashion [by forbidding them to leave their reserves without being indentured] (s3); to forbid them access to bars where French drinks are sold to the benefit of Japanese and Chinese traders who generously supply them with liquors from their own countries (s5); to indirectly forbid them from approaching any White since their presence in a non-native locality after sunset becomes an offence (s8); … to impose fines and prison sentences for not carrying identity cards (s22).

Despite such criticisms, no significant modifications were made.[12] While Kanak were not formally confined to their reserves and could in theory move *within* their district for up to a fortnight (provided various dress regulations and curfews were obeyed), the collective effect of the various infractions amounted to much the same thing. Kanak could not permanently settle in another reserve, or outside of a reserve, without permission, and were forbidden from entering private property including (from 1928) public land under lease. When the isolation of

many reserves and the absence or parlous state of public roads is taken into account, this often left a very narrow margin for free movement or passage. The manoeuvres or detours required by such restrictions made an enduring impression on popular understandings of life under the *indigénat*. Oral histories of people having to skirt around European properties to get from A to B tend to confirm this (e.g., Néaoutyine 2006: 14-15; Kohu 2007: 16), though they also show that there were ways of resisting, subverting and avoiding the regulations and that the room for manoeuvre could be larger than the regulations suggest.

The administration's well documented inability to enforce isolation during its experiment with a centralised leprosarium in the 1890s is a reminder that regulations were often honoured more in the breach than in their observance. Nevertheless, the absurdities of the restrictions and the risks involved in unauthorised movement were real. In 1928 Dr Nicolas observed the case of a man expected to take a 40 kilometre return trip to the district headquarters to solicit the 24 hour pass needed to travel 20 kilometres in the opposite direction to visit a reserve within a neighbouring district; failing to seek the permit, and having been caught without it, the man in question was fined 20-50 francs — the equivalent of two-to-five days labour (Nicolas 1928: 464).

## The Regulation of Indentured Labour

A second category of person whose mobility was the focus of considerable colonial regulation was the indentured labourer. While colonial regulations aimed to confine Kanak to their reserves, they also sought to regulate and control the mobility of those permitted to leave them as labourers as well as 'natives' who were recruited as labourers from further afield. With the development of New Caledonia's mining economy from the 1870s, and with Kanak and *libérés* considered either insufficient or undesirable, the demand for a cheap and compliant workforce grew considerably. A succession of regulations opened the way for both an internal labour trade, centred on the Loyalty Islands, and also the importation of workers from other parts of Oceania (principally the New Hebrides and Solomons), Asia and Africa.[13] The

status and category of indentured labourer overlapped with that of the 'native' in important ways (with the exception of the Japanese, for example, most immigrant labourers were deemed to be subject to the *indigénat*), but also entailed the development of significant exceptions or exemptions (Muckle 2012).

There was an important relationship between the separate but often overlapping regimes designed to police or control 'natives' and indentured labourers during the era of the *indigénat*. The indenture regulations and contracts established a further domain of circumscribed mobility that intersected with the *indigénat* (see above) and the penal residence measures (see below). The is ample evidence that Kanak 'natives' and immigrant 'natives' were thought of together yet separately: the Service of Native Affairs and the Immigration Bureau were jointly-administered for lengthy periods; the agents of Native Affairs — officers of the *Gendarmerie mobile* — were also the agents of the Immigration Bureau; and many of the regulations curtailing movement applied to both categories and were frequently confused. The sanctions for leaving an employer's property were similar to those for abandoning one's district, and in 1916 the sheltering of labourers who had abandoned their contracts or employers became an offence punishable under the *indigénat*, and (as for the *libérés*) several institutions — 'native depôts' — existed to accommodate those temporarily without contracts.

In the colony's largest town, Nouméa, controlling *la circulation de nuit* (night-time movement) of indentured labourers was a significant preoccupation leading to the development of a series of controls and exemptions which overlapped with those imposed by the *indigénat*. The earliest controls on *la circulation de nuit* were introduced in 1888 so as to deal with the 'scenes of disorder' occurring in Nouméa, 'especially the outlying quarters between natives from various *tribus*', and in 1920 these restrictions were extended to all European localities.[14]

While generally imposing an evening curfew (8.00 pm in 1888 and 9.00 pm in 1934), the various iterations of these measures allowed that on Wednesdays and Saturdays — described in 1911 as 'theatre days' — indentured labourers might be allowed to remain at large until midnight

or 1.00 am. Broader dispensations could be accorded to workers whose duties required them to move about after the curfew. Over the decades, the level of bureaucratic surveillance involved also increased — calling for papers, identity cards and photos — and rewards were paid to police agents for the arrest of those who broke the regulations: three francs in 1920 and five in 1934.[15]

Indenture and the indenture regulations also provided the foundation for the development of a limited form of exemption from the restrictions on movement and residency: the status of *résidence libre* (free residence). Initially a favour granted to immigrant workers who had been indentured a total of eight years and who had displayed model behaviour, *résidence libre* allowed 'natives' to work without entering an indenture contract. From 1898 the possibility of obtaining this status was extended to Loyalty Islanders who wished to reside in Nouméa or on the Grande terre, and to those 'from New Caledonia' (the Grande terre) wishing to live in Nouméa (Merle 2010: 32-3). With some modifications over time, the principal conditions for Kanak were between five and eight years indentured labour (or, later, service in World War 1) and good behaviour. However, as with the residence restrictions to which *libérés* were subject (see below), free residents remained under considerable surveillance. They were required to carry identity papers at all times and to report to the SAI (Service des affaires indigènes) every six months. The 1920 and 1934 regulations on *la circulation de nuit* allowed that those who had acquired *résidence libre* might obtain permission, renewable annually, to move about up until midnight.

Kanak free residents could continue to reside in their reserve of origin but were forbidden from settling in any other reserve and, regardless of where they resided, remained subject to the annual head tax and *prestations* (a labour tax introduced to the Loyalty Islands in 1893 and to the Grande terre in 1924). Furthermore, criminal convictions or contravention of any of the infractions specific to the *indigénat* could result in withdrawal of their residence permit, as could vagabondage or being found without the means to support oneself.[16]

## The libéré

New Caledonia was a penal colony. Between 1864 and 1897 it received about 22,000 convicts from metropolitan France and North Africa and the actual or potential mobility of these populations remained a major preoccupation well after transportation ceased. Of particular concern was the *libéré* — the so-called freed convict. Convicts with sentences of up to eight years had to serve an equal period of compulsory residence (*la résidence obligatoire*) in the colony; those with sentences greater than eight years were subject to compulsory residence in the colony for life. The *libéré* was New Caledonia's archetypal vagabond — 'moving between stations and mines, drinking their salary in an evening, driven by an irresistable need for movement and freedom' (Barbançon 2003: 294). The arch *libérés* were the 'Arabs' — the bandits and bogeymen of New Caledonia's early colonial literature and a constant source of preoccupation and outrage for the colonial press until at least the 1920s.

Even after being 'liberated' from the penal colony's prisons, farms and labour gangs, the *libérés* were by no means free. The regulations designed to curtail their mobility were extensive and, by the end of the 19th century, intersected closely with those applying to Kanak and indentured labourers. Significantly, the *cantonnement* of *libérés* in rural reserves was briefly contemplated in the Guyane penal colony in the 1870s, but not permitted; as a result, *libérés* in New Caledonia had to be controlled by other means (Barbançon 2003: 241; Merle 1995: 216-26).[17] Various regulations were put in place to restrict and monitor the movements and employment of *libérés* including the requirement to carry visas and identity papers and be able to prove they had the means to support themselves. Liberation was often conditional upon obtaining employment and they also needed permission to own boats or canoes (Barbançon 2003: 258).

Police Court records during the 1890s show a steady increase in the prosecution of *libérés* for failing to carry visas and failing to notify authorities of their arrival in, or departure from, a district, as well as vagabondage (Barbançon 2003: 255). Prosecutions reached a peak in the late 1890s and early 1900s when the *libéré* population was at its

greatest and as free settlement and the *cantonnement* of Kanak were intensifying. As was also the case for Kanak, Nouméa was largely out of bounds *unless* one had formal employment and the necessary permits or exemptions, and employment in Nouméa was a privilege subject to good conduct.

Attempts to limit contact between Kanak and *libérés* became a major preoccupation in the 1880s, 1890s and 1900s in the face of extensive evidence of their social interaction — drinking, fighting and 'consorting' with women — and the spread of leprosy amongst the *libéré* population. The general measures that existed to limit such interaction included the prohibition on settlers from living in the reserves and regulations forbidding Kanak to live outside the reserves without being indentured. In July 1903, for example, miner Barthélemy Donati, a *libéré*, was fined 15 francs for sheltering Méléa, a woman from Maré in the Loyalty Islands, who could not show that she was indentured.[18] There were also general prohibitions restricting trade with Kanak under which *libérés* and others could be prosecuted; thus, in 1897 *libéré* Ernest Minel was fined five francs in the police court and had his trade goods confiscated under an 1890 regulation which specified: 'All traffic with native reserves is formally prohibited to all secondhand dealers or hawkers not holding an approved authorisation from the Director of the Interior'.[19] *Libérés* had been forbidden from exercising such professions in the hope that this would 'limit the opportunities for "debauchery" [and] the fencing of stolen goods' (Merle 1995: 226).

More specific measures targeting interaction between Kanak and *libérés* were introduced in the 1890s as free settlement intensified. Following a small war at Hienghène in 1897, the administration set about addressing the problems of *libérés* and alcohol, which were seen as having both contributed to the unrest that led to war. As well as forbidding *libérés* from entering Kanak reserves,[20] the administration temporarily overturned an existing regulation (forbidding the sale of alcohol to Kanak) so as to allow alcohol to be sold to Kanak in approved establishments only, in the hope that this would undercut the illicit commerce with *libérés* and encourage less excessive drinking in more

easily surveyed locations.[21] These measures are indicative of the way attempts to control the circulation or mobility of *libérés* went hand-in-hand with attempts to control sociability.

## Intersections

As can be seen from the foregoing descriptions, there were several intersecting or overlapping regimes which operated to compartmentalise the colonial world in New Caledonia. While further research is required to establish how thoroughly such regulations were actually enforced or evaded,[22] this section analyses several particular points of intersection: a preoccupation with controlling the movement of Kanak women; a preoccupation with limiting interaction between Kanak and *libérés*; the regulation of movement between the Loyalty Islands and Nouméa; and the enforcement of sanitation or public health regulations, most notably the segregation of persons suffering from leprosy. Collectively these highlight the importance of racialised and gendered indigenous experiences under colonial rule.

While it is difficult to generalise about their frequency, attempts to control the mobility of Kanak women illustrate a particular convergence of administrative and customary vigilance in the early 20th century when concern about interaction with *libérés* was near its height. As in other colonial contexts it seems likely 'that colonialism drove a gendered wedge between indigenous women and men, in which women's economic options became defined through sexuality, in a moral discourse with which colonized and colonizing men sought to contain them' (Woollacott 2006: 92-3). As can be seen in the examples of administrative intervention below, the ideology invoked was frequently that of protection — in the supposed interests of both the women concerned and those who made claims on their labour/bodies: chiefs, husbands/clans, and respectable free settlers seeking domestic servants.

Under the *indigénat*, administrative punishments of unauthorised absences by women invariably had as their rationale or underlying accusation the claim that they were involved in 'debauchery' or 'prostitution' — terms which usually had as their object the fact of

cohabitation with *libérés* or settlers of ill repute. In 1908, a woman named Pouïa was sentenced to eight days in prison and a 20 franc fine after a European fisherman at Népoui sought permission for her to live with him. The request was opposed by her *petit chef* and the gendarmerie on the grounds that she had two infant children living in the reserve, and that the fisherman had a bad reputation — they suspected she would be delivered into prostitution. As a result Pouïa was ordered to return to the reserve which she had left without permission, and had been punished for leaving once before.[23] Within the judicial jurisdiction, on the other hand, police court records show that another European fisherman from the same locality was fined 15 francs for the 'abduction of a native' with whom he was living: 'a native woman whom he had taken from the Poinda reserve near Koné'.[24] The contravention cited was the regulation of 8 August 1882 organising the indentured labour of 'natives from New Caledonia' which provided for penal sanctions against those who offered shelter to unindentured 'natives'.[25] In similar cases from the same period women who had left their reserve in the Bourail district — allegedly for prostitution — were sentenced to five days prison and 10 franc fines, while three women who left Baco reserve in the Koné district 'to wander about with *libérés*' were punished for repeated unauthorised absences and 'debauchery'. As two of the latter were recidivists their punishment was to be doubled — set at ten days and ten francs.[26]

While it *might* have been their intent, such measures did not succeed in preventing cohabitation or concubinage and the development of a biologically métis population (especially in the interior). However, it *is* generally understood that the period between the 1890s and the end of the *indigénat* saw a hardening of boundaries between European and Kanak communities and that métissage involving Kanak and Europeans became much less common, especially in Nouméa where the majority of the settler population resided (Dauphiné 1996: 220; Terrier 2004: 66-74).

Authorities were also mindful of the potential threat to security and public order that could be involved in such relations. In serious cases

where disputes over women were said to have been the cause of fights and brawls amongst Kanak and *libérés*, the women in question could be interned (Muckle 2010: 146). Various accounts of the largest colonial war in the colony, in 1878-79, have emphasised the grievances created by relations between Kanak women and settler men, and have noted the centrality of the massacre of a settler along with his Kanak wife and children (Trentinian [1879]: 138-9; Matsuda 2005: 130-2). While the sometimes dismissive political intent of colonial emphasis on such explanations must be acknowledged, so must the gender imbalance in the immigrant settler population and the attendant policies within which such relations can be situated: 'Circulation of women, if not Melanesian, was certainly colonial policy, and female bodies were made equivalent commodities across French empire' (Matsuda 2005: 123).

Concern about this potential for disorder remained evident between the two world wars and was not limited to interracial relationships. A case in point involved a woman from Néaria, Pepée, who in 1935 received the maximum sentence of a 150 franc fine and 15 days in prison ostensibly for leaving her district without permission. The heavy sentence was requested on the grounds that in leaving the district she had 'shown an excess of inhumanity' by abandoning her seriously ill husband who died in her absence.[27] Exceptionally, this decision was challenged by a colonial inspector who argued that the administration could only punish breaches of the regulations and not morality. The Governor, however, insisted upon his right to take into account aggravating circumstances. Had administrative action not been taken, he argued, the actions taken within the reserve might have been more severe and, as there was no formal 'native justice' system, leaving the matter to a poorly defined 'custom' that could not be controlled 'may have serious consequences'.[28]

It is worth noting that Kanak too called upon this disciplinary regime to control gender relations. In 1917, for example, Elisa Kania's abandonment of her reserve, husband and two children prompted her *grand chef to* request that the administration do more to help him keep wives and mothers, and their husbands/children, together. In the

meantime, however, the cuckolded husband had been denounced as a 'rebel' by his rival and imprisoned by the administration.[29]

In 1912 the administration put in place formal restrictions on the mobility of Kanak women in particular. Citing the 1911 census and evidence of 'feminine decrease', a local law forbade women from leaving the reserves; while they could still be employed by settlers in their local districts they could not be formally contracted for any period of time and were expected to return to their reserve if or when summoned by their parents, husband or chief. [30] The law ended all current contracts which could not be renewed. Public outcry ensued as employers of domestic servants in Nouméa demanded to know where they could find alternative labour and the measure was modified in 1913 to allow women employed on contracts in Nouméa to remain in the town — on the grounds that it was pointless to force 'uprooted' women to return to the reserves against their will. It also allowed that these women could be granted free residency in exceptional circumstances.[31]

The status of Kanak women outside the reserves remained central to recurring debates about aspects of 'native' policy and later reform efforts. Critics of the 1912 measure continued to call for the abolition of all restrictions on Kanak women entering contracts — suggesting that the protectionist measures unfairly favoured settlers in the interior over those in Noumea — while opponents countered that removing them from the *tribus* would lead to depopulation (Nouvelle-Calédonie et dépendances 1915: 180-7). In 1923, commenting on the large number of 'native' women in Nouméa (especially Loyalty Islanders) who appeared not to be under contract, two members of the *Conseil général* (Unger and Kollen) called for more rigorous policing of indenture contracts and the conditions in which free residence was granted. It was difficult, they said, to tell apart indentured servants and free residents and the latter, they claimed, were a source of disturbances. Other councillors added that they wanted measures taken to stop women working for Japanese residents, complaining that French settlers with modest incomes also needed access to this kind of labour. Such outbursts, however, probably exaggerated the situation; according to the Service of Native

Affairs, there were only about ten 'natives' with free residence status in Noumea and only three of them were women (Nouvelle-Calédonie et dépendances 1924).

It is worth considering whether Kanak women lost or gained power through such regulations.[32] By living and working in Nouméa, some women at least had made a deliberate break with the customary regime. As critics of the 1912 measure noted (see above), forcing these 'uprooted' women to return to their reserves might result in injustice. In the long run, Kanak women were among the first to benefit from efforts to relax the *indigénat* in the 1930s; from 1937 all 'native' women (and children under the age of 16) were given a blanket exemption from the *indigénat*'s special infractions and internment provisions.[33] Significantly, in the post-*indigénat* era, the majority of requests by Kanak to change civil status and relinquish the customary civil regime (in which requests for divorce are seldom recognised) came from women (Salomon 2000: 321). As Salomon notes, the stance of Kanak women towards 'custom', as elsewhere in Melanesia, is less idealised and 'much more nuanced than that of men' and the opportunity to live and work outside of the reserves, and the rights afforded by French law, have provided Kanak women with an important space to manoeuvre in their gender relations (336).

As the debates about the restrictions that might be placed on female domestic labour indicate, demand for labour created certain sanctioned and regulated forms of mobility and circulation. This is also evident in the measures put in place to control movement between the Loyalty Islands and Nouméa. Various regulations existed to control the movement of Loyalty Islanders who had been heavily engaged in the wider Pacific labour trade since the mid 19th century and who were increasingly sought after as indentured labourers on New Caledonia's mainland.[34] The *indigénat*'s controls on movement outside of the reserves also played their part; where details of enforced infractions exist, Loyalty Islanders feature prominently among those fined or imprisoned for unauthorised absences. In September 1907, Tein, a man from Ouvéa, was fined 10 francs for an unauthorised absence from his district. In February of that year he had gone to Nouméa

without permission and in May he had requested a permit to go to Lifou island, but had again gone to Nouméa. The SAI observed that these infractions were not in themselves serious but Tein had also caused problems with labour recruitment at Poro (on the mainland). In January 1908 a *petit chef* from Lifou who failed to register his departure received a 50 franc fine.[35] And in the following September, seven people were each fined five francs for leaving Ouvéa without permission.[36] In addition, other seemingly innocuous regulations — such as those on navigation between the Loyalty Islands and Nouméa — could also be invoked. Although not particular to Kanak alone, the latter, introduced in 1895-96, restricted the number of people that could be carried on sailing vessels between Nouméa and the Loyalty Islands to two 'per tonnage displaced'.[37]

Finally, the colony's preoccupation with its various mobile peoples was also heightened by the spread of leprosy (and other infectious diseases). While not 'the most effective foot soldier of racial segregation', as described in the case of British Columbia (Perry 2002: 120), public health legislation and leprosy containment measures certainly served to consolidate this aspect of colonial rule in New Caledonia. Crucially, the mobility of *libérés* and Kanak in particular were seen as a key vector in the spread of leprosy. Explaining why 'these numerous walking invalids' were more likely to be *libérés* than members of 'the free white population', medical officers invariably noted that 'they are and have been in regular contact with the natives and must contaminate themselves either in the villages or in the places where they work together' (Ortholan 1911: 247). As described by another, most *libérés* in the interior led 'an existence almost identical to that of the natives with whom they sometimes lived in common' (Leboeuf 1913: 555). As a result, in addition to isolation measures for those identified as having the disease, from 1913-14 regulations required Loyalty Islanders to submit to tests upon entering or ending indenture contracts on the mainland and *libérés* to have annual medical inspections (Leboeuf and Salomon 1914: 231).

The various asylums and leprosariums established to help quarantine

or isolate the sick provide another point of intersection in the discussion of confinement and mobility that remains to be researched. What is clear is that the management of the penal population provided the foundations for New Caledonia's various asylums. It was hoped that *libérés* would provide a labour force but, as early as 1872, asylums were established for the aged, the infirm and those unable to find employment. It is likely that there was some overlap with institutions that Kanak later passed through and, from c1913 for example, the asylums established formerly for political deportees, and then for *libérés,* became leprosariums.

## Conclusion

Although the fragmented details of the quotidian enforcement of New Caledonia's various regulations concerning mobility do not permit firm conclusions to be drawn, the preceding sketch outlines the principal contours of mobility or circulation within the colony. Indeed, the regulatory framework alone is indicative of major preoccupations. While colonial authorities made very real efforts to confine Kanak to their reserves and to thereby restrict traditional forms of movement, sociability and interaction, as well as newer forms arising from European settlement and the introduction of alcohol, it is also clear that much effort was invested in the regulation of mobility outside these zones. Kanak, however, were not the only group or category whose mobility preoccupied colonial authorities. Indentured labourers (both Kanak and immigrant) and *libérés* were subject to controls that were almost as extensive while, in some instances, the regulations designed for the latter served as blueprints for the control of the former.

Various points of intersection emerge when these regimes are brought together under the lens of mobility. These include particular hubs or focal points of mobility such as Nouméa as well as transport between Nouméa and the Loyalty Islands. Other points of intersection include types of relationship, most notably the relations formed between Kanak women and European men (often *libérés*), as well as the employment of Kanak women as domestic servants. Closely

related to the control of mobility/circulation were attempts to regulate sociability involving concubinage as well as the consumption of alcohol. As stated at the outset, there were several intersecting and sometimes overlapping regimes which operated to compartmentalise the colonial world. Accordingly, no single institution or piece of legislation defined the colonial experience. Examining the experiences of Kanak in isolation from the experiences of indentured labourers or *libérés*, or the operation of *indigénat* separately from the operation of the police courts, results in a fragmented picture. An understanding of all of these is needed to understand and explain the development of the segregated or compartmentalised social worlds that to a large extent still characterise the country.

## Notes

1 Statistics provided in: *Journal Officiel de la Nouvelle-Calédonie et Dépendances* (hereinafter JONC) 16 May 1911; *Journal Officiel de la République Française* 28 January 1913; *Bulletin du Commerce* (Supplément) 7 October 1921.

2 This discussion focuses on 'subject' groups deemed not to have French or foreign citizenship and are generally designated as 'natives'. It does not examine the mobility of free settlers and other foreign nationals (e.g., the Japanese).

3 This is not to deny the particularity of Kanak experiences as the indigenous inhabitants of New Caledonia who suffered the processes of pacification, land alienation, etc.

4 Restrictions on mobility which predated the *indigénat* focussed on the presence of 'natives' in Nouméa and were designed to enforce 'decent dress' and forbid 'native dances' (SAI [c1949]). On the political internment of Kanak under the *indigénat,* see Muckle (2010).

5 Gauharou to Director of Interior, no 2, Nouméa, 14 March 1887, Carton NC 27, Centre des archives d'outre-mer, Aix-en-Provence (hereinafter CAOM).

6 ibid

7 Discours Feillet, Conseil Général, Session budgétaire, 6 novembre 1899.

8 Arrêté no 681, 3 September 1915 (infractions spéciales aux indigènes); cf Arrêté no 1334, 11 December 1928 (énumération des actions ou abstentions qualifiées d'infractions spéciales répressibles par voie disciplinaire).

9 Conseil Privé, 14 June 1890, Carton NC 135, CAOM.

10 Decision no 840, 9 August1898 (organisation du Service des affaires indigènes et de l'immigration).

11 Direction des Affaires Politiques, 3ème Bureau, Paris, 24 juin 1936, Note sur l'Indigénat en Nouvelle-Calédonie, Carton Affaires politiques 741, CAOM.

12 ibid

13 The history of New Caledonia's internal labour trade remains largely unwritten, but it centred on the Loyalty Islands and Nouméa. Though never seen as a complete solution to all the colony's labour problems, Loyalty Islanders were in constant employ. Despite being expensive to employ and 'considered too independent' and 'unwilling to go to the country', they were 'regarded as more controllable than mainland Kanaks'. In 1901 Kanak labour, mainly Loyalty Islanders, began to outnumber Oceanian and Asian labour (Shineberg 1999: 50-1, 66).

14 Conseil Privé, 21 December 1888, Carton NC 133, CAOM.

15 Arrêté no 797, 10 August 1911 (circulation, la nuit, des indigènes et des immigrants indiens, javanais, tonkinois et néo-hébridais); Arrêté no 798, 14 September 1920 (réglementant la circulation de nuit des indigènes de la Nouvelle-Calédonie et dépendances); Arrêté no 974, 20 September 1934 réglementant la circulation de nuit des indigènes de race océanienne (Néo-Calédoniens, Loyaltiens, Néo-Hébridais et Wallisiens).

16 Arrêté no 839, 9 August 1898 (réglant les conditions dans lesquelles les immigrants océaniens peuvent obtenir l'autorité de résider librement dans la colonie); Arrêté no 201, 20 February 1943 (réglementant la résidence libre des indigènes de race océanienne, en Nouvelle-Calédonie et Dépendances).

17 The possibility of *cantonnement* remained appealing and in 1886 some settlers lobbied for the establishment of 'an immense reserve in the New Hebrides' for the purpose of receiving the growing population of *libérés* (Merle 1995: 222-3).

18 Jugements de simple police, Koné, no 194, 13 July 1903, 23WE3, Archives de la Nouvelle-Calédonie (hereinafter ANC).

19 Jugements de simple police, Koné, no 20, 26 January 1897, 23WC3, ANC.

20 Arrêté no 232, 22 March 1897 (au sujet de l'interdiction faite aux libérés de séjourner dans les tribus canaques); Feillet to Ministre des Colonies, no 1566, Nouméa, 30 August 1897, Carton NC 5, CAOM.

21 Arrêté no 566, 3 July 1897 (rapportant celui du 22 février 1889 relatif à l'interdiction de vendre des boissons alcooliques aux indigènes); Conseil Privé, 3 July 1897, Carton NC5, CAOM. In 1902, the administration attempted unsuccessfully to take the 1897 measure further in a draft decree which would have forbidden all *libérés* from residing in the reserves 'in general and absolute terms' and which would have allowed individual *libérés* to be banned from residing on the entire east coast between Thio and Balade. Projet de décret sur le régime des libérés astreints à l'obligation de la résidence ou la restriction de séjour (application de la loi du 12 juillet 1901), 12J62, ANC.

22 The fragmented and partial state of New Caledonia's colonial archives makes it difficult to know how thoroughly such regulations were enforced, but occasional glimpses are provided. A 1919 report reveals that 469 'punishments' were pronounced in 1918. The most common infractions involved: breaking curfews, being absent from one's district, disturbing the peace, disrespectful behaviour towards authorities, sheltering escapees from the leprosariums, disobeying orders to appear before the Service of Native Affairs, and making false statements (Pégourier 1919: 44). A report on the Police Service in Nouméa provides the number of infractions punished from 1925 to 1932: the figures range from 885 to 985 between 1925 and 1929, peak dramatically at 1781 in 1930, and thereafter plunge sharply to just 503 in 1932 (Rapport sur la situation et le fonctionnement du Service de la police depuis l'année 1925 jusqu'au 18 avril 1932, 97W, ANC).

23 Conseil Privé, 12 Feb 1908, 44W59, ANC. The authority cited was the decision of 9 August 1898 (arts 28, 30, 34) forbidding Kanak from residing outside of their allocated lands and from leaving without the *grand chef*'s permission.

24 Jugements de simple police, Koné, no 188, 28 October 1907, 23WE4, ANC.

25 ibid

26 Conseil privé, 1 May 1908, 44W59, ANC; Conseil privé, 21 May 1908, 44W59, ANC.

27 Conseil privé, 20 September 1935, 44W"68", ANC.

28 ibid

29 T B Mango (Grand chef du district de Koné) to Gouverneur, Baco-Koné, 8 July 1918, 1W1 (45), ANC; Médoux (Chef de Brigade), Rapport No. 33, Koné, 14 August 1918, 1W1 (46), ANC.

30 Arrêté no 160, 12 February 1912 (interdisant aux femmes et aux filles indigènes de la Nouvelle-Calédonie et Dépendances de quitter leur tribu).

31 Arrêté no 102/4 bis, 17 October 1913 (modifiant celui du 12 février 1912 relatif au rengagement des femmes et filles indigènes).

32 I thank the anonymous readers of this article for the encouragement to address this point.

33 Décret (du 12 mars 1937) règlementant des sanctions de police administrative applicables aux indigènes non citoyens français en Nouvelle-Calédonie et dépendances, *JONC*, 15 May 1937.

34 Principally the arrêté of 8 August 1882 organising the indenture of labourers from the Grande terre and Loyalty Islands.

35 Conseil privé, 30 September 1907, 44W58, ANC; Conseil privé, 13 Jan. 1908, 44W58, ANC.

36 Conseil privé, 14 September 1908, 44W60, ANC.

37 Arrêté of 18 July 1896 (modification à l'arrêté du 17 janvier 1895 sur les bâtiments qui naviguent entre Nouméa et les Loyalty); Ursleur to Directeur de l'Intérieur, no 228, Nouméa, 2 July 1896, 23WC11, ANC.

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