

The  
Machinery of Indirect  
Rule in Papua

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## Indirect Rule in Nigeria

“*IL ne laissa pas seulement aux peuples vaincus leurs mœurs, il leur laissa encore leurs lois civiles, et souvent même les rois et les gouverneurs qu' il avait trouvés. It respecta les traditions anciennes, et il voulait tout conquérir pour tout conserver.*” Such is the testimony of Montesquieu to the administration of Alexander the Great. The passage, which was underlined by Marshall Lyautey, gives as fair a definition of Indirect Rule as one could wish to find, though this system of Government is generally applauded as a comparatively recent discovery of British administration in Africa.

Nigeria is the classical instance of Indirect Rule, but Sir Hugh Clifford tells us that the method was adopted there, “not from design but from necessity”; and there it has been, as he says, “a triumphant success.” In Nigeria there were Chiefs and Courts and a native administration already in existence, and all that was necessary was to stiffen the administration, to strengthen the Courts, and to rule through the Chiefs; but what is to be done in a territory like Papua, where there are practically no Chiefs worth talking about, no existing administration, and no Courts; where there is in fact no one to rule through, and nothing to serve as a foundation?

## Exceptional Case of Papua

For, though village life in Papua was, in fact, ordered in a reasonably efficient manner, still there was nothing, apart from a few exceptional cases, which corresponds with our idea of Government or executive control. It is true that you read about Chiefs in any account of Papua

that you care to take up, and it is only natural that in any body of men there should be some of stronger personality than the rest, and such men will take the lead as occasion arises. We may call these men "Chiefs" if we like, but the name is apt to be misleading; for in Papua the power of such men is likely to be personal to themselves, and to have no connection with any recognized position in the community. They are probably merely the strong men of the moment, and when the moment is past they may easily relapse into insignificance. And in most cases their influence is too transient and fleeting to support even the most modest system of Indirect Rule.

I remember that, in the old days on the Fly, we used to see a man painted white all over who had obviously a very great influence. He would marshal the village host and draw his men up in line like trained soldiers, and, at his command, they would double down to their canoes, embark without delay and without confusion, and sally forth to meet us under arms, ready for peace or war at the signal of the man in white. We saw two, or perhaps three, of these men at different villages; they obviously had great authority for the moment, but it would be rash to say that they were "Chiefs" in any general sense. It is quite likely that they had no particular influence except in case of emergency or war.

### Village Government in Papua

In many parts of Melanesia the administration is in the hands of a council of old men, but I have never heard of anything of the kind in Papua, even among our Melanesians. Certainly it is difficult to understand how our natives carry on their ordinary village life without any administrative organization. The late Mr. Hartland, in his book on "Primitive Law" (page 26), says that in societies of rudimentary organization "the seal of authority is found to rest in the people themselves," but this is merely to restate the problem, not to solve it. Professor Malinowski, in his book on "Crime and Custom in Savage Society," finds the social nexus, in the Trobriands at any rate, to consist of the "principle of mutuality," reinforced by sorcery and suicide; and our own Government Anthropologist, Mr. F. E. Williams, explains it in much the same

way. Mr. Williams suggests that in a Papuan community the "sympathetic sanction," as he calls it, may supply the motive which a highly civilized people derives from a central authority. There is, he suggests, a spirit of "mate-ship" running through such a community which would prevent a native from taking advantage of a fellow villager; just as with Australians (and doubtless with other people) many a man, not otherwise remarkable for civic virtue, would die rather than go back on his mate.

Others have sought to explain the secret of this very efficient lack of organization by attributing it to the "group sentiment" or the "collective unconscious." I confess that I have but a vague idea of what these expressions mean, but perhaps if one is not inclined to accept the more intelligible theories proposed by Professor Malinowski and Mr. Williams, one may ascribe it all to the "collective unconscious," and leave it at that.

### Alternative of Direct Rule

Well, if we have no Chiefs, no Councils, no Courts, no administrative machinery of any kind, nothing but a very problematical "collective unconscious" and a few stray sorcerers, it may be argued that anything in the nature of Indirect Rule is impossible, and that we are driven to Direct Rule, even against our will. And Sir Donald Cameron is very definite on the point. He realizes "that sometimes there is no Native Authority in the form of a Chief or a Council adequate to the task of Government"; "where this is the case" he continues, "it is useless to bolster up an inefficient figure head. The people must be ruled directly by British officers." (See "Africa," October, 1934, page 424). And Sir Harry Moorhouse, who went from Nigeria to the Solomons to inquire into the murder of Mr. Bell and his police, takes an almost equally hopeless view. He speaks of the "shocks" received by his "preconceived notions for grafting on the Solomon Islands the principles of Indirect Government borrowed from experience in Nigeria," though he admitted, eventually, that there was "some hope with patience and very slowly of building up a native administration in which the people will have a real share."

And in Papua we took the chance, slight though it was. After all the "figure heads" need not necessarily be particularly inefficient; and perhaps indeed, in the absence of a chiefly class, we have a better opportunity of avoiding inefficiency, for our choice is less restricted. It is when one is limited to a few ruling families that one runs the risk of finding oneself burdened with the "picturesque antiquity" whom Sir James Currie mentions, and who has no administrative ideas of his own, but is ready to "dance to the piping" of those who care to play to him. (See "Africa," *ubi supra*).

### Village Constables and Councils

To supply the place of the non-existent Chiefs, Sir William MacGregor appointed native officials whom he called Village Constables. He was very proud of his Village Constables, and he had every reason to be, for they have done good work; but their appointment had no relation to any principle of Indirect Rule, which, indeed had hardly been heard of at that time. It was really an act of the most obvious Direct Rule, for these men are servants of the Government. They are selected and paid by the Government, and they hold office during the pleasure of the Government; and their duties are to act as the mouth-piece of the Government, and to carry out police duties generally. The weakness of their position is that they are not in any sense representatives of the village people; and to remedy this defect we have, in recent years, established Village Councils, in order to give the villagers an opportunity of taking part in the management of their own affairs.

The villagers select the Council by whatever method seems best to them, sometimes by popular vote, sometimes by a show of hands, sometimes as the result of a discussion among themselves; and the term of office is generally three years, though it may be as long as the villagers please. The duty of the Councils is to make suggestions for the improvement of village life, or of native life generally, either direct to the Magistrate or through the Village Constable. The Councillors are not paid.

The two initial difficulties in native administration are (i) that the white man really knows very little about

the native, and (ii) that the native knows even less about the white man; and it was thought that the Councillors, if judiciously handled, could help to remove the second of these difficulties. Thus they can, and in fact do, render good service in explaining to the rest of the village the general objects of the administration. The Magistrate explains to the Councillors, and the Councillors to the rest of the village, that the native tax, for instance, does not go into the pockets of the tax-collectors but really comes back to the villages in the shape of schools, medical treatment and so forth; that we really are anxious that the people should live together in peace and prosperity, and that we do not make men carry heavy burdens along steep and slippery paths for our own amusement, but that we always have some definite object in view, and that nine times out of ten what we are doing is for their benefit.

These, the Village Constabulary and the Councils, are the slender machinery which we have provided to assist us in our attempt at Indirect Rule. Fanatics of that form of Government would disapprove of both, for both Constables and Councils are creations of the Government and are quite foreign to Papuan ideas. The Papuans themselves are, as a rule, strong supporters of Direct Rule. There was, at first, no wish for the appointment of Councillors. "Why should we have Councillors?" they would ask. "It is the white man's business to carry on the Government; we do not know anything about it, and do not want to. We are quite satisfied with things as they are."

### Village Councils in Action

And indeed at first the Councils were of little use, and it looked at one time as though they were going to be a failure. The Councillors were timid, and reluctant to volunteer an opinion on any subject; but, by degrees, as they saw that their suggestions were taken seriously, they gained courage, and they are beginning now to offer interesting and useful proposals. For instance, the Port Moresby Council advised that it would be a good thing if notices were circulated among labourers and others, advising them to pay their money into the Bank instead of wasting it on gambling, or on the purchase of silly things

which they did not really want. There is a difficulty in adapting the language of a Stone Age community to the conditions of modern banking, but this difficulty was overcome, and the notices were issued accordingly. And I have been present at a very interesting debate on the subject of sorcery, in which, unfortunately, the conservatives gained the day.

And such practical reforms are not limited to Port Moresby; from Councils in remote districts we get reports of resolutions which have been passed modifying such practices as the segregation of widows, and dealing with other questions of ordinary village life. Last year for instance a report came in of a meeting in Milne Bay. It is true that, according to the report, the Chairman presented a sufficiently absurd picture, for he made his appearance in a lady's imitation straw hat, which he insisted upon wearing throughout the proceedings, but the resolutions passed by him and his Council were sensible enough. One resolution condemned, on the ground of inconvenience, the existing custom of changing the site of a village whenever a pig died; and another decided that roads and plantations should be cleaned every new moon, and the village every Friday.

Then in Port Moresby last year we had a discussion on female education. Boys, it was admitted, should be educated, only, so it appeared, because a boy who could read and write and who knew English was likely to get a better job than one who could not; but the majority of the Council was absolutely opposed to the education of girls. Girls did not seek jobs; their work lay in the house or in the garden, their attendance at school was a waste of time, and what they learned was no good to them, and, on the contrary, was likely to lead them astray. Their knowledge of reading and writing enabled them to correspond with boys, and so to upset the arrangements which their parents had made for their marriage; and there had even been cases, so it was said, where married women, who had been to school, had actually written letters to men who were not their husbands.

Certainly there is a real danger that both men and women may lose their old skill in the garden, in the bush,

and on the sea; but the arguments used by the majority are too like those which, when I was a boy, were used against all suggestions for the education of what were then called "the lower orders." The education of girls is perhaps more important than that of boys, and Lord Lugard quotes with approval an expression of opinion by Lord Dalhousie that "a larger proportionate impulse is given to the advancement of a people by the education of its women than by that of the men." And I find in a recent book on Africa a statement which appears to me to be undoubtedly true—namely that "education for boys can not go a step farther or faster than education for girls, for they are the two wings of the bird which must be equal if native society is to lift itself and make substantial progress." ("Modern Industry and the African." By J. Merle Davis, page 329.)

A pleasing feature about the Village Councils is the good fellowship that prevails. If a Councillor loses his seat his more fortunate fellows offer him their sympathy, and congratulate him on the good work that he has done, in all cases with absolute sincerity; and the elections go off without ill feeling. It may be desirable to extend the system in the future, and to arrange for the amalgamation of different Councils into one large Conference on matters of common importance; but here I see a danger. Perhaps I am too timid, but, while I do not think that there is any risk of undue interference by the Government with the social side of Papuan life, I fear that, politically, we may, if we are not careful, be led too far and too fast by an excess of devotion to our own particular fetish, which, in the case of Australians, takes the shape of an advanced democracy.

### Land, Marriage, Inheritance

The guiding principle of Indirect Rule is the preservation of native custom, and there are certain departments of administration in which native customs can be adopted in their entirety, without difficulty and without injustice.

Take land for instance, native lands are held under native tenure; it is not until they have been purchased from their native owners (and only the Government can



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purchase) that they become subject to British law. To codify all the different land tenures in Papua would be beyond the powers of man, for they vary almost as much as the languages of the Territory; but there is no need to codify them. The few disputes that arise about land concern questions of fact; the question of tenure, is, I think, never in dispute.

So with questions of inheritance. Among the Motu of Port Moresby descent is much the same as with us; the custom varies in different parts of the Territory, but, whatever the custom is, we are careful not to interfere with it, and cases of disputed inheritance are practically unknown. It is difficult to see what advantage would accrue from forcing the Statute of Distributions upon an unwilling community, who would certainly not understand it, and would never willingly be bound by its provisions. Therefore we have left well alone, and I think that we have done wisely.

The question of marriage is not quite so easy. It can rarely be wise to interfere directly with native marriages, except in the case of child marriage, that is the marriage of children of 8 or 10 years to grown men. I suppose that a Government would be justified in prohibiting such marriages but in Papua we do not interfere with them; and in fact with us, and probably elsewhere, the marriage is usually not consummated until the bride has reached maturity.

It rarely happens in Papua, that customs relating to land, inheritance, or marriage, call for Government action; but then comes the question of offences against these customs, as, for instance, offences against marriage. What are we to do in the case of adultery? In the old days the adulterer had a bad time if he had not friends who could protect him; he might have to pay heavy damages in native wealth, or he might even be killed. The wife too might be killed; but would probably be soundly beaten, and returned to her parents.

We British however do not regard adultery as a crime; we denounce it as a sin and leave it at that, with a possible claim for damages in the Divorce Court. How are we to deal with a people who regard adultery as a very aggravated form of theft?

The disorder which arises in a native village when an adulterer is detected forbids us to leave things as they are, but, on the other hand, it seems illogical to treat adultery as a crime among the primitive race when we do not regard it as a crime among ourselves, and so to demand from the primitive a higher standard of morality than from the civilized. But to do so is to adopt the native point of view, and is therefore in full accordance with the principles of Indirect Rule. And after all native administration is often illogical. It is common enough to demand and to expect more from a native than one would ever get from a white man; and so adultery, committed by a Papuan, is a crime punishable with six months imprisonment, though the same offence, if committed by a white man, would not be punished at all.

The punishment of adultery as a crime is one of the few instances in which native custom has compelled its recognition by the criminal law; and I think that sorcery may be taken as another instance. It appears that the same two offences have modified British law elsewhere, (e.g. in Rhodesia), and in the same way ("Modern Industry and the African." E. Merle Davis, pp. 240-241). Sorcery, that is black magic, is a source of constant trouble in the Papuan villages; few white people believe in it, but it is very real to the native, who in many parts of the Territory, is hardly free for one moment from the fear of sorcery, from the cradle to the grave, throughout the whole of his demon haunted life. In some districts all deaths were attributed to sorcery, and the sorcerer was roughly handled, when hatred and the call for vengeance proved stronger than fear.

So to prevent, to some extent, the retaliatory violence caused by the practice of sorcery we have made it an offence punishable with a short term of imprisonment. The native criticism, that the punishment is too light to be effective, is perhaps justified. But one is unwilling to impose a heavy penalty for what is really an imaginary offence; one may class sorcery as "deceit," as in fact we do in the regulation which deals with this offence, but the sorcerer generally believes in his power as implicitly as does his victim.

## Criminal Courts and Procedure

There were no Courts in Papua, and consequently no law, in the judicial sense of the term. I am aware that distinguished anthropologists differ as to the meaning that should be attached to the word "law," but, as a mere lawyer, I am content to rely upon the authority of the Judicial Committee of the Privy Council, who have decided that the usages of peoples such as the Papuans "are not to be reconciled with the institutions or the legal ideas of civilized society." (In *re* Southern Rhodesia Law Reports Appeal Cases, 1919.)

In such primitive communities what we regard as a crime against the public peace was essentially a private wrong, and personal vengeance took the place which police action takes with us; and "clearly a system of substantive law which proceeded on such principles as these could not be tolerated in any part of the British Empire."\* So, in the absence of any native Courts or laws of any kind, we had to establish Courts and to apply laws of our own; Direct Rule, it must be admitted, of the most barefaced nature. But after all Indirect Rule was made for man and not man for Indirect Rule; and, if Direct Rule gives better results, Indirect Rule must go by the board, for there is nothing peculiarly sacrosanct about either of them. However in our Courts and in the administration of law generally we show our loyalty to the Indirect method by giving full effect to native custom, so far as this is possible.

The more serious criminal cases come before the Central Court upon indictment, but the indictable offences that a Papuan can commit are comparatively few in number. The more elaborate crimes are denied him; he can not be a fraudulent bankrupt or a defaulting trustee, not because he is too honest, but because he never gets the chance. Murder, rape and theft, however, are within his competence, and when he commits these or similar crimes he may be brought before the Central Court.

The Criminal Code of Queensland has been adopted in Papua with a few modifications, but the procedure on the trial is simplified to an extent that would horrify an

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\*Report of an Inquiry into the Administration of Justice in Kenya, Uganda and Tanganyika. Published 1934, page 57.

Old Bailey practitioner, for the utmost simplicity is necessary if there is to be anything like a fair trial; and above all it is necessary to see that an innocent man is not induced, by a misplaced sense of courtesy, to plead guilty to the charge of a crime which he has not committed.

### Consideration of Custom in Criminal Cases

And then, during the trial, the question arises what effect, if any, can be given to native custom. Most of the the trials are for murder or other crimes of violence, and the evidence may show, for instance, that the murder was committed as an act of retributive justice, as a necessary part of social etiquette, or as an act of courtesy to oblige a friend; or the crime may be due to the desire of a lad of mettle to "show off" before the girls of the village, or to the ambition to wear certain insignia which are confined to those who have taken human life. Occasionally, though rarely, the custom is of such a kind that it can be used by way of substantive defence by negating the criminal intent; but in the instances that I have given, the custom would be regarded as material in fixing the sentence.

Then there are many cases into which native custom does not enter at all and where the crime has been committed from motives which are powerful all over the world; cases, for example, of murders which arise out of love affairs, or private quarrels, sudden outbursts of temper, and so forth. And there are a lot of miscellaneous murders which can not be brought under any particular heading. Such, for instance, is the case of the man who was killed because "he talked too much," another where the killing was justified on the ground that the deceased "was not very much good," and again, where two run-away carriers were killed because they "looked cold and hungry," and where the prisoner confessed to the practice of killing women, who, he said, "were easy to catch and did not carry spears." The slaying of the man who "talked too much" was treated as justifiable homicide, but no question of native custom enters into such cases, except, of course, that allowance must be made generally for the lower culture.

### Danger of (Administrative) Fads

I have had a long experience in Papuan administration, but I do not think that my experience has taught me very much ; that is to say, I have no particular reason to believe that my administration is better now than it was twenty years ago. But there is one lesson which I really have learned, and that is to avoid making useless experiments. Experiments are unavoidable, but we should remember that we are playing for very high stakes, no less, indeed, than the lives and the happiness of human beings. Even the most prosaic and unimaginative of us have fads and caprices of our own, and those whom fate or accident has placed in control of these primitive peoples must always be on our guard against the temptation to work off our fads upon our helpless and unresisting charges. A loyal adherence to Indirect Rule and a genuine attempt to understand native custom may save us ; but we must remember that the temptation is very real, for the native has little power of self expression, he can offer no effective resistance, and he lies completely at our mercy. In our own country, if we attempted to give practical effect to our idiosyncrasies our fellow countrymen would hang us on the nearest lamp-post, but the wretched " primitive " has no such protection ; the long suffering cannibal and the patient head-hunter can only endure in silence.

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