

## **Why Were Colonial Powers Interested in Sexuality?**

**Paul Grossman**

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### **Abstract**

In this article, Paul Grossman looks at the links between the maintenance of colonial systems of governance and the regulation of sexuality. Paul draws on a framework developed by Foucault to show that the regulation of sexuality is heavily steeped in notions of power. Not only is the regulation of sexuality an important pillar of social control, but through the distinctions of what is classified as the acceptable form of sexuality, notions of what constituted the 'European' were also constructed. This article will look broadly at eighteenth and nineteenth century understandings of colonial sexuality which informed self-identity and helped construct social control. It will then focus on the case of the colonial Contagious Diseases Acts in British India to illustrate the function of colonial sexuality in a specific case.

### **Author Biography**

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## **Why Were Colonial Powers Interested in Sexuality?**

In his 1847 account of the Aboriginal Australians, designed to familiarise new white settlers with the indigenous population, George Angus made sure to note why the settlement of aboriginal lands was entirely justified. 'The population of the native tribes inhabiting South Australia is not considerable' remarked Angus, because of internal conflicts, infanticide, and polygamy.<sup>1</sup> Interestingly, Angus's principle endorsement of British colonialism in Australia did not rest on the prevention of these internal conflicts or infanticide, but the enforced destruction of what he saw as the sexual vice of polygamy. 'There does not appear to be any distinct ceremony of marriage between them', and 'one of the surest marks of the low position of the

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<sup>1</sup> G. Angus, 'George Angus on the Aborigines of Australia', in M. Kuefler (Ed.), *The History of Sexuality Sourcebook* (Toronto, 2007), pp. 246-247.

Australian Savage in the scale of the Human Species, is their treatment of women.<sup>2</sup> In short, Angus's main justification for colonialism rests on the deviation of sexuality from the assumed European standard: that of the private heterosexual marital unit.

Angus's focus on sexuality as an instrument of colonialism is interesting because the regulation of sexuality both clearly presents the sexual norms of the colonial power, but also acts as a principle pillar of social control. This notion forms the central premise of this piece. This article will look broadly at eighteenth and nineteenth century understandings of colonial sexuality which informed self-identity and helped construct social control. It will then focus on the colonial Contagious Diseases Acts in British India to illustrate the function of colonial sexuality in a specific case.

In his seminal book series, *The History of Sexuality*, Michel Foucault acknowledged that between the end of the seventeenth century and the middle of the eighteenth century sexuality moved from the public to the private sphere, during which the bourgeoisie took 'custody of [sexuality] and absorbed it into the serious function of reproduction.'<sup>3</sup> By taking ownership through literature and the passing of increasingly sexually restrictive legislation, those in power were not only able to restrict sexuality, but also define the right expression of sexuality; any deviance from the agreed definition, as Angus's account demonstrates, was dismissed as backwards or morally corrupt.<sup>4</sup>

Ann Laura Stoler has been among the principle historians to expand Foucault's discussion of power and sexuality to cover the colonial experience. In Stoler's discussion of French Indochina, Stoler highlights the Métis (mixed race) person as problematic to the colonial regime due to the blurring of racial, and thus moral lines.<sup>5</sup> The question of whether the child was 'French' or indigenous, and whether that child should have access to the colonial administration was a difficult one for French officials. The Society for the Protection and Education of Young French Métis of Cochichine and Cambodia redefined the sexuality of Indochinese women, arguing that sons of such relationships needed to be educated by white French men to avoid the 'veritable prostitute', presumably the mother, from gaining a voice in government.<sup>6</sup> Those with power were able to solidify their social control by associating inter-

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<sup>2</sup> Angus, 'Aborigines of Australia', pp. 246-247.

<sup>3</sup> M. Foucault, 'Michel Foucault and the Repressive Hypothesis', in Kuefler (Ed.), *The History of Sexuality Sourcebook* (Toronto, 2007), pp. 404-405.

<sup>4</sup> Foucault, 'Repressive Hypothesis', pp. 404-405.

<sup>5</sup> A. L. Stoler, 'Sexual Affronts and Racial Frontiers: European Identities and the Cultural Politics of Exclusion in Colonial Southeast Asia', in F. Cooper & A. L. Stoler (Eds.), *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Los Angeles, 2007), p. 199.

<sup>6</sup> Stoler, 'Sexual Affronts and Racial Frontiers', p. 207.

race sexual intercourse as the wrong way to express sexuality. This redefinition of sexuality was reflected in the 1928 *décret* which maintained that Métis born in French Indochina needed to be both 'morally' French and of French parentage to qualify as a French person.<sup>7</sup>

Stoler has in essence highlighted the two faces of Foucauldian (colonial) sexuality: self-identity and social control. In the example above, the French sexual identity was defined as monogamous and white and opposed to the prostitution and mixed race relations of Indochina, while the colonial state's control was increased by the exclusion of potentially dangerous groups such as the Métis. In this way, sexuality was important to colonial powers because it fulfilled the two crucial arms of colonial rule: outlining the identity of the metropole and why it was superior to all others (identity), and solidifying control over its colonial subjects through redefining their supposed sexuality as wrong (control). To return to Angus's denunciation of the Australian Aboriginals, not only was sexuality important because it acted as a power structure to justify white settlement and control in the face of aboriginal sexual vice, but in the inherent assumption that the European settlers were of higher moral fibre it also helped define what constituted a 'European': a person who understood sexuality as morally restrained to a heterosexual marital unit.

In a wider context, colonial powers were interested in sexuality because its regulation allows for both social control and the construction of a self-identity based on the Saidian concept that the West was the moral and modern mirror to a backward and inferior Africa and the East.<sup>8</sup> If the west was to be masculine and rational, the East, as Joanna de Groot argues, was to be mysterious and feminised.<sup>9</sup> Where elements of sexuality clearly overlapped, Phillipa Levine has shown that carefully constructed contradictory arguments were developed to justify unequal treatment. For example, in Levine's study, prostitution was interpreted in Britain as an unfortunate, but distinctly separate, part of society. Conversely, in India colonial powers treated it as something integral to the Indian psyche.<sup>10</sup>

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<sup>7</sup> Stoler, 'Sexual Affronts and Racial Frontiers', p. 212.

<sup>8</sup> I. Grewal, *Home and Harem: Nation, Gender, Empire, and the Cultures of Travel* (London, 1996), p. 136.

<sup>9</sup> J. de Groot, "'Sex' and 'Race': the Construction of Language and Image in the Nineteenth Century", in C. Hall (Ed.), *Cultures of Empire: Colonizers in Britain and the Empire in the Nineteenth and Twentieth Centuries: A reader* (Manchester, 2000), p. 48.

<sup>10</sup> P. Levine, "'A Multitude of Unchaste Women': Prostitution in the British Empire", *Journal of Women's History*, 15 (2004), pp. 1470-2000.

Through the construction of this identity, of which sexuality was a key part, 'Whiteness' went beyond a skin colour to describe a set of social beliefs.<sup>11</sup> This can be clearly seen in a 1783 Pears' soap advertisement in which a white child, clearly 'civilised' by his attire, literally cleans away the blackness of an African child to present him as the white person he always had the potential to be underneath.<sup>12</sup>

Sexuality as a marker of ethnic identity arguably began with John Millar who expanded Adam Smith's stadial theory of economics to include manners, through which the races of the world were marked as more or less advanced based on European standards of manners and sexuality.<sup>13</sup> The classification of the world's races into a hierarchy can be traced back to Carl Linnaeus's *Systema Naturae* (The System of Nature), which provided a system that classified all plants on earth according to their reproductive parts.<sup>14</sup> Linnaeus produced 24 basic configurations of plant parts such as pistil or stem and four visual parameters: number, form, position and size. The claim was that all plants, even those yet unknown to Europeans, would fit into his system. From his publication in 1735, Linnaeus's ideas became popular and were soon translated into human knowledge as well as plant.<sup>15</sup> Pratt argues it was the widespread popularity of Linnaeus taxonomy that helped Europeans to order non-European races as *scientifically* lesser, through empirical observation of their supposed universal traits.<sup>16</sup> *Systema Naturae* set in motion a 'project to be realised in the world in the most concrete possible terms' – if you can order a set of people, you can exert power over them.<sup>17</sup>

An example of this line of thinking is Herman Merivale, an Oxford professor of political economy, who wrote in the *Edinburgh Review 1837* that 'savages [...] hunters and fishers are of great use to political economists, as well as political philosophers, as their condition serves as a sort of zero in the thermometer of civilisation.'<sup>18</sup> Merivale argued Linnaean taxonomy could help to classify the world's races into more or less advanced ones based on his

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<sup>11</sup> W. Jackson, 'Not Seeking Certain Proof: Interracial Sex and Archival Haze in High-Imperial Natal', in F. Jackson & E. Manktelow (Eds.), *Subverting Empire: Deviance and Disorder in the British Colonial World* (New York, 2015), p. 185.

<sup>12</sup> A. McClintock, *Imperial Leather: Race, Gender and Sexuality* (New York, 1995), p. 32.

<sup>13</sup> P. Moloney, 'Savages in the Scottish Enlightenment's History of Desire', *Journal of the History of Sexuality*, 14 (2005), pp. 237-265.

<sup>14</sup> C. Linnaeus, *Systema Naturae* (Stockholm, 1735).

<sup>15</sup> M. L. Pratt, *Imperial Eyes: Travel Writing and Transculturation*, (New York 1992), p. 24.

<sup>16</sup> Pratt, *Imperial Eyes*, p. 25.

<sup>17</sup> Pratt, *Imperial Eyes*, p. 24.

<sup>18</sup> Moloney, 'Savages in the Scottish Enlightenment's History of Desire', pp. 237-265.

interpretation of how advanced their civilisation was along supposed European lines.<sup>19</sup> In the case of Merivale, he argued for European superiority based on the notion that few European men and women could be classed as “hunters” or “fishers”, compared to the supposed wide common instances of this in other cultures.

Levine has echoed this view with a focus on sexuality, arguing ‘the heterogeneity of sexuality they found in other cultures was an index of savagery, proof that passion, not reason dominated’ and thus was a marker of how civilised they were.<sup>20</sup> In short, when colonial powers encountered other forms of sexuality, ‘they were mystified and shocked [...] quick to condemn them as immoral or amoral’ and essentially anti-European and less civilised.<sup>21</sup> A case in point was ‘mine marriage’ between older and younger males in African mining communities.<sup>22</sup> Such relationships, which saw younger males engage willingly in sexual and domestic relationships as ‘wives’ to senior miners, spread fears of homosexuality among Europeans. Levine highlights that such arrangements may have been a pragmatic choice given the social seclusion of the mines and that such activity rarely hindered the traditional expectation of a later heterosexual union.<sup>23</sup> Between the belief that some traits were inherent to some races and that hotter parts of the world were more sexually liberal than temperate Europe, to colonial powers such behaviour became strongly associated with being non-European.

Women and sexuality received heavy focus and ‘served as a lightning rod’ for debates on what constituted the European woman.<sup>24</sup> One account of African women by Richard Ligon noted that they were distinguished from Europeans by their breasts, which ‘hung down below their navels’ and at a distance when hunched over, they appeared to have six legs.<sup>25</sup> A similar account by John Barbot argued that African women’s breasts were long so as to flip them over one’s shoulder and feed an infant on their back, supporting the idea that African women were naturally suited to perpetual pregnancy due to a constant sex drive. Thus African women were differentiated from Europeans by a heightened sexuality.<sup>26</sup> Anna Maria Falconbridge, an

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<sup>19</sup> Moloney, ‘Savages in the Scottish Enlightenment’s History of Desire’, p. 246.

<sup>20</sup> P. Levine, ‘Sexuality, Gender, and Empire’ in P. Levine (Ed.), *Gender and Empire*, (Oxford 2004), p. 152.

<sup>21</sup> Levine, ‘Sexuality, Gender, and Empire’, p. 151.

<sup>22</sup> Levine, ‘Sexuality, Gender, and Empire’, p. 152.

<sup>23</sup> Levine, ‘Sexuality, Gender, and Empire’, p. 152.

<sup>24</sup> T. Loos, ‘Transnational Histories of Sexualities in Asia’, *The American Historical Review*, 114 (2009), pp. 1309-1324.

<sup>25</sup> J. Morgan, ‘Male Travellers, Female Bodies and the gendering of racial ideologies, 1500-1750’, in T. Ballantyne & A. Burton (Eds.), *Bodies in Contact: Rethinking Colonial Encounters in World History* (Durham, 2005), p. 55.

<sup>26</sup> Morgan, ‘Male Travellers’, p.62.

Englishwoman, visited Sierra Leone and remarked on African women that 'seeing so many of my own sex though of different complexion from myself attired in their native garbs, was a scene equally new to me, and my delicacy, I confess, was not a little hurt at times.'<sup>27</sup> Falconbridge acknowledged there was a shared womanhood between the two parties, but ultimately rejected it because the African women's clothing, which revealed their breasts, made them sexually repellent women in her eyes.<sup>28</sup> These narratives not only circulated the idea that non-Europeans were bestial, as in Ligon's comparison to a six-legged animal, but by associating African women's physical attributes with an enhanced libido, implied a heightened sexuality was something inherent to non-Europeans.

In regards to what constituted a European man, Levine has argued that masculine sexuality pervaded the empires of Europe and 'influenced in every way' the identity of European men as a highly masculine one.<sup>29</sup> Masculinity is not just a verb but a way of ordering a system. New lands were usually characterised as being penetrated by men into virgin territory, or in art, men could be seen unveiling the truth like a voyeuristic metaphor as seen on the 1772 frontispiece of the *Encyclopédie*.<sup>30</sup> When writers did not get the opportunity to actually travel to non-European spaces they still imagined them as sexualised and feminised spaces. Flaubert described swimming the Red Sea as 'though I was lying on a thousand liquid breasts', whilst Thomas More imagined Syria as a 'land of roses' watched over by the 'light of Eve.'<sup>31</sup> Even on maps, mythical feminine creatures like mermaids and sirens littered the unexplored regions, which helped to constitute the identity of a European explorer as a masculine one.<sup>32</sup>

This ordering of non-European spaces as feminised was extended to the population. In his travel narrative to Madras, William Hodges described the first Indians he saw as reminiscent of an 'assembly of females.'<sup>33</sup> The people he referred to were in fact 'people of business', but it is clear that their 'fine linen, and the general hum of [their] unusual conversation' diminished the Indian men's masculinity and coded them as lesser along presumed European gender conventions.<sup>34</sup> It is not the Indian's business acumen that is of import, though that is of course

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<sup>27</sup> F. Nussbaum, *Torrid Zones: Maternity, Sexuality, and Empire in Eighteenth-Century English Narratives* (Baltimore, 1995), p. 89.

<sup>28</sup> Nussbaum, *Torrid Zones*, p. 89.

<sup>29</sup> P. Levine, 'Why Gender and Why Empire?', in P. Levine (Ed.), *Gender and Empire* (Oxford, 2004), p. 2.

<sup>30</sup> McClintock, *Imperial Leather*, p. 23; University of Chicago, ARTFL *Encyclopédie Project: Frontispice & Explication*, 1772.

<sup>31</sup> de Groot, "'Sex'" and "'Race'", p. 49.

<sup>32</sup> McClintock, *Imperial Leather*, p. 24.

<sup>33</sup> W. Hodges, *Travels in India during the years 1780, 1781, 1782, & 1783* (London, 1793), pp. 2-3.

<sup>34</sup> Hodges, *Travels*, p. 2.

the principle reason for the British presence in Madras, but their clothing and incomprehensible speech (to Hodges) which Hodges relays to the reader as comparable to Englishwomen's attire and the way he imagines women's speech as nonsensical chatter.<sup>35</sup>

Hodges continues his feminised assessment of the Indians arguing that Hindus are 'delicately framed, their hands in particular are more like those of a tender female', whilst noting of Indian weapons that 'the grip of the sabre is too small for most European hands.'<sup>36</sup> Like his assessment of the businessmen, Hodges has taken traditionally perceived masculine traits (the act of conducting business, or the use of weaponry) and recoded them as specifically feminine for the Indian man. In this case, the sword becomes not a clear marker of the masculine power, but a further proof that the Indian man is more feminine since its smaller grip is designed with their 'tender female' hands in mind.<sup>37</sup> Perhaps the strongest marker of the Indian man's femininity is the almost phallic notion that Indian men required smaller swords than their European counterparts.

The sexuality of non-Europeans, however, was closely tied to its utility towards social control. For example, Douglas Peers has argued that the Bengalis were considered the most effeminate within India because it suited the power balance for white men in control of an empire based in Bengal. Conversely, the Sikhs were viewed as more masculine because the British Empire required a force to police the streets of Hong Kong.<sup>38</sup> Singha has largely agreed that the sexuality of non-Europeans was orientated towards social control. At once, the Indian man was argued to be effeminate enough to be colonised, as part of the ongoing assertion of 'traditional' India as a sexually indulgent space, but he was also punished for his 'excessive' masculinity when it interfered with the colonial state.<sup>39</sup> The abolition of the right for an Indian man to punish by death or slavery within his home was abolished not in the name of reform, but to further the controlling power of the colonial government.<sup>40</sup> In doing so, the colonial power stripped the head of the house's masculinity and reaffirmed his effeminate place as the

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<sup>35</sup> Hodges, *Travels*, p. 2.

<sup>36</sup> Hodges, *Travels*, p. 3.

<sup>37</sup> Hodges, *Travels*, p. 3.

<sup>38</sup> D. Peers, 'Soldiers, Surgeons and the Campaigns to Combat Sexually Transmitted Diseases in Colonial India, 1805-1860', *Medical History*, 42 (1998), pp. 137-160; D. Anderson & D. Killingray, 'Consent, Coercion and Colonial Control: Policing the Empire, 1830-1940', in D. Anderson & D. Killingray (Eds.), *Policing the Empire: Government, Authority and Control, 1830-1940* (Manchester, 1991), pp. 137-160.

<sup>39</sup> R. Singha, *A Despotism of Law Crime and Justice in Early Colonial India* (Oxford, 1998), p. 122.

<sup>40</sup> R Singha, *A Despotism of Law Crime and Justice*, p. 122.

colonised. Furthermore, by placing the ownership over law exclusively within the hands of the colonial power, the power gained a renewed masculinity as the paternal father figure of the entire judicial system.<sup>41</sup> Colonial attitudes towards indigenous sexuality were essentially bespoke because how they viewed it relied on whether the indigenous were more useful as feminine or masculine for increased social control.<sup>42</sup>

Singha's highlighting of the shifting, at times inconsistent role early British colonial law played in India is a convincing one, reinforcing the notion that European empires required ever-changing legal systems, at times hybrids between local and imperial structures, to maintain power. Though her cut off dates (1772-1837) encompass but a fraction of British contact with the subcontinent, her findings have been persuasively reproduced in a multitude of studies.

For instance, during her travels to India, Mrs Postans wrote of 'a pair of most hideous eunuchs' who worked as guardians of a local ruler's household.<sup>43</sup> 'Armed to the teeth' with 'huge' blunderbusses, Postans coded the eunuchs as part of an Indian masculine tradition that was both aggressive and hampered the freedom of the women they were supposed to protect, used by Postans as a pretext for a call for British colonialism.<sup>44</sup> Around the same time, George Thomas Keppel described court eunuchs he encountered as similar to elderly women, frail and effeminate.<sup>45</sup> The effeminacy of the court eunuch was utilised by Keppel as evidence of the eunuch's inability to rule and unsuitability for court life; unsurprisingly, Keppel hoped the British colonialism would fill the gap.<sup>46</sup> Both Postans's and Keppel's accounts reinforce Singha's contention that colonial structures of power, though always geared towards increasing their power, utilised shifting and inconsistent methods to achieve it.

Radhika Singha has argued that this tailored view of non-European sexuality was constructed through invented traditions. Part of the British government's reluctance to assume responsibility for India's poor and mentally ill was justified by the contention that Indian families looked after their own poor and mentally ill.<sup>47</sup> Sexuality was no different. In regards to what constituted consent for an Indian woman, A. F. Bellasis, deputy registrar for the British East

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<sup>41</sup> R. Singha, *A Despotism of Law Crime and Justice*, pp. 122-123.

<sup>42</sup> D. Anderson & D. Killingray, 'Consent, Coercion and Colonial Control', pp. 137-160.

<sup>43</sup> M. Young, *Cutch; or, Random Sketches, Taken During a Residence in One of the Northern Provinces of Western India* (London 1839), pp. 50-51.

<sup>44</sup> Young, *Cutch*, pp. 50-51.

<sup>45</sup> J. Hinchy, 'The Sexual Politics of Imperial Expansion: Eunuchs and Indirect Colonial Rule in Mid-Nineteenth Century North India', *Gender and History*, 26 (2014), p. 426.

<sup>46</sup> J. Hinchy, 'The Sexual Politics of Imperial Expansion', p. 427.

<sup>47</sup> Singha, *A Despotism of Law Crime and Justice*, p. 125.

India Company wrote that it must always be 'determined by the digression of the court, or by jury' because in India, it was socially believed that 'females come to maturity so early.'<sup>48</sup>

Conversely, sexuality was sometimes left unregulated because social control was better maintained through inaction. Levine has highlighted the example of female circumcision, which was seen as dangerous to a woman's reproductive system and thus potentially damaged her natural role as the bearer of children.<sup>49</sup> In Sudan, however, during the Mahdist Jihad of the 1880s, the government's hold on Sudanese territories was unstable and the pragmatic choice to avoid antagonising local religious leaders over circumcision was chosen.<sup>50</sup> Will Jackson has echoed this line of argument convincingly by highlighting the example of John Dunn, known as the 'White African.' He crafted a persona of heroic frontiersman but appalled missionaries by marrying a Zulu woman and becoming a sexual 'heathen.' Despite his association with the Zulu state, he was later recruited into the colonial system as a tool for indirect rule because, despite his sexuality, he was politically useful to the colonial state.<sup>51</sup>

In other cases where the people involved did not hold as much utility, their sexuality was regulated; Jackson here uses examples from the colonial archive in Durban to illustrate this. Evelyn Voller and Grileni 'The Native', were both sentenced to 12 months hard labour in Natal for having sexual relations after Evelyn became pregnant with Grileni's child.<sup>52</sup> Evelyn had been installed as a wife far away from her family in England in an isolated village near Durban. Her solicitor stated she was a woman 'who stood alone without a friend in the country.'<sup>53</sup> Neither she, her mixed race child, nor Grileni, a man of African descent, were viewed as useful to the colonial regime and so could be regulated without concern. Yet in the case of Simon Hoffenberg and an unnamed African woman, the latter was accused of tempting Hoffenberg, based on the assumption that a 'civilised native' would have accepted sexual harassment from Hoffenberg.<sup>54</sup> Despite previous allegations against Hoffenberg and his unpopularity in the town as a man who had sexual relations with African women, his status as a white European and thus his usefulness both to the state and for the procreation of more white children in the colony elevated him above the same conviction of guilt the unnamed African woman received. Rather than a victim she was defined as a 'consenting partner' in order to protect the honour

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<sup>48</sup> Singha, *A Despotism of Law Crime and Justice*, p. 139.

<sup>49</sup> Levine, 'Sexuality, Gender, and Empire', pp. 153-154.

<sup>50</sup> Levine, 'Sexuality, Gender, and Empire', p. 154.

<sup>51</sup> Jackson, 'Not Seeking Certain Proof', p. 188.

<sup>52</sup> Jackson, 'Not Seeking Certain Proof', p. 195.

<sup>53</sup> Jackson, 'Not Seeking Certain Proof', p. 194.

<sup>54</sup> Jackson, 'Not Seeking Certain Proof', p. 195.

of the white man who was of more political use to the state's social control.<sup>55</sup> One of the clearest examples of this was Benoit de Boigne, whom whilst in India married Halima (Catholic name Helen Bennett) who had minor nobility status. Later, he travelled to England in 1797 where he married the French Ambassador's daughter, Adele d'Osmond, claiming his marriage to Halima was not legally binding. Halima lost her status and died in a one-bedroom apartment near London.<sup>56</sup> When de Boigne, devoid of legal heirs, required a son, he stressed that his son by Halima could legally inherit his state because she had legitimately converted and consummated their marriage and thus made her European enough to give birth to the future duke.<sup>57</sup>

A problem Jackson encounters when discussing the legal records of colonial rule and of trials is, however, the question of how representative they are of the wider historical trends. Legal, and especially colonial archival records are notorious for being selectively constructed and distorted to present the colonial power positively, and so the argument can be made that it is difficult to draw meaningful conclusions as Jackson does.<sup>58</sup> As recently as 2012 for example, it was discovered that colonial officials overseeing Kenya in the 1950s covered up massacres by doctoring official documents and storing incriminating files in secret at the Foreign Office for over fifty years.<sup>59</sup>

Yet, as Spivak showed in their influential study on the colonial recording of the practice of Sati, colonial archives, though rarely an accurate picture in themselves, are excellent for providing insight into the beliefs and power structures of colonial regimes.<sup>60</sup> In her example of sati (the self-immolation of widows on their husband's funeral pyres), a regional and fairly uncommon practice, was reconfigured in the British archives in India as a great moral victory over a backwards part of Indian culture, or as Sinha puts it, a story of one 'modern civilising force of empire triumphing over the benighted traditions of the natives.'<sup>61</sup> Though the recording of sati was inaccurate, the act of doing so demonstrated that the British colonial system thought of itself as the saviour and moderniser of India. The same conclusions can be drawn for

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<sup>55</sup> Jackson, 'Not Seeking Certain Proof', p. 194.

<sup>56</sup> D. Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge, 2006), pp. 47-48.

<sup>57</sup> Ghosh, *Sex and the Family*, p. 68.

<sup>58</sup> M. Sinha, 'Projecting Power: Empires, Colonies, and World History' in *A Companion to World History*, D. Northrop (Ed.), (Chichester, 2012), p. 261.

<sup>59</sup> I. Cobain and R. Norton-Taylor, 'Mau Mau massacre cover-up detailed in newly-opened secret files', <https://www.theguardian.com/world/2012/nov/30/maumau-massacre-secret-files>, accessed 10.01.2018.

<sup>60</sup> G. Spivak, 'The Rani of Sirmur: An Essay in Reading the Archives', *History and Theory*, 24 (1985), pp. 267-268.

<sup>61</sup> M. Sinha, 'Projecting Power' in *A Companion to World History*, p. 262.

Jackson's research; namely that by recording these cases instead of others, this selectivity illuminates the beliefs of the Durban government. As Jackson has persuasively shown through his analysis of the legal records, the Durban government was highly interested in sexuality as a means of controlling potentially disruptive groups (i.e. interracial relationships or mixed-race children) and presenting again, that the only correct form of sexuality is the heterosexual (white) marital unit.

Colonial powers, then, were interested in sexuality because observing it in other cultures helped construct a view of the European self, as well provide a tool of which to construct social control. However, the regulation of sexuality rested entirely on the utility of those to whom the sexuality pertained. These features of colonialism are expressly demonstrated by colonial responses to Indian prostitution, including the Contagious Diseases Acts, which will be the focus of the second half of this article.

The regulation of Indian prostitution began as early as 1797 with the establishment of *lal bazaars* (red markets), and the inspection of suspected prostitutes, considerably predating similar practices enforced in Britain from 1864.<sup>62</sup> Women found to have contracted venereal disease (gonorrhoea or syphilis) were sent to lock hospitals until they were deemed cured. The practice went out of fashion under Governor-General Lord William Henry Cavendish-Bentick in 1833 due to the costs of the Burma War and the ineffectiveness of the system in lowering disease rates. A major problem with the acts was that they only focused on the women involved in prostitution and not those who used their services.<sup>63</sup> The practices gained popularity once more after the Bengal experimental hospitals began operating in 1859, and following the British acts in 1864, were formalised in 1866 as the Contagious Diseases Acts.<sup>64</sup> These acts helped construct a European identity against the perceived view of Indian sexuality, and enabled an increased social control of the groups involved.

Ronald Hyam's approach towards colonial powers and their interest in Indian prostitution and sexuality has proven to be a controversial one. Hyam argues that sexual conservatism at home drew eager men to 'sexual opportunity' at the colonial periphery, helping to 'build the bonds of empire' through sexual 'collaboration.'<sup>65</sup> In Hyam's work, women under the empire,

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<sup>62</sup> E. Wald, 'Defining Prostitution and Redefining Women's Roles: The Colonial State and Society in Early 19<sup>th</sup> Century India', *History Compass*, 7 (2009), pp. 1470-1483.

<sup>63</sup> Wald, 'Defining Prostitution', pp. 1470-1483.

<sup>64</sup> Wald, 'Defining Prostitution', pp. 1470-1483.

<sup>65</sup> R. Hyam, 'Empire and Sexual Opportunity', *Journal of Imperial and Commonwealth History*, 14 (1886), pp. 34-90.

such as prostitutes are presented as eager and consenting entrepreneurs owning ‘honourably established businesses.’<sup>66</sup> Though, as Hyam points out in a reply to Mark Berger, it does not do well to paint all colonial women simply as victims, Berger rightly notes that Hyam’s empire of ‘sexual opportunity’ seems little more than a male fantasy and completely disregards the socio-economic conditions that drove many women into prostitution.<sup>67</sup> Even naming his article “opportunity” suggests a sort of equity between the colonised and the coloniser which seems at odds with the concept of an “empire”. This aside, Hyam does note that in Britain there appeared to be a sexual conservatism growing that seemed to mirror a supposed sexual liberalism of India. The colonial interest in this form of sexuality was not aimed at the philanthropic health of the prostitutes, but rather at constructing the identity of a benevolent Britain and ensuring social control. William Acton, who wrote on the subject of prostitution, reflected the mood of the time when he asked the question ‘is society growing more virtuous? Is it not quite the reverse?’ indicating that it was the moral fibre of Britain, not the prostitutes’ health that was the prime concern.<sup>68</sup> Stephen Legg has similarly argued that when the capital of British India was moved to Delhi in 1911, efforts to combat venereal disease only increased because the city had to become a testament to the benefits of colonial rule.<sup>69</sup>

That the campaign against venereal disease in India was focused on the construction of a British identity can also be seen in the Ladies’ National Association for the Repeal of the Contagious Diseases Acts (LNA) campaign.<sup>70</sup> In a letter to the Priestman sisters in 1886, Butler states that she was shocked that Indian women were oppressed ‘by a *Christian Nation*’ through the colonial Contagious Disease Acts and calls on the LNA to ‘stir up English women afresh.’<sup>71</sup> The moral shortfall of England as a “Christian Nation” was the emphasis of the letter, rather than the sufferings of the Indian women. In essence, her view of the acts conflicted with her image of Britain as a moral imperial power.<sup>72</sup> Further reinforcing the view that it was the employment of the Contagious Diseases Acts in particular and not the British efforts at

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<sup>66</sup> Hyam, *Understanding the British Empire* (Cambridge 2010), p. 386.

<sup>67</sup> M. Berger, ‘Imperialism and Sexual Exploitation: A Response to Ronald Hyam’s “Empire and Sexual Opportunity”’, *Journal of Imperial and Commonwealth History*, 17 (1988), pp. 83-89.

<sup>68</sup> E. Sigsworth & T. Wyke, ‘A Study of Victorian Prostitution and Venereal Disease’, in M. Vicinus (Ed.), *Suffer and Be Still: Women in the Victorian Age* (New York, 1974), p. 80.

<sup>69</sup> S. Legg, ‘Governing Prostitution in Colonial Delhi: From Cantonment Regulation to International Hygiene 1854-1939’, *Social History*, 34 (2009), pp. 447-467.

<sup>70</sup> P. Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (London & New York, 2003), pp. 1-3.

<sup>71</sup> J. Butler, ‘Letter From Josephine E. Butler to the Misses Priestman, 19 October 1886’, in J. Jordan & I. Sharp (Eds.), *Josephine Butler and the Prostitution Campaigns: Diseases of the Body Politic, Volume V* (London, 2003), pp. 65-67.

<sup>72</sup> Butler, ‘Letter From Josephine E. Butler to the Misses Priestman’, pp. 65-67.

imperialism itself that was the root of Britain's moral shortfall is Butler's claim that Indian women have only been oppressed by imperial misrule for a mere twenty years. This suggests British imperialism in India had been naught but beneficial to Indian women prior to the Contagious Diseases Acts and it is only this act in particular that is problematic. Butler is concerned with Indian sexuality not because of a concern for Indian women, but because of a concern over the moral prerogative of the British Empire.

The move to present Britain's identity as a moral one through the regulation of sexuality and venereal disease in India has been recently developed by Seema Alvani's work, which suggested sepoys who developed venereal disease were sent to insane asylums, rather than be allowed to return to their villages. Sepoys were a powerful image of colonial rule: in essence, a civilised Indian. Therefore, whereas military wounds suggested the sepoy had fought on behalf of the empire, a venereal disease implied the process of sexuality regulation to civilise the indigenous population was failing, thus undermining the legitimacy of the colonial regime.<sup>73</sup>

Felicity Nussbaum has also agreed that moves to regulate prostitution and extra-marital sex were developed as part of a growing British identity, which positioned itself as opposite to the perceived sexual liberalness of India. To support this view, Nussbaum highlights several eighteenth century discussions which indicate that Europe may have originally been sexually similar to the perceived 'Other' of the East. For example, William Cowper, Lord Chancellor of England, defended the idea of polygamy, as did Phileleutherus Dublinensis who wrote in *Reflections Upon Polygamy* in 1737 that 'a variety of plausible arguments' existed, including giving a legal recognition to mistresses who were otherwise social pariahs.<sup>74</sup>

In light of the increasing social conservatism highlighted by Nussbaum, in 1813 the East India Company was forced to accept missionaries into India. Erica Wald argues that rather than resist, the company absorbed its language of 'saving' people from sexuality as a way to maintain that Britain was a benevolent colonial power in regards to the regulation of prostitution.<sup>75</sup> Lock hospitals were reconfigured with the argument that they were meant to 'afford relief to suffering females', saving them 'from the united evils of famine and disease.'<sup>76</sup>

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<sup>73</sup> Peers, 'Soldiers, Surgeons and the Campaigns to Combat Sexually Transmitted Diseases', pp. 137-160.

<sup>74</sup> Nussbaum, *Torrid Zones*, p. 76.

<sup>75</sup> E. Wald, *Vice in the Barracks: Medicine, the Military and the Making of Colonial India* (Basingstoke, 2014), p. 70.

<sup>76</sup> Wald, *Vice in the Barracks*, p. 70.

In 1821 Mr Mansell, Garrison Surgeon at Allahabad, went so far as to claim lock hospitals were no more than a 'retreat.'<sup>77</sup>

The move to construct the Indian prostitute's sexual identity as debased and opposed to the modesty of the private English woman relied upon myths about prostitutes from popular fiction. An early example of this is John Cleland's *Memoirs of a Woman of Pleasure (Fanny Hill)*, an early form of pornography which is a relevant indicator of myths about Indian prostitutes. Cleland wrote the text whilst in India, so was likely informed by the British social perception of prostitutes there.<sup>78</sup> According to Nussbaum, the prostitutes in *Memoirs* gain pleasure even from what could be understood as rape which helped solidify the myth that prostitutes, especially Indian ones, entered the trade out of pleasure rather than economic or social necessity.<sup>79</sup> Not only this, but the main character, Fanny, seduces the son of a gentleman who wronged her, confirming another myth that prostitutes were willing temptresses and harmful to society.<sup>80</sup> Comments by William Acton in the 1870s show that many of the stereotypes found in Cleland's *Memoirs* persisted well into the next century – 'women of pleasure [use] the terrible sword of jealousy ... beside all the smaller weapons of the female arsenal; in order to exploit men's passions and so gain a rapid victory over every consideration of reason and expectancy.'<sup>81</sup> Like Fanny's sexual conquests, which are driven by pleasure and revenge, Acton's ideas of prostitutes do much the same. Perhaps even more surprising is that the prostitute's pleasure is derived from an enlarged clitoris, which 'resembles but is no equivalent to a penis.'<sup>82</sup> Fanny herself has an ejaculating clitoris, which grows from 'flaccid' to 'stiff' and engages in what could easily be interpreted as homosexual sex in the final scene of the novel.<sup>83</sup> Nussbaum has argued that this reflects the view that 'the whore is menacing because she is believed to be both a hyper-sexualised female and a man/woman who excites men to lose control.'<sup>84</sup> If Cleland's Fanny is based on perceived Indian sexuality as a prostitute, Fanny's taming through marriage at the end of the novel would seem to confirm the social perception that a British lady was sexually opposite to the Indian prostitute.

This oppositional construct of Indian sexuality was prevalent in other areas of popular culture. A cartoon by the Indian version of *Punch* magazine in 1860 reinforces the claim that British

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<sup>77</sup> Wald, *Vice in the Barracks*, p. 70.

<sup>78</sup> Nussbaum, *Torrid Zones*, pp. 104-105.

<sup>79</sup> Nussbaum, *Torrid Zones*, pp. 97-110.

<sup>80</sup> Nussbaum, *Torrid Zones*, pp. 97-110.

<sup>81</sup> S. Eltis, *Acts of Desire: Women and Sex on Stage 1800-1930* (Oxford, 2013), p. 73.

<sup>82</sup> Nussbaum, *Torrid Zones*, p. 103.

<sup>83</sup> Nussbaum, *Torrid Zones*, pp. 104-105.

<sup>84</sup> Nussbaum, *Torrid Zones*, p. 103.

women were identified by a domesticated sexuality, contrasting with the view of Indian women as the temptresses of British men, who displayed their sexuality more publically. In the image, an Indian lady has confronted an English man and his wife in their home regarding the man's infidelity. The Indian lady supposedly has a daughter that is 'the very picture of' the man, but the Englishman simply scolds her for her 'impudence.'<sup>85</sup> Interestingly there is no denial of the relationship, but rather the scolding in the cartoon is based on her bringing the relationship into the man's home. The argument in the cartoon is that British men in India engaged in extra-marital sex with Indian women and prostitutes, but still retained their superior British identity so long as the domestic sphere did not mix with the public. The condemnation pertains to the mixing of the two sexual spheres, not the infidelity itself, marking that the home belongs to heterosexual marital unit in contrast with the seemingly sexually amoral outdoors of India. Ritu Khanduri has made the argument that the Indian *Punch* was an important outlet for making 'unethical politics central to empire' seem 'palatable' to the average reader, thus there is usually truth, albeit a comical version, in the paper's cartoons.<sup>86</sup>

Colonial interest in the sexuality of Indian prostitution was also linked to social control, which Wald has argued was important for Britain as those involved in Indian prostitution cost the colonial government money. Estimates put the average company soldier at costing £100 a year to maintain, and if about one quarter were being treated for venereal disease at any one time (for example, in Madras 1802-1835), then it became a genuine economic concern in terms of the time spent away from active duty, and in the costs of treatment.<sup>87</sup> Not only this but, as Stoler has noted, the production of mixed race children concerned colonial authorities because of the question of their loyalty to the colonial state, and the overall preservation of the white race which formed the basis of their supposed racial superiority.<sup>88</sup> Lord Valentia in his 1811 travel publication, *Voyages and Travels to India*, highlights this fear explicitly:

The most rapidly accumulating evil of Bengal is the increase of half-cast children. They are forming the first step to colonization, by creating a link of union between the English and the natives. In every country where this intermediate cast has been permitted to rise, it has ultimately tended to its ruin. Spanish America and St. Domingo are examples of this fact. Their increase in India is beyond calculation; and though possibly

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<sup>85</sup> K. Ballhatchet, *Race, Sex and Class under the Raj: Imperial Attitudes and Policies and their Critics, 1793-1905* (New York, 1980), figure 12.

<sup>86</sup> R. Khanduri, *Caricaturing Culture in India: Cartoons and History in the Modern World* (Cambridge, 2016), pp. 1-8.

<sup>87</sup> Wald, *Vice in the Barracks*, p. 48.

<sup>88</sup> Stoler, 'Sexual Affronts and Racial Frontiers', p. 119.

there may be nothing to fear from the sloth of the Hindoos, and the rapidly declining consequence of the Mussulmans, yet it may be justly apprehended that this tribe may hereafter become too powerful for control.<sup>89</sup>

According to Lord Valentia, it is by the very nature of mixed race children that their loyalty is questionable since they are the offspring of two competing forces: the colonising power and the indigenous population. Where such people have been allowed to ascertain some aspect of power, Valentia assures the reader that it threatened the continuity of the British Empire. This view was also held up a century later by James Bryce who in his travel narrative of South Africa argued that the tendency for the 'Portuguese to mingle their blood with that of the native', led to the decline of their East African empire, in which the towns and 'forts crumbled away or were abandoned.'<sup>90</sup> Regulation of Indian prostitution is therefore not in the interest of Indian women, but the longevity of the British colonial system by minimising the perceived risk of mixed race children.

Stephen Legg has echoed this view that the regulation of the Contagious Diseases Acts in India was aimed at social control and the benefit of the military, not Indian women.<sup>91</sup> Legg has explored the Acts through the lens of Foucault's method of social control by a government. This argues that governments who want social control over a group must socially and geographically exclude the group, then give them a new role to fulfil which benefits the state. Firstly, under those acts Indian prostitutes were enclosed socially from other Indian women by being labelled as the source of venereal disease. They are then moved geographically to *lal bazaars* and lock hospitals, and branded as dangerous. Finally, through the new regulations, prostitutes in cantonments were given the new role of exclusivity to the military.<sup>92</sup>

The power of labels helped to solidify social control by labelling all those with whom the army came into sexual contact as a prostitute, and thus easier to control as a social group because of the low social standing of prostitutes, especially in regards to the caste system.<sup>93</sup> This included courtesans and temple dancers who had little in common with *lal bazaar* prostitutes, and had previously been of a different social caste. Because the British fundamentally misunderstood their roles, the nautch women, temple dancers, and courtesans were all labelled as prostitutes.<sup>94</sup> Wald convincingly demonstrated the British army claimed these

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<sup>89</sup> George, Viscount Valentia, *Voyages and Travels to India* (London, 1811), p. 197.

<sup>90</sup> J. Bryce, *Impressions of South Africa*, 3<sup>rd</sup> ed. (London, 1899), p. 101.

<sup>91</sup> Legg, 'Governing Prostitution in Colonial Delhi', pp. 447-467.

<sup>92</sup> Legg, 'Governing Prostitution in Colonial Delhi', pp. 447-467.

<sup>93</sup> Wald, *Vice in the Barracks*, p. 50.

<sup>94</sup> Wald, 'Defining Prostitution and Redefining Women's Roles', pp. 1470-1483.

'prostitutes' were a set fixture in Indian society and thus proof of its inherent backwardness and need for control.<sup>95</sup> Though Wald focuses almost exclusively on role of the British East India Company army, Ballhatchet and Legg have shown that Wald's conclusions can be expanded more widely to British colonialism in India.

Wald linked the labelling of these Indian women with the source of venereal disease to the rise of the belief in inherent racial traits. Whereas previously there had been a belief that the hot climate of India was partly responsible for a host of diseases and behaviours, scientific racism eventually posited these factors directly onto the person.<sup>96</sup> In the case of venereal disease, the belief that the climate influenced its spread gave way to the belief that the disease travelled from the corrupting Indian prostitute to the superior white man.<sup>97</sup> This benefits a colonial power interested in social control through sexuality, since, while the weather cannot be controlled and can affect white colonisers, inherent moral sins of a particular race can be justifiably controlled by another and would not affect the moral virtues of the coloniser.

With regards to potentially regulating the sexuality of the military, the lack of any real attempt to do so can be explained along similar lines to Levine and Jackson's view that, in this case, a lack of regulation suited those in control of the empire. There was a convenient assumption that soldiers were beyond moral redemption with regards to sexuality, demonstrated in the Duke of Wellington's infamous remarks referring to them as the 'scum of the earth.'<sup>98</sup> Rather than attempt to change this, the very fact that an officer could control his sexual urges, actually confirmed why he was above the other soldiers and Indians, justifying his place in the hierarchy.<sup>99</sup> In 1839, company surgeon Michael Ryan even wrote that regular visits to prostitutes were necessary for good health: 'Emission of the seminal fluid without a spontaneous natural impulse, is injurious to health and weakens the slender thread of human life.'<sup>100</sup> In other words, the naïve British soldiers *had* to use prostitutes to avoid the greater sin of masturbation or, worse, homosexuality.<sup>101</sup> On one occasion General White wrote of the danger to 'our boy soldiers': they 'were seen as 'reckless', heedless of danger as soldiers

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<sup>95</sup> Wald, 'Defining Prostitution and Redefining Women's Roles', pp. 1470-1483.

<sup>96</sup> Wald, *Vice in the Barracks*, p. 53.

<sup>97</sup> Wald, *Vice in the Barracks*, p. 53.

<sup>98</sup> Peers, 'Soldiers, Surgeons and the Campaigns to Combat Sexually Transmitted Diseases', pp. 137-160.

<sup>99</sup> Peers, 'Soldiers, Surgeons and the Campaigns to Combat Sexually Transmitted Diseases', pp. 137-160.

<sup>100</sup> Wald, *Vice in the Barracks*, p. 53.

<sup>101</sup> Wald, *Vice in the Barracks*, p.53; S. Bhuskaran, 'The Politics of Penetration: Section 377 of the Indian Penal Code', in R. Vanita (Ed.), *Queering India: Same-Sex Love and Eroticism in Indian Culture and Society* (New York, 2002), p. 17.

should be, but heedless also of the danger of venereal disease.<sup>102</sup> Because prostitutes were at once necessary to protect the soldier's masculinity and health but also responsible for the spread of venereal disease, 'a distinction was often drawn between respectable prostitutes, who accepted the control of the military authorities, and disorderly vagrants, who infested shadowy haunts at night and tempted unwary soldiers to destruction.'<sup>103</sup>

Consequently, the Contagious Diseases Acts epitomise the colonial interest in Indian prostitution and highlight why colonial powers were interested in sexuality more generally. Firstly, the formation of a Saidian self-identity against the supposed over-sexed Indian prostitute worked to contrast 'the domestic monogamous English woman, who personifies chaste maternal womanhood' with the wanton polygamous 'Other.'<sup>104</sup> Secondly, through regulation the colonial power ensured control over potentially destabilising groups within the empire, such as the perceived 'prostitutes' who could possibly bear a mixed race child, blurring the lines between the colonisers and the colonised, or spread venereal disease, which threatened the health of the white race and thus its superiority.<sup>105</sup>

Other studies of colonial Contagious Diseases Acts correlate strongly with this conclusion. Mark Finnane argues that implementation of the Contagious Diseases Acts in Queensland, Australia had little to do with concern for Australian prostitutes.<sup>106</sup> Rather, he contends that the act was mostly used in the 1890s during a severe economic depression and in 1886, a year of high immigration.<sup>107</sup> His conclusions would reinforce the view that colonial powers were interested in sexuality as a form of control and self-identity, because the acts were used against working-class immigrants and economically disadvantaged women to legally control them as potentially socially disruptive groups and in doing so condemn said sexuality as something foreign/lower class and ultimately un-Australian.

Returning then to Angus's critique of the Aboriginals as an immoral polygamous people, his account falls in line with the conclusions of this article and conveys why colonial powers were interested in sexuality. His criticism rests on the attack of a perceived heightened sexuality of the Aboriginals with the assumption that an Australian identity was opposed to such things.<sup>108</sup> Not only this, but Angus's encouragement for white settlement would also correlate with the

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<sup>102</sup> Ballhatchet, *Race, Sex and Class under the Raj*, p. 162.

<sup>103</sup> Ballhatchet, *Race, Sex and Class under the Raj*, p. 162.

<sup>104</sup> Nussbaum, *Torrid Zones*, p. 73.

<sup>105</sup> Levine, *Prostitution, Race, and Politics*, p. 2.

<sup>106</sup> M. Finnane, 'The Varieties of Policing: Colonial Queensland, 1860-1900', in D. Anderson & D. Killingray (Eds.), *Policing the Empire: Government, Authority and Control, 1830-1940* (Manchester, 1991), pp. 47-79.

<sup>107</sup> Minnane, 'The Varieties of Policing', pp. 47-79.

<sup>108</sup> Angas, 'Aborigines of Australia', pp. 246-247.

colonial power's call for social control, since over time white settlement would both bolster the number of the white population loyal to the colonial state and restrict the territory of the Aboriginals and their ability to resist colonisation. Though Angus critiques the Aboriginals on several grounds, his focus on sexuality is the most powerful of his attacks because it fulfils the dual purpose of informing an Australian identity, and increasing the social control of the state through legitimising colonisation.

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