

Gender and the Myth of a White Zealand, 1866–1928



FROM THE LAST DECADES of the nineteenth century, ‘great white walls’¹ were under construction around the British settler colony of New Zealand. As an extensive national and transnational historiography has established, the bricks and mortar of these walls were the laws and regulations designed to restrict the entry of individuals deemed ‘non-white’.² From the early 1880s and through to the 1950s, poll taxes, passenger-per-ship limits, language tests and permit systems were all deployed as instruments to practise race-based exclusion at New Zealand’s borders. The goal, as Peter O’Connor surmised, was ‘to keep New Zealand white’, or, as later refined by James Belich, to keep it not just white but British.³

But if these walls operated along strict racial lines of white and non-white, then why was Louisa Kronfeld, a woman from Samoa, able to settle in New Zealand, raise ten children and vote in eight parliamentary elections from the mid-1890s until her death in 1939? Why was Van Chu Lin, a woman from China, allowed to avoid the English-language test and the £100 poll tax that was usually required of Chinese entrants when she first arrived in 1915? And why, by contrast, was Miriam Soljak, a New Zealand-born woman, disenfranchised and cast as an alien outsider from 1916 in the country of her birth? The answer, this article contends, lies in the fact that race was not the only prejudice operating at the gates of New Zealand’s white walls and immigration Acts were not the only instrument of control.

Gender, this article asserts, has been persistently overlooked in histories of migration control because the body of law which contained gender prejudices — namely, nationality and naturalization acts — has itself been understudied in these histories. Overwhelmingly, studies of white New Zealand have trained their attention on immigration Acts, with the analysis often organized around the 1881 Chinese Immigrants Act, the 1899 Immigration Restriction Act, the 1908 Immigration Amendment Act and, finally, the 1920 Immigration Amendment Act. Such legislation was, after all, the principal instrument for controlling migration to the colony and, from 1907, the Dominion.

Yet, nationality and naturalization Acts were part of the toolkit of migration control. They specified the circumstances under which formal legal membership in the political community of New Zealand could be acquired, maintained or lost. In detailing the terms of formal membership, these Acts not only held the potential to regulate the movement of peoples, but also to determine their

access to the rights and privileges of being a British subject in New Zealand. In this way, nationality and naturalization Acts are revealing both as instruments of border control and internal control of migrant communities. In the mid-nineteenth and early twentieth centuries there were at least 19 pieces of legislation enacted in New Zealand dealing with nationality and naturalization.⁴

None of these nationality and naturalization Acts dealt with anything called ‘New Zealand nationality’. Until the middle of the twentieth century there was no separate legal category of New Zealand nationality or citizenship. Instead, New Zealand’s population shared in British nationality (also known to contemporaries as British subjecthood), which under common law rule was a status acquired by birth in British territory or on board a British ship.⁵ After New Zealand became a British colony in 1840 both its indigenous Māori and settler populations shared in this status, with Article Three of the Treaty of Waitangi determining that Māori gained ‘all the Rights and Privileges of British Subjects’.⁶ As Belich has described, Māori were racialized as at least partial insiders in the white New Zealand state, with some commentators speculating that Māori shared ancient origins with Northern Europeans.⁷

For non-British nationals, known as aliens, British nationality could be acquired in the settler colony by the legal process of naturalization. From 1847, New Zealand’s colonial government was able to assume broad control over this process, including determining the necessary prerequisites and sets of conditions for acquiring — and even losing — British nationality in New Zealand.⁸ Unless otherwise stated, nationality is not used in this article to refer to a sentimental or patriotic bond to the state as it is sometimes used today. Rather, it is used as it was by contemporaries: as a formal legal term interchangeable with British subjecthood and as the status to which a person’s rights and duties were attached.

This article argues that besides from taking an oath of allegiance and being resident in New Zealand, one of the most consistent factors regulating a person’s acquisition or loss of British nationality in New Zealand was their gender. New Zealand’s first law that set out the processes for naturalization, the Aliens Act 1866, determined that upon marriage to a New Zealand man an alien woman automatically acquired his British nationality.⁹ In its application to the wives of male British subjects only, this process of naturalization was explicitly gendered. In 1923, this gender prejudice was extended to New Zealand-born women, including both Māori and Pākehā women alike. Under the provisions of the British Nationality and Status of Aliens (in New Zealand) Act, these women automatically lost their British nationality upon marriage to an alien man.¹⁰ This tangled set of developments is summarized in Table 1. This article focuses on the early formative period of 1866 to 1928

when women's nationality loss was written into New Zealand's statute books.¹¹ The stripping of a woman's nationality is, however, a legislative story that reaches beyond World War II and beyond New Zealand. As Helen Irving has richly documented in her comparative legal history, by the turn of the twentieth century almost every modern state had enacted marital denaturalization laws.¹²

Year	Statute	Gendered provision
1866	Aliens Act	Make British subjects (native-born or naturalized) automatically confer their nationality onto their alien wives This provision was reaffirmed in amending and subsequent legislation of 1880, 1923, 1928 and 1935
1923	British Nationality and Status of Aliens (in New Zealand) Act	1866 provision reaffirmed, male British subjects still automatically confer their nationality onto their alien wives Female British subjects lose nationality upon marriage to an alien man
1928	British Nationality and Status of Aliens (in New Zealand) Act	All gendered provisions of 1923 Act reaffirmed

Table 1: The gendered provisions of New Zealand nationality and naturalization law, 1866–1928.

Despite stretching over a 60-year period and closely coinciding with the growing international regulation of the movement of peoples, these gendered provisions of New Zealand's nationality and naturalization laws have received very little historical attention in migration control histories.¹³ Conversely, where these provisions have received attention, such as in histories of feminist activism and encyclopaedic accounts of New Zealand's citizenship laws, their significance for New Zealand's migration controls has not been drawn out.¹⁴ As a result of this twin gap in the historiography, New Zealand's white walls of the interwar period have been frequently portrayed as unshakeably solid.¹⁵ And yet as Belich recognized, the '98.5 per cent British' slogan that was popularly proclaimed by New Zealand's politicians and policy-makers was a *myth*. At least 5% of New Zealanders were neither British, nor Irish, nor Māori — a percentage that this study can help to account for.¹⁶

This article is more than a review of statistics. It also seeks to bring extant stories of those directly impacted upon by the state's nationality and

naturalization laws to the fore. These experiences are not neatly collected in an archive, but are buried in family and ethnic minority histories. Taken together, however, along with departmental reports, state-collected statistics, electoral rolls and newspaper accounts, they reveal something of the lived experience of the nineteenth- and twentieth-century nationality and naturalization laws. The article is organized around the stories of three women: Louisa Kronfeld, Van Chu Lin and Miriam Soljak. Together, these women's stories help to reveal how the aspiration of a white New Zealand was always both a racialized and a *gendered* policy. Individually, each story shines a light on a different facet of the interaction of race and gender in the white New Zealand policy.

Louisa Kronfeld

Louisa Kronfeld was born in Samoa in 1865 to a Samoan mother and Portuguese father. Louisa's life became entangled with British nationality law when she met and married Gustav Kronfeld in the late nineteenth century. The legislation that came to shape her legal status for much of her adult life was enacted in New Zealand just a year after her birth. The New Zealand Aliens Act of 1866 was designed to make the process of naturalization in the colony more efficient. Before the 1866 Act's introduction, naturalization required an Act of Parliament. From 1844 to 1865 there were Acts naturalizing numerous people as British subjects in New Zealand.¹⁷ The Aliens Act of 1866 introduced a simpler administrative process whereby 'any alien friend' of 'good repute' could be naturalized by letters (also known as certificates) from the Governor.¹⁸ There was no residency requirement; applicants simply submitted a memorial to the Governor detailing their name, age, birthplace, occupation and length of residence in New Zealand.¹⁹

In this context of efforts to accelerate the Pākehā settlement of New Zealand, the colonial state introduced an additional process for acquiring British subjecthood in New Zealand: by marriage. Section VI of the 1866 Aliens Act determined that: 'Any alien woman married or who shall be married to any natural-born subject of Her Majesty or naturalized person shall be deemed and taken to be herself naturalized and have all the rights and privileges of a natural-born subject.'²⁰

Although New Zealand had autonomy in determining its own local naturalization procedures from the first decade of European settlement in the 1840s, naturalization by marriage did have a legislative precedent in the British Parliament's 1844 Aliens Act.²¹ Like New Zealand's Aliens Act, the 1844 legislation provided for an alien woman's nationality to automatically follow that of her British husband. This earlier British legislation was grounded in

principles of coverture, which saw a woman's ownership of her earnings, her property and even her nationality pass to her husband upon marriage.²² In addition to extending existing principles of coverture to nationality law, New Zealand's 1866 Aliens Act also had practical implications. The Act made it easier for the non-British women amongst the new arrivals to stay and settle in New Zealand at a time when facilitating the entry of single women to the colony was pursued as a provincial government priority.²³

The 1866 Aliens Act held the capacity for inclusion. 'Any alien woman' was a broad category encompassing *all* non-British women such as Chinese and American women alike. This wide category for awarding British nationality would soon conflict with efforts to perform race-based exclusion at New Zealand's borders. But at the time of the enactment of the Aliens Act in 1866 there were no race-based forms of immigration restriction operating in New Zealand. This accorded with contemporary international trends, for although anti-Chinese legislation had already been introduced in the colonies of Victoria and South Australia in the 1850s, in general the 1860s were marked by a 'laissez-faire atmosphere' that favoured free movement.²⁴

From the early 1880s, however, the automatic naturalization of alien women by marriage took on a new significance as the list of immigrants deemed undesirable began to expand along racial lines. By the turn of the century, the Liberal government was deploying the device of a language test — the infamous Natal Formula promoted by Secretary of State Joseph Chamberlain — as a means of practising covert race-based exclusion.²⁵ The 1899 Immigration Restriction Act required all prospective entrants to New Zealand of 'other than ... British (including Irish) birth and parentage' to submit a written application 'in any European language'.²⁶ Further revealing the expanded reach of the new exclusions, from 1898 state-collected immigration statistics began to employ the term 'race alien' to describe persons of 'other than European descent'; included in this categorization were persons from China, Syria, Japan and Samoa.²⁷

The continued policy of automatic marital naturalization for the alien wives of British subjects had the potential to subvert legislative efforts to exclude non-European migrants from settling in New Zealand. As the 1866 Aliens Act determined and the 1880 Aliens Act later reaffirmed, 'any alien woman' married to a British-born or naturalized man acquired her husband's nationality.²⁸ If a British man chose to marry a woman judged by the state to be a 'race alien', such as a Chinese or a Japanese woman, she would automatically gain British nationality as well as all the rights and privileges attached to that status. Indeed, because the process was automatic it attracted no paperwork to be preserved in an official archive. As the guide to the

citizenship and naturalization papers of Archives New Zealand explains, ‘no separate information is available for such women’.²⁹ The statistical records of the *New Zealand Official Yearbook* further reflect this archival vacuum. While a wide range of data about marriage and naturalization certificates awarded in the colony were collected from the late nineteenth century, there was no tabulation of male British subject’s marriages to alien women — a statistical silence that could be read as an effort to obscure the contradictions of state policy. It is, therefore, not easy to estimate the number of women who would have been automatically naturalized as British subjects under the provisions of the 1866 and 1880 Aliens Acts.

Using the demographic makeup of colonial New Zealand as a basis for speculation, the number of automatic naturalizations of alien women of ‘other than European descent’ via marriage to a British-born or naturalized man inside the colony’s borders was likely to have been relatively few. The most common form of interracial marriage in colonial New Zealand was that between its two largest ethnic groups: Māori and Pākehā (itself made up of English, Scots and Celts).³⁰ As the Treaty of Waitangi and Native Rights Act of 1865 confirmed the status of Māori as British subjects, these marriages did not alter the nationality of Māori women.³¹ The Chinese overtook Germans between 1871 and 1881 as the largest alien immigrant minority according to birthplace. New Zealand’s Chinese population, however, was a male-dominated one.³² At its peak in 1881, only nine of the 5004 Chinese people in New Zealand were women and even these nine were unlikely to have travelled to New Zealand as single women.³³ In the late nineteenth century, then, there were few opportunities for male British subjects to contract interracial marriage *inside* New Zealand. Yet the mid-to late-nineteenth century was also a period of increased mobility. As the mass advent of steamships from the 1840s provided cheaper and faster travel, New Zealand’s British-born or naturalized men were afforded greater opportunities to meet their prospective wives abroad.

This was the case for Louisa and Gustav Kronfeld, whose story has transcended the state’s administrative vacuum to reveal how gendered naturalization processes were beginning, from the late nineteenth century, to exist in tension with the developing race-based migration control policies. Gustav Kronfeld was born in Germany. It may have been the desire for instant wealth that first drew him across the world in 1873 to the Australian colony of Victoria in search of gold.³⁴ Within a few years, however, Kronfeld had relocated to Samoa to take up a clerical job in a trading firm.³⁵ In Samoa, Gustav Kronfeld met Louisa Silveira. A family historian has dated the couple’s marriage to 1883 and argued that they eloped because of their conflicting Jewish and Catholic faiths.³⁶ In 1890, Gustav Kronfeld moved to Auckland, where he naturalized in 1893 as a British subject and was soon joined by Louisa Kronfeld.³⁷

Under the provisions of the 1866 Aliens Act, which had been reaffirmed in 1880, Louisa Kronfeld automatically acquired her husband's new British nationality. In fact so too would the couple's ten children, two girls and eight boys born between 1884 and 1903.³⁸ Five of the couple's children were born in New Zealand and would have gained their British nationality by birthright, while the eldest five were born in Tonga and acquired their father's naturalized British status according to the provisions of the Aliens Amendment Act 1882.³⁹ While World War I temporarily compromised Gustav and Louisa Kronfeld's naturalized British status (a topic returned to below), both lived most of their 30-plus years in Auckland as British subjects. This period of residence coincided, moreover, with the expansion of rights for women in New Zealand, including the attainment of women's suffrage in 1893. As a British subject in New Zealand, Louisa Kronfeld was enrolled to vote and could have exercised her right to vote eight times before her death in 1939.⁴⁰

As a woman who would likely have otherwise been racialized as an outsider by the state, Louisa Kronfeld stands as an example of how automatic naturalization of alien women by marriage was beginning to be applied in spite of the state's effort to perform race-based exclusion at its borders. In the late nineteenth and early twentieth centuries, male choice of conjugal partner was allowed to trump the racial imperatives of a white New Zealand.

Van Chu Lin

Like Louisa Kronfeld, Van Chu Lin was born outside of New Zealand. Van Chu Lin was likely born in 1893 or 1894 and grew up in a small village not far from Canton (Guangzhou), which lies in Zengcheng county in south China. She was the only daughter of Ah Day and Van Poy Wah, who worked as an oil vendor. British nationality law reached into Van Chu Lin's life when her parents promised her to Chun Yee Hop, who was visiting China in 1912 in an effort to find a bride to bring to New Zealand, where he had been based since 1895.⁴¹

Chun Yee Hop would have known that bringing his new wife back to New Zealand would be difficult. In the period between Louisa Kronfeld's marriage to Gustav Kronfeld in the early 1880s and Van Chu Lin's marriage to Chun Yee Hop nearly 30 years later, the restrictions on 'race alien' immigrants seeking to enter New Zealand had been further tightened. The poll tax had been raised to £100 in 1896 and an English-language reading test had been introduced under the Immigration Restriction Amendment Act of 1907.⁴² Just a year later, further restrictive legislation prohibited the naturalization of Chinese people living in New Zealand.⁴³ Unable to lawfully bring their Chinese wives and families to New Zealand, the Chinese population remained overwhelmingly male.

Even as restrictions on the Chinese community in New Zealand were increased, automatic naturalization by marriage continued — a fact which Chun Yee Hop recognized and sought to exploit as a means of eluding New Zealand's discriminatory legislation. On his trip to China, Chun Yee Hop procured the naturalization certificate of his friend Ah Young, who had managed to naturalize as a British subject in 1894 before the ban on Chinese naturalization was introduced. Chun Yee Hop then married Van Chu Lin in Sydney in 1915 under the name of Ah Young. Van Chu Lin could now present as the wife of a naturalized British man and, according to the Aliens Acts of 1866 and 1880, this automatically gave her British nationality. With the authorities believing Van Chu Lin was a British subject by marriage, she was able to enter New Zealand in 1915 without having to pay the poll tax or sit the reading test.

Chun Yee Hop's scheme, however, did not escape the attention of the authorities for long. In 1916 the case was taken to the Supreme Court, where Chun Yee Hop's effort to secure his wife's abode was recounted:

On arrival at the office of the Customs Department Chan [sic] Yee Hop with his wife produced the letters of naturalization of the said Ay Young, and also the marriage certificate, and stated that he was married to the appellant. By means of this false pretense — namely, that he was Ah Young and a naturalized Chinese — Chan Yee Hop and his wife entered New Zealand.⁴⁴

The court convicted the couple and fined them the cost of the unpaid £100 poll tax as well as the court fees. The couple was able to cover the expenses and Van Chu Lin was allowed to settle in New Zealand with alien status.⁴⁵ Although they could settle in New Zealand, neither Van Chu Lin nor Chun Yee Hop was ever able to naturalize as British subjects and access the rights attached to that status. They both died before the ban on Chinese naturalization in New Zealand was lifted in 1952. The couple's 17 children, however, would have all acquired British nationality by virtue of their birth in British territory.⁴⁶

If Van Chu Lin's and Chun Yee Hop's marriage had gone undetected or if Yee Hop really had been a British subject, male choice of conjugal partner would have again trumped the racial imperatives of a white New Zealand. This policy of automatically naturalizing the wives of British-born or naturalized men continued until after World War II. In the interwar period, however, a localized check was placed on this prerogative when the New Zealand state expanded in 1920 to include Western Samoa amongst its territorial claims. After the outbreak of the First World War, 1400 New Zealanders occupied German Samoa in 1914, with New Zealand later gaining an exclusive League of Nations

Mandate to govern Western Samoa in 1920.⁴⁷ William Massey's conservative Reform government quickly worked to decide upon the nationality to be shared by the 'native Samoan population', which numbered more than 33,000.⁴⁸

The Reform government did not accord the Samoan population the British subject status of its Pākehā and Māori populations.⁴⁹ Instead, they were treated as British Protected Persons, which was a status that did not come with the same set of mobility or political rights as British subjecthood. Under the British Nationality and Status of Aliens (in New Zealand) Amendment Act of 1924, Samoans were provided with the opportunity to naturalize as British subjects and, in that process, were to be exempt from the usual English-language proficiency requirement.⁵⁰ Although potentially inclusive in theory, in practice only 38 Samoans were naturalized as British subjects between 1923 and 1939.

Naturalized Samoans who do not appear in this statistic, however, were the women who could have been automatically naturalized through marriage to a New Zealand man of British birth or naturalization. With hundreds of servicemen, policemen and colonial officials passing through Samoa from 1914 and throughout the interwar years, and with only a small number of white New Zealand women located in the islands, relationships between Samoan women and male British subjects, as Damon Salesa and Paul Shankman have observed, were numerous.⁵¹ In his study of interracial unions in Samoa, Shankman has described how 74 New Zealand men brought to Samoa in May 1928 for the newly created Samoan Military Police, were deemed to be particularly likely to contract marriages with the local women.⁵²

In what can be read as a control being placed on the male prerogative of entering into and formalizing relationships with alien women, the state introduced a broad colonial statute prohibiting *any* temporary immigrant or sojourner to the islands from marrying Samoans.⁵³ By deterring interracial marriage in Samoa, the state prevented the conferral of British subject status onto local women. This policing of intermarriage in Western Samoa suggests that the issue of numbers may have been a factor in allowing men to subvert the goal of a white New Zealand. Marriages to non-European women could be tolerated by the state only so long as they were not concentrated in number or ethnicity. It also suggests that if Gustav and Louisa Kronfeld had met in this period of the twentieth century, their marriage and subsequent settlement in New Zealand may have not been allowed.

Miriam Soljak

Unlike Louisa Kronfeld and Van Chu Lin, Miriam Soljak was New Zealand-born. She was born to an Irish father and Scottish mother at Thames in 1879. After attaining her qualification as a teacher, Miriam taught Māori children

and became fluent in Māori.⁵⁴ In 1908 she married Peter Soljak, who had recently arrived in New Zealand from Dalmatia, a province on the east coast of the Adriatic Sea, which was then under Austrian rule. In the first years of her marriage, Miriam Soljak's legal status was not affected by her marriage to a non-British man. But over the next 15 years, two developments in nationality law in New Zealand came to have a deep impact on her life.

The first development came with the outbreak of World War I. Under a July 1916 wartime regulations Act, Joseph Ward and William Massey's wartime coalition government determined that 'the wife of an enemy alien shall be deemed to be an enemy alien'.⁵⁵ With this regulation, Miriam was automatically denaturalized as a British subject and instead identified by her husband's nationality. Cast as an Austrian enemy alien — and notwithstanding her husband's own vehement opposition to the Austrian Empire — Miriam was now subject to all the restrictions attached to that status.⁵⁶ She was required to report regularly to the police and when she once refused to do so, she was threatened with imprisonment. When Miriam's seventh child was due during the war she was refused a bed in the nursing home because of her enemy alien status.⁵⁷ Parliament would later hear accounts of other New Zealand women facing wartime experiences similar to that of Miriam.⁵⁸

It is difficult to calculate the exact number of women impacted by the wartime regulation Act. A useful starting point for estimating the number of women affected is the data collected under the Registration of Aliens Act of 1917, which required all persons 15 years or over who were not British subjects by birth, naturalization or (after an amending Act of August 1920) by marriage to register with the police.⁵⁹ While the registration of aliens continued until its suspension in 1923, only the 1921 register recorded the number of denaturalized British-born women, tabulating some 645 British-born women who had become aliens by marriage.⁶⁰ This figure was unlikely to have represented the true number of denaturalized women in New Zealand in 1921. As a newspaper report of court proceedings revealed, women were often unaware of the need to register or had defiantly refused to do so.⁶¹ Among them would have been Louisa Kronfeld, who temporarily lost her British subject status when her husband Gustav Kronfeld was recast as an enemy alien because of his German birth.⁶²

The second development in nationality law that affected New Zealand-born women such as Miriam Soljak came in 1923. In that year the automatic denaturalization of New Zealand-born women was extended to include women married to *any* alien man whether from a friendly or an enemy state. The new policy was contained in Part Three of the British Nationality and Status of Aliens (in New Zealand) Act, which had been drafted by Dominion

government leaders at the Imperial Conference of 1911. The purpose of the nationality legislation agreed at the conference was to standardize nationality and naturalization laws across the empire, so that a person who was considered a British subject in one part of the empire carried that status with them to any part of the empire.⁶³ The New Zealand government was the last Dominion government to enact the new standardized nationality laws. This was not because the policy of denaturalizing women married to aliens undercut the colony's otherwise steady expansion of women's rights.

Rather, New Zealand's Reform government delayed introducing the British Nationality and Status of Aliens (in New Zealand) Act because it was worried about the effect it would have on the goal of achieving a white New Zealand. The Attorney-General, Sir Francis Dillon Bell, explained to Parliament that the imperial naturalization scheme could not be supported by New Zealand because 'we prefer to remain as we now are, with the sole right to determine within our own boundaries the qualification of aliens who shall be admitted to vote and sit with us in our legislatures Other parts of the Empire ... are not careful to restrict immigration to those of our own family and kin.'⁶⁴ Consumed by this piece of legislative dissonance, the government gave New Zealand women's nationality rights perfunctory treatment in the parliamentary debates on the Bill. Harry Holland, the leader of the Labour Party, tried to raise concerns about the discriminatory provision affecting women's nationality rights, but Massey dismissed the queries as a distraction from the 'main question ... that the people of New Zealand now or in the future should be of the very purest British stock'.⁶⁵

The new nationality legislation of 1923 quickly increased the number of New Zealand-born women stripped of their British subjecthood by marriage. Like the automatic naturalization of alien women by marriage, automatic denaturalization of New Zealand-born women by marriage has left little trace in the state's official records because it was a process that required almost no paperwork. It is difficult to know how many women it affected, but New Zealand's demographic composition can again be used as the basis for speculation. The 1921 aliens register records 9021 non-naturalized aliens in New Zealand in that year, with alien men making up no less than 7452 of that total.⁶⁶ Categorized by birthplace, the five largest groups amongst these alien men were Chinese (2941), Jugo-Slavians (843), Germans (477), Americans (466) and Danes (406).⁶⁷ Even if only a small percentage of these alien men contracted marriages with New Zealand-born women, the number of women automatically denaturalized would be in the hundreds.

This estimate requires some qualification. For instance, the largest group of male aliens, the Chinese, were unlikely to have *legally* married Pākehā

or Māori women as most of the men who migrated were married before emigration.⁶⁸ There is, however, at least one recorded case of a New Zealand-born woman losing her British nationality upon marriage to a Chinese man, with the unnamed woman having to apply for re-naturalization after the death of her husband.⁶⁹ In contrast to Chinese men, the next largest group of male aliens in New Zealand, Jugo-Slavian men (also known as Dalmatians), were ‘mostly young single men’.⁷⁰ Relationships between a Dalmatian man and a New Zealand woman would have therefore been one of the most common ways a woman lost her nationality, and may have affected Māori more than Pākehā women. As Senka Bozic-Vrbancic has assessed, there was a ‘significant number’ of marriages between Dalmatian men and Māori women on the kauri gumfields north of Auckland, where both groups worked together from the 1880s to the middle of the twentieth century.⁷¹

To be sure, women married to alien men were not routinely deported or pushed out of New Zealand. But, classed as aliens, their movement could be restricted when they travelled outside New Zealand, and inside New Zealand they lost all the rights that were contingent on holding British nationality, including access to social welfare provisions and the right to vote. In 1933, New Zealand’s House of Representatives heard the story of a New Zealand-born woman — ‘a prominent social worker of the city of Christchurch’ — who lost her British nationality upon marriage to an American man and, as a result, was disenfranchised ‘to the time of her death’.⁷² Miriam Soljak similarly lost her right to vote in parliamentary elections from 1916.

The most straightforward way for a denaturalized New Zealand woman to regain her British nationality was for her husband to naturalize as a British subject and thereby transfer his new nationality to his wife. The set of requirements for obtaining a naturalization certificate had become more demanding since the nineteenth century. As stipulated by New Zealand’s British Nationality and Status of Aliens Act of 1923, an alien now had to have ‘an adequate knowledge of the English language’ and to have been resident in New Zealand for at least three years before being eligible to naturalize.⁷³ In 1928 the residency requirement was increased to five years.⁷⁴ When Miriam Soljak’s husband finally fulfilled this set of criteria and naturalized as a British subject in 1928, she automatically gained his naturalized British status and was once again able to vote. For Māori women, desertion appeared to provide its own set of problems. According to Eruera Tihema Te Aika Tirikatene, the member for the Southern Maori electorate, if an alien husband deserted his wife to return to his home country, she would have to follow him there in order to secure a divorce. Tirikatene told Parliament in 1933 that ‘among my people there are many serious cases of this sort’.⁷⁵

Regaining British nationality was especially difficult for New Zealand-born women married to Chinese men. Banned from naturalizing as British subjects from 1908 to 1952, New Zealand-born women who lost their nationality by marriage to Chinese men found that regaining British subject status by their husbands' naturalization was not an option. In the aforementioned case of a New Zealand-born woman married to a Chinese man, the woman had to wait until after her husband's death to naturalize as a British subject in her own right.⁷⁶ One effect of the 1923 British Nationality and Status of Aliens Act, then, was to discourage — even punish — New Zealand-born women who married alien men and especially alien men 'other than [of] European descent'.

Women such as Miriam Soljak as well as New Zealand's first female Member of Parliament, Elizabeth McCombs, fought hard to restore a woman's right to hold her nationality independently of her husband. Their activism formed part of broader empire-wide campaigns for married women's nationality rights. As women such as Miriam Soljak astutely recognized, the campaign for equal nationality rights was one that needed to be fought at the level of national and imperial politics.⁷⁷ But despite the strength and coordination of the feminist campaigns, equality in nationality law proved an elusive goal until after World War II. For historians such as Dorothy Page, the feminist campaign came up against the need for unanimous support from Dominion governments to change the nationality law laid down in the British Nationality and Status of Aliens Act of 1914. In Page's assessment 'the women's cause in nationality was soundly defeated by the imperial cause'.⁷⁸

In 1935, however, the feminist campaign did secure a partial victory. In that year, women married to alien men were allowed to make a declaration that they wished to retain their rights attached to their former British subject status. The declaration would restore these women's *rights* while resident in New Zealand, but it did not restore their technical legal status as British subjects. In the eyes of the law, women married to non-British men were still formally aliens.⁷⁹ Between 1935 and 1946 (when women no longer lost their nationality upon marriage), there were 299 such declarations, although as Miriam Soljak later reflected in the *Auckland Star* in 1938, the new nationality Act 'is so little known that many fail to avail themselves of this measure of relief'.⁸⁰ Meanwhile, throughout the interwar period, male British subjects in New Zealand continued to both retain and confer their nationality to an alien woman upon marriage.

Conclusion

White New Zealand was a myth in so far as New Zealand was never as mono-ethnic as the government — or even much of the subsequent historiography — often claimed it to be. It never achieved its proclaimed population of

being a colony of '98.5% British stock'. Previous scholarship has highlighted the racialization of the Māori population involved in the production of this myth. This article has shown that another reason why 'a white New Zealand' was always at least part myth was the interaction of gender- and race-based discrimination. To see the gendered discrimination contained in the white New Zealand policy, it has been necessary to look not only at immigration restriction Acts but also at nationality and naturalization legislation. It has also been necessary to interpret the lived experience of these laws through the experiences of Louisa Kronfeld, Van Chu Lin and Miriam Soljak.

Louisa Kronfeld's story demonstrated that a man's prerogative to choose his conjugal partner could override imperatives of race-based exclusion. In short, gender could at times override race in state policy. Van Chu Lin's case showed that this male prerogative could be deliberately exploited in order to outmanoeuvre and resist race-based discrimination. Van Chu Lin and Chun Yee Hop's scheme to attain British subjecthood ultimately failed, but it was successful in terms of enabling Van Chu Lin to enter and settle in New Zealand. As Miriam Soljak's story exposed, gender only trumped race in the case of a *man's* choice of conjugal partner. By denaturalizing women married to alien men, the state discouraged and, in effect, punished women who chose to marry alien and especially non-European men. In the interwar period, it was only in the localized space of Western Samoa that a check appeared to have been placed on a man's choice of conjugal partner.

While the white New Zealand policy was a myth in that it was never a realized outcome, it was a reality in so far as it was a policy goal. And that goal had a very real impact on the lives of people such as Louisa Kronfeld, Van Chu Lin and Miriam Soljak. As each of their stories testifies, the goal of a white New Zealand, as applied through nationality and naturalization legislation, held the potential to regulate both a woman's mobility and her access to the rights attached to nationality. For some women like Louisa Kronfeld and Van Chu Lin, gendered naturalization legislation could in fact provide an opportunity to defy the policy of a white New Zealand. For other women such as Miriam Soljak it made them the target of a racially exclusive state policy. In all cases, a woman's legal status could be subject to constant fluctuation so long as it was attached to that of her husband. In Miriam Soljak's case that reality was written into her passport: 'New Zealand born, wife of an alien, now naturalised'.⁸¹

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NOTES

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1 A term popularized by Charles Price, *The Great White Walls are Built: Restrictive Immigration to North America and Australasia, 1836–1888*, Australian Institute of International Affairs, Canberra, 1974.

2 For nationally focussed histories see, for example, P.S. O'Connor, 'Keeping New Zealand White, 1908–1920', *New Zealand Journal of History*, 2, 1 (1968), pp.41–65; Malcolm McKinnon, *Immigrants and Citizens: New Zealanders and Asian Immigration in Historical Context*, Institute of Policy Studies, Wellington, 1996; Sean Brawley, "'No White Policy in New Zealand': Fact and Fiction in New Zealand's Asian Immigration Record, 1946–1978", *New Zealand Journal of History*, 27, 1 (1993), pp.16–36; Manying Ip, 'Chinese New Zealanders: Old Settlers and New Immigrants', in Stuart William Greif, ed., *Immigration and national identity in New Zealand: one people, two peoples, many peoples?*, Dunmore Press, Palmerston North, 1995, pp.161–99; Brian Moloughney and John Stenhouse, "'Drug-besotten, sin-begotten friends of filth": New Zealanders and the Oriental Other, 1850–1920', *New Zealand Journal of History*, 33, 1 (1999), pp.43–64; James Belich, *Paradise Reforged: A History of the New Zealanders from the 1880s to the year 2000*, Allen Lane, Auckland, 2001, pp.216–40; Sekhar Bandyopadhyay, 'A History of Small Numbers: Indians in New Zealand, c. 1890s–1930s', *New Zealand Journal of History*, 43, 2 (2009), pp.150–68. For transnational histories of race-based migration control that include New Zealand see Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality*, Cambridge University Press, Cambridge, 2008, esp. pp.315–6; Marjory Harper and Stephen Constantine, *Migration and Empire*, Oxford University Press, Oxford, 2010, esp. pp.148–9; Eytan Meyers, 'The Causes of Convergence in Western Immigration Control', *Review of International Studies*, 28 (2002), pp.123–41; Adam M. McKeown, 'Chinese Emigration in Global Context, 1850–1940', *Journal of Global History*, 5 (2010), pp.95–124; Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalisation of Borders*, Columbia University Press, New York, 2008.

3 O'Connor, 'Keeping New Zealand White', p.41; James Belich, *Replenishing the Earth: the Settler Revolution and the Rise of the Anglo-world, 1783–1939*, Oxford University Press, Oxford, 2009, p.466; Belich, *Paradise Reforged*, chapters 6 and 7 esp. pp.223–4, 230–1.

4 See, for example, Aliens Act 1866; Aliens Act 1870; Naturalization Act 1870; Fees Act 1871; Aliens Act Amendment Act 1880; Aliens Act Amendment Act 1882; Aliens Act Amendment Act 1892; Registration of Aliens Act 1917; Registration of Aliens Amendment Act 1920; British Nationality and Status of Aliens [BNSA] (in New Zealand) Act 1923; BNSA (in New Zealand) Amendment Act 1924; BNSA (in New Zealand) Act 1928; BNSA (in New Zealand) Amendment Act 1934–5. All statutes were enacted in New Zealand.

5 There were two major exceptions to this common law rule: neither the child of a foreign diplomatic representative nor the child of a man serving in a hostile occupying army gained British nationality by birthright.

6 Treaty cited in 'Citizenship — 1840–1948: British subjects', Te Ara — the Encyclopedia of New Zealand, accessed 3 May 2015, at <http://www.TeAra.govt.nz/en/citizenship/page-1>; John Darwin, *The Empire Project: The Rise and Fall of the British World System, 1830–1970*, Cambridge University Press, Cambridge, 2009, pp.169–70.

7 Belich, *Paradise Reforged*, pp.206–10.

8 Reiko Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain*, Frank Cass, London, 2003, pp.56–7.

9 New Zealand, Aliens Act, no. 17, 1866, section VI.

10 New Zealand, BNSA (in New Zealand) Act, no. 46, 1923, first schedule, Part III section 10.

11 For an account of the legislative developments of the mid-1930s and 1940s that progressively restored a woman's right to an independent nationality in New Zealand see Harriet J. Mercer, 'Cracks in the Great White Walls: Managing Race and Gender in New Zealand's Empire-State, 1836–1936', MA thesis, University of Oxford, 2015.

12 Helen Irving, *Citizenship, Alienage, and the Modern Constitutional State: A Gendered History*, Cambridge University Press, Cambridge, 2016.

13 In a North American context, the gendered provisions of the naturalization laws of the United States have received some attention in terms of their entanglement with migration control policies. Nancy F. Cott, 'Marriage and Women's Citizenship in the United States, 1830–1934', *American Historical Review*, 103, 5 (1998), pp.1440–474; Leti Volpp, 'Divesting Citizenship: On Asian American History and the Loss of Citizenship Through Marriage', *UCLA Law Review*, 53, 405 (2005), pp.405–83.

14 See, for example: Dorothy Page, "'A married woman, or a minor, lunatic or idiot": the struggle of British women against the disability in nationality, 1914–1933', PhD diss., University of Otago, 1984; Dorothy Page, 'Women and Nationality: Feminist Organisations in the Inter-war Period', in Barbara Brookes, Charlotte Macdonald and Margaret Tennant, eds, *Women in History: Essays on European Women in New Zealand*, Bridget Williams Books, Wellington, 1986, pp.156–97; 'Nationality', Te Ara — the Encyclopedia of New Zealand, accessed 15 April 2015, at <http://www.TeAra.govt.nz/en/1966/nationality-and-naturalisation>.

15 See, for example O'Connor, 'Keeping New Zealand White', p.41; McKinnon, *Immigrants and Citizens*, p.32; Brawley, "'No White Policy in New Zealand'", p.19. An important exception is Jane McCabe, 'Working the Permit System: Anglo-Indian Immigration to New Zealand, 1920–1940,' *New Zealand Journal of History*, 48, 2 (2014), pp.27–49.

16 Belich, *Paradise Reforged*, p.216.

17 See, for example, New Zealand, Naturalization Act, no. 1, 1855, schedule A; New Zealand, Naturalization Act, no. 7, 1861, schedule A.

18 New Zealand, Aliens Act, no. 17, 1866, section V. An alien friend was a non-British national from a country not at war with Britain.

19 New Zealand, Aliens Act, no. 17, 1866, sections VII and VIII.

20 New Zealand, Aliens Act, no. 17, 1866, section VI.

21 M. Page Baldwin, 'Subject to Empire: Married Women and the British Nationality and Status of Aliens Act', *Journal of British Studies*, 40, 4 (2001), p.526.

22 Bettina Bradbury, 'Colonial Comparisons: Rethinking Marriage, Civilization and Nation in Nineteenth-Century White Settler Societies', in Phillip Buckner and R. Douglas Francis, eds, *Rediscovering the British World*, University of Calgary Press, Calgary, 2005, p.137; Karen Knop and Christine Chinkin, 'Remembering Chrystal Macmillan: Women's Equality and Nationality in International Law', *Michigan Journal of International Law*, 22, 523 (2001), p.545; Baldwin, 'Subject to Empire', p.526.

23 James Belich, *Making Peoples: A History of the New Zealanders From Polynesian Settlement to the end of the Nineteenth Century*, University of Hawai'i Press, Honolulu, 2001, p.306. See also Charlotte Macdonald, *A Woman of good character: single women as immigrant settlers in nineteenth-century New Zealand*, Bridget Williams Books, Wellington, 1990. In 1861 the sex ratio stood at 622 females to every 1000 males, 'Sex Proportions', *New Zealand Official Year-Book*, 1924 (hereafter, NZOYB): https://www3.stats.govt.nz/New_Zealand_Official_Yearbooks/1924/NZOYB_1924.html#idsect1_1_22588.

24 McKeown, *Melancholy Order*, p.129; Alison Bashford, 'Immigration restriction: rethinking period and place from settler colonies to postcolonial nations', *Journal of Global History*, 9, 1 (2014), p.30.

25 Lake and Reynolds, *Drawing the Global Colour Line*, p.145; McKeown, *Melancholy Order*, p.192.

26 New Zealand, Immigration Restriction Act, no. 33, 1899, section 3.

27 'Arrivals and Departures', NZOYB 1899: https://www3.stats.govt.nz/New_Zealand_Official_Yearbooks/1899/NZOYB_1899.html#idsect1_1_20413.

28 New Zealand, Aliens Act, no. 10, 1880, section 14.

29 'Research Guides, Citizenship', Archives New Zealand, accessed 15 May 2015, at <http://archives.govt.nz/research/guides/citizenship>.

30 Angela Wanhalla, *Matters of the Heart: A History of Interracial Marriage in New Zealand*, Auckland University Press, Auckland, 2013, chapters 3 and 5; Damon I. Salesa, *Racial Crossings: race, intermarriage, and the Victorian British Empire*, Oxford University Press, Oxford, 2011, p.75.

31 'Citizenship — 1840–1948: British subjects', Te Ara — the Encyclopedia of New Zealand, accessed 3 May 2015, at <http://www.TeAra.govt.nz/en/citizenship/page-1>

32 Belich, *Making Peoples*, pp.317–18.

33 Belich, *Paradise Reforged*, p.228; Ip, 'Chinese New Zealanders', pp.168–9.

34 'Ballarat', *The Argus* (Melbourne), 22 May 1875, p.5. This article from *The Argus* places Gustav Kronfeld in Victoria in 1875, corroborating the family history account.

35 'Obituary', *Press* (Christchurch), 31 March 1924, p.11.

36 Family historian cited from entry for 'Gustav Kronfeld', MyHeritage Genealogy, accessed 5 May 2015, at <http://www.myheritage.com>.

37 'Mr G Kronfeld', *Auckland Star*, 27 March 1924, p.8.

38 Electoral roll records indicate that Louisa Kronfeld was naturalized by 1896 at the latest, as she was enrolled to vote in the general election of that year. Scanned copy of 1896 Auckland parliamentary electoral roll accessed 5 May 2015 at <http://www.ancestry.com>.

39 New Zealand, Aliens Act Amendment Act, no. 17, 1882, section 2.

40 Louisa Kronfeld was enrolled to vote in the 1896, 1900, 1905–6, 1911, 1914, 1928, 1935 and 1938 parliamentary elections. Scanned copies of electoral rolls for Auckland, Auckland East and Grey Lynn electorates accessed 5 May 2015 at <http://www.ancestry.com>.

41 Manying Ip, 'Van Chu-Lin', Dictionary of New Zealand Biography. Te Ara — the Encyclopedia of New Zealand, accessed 10 May 2015, at <http://www.TeAra.govt.nz/en/biographies/3v4/van-chu-lin>.

42 New Zealand, Chinese Immigrants Amendment Act, no. 79, 1907, section 3.

43 David Green, 'Citizenship 1840–1948: British Subjects', Te Ara — the Encyclopedia of New Zealand, accessed 10 May 2015 at <https://teara.govt.nz/en/citizenship/page-1>

44 Van Chu Lin v. Brabazon Chan Yee Hop v. Brabazon, New Zealand Official Law Reports, (New Zealand, Supreme Court 1916).

45 'Chinese in New Zealand', *Evening Post*, 15 September 1916, p.5.

46 'Chinese in New Zealand', *Evening Post*, 15 September 1916, p.5; Ip, 'Van Chu-Lin'; Kirsten Wong, 'A Place to Stand: The Chun Family Experience', in Manying Ip, ed., *Unfolding History, Evolving Identity: The Chinese in New Zealand*, Auckland University Press, Auckland, 2003, pp.117–8.

47 David W. McIntyre, 'Australia, New Zealand, and the Pacific Islands', in J. Brown and W. Louis, eds, *The Oxford History of the British Empire*, Vol IV, Oxford University Press, Oxford, 1999, p.670.

48 'League of Nations Mandate for German Samoa, Population', NZOYB, 1921–22: https://www3.stats.govt.nz/New_Zealand_Official_Yearbooks/1921-22/NZOYB_1921-22.html#idsect2_1_256325.

49 New Zealand, BNSA (in New Zealand) Act, no. 46, 1923, first schedule, Part III section 14; League of Nations Mandates Commission Report cited by Sir James Allen, member of the Legislative Council, *New Zealand Parliamentary Debates* [NZPD], vol. 217, (1928), p.941; William Tagupa, 'Law, Status, Citizenship: Conflict and Continuity in New Zealand and Western Samoa (1922–1982)', *The Journal of Pacific History*, 29, 1 (1994), pp.20–21.

50 New Zealand, BNSA (in New Zealand) Act, no. 62, 1924, section 2.

51 Paul Shankman, 'Interethnic Unions and the Regulation of Sex in Colonial Samoa, 1830–1945', *Journal of the Polynesian Society*, 110, 2 (2001), pp.130–1; Damon Salesa, 'New Zealand's Pacific', in Giselle Byrnes, ed., *The New Oxford History of New Zealand*, Oxford University Press, Melbourne, 2009, pp.158–9. See also Tooelesulusulu D. Salesa, 'Half-Castes Between the Wars: Colonial Categories in New Zealand and Samoa', *New Zealand Journal of History*, 34, 1 (2000), pp.98–116.

52 Shankman, 'Interethnic Unions', pp.130–1.

53 Shankman, 'Interethnic Unions', p.130. Unfortunately, Shankman's study, which cites this colonial statute, does not provide a precise reference to its title or location in the statutes or administrative practices governing Samoa.

54 Dorothy Page, 'Soljak, Miriam Bridelia', Dictionary of New Zealand Biography, Te Ara — the Encyclopedia of New Zealand, accessed 15 April 2015, at <http://www.TeAra.govt.nz/en/biographies/4s36/soljak-miriam-bridelia>.

55 'Index of wartime laws and regulations, 1914–21', Ministry for Culture and Heritage, accessed 3 May 2015, at <http://www.nzhistory.net.nz/war/index-wartime-laws-and-regulations-1914-21>.

56 'Public Opinion, To the Editor', *Bay of Plenty Times*, 11 March 1916, p.3.

57 Page, 'Soljak, Miriam Bridelia'.

58 See, for example, the stories cited by the leader of the Labour Party, Harry Holland, in Parliament. The stories were raised in the context of Holland objecting to the discriminatory clause contained in the BNSA (in New Zealand) Act, which would strip New Zealand-born women of their right to hold their nationality independently of their husband. NZPD, 1923, 201, pp.441–2.

59 New Zealand, Registration of Aliens Act, no. 12, 1917, sections 4 and 5; New Zealand, Registration of Aliens Amendment Act, no. 7, 1920, section 2.

60 'Registration of Aliens', NZOYB, 1921–22.

61 'Registration of Aliens, Further Persecutions', *New Zealand Herald*, 28 June 1918, p.4.

62 Electoral roll records indicate that Louisa assumed her husband's enemy alien status during World War I and then regained her naturalized British status after the lifting of the wartime regulations in the mid-1920s. Louisa Kronfeld was registered to vote in the 1896, 1900, 1905–6, 1911, 1914 parliamentary elections. She was next registered to vote in the 1928, 1935 and 1938 parliamentary elections, indicating a break in her British status during the period of wartime regulations. Scanned copies of electoral rolls for Auckland, Auckland East and Grey Lynn electorates accessed 5 May 2015.

63 Karatani, *Defining British Citizenship*, pp.72–76, 81.

64 NZPD, 1923, 200, pp.935, 939.

65 NZPD, 1923, 201, p.443.

66 'Registration of Aliens', NZOYB, 1921–22.

67 'Registration of Aliens', NZOYB, 1921–22.

68 Belich, *Paradise Reforged*, p.228; Ip, 'Chinese New Zealanders', pp.168–9.

69 Described by Labour MP Peter Fraser to Parliament. NZPD, 1933, 236, p.526.

70 Judith Bassett, 'Colonial justice: the treatment of Dalmatians in New Zealand during the First World War', *New Zealand Journal of History*, 33, 2 (1999), p.156.

71 Barbara Brookes, 'Gender, Work and Fears of "Hybrid Race" in 1920s New Zealand', *Gender and History*, 19, 3 (2007), pp.518–20.

72 Described by Labour MP Elizabeth McCombs to Parliament. NZPD, 1933, 236, p.519.

73 New Zealand, BNSA (in New Zealand) Act, no. 46, 1923, section 5.

74 New Zealand, BNSA (in New Zealand) Act, no. 58, 1928, first schedule, Part II section 2.

75 NZPD, 1933, 236, p.523. Tirikatene raised these concerns in the context of debate over amending the BNSA (in New Zealand) Act in order to allow New Zealand-born women to hold their nationality independently of their husbands.

76 Described by Labour MP Peter Fraser to Parliament. NZPD, 1933, 236, p.526.

77 Harriet Mercer, 'Citizens of empire and nation: Australian's women's quest for independent nationality rights 1910s–1930s', *History Australia*, 13, 2 (2016) pp.213–27.

78 Page, 'A married woman, or a minor, lunatic or idiot', p.iv and esp. chapter 8. See also Irving, esp. chapters 5 and 6.

79 New Zealand, British Nationality and Status of Aliens (in New Zealand) Act, no. 38, 1934–5, section 3.

80 This figure is collated from the annual reports of the Department of Internal Affairs from the year ended 31 March 1935 through to 31 March 1947; 'Women Under Nationality Law', *Auckland Star*, 2 February 1938, p.12.

81 Quoted in Page, 'Women and Nationality'.