

**THE EASTERN CAPE AND INTERNATIONAL NETWORKS IN THE EARLY NINETEENTH
CENTURY**

By

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In the early nineteenth century, British activists, mostly elite, almost entirely Christian and frequently paternalist, created networks that tried to promote the welfare, as activists saw it, of people described as “aboriginal” inhabitants of the colonies of the white settler empire. The Eastern Cape figured in these networks in important ways. In fact, ways in which activists understood the Cape Colony, and particularly the Eastern Cape, were influential in providing a template for thinking about the empire as a whole, but particularly the Australian colonies of New South Wales, Van Diemen’s Land and South Australia.

This suggests that we need to think about how to put the eastern Cape into international perspective in the early nineteenth century by looking at its place in civil society networks, as well as at topics such as the international economy. This paper will explore this broad issue in two ways. First (in however schematic a manner) I will compare white settler relationships with indigenous people in the Hunter Valley and Sydney regions of New South Wales to relationships between white settlers and Khoekhoe-descended people in the Eastern Cape in the 1820s and 1830s – all areas in which capitalist agriculture and pan-imperial white settler networks were highly significant. I will then look at how these different sets of relationships were portrayed in the international networks centred on Great Britain of the “friends of the aborigine.” How were these frontier zones related to one another, and what were the implications? I will use the particular example of Saxe Bannister, co-author of 1836-37 report of the Select Committee of Aborigines, disgraced Attorney-General of New South Wales between 1824 and 1826, drafter of Mohawk land claims in Canada, and, as V.C. Malherbe has put it, a “humanitarian gadfly” in the Eastern Cape, who may nonetheless have helped frame a Khoekhoe petition for land. I will suggest that the British were prepared to offer selected indigenous groups the status of subjects of the British crown, in exchange for the extinction of claims to own the land and onerous military service against other groups who still attempted to exert control over land and resources. Humanitarian activists may not have desired precisely this outcome but in practice they facilitated it. I hope to suggest in this paper that global networks interacted in complicated ways with the complexities of local society and politics as early as the 1820s

and 30s, and that Africans participated in these networks to their own ends but not usually in circumstances of their choosing.

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In the early nineteenth century, the Eastern Cape region of what was then the Cape Colony was influenced by several networks that extended well beyond the parameters of the Cape, in addition to relationships between Cape Town and its rural hinterland. Many of these networks were internal to Africa, transcending the artificial (and constantly shifting) boundaries of the colonial state. The Khoekhoe had kinship networks that reached as far as Griqua Town and Namaqualand, for example.¹ Indeed, in the 1850-53 war, Khoekhoe rebels against the colony such as Willem Uithaolder would seek to mobilize a sense of pan-Hottentot identity in order to broaden conflict beyond the Eastern Cape alone (although it is admittedly hard to tell to what extent this identity was a product of the breakdown of more particularist identities in the wake of the collapse of many Khoekhoe political entities).² Similarly, kinship links between Khoekhoe and Xhosa along the frontiers of the white colony mocked early nineteenth-century state efforts to draw tight lines around imagined ethnicities on either side of a neat colonial border. Within the parameters of empire, the legacy of the slave-trading networks of the V.O.C. had a profound influence on southern Africa, while the imperial networks of the inheritor British state had an even more significant impact.

The networks that I want to focus on here, however, are what might somewhat anachronistically be termed trans-imperial civil society networks relating to indigenous peoples in the early nineteenth century. In the aftermath of the abolition of slavery, many abolitionists in Britain moved sideways into activism on what they tended to term the “protection” of “aborigines”. Self-designated “humanitarian” activists in Great Britain included people such as the M.P. and leader of the parliamentary abolitionist forces, Thomas Fowell Buxton, and his circle, members of Quaker “committees of concern”, and mission society supporters. Evangelical networks encompassed a wide range of groups wherever missionary activity took place throughout the world. Despite important constraints, small number of colonized people attempted to exploit these networks, mostly because they provided one of the few means of direct access to the imperial state. Settler networks similarly stretched across different colonies, as many settlers increasingly imagined a shared community, in which Anglo-Saxon heritage linked diverse groups. Many participants in what I have termed civil society networks also of course tried to influence British imperial politics, or in fact held political positions; the overlap between “civil society” and the state was thoroughly blurred in many instances, as an examination of the role of women and family networks in early nineteenth-century political pressure groups rapidly makes clear.

I want to focus here on trans-imperial discussion in the early nineteenth-century about violence on the frontiers of the Eastern Cape and of the Australian colonies of New South Wales and Victoria, as well as

¹ Karel Schoeman, *Griqua Records: The Philippolis Captaincy, 1825-1861*, Second series No. 25, Van Riebeck Society (Cape Town, 1996)

² Robert Ross, “The Kat River Rebellion and Khoikhoi Nationalism: The Fate of an Ethnic Identification”. *Kronos: Journal of Cape History/Tydskrif vir Kaaplandse Geskiedenis* 25, Nov. 1997, pp. 91-105; Elizabeth Elbourne, *Blood Ground: Colonialism, Missions and the Contest for Christianity in the Cape Colony and Britain, 1799-1853* (Montreal and Kingston, 2002)

the influence of each colony on the other. My main argument is that arguments and ideas circulated across these networks, with concrete implications; particular narratives constrained actions. One critical debate, for example, was over the virtue, or otherwise, of white settlers and traders and the responsibility of settlers for violence; another was over the capacity of people the British defined as “aboriginal” to adopt Christianity and to assimilate into “modern” society (to again use somewhat anachronistic terms). Colonized peoples struggled to use global networks and global debates with greater or lesser degrees of success.

I

Before I turn to a series of linked case studies, let me first say something about the broader work in progress on which this paper is drawing. In a recent book I have argued, in common with several other recent scholars, that it made some difference to the early nineteenth-century history of the Eastern Cape that it was embedded in competing and overlapping trans-imperial civil society networks, for the most part animated by white evangelicals and white settlers.³ The return of some Xhosa land in the aftermath of the 1835 war is the best-known example of a political action produced by international evangelical networks. As the nineteenth century developed, the forging of common settler links and shared ideologies across the white settler empire was a potent example of settler networks, while links between African Americans and South Africans from a range of backgrounds grew in importance in the twentieth century. Recent interest in a “networked” approach among a number of scholars has surely been spurred in part by widespread scholarly interest in globalization and global networks of exchange, as the work of the Comaroffs on Christianity and globalization in southern Africa suggests so trenchantly, to take just one example. Alan Lester has argued, for example, that it is important to pay more attention to the interaction of particular places with wider networks. As he suggests in a recent article in the *Journal of Southern African Studies*, “we now need more interdisciplinary, ‘networked’ accounts of the region’s historical geographies, tying the local more explicitly to ‘metropolitan’ and to other ‘peripheral’ spaces both within Southern Africa and across the globe, and also incorporating other, marginalized peoples’ stories”⁴

The current paper is part of a larger work in progress on networks pertaining to indigenous peoples in the British white settler empire in the early nineteenth century, with particular attention to the networks created by the self-designated “friends of the aborigines” in Britain. A key moment in the creation of

³ Elbourne, *Blood Ground*, 2002. Among others, see also Alan Lester, *Imperial Networks: Creating Identities in Nineteenth-Century South Africa and Britain* (London and New York, 2001); Andrew Bank, “Liberals and their enemies: Racial ideology at the Cape of Good Hope, 1820 to 1850”, Ph.D. thesis, Cambridge University, 1995; and the doctoral work in progress on imperial networks of Zoe Laidlaw, Oxford University.

⁴ Alan Lester, “Space, place and identity: Historical geographies of southern Africa”, *Journal of Southern African Studies*, September 2003, pp. 596-7. On globalization and modernity, see also Jean and John Comaroff, *Of Revelation and Revolution*, vol. II, *The dialectics of modernity on a South African frontier* (Chicago, 1997).

these networks was the 1835-36 House of Commons Select Committee on Aborigines (British Settlements). This committee was run by former abolitionist activists, with considerable input from women who acted behind the scenes, including Anna Gurney, the main author of the committee's final report and the "beloved partner" of the sister of the committee's main sponsor, British MP Sir Thomas Fowell Buxton. The committee argued that across the British empire settlers and traders were treating indigenous peoples with great violence as well as degrading them morally; proposed solutions, predicated on the assimilation of indigenous peoples, included the Christianization of those seen as "aborigines", metropolitan oversight of settler affairs, and the eventual creation of race-blind common societies. The subsequent creation of the London-based Aborigines Protection Society and its colonial affiliates generated important links between colonies as well as between particular colonies and the metropole. Widespread settler reactions were an important part of transnational debates, as settlers affirmed their own moral right to rule and their superiority to indigenous peoples.

Transnational networks and experience informed not only British policy in particular colonies but also, more nebulously, ideas and debates about "aborigines", settlers and the relationships between them that circulated through, for example, the sea-routes, newspaper publications, court rooms and family letters of empire. A cluster of indigenous people, including but not limited to, a handful of visitors to Britain, also tried to use global networks and to mobilize the idea of being "aboriginal" to defend their own material interests – and ultimately, as the nineteenth century developed, to make links between different colonized groups, in practice and in imagination. I also argue in the larger project that British activists on "aboriginal" issues not only grouped together a very wide variety of people as "aboriginal" but also used high-profile political fora to attach to the idea of being "aboriginal" the concept of ownership of the land through prior occupation. For example, the 1835-36 select committee famously recognized that the British crown had taken land in Australia by force, without regard to the claims of aboriginal peoples: "Such ... is the barbarous state of these people, and so entirely destitute are they even of the rudest forms of civil polity, that their claims, whether as sovereigns or proprietors of the soil, have been utterly disregarded. The land has been taken from them without the assertion of any other title than that of superior force...." The report went on to point out that the sale of unsettled land in New South Wales was bringing over 100,000 pounds a year into British coffers, even though "in the recollection of many living men every part of this territory was the undisputed property of the Aborigines". That claim to land "ownership" based on occupancy contrasted with the traditional imperialist claim, well embedded in international law as in political theory, that land ownership was contingent on a particular type of use being made of the land. There was in fact considerable tension between these two views of land ownership running through even the British debates and court cases of the early nineteenth century. This opened a door to indigenous land ownership claims within, as well as without, British legal systems, with important ramifications for the present.

Clearly this type of project needs to be cautious in its claims, despite its wide scope. Above all, local circumstances interacted with global networks and ideas in very complicated ways, often leading to very different outcomes. A particular risk for a project of this kind is to reproduce an imperial focus on British actors in a way that cannot take account of the contribution of indigenous people to the course of events. This is all the more so since these networks were driven by British actions: individual British missionaries, administrators and settlers were much more mobile across the space of the white settler empire than were the vast majority of colonized peoples, despite extensive local mobility and the number of individuals who did self-consciously travel across the empire or to its administrative heart. British concerns drove the Aborigines Protection Society, and white people staffed both its metropolitan and local offices. Despite these real concerns, I think that it is helpful for historians of particular communities to have a sense of the transnational environment that made up one part of a very complicated picture.

Real people made up these networks, in addition. A transnational focus enables one to get a much better picture of individuals whose lives transcended national boundaries. Finally, if indigenous people did not always cross the empire in person they might in imagination: a growing knowledge of the situation of colonized groups in other contexts informed the actions of particular communities, as knowledge networks expanded. To take just a few examples, scattered references by white observers in New Zealand in the 1830s and 40s suggest that Maori leaders were influenced by their knowledge of the fate of Australian Aboriginal groups to be highly suspicious of British intentions. Maori sailors were neither blind nor ill-informed. At the Cape in the early nineteenth century, as doubtless elsewhere, literate individuals at auxiliary missionary societies of the London Missionary Society among the Khoekhoe would read aloud to the rest of the group accounts of Christian groups in other parts of the world, creating a sense of global Christian networks. First Nations in the Canadas had long acutely played one colonial power off against another. Ultimately transnational links between the colonized were a key element in the politics of anti-colonialism. It is worth exploring the roots of the process.

Finally, a critical argument of the larger work is part is that British “knowledge” about indigenous peoples in the early nineteenth century was generated in a highly politicized environment in which different groups competed to push different agendas. These groups included the so-called “friends of the aborigine” and various settler groups, as well as indigenous converts to Christianity who participated in imperial networks – as well as indigenous resisters who did not participate directly in the debate of the period but certainly shaped it. In order to understand knowledge claims it is important to unpack the political processes that led to their production, both in Britain and on the frontiers of empire. I therefore oppose the type of position that might see the roots of genocide in a set of discursive knowledge claims alone, to take the most extreme example. “Knowledge” of indigenous peoples was both created on the frontier and shaped by the expectations that settlers, administrators and missionaries brought with them. This was a constant process of negotiation, although the range of possibility for negotiation became much narrower at times of colonial warfare.

What influence, then, did the Eastern Cape have on frontier policy elsewhere in the British white settler empire, as a result of transimperial networks and ideas? For many British-based activists on “aboriginal” issues, the Cape Colony, and in particular the prevalence of violence and labour coercion on the Eastern Cape frontier, served as an example of the importance of incorporating indigenous peoples into British law as equal citizens. Furthermore, the Khoekhoe of the Eastern Cape were held up in abolitionist circles as an example of a redeemed free black community, implying the capacity of other indigenous groups and of freed slaves to reinvent themselves in liberal guise. For example, John Philip, superintendent of the London Missionary Society, had a particularly important influence, albeit indirectly, on British policy in the Australian colonies and in New Zealand in the late 1830s and early 1840s. He helped draft the reports of the influential 1835-36 Select Committee on Aborigines (British Settlements), and his ideas clearly had an important influence on its recommendations.⁵ This influence is particularly apparent from a comparison of Philip’s 1833 “Letter from the Rev. John Philip, D.D., superintendent of the missions of the London Missionary Society at the Cape of Good Hope, &c., to the Society of Inquiry on Missions in the Theological Seminary, Princeton, New Jersey” and the final reports; both works stress the violence committed against “aboriginal” communities and the need for Christianization in order to enable people to rebuild their societies, and both works draw parallels between the slave trade and colonialism.⁶ British administrators, incidentally, were also influenced by the Cape. Richard Bourke went from the Eastern Cape to govern New South Wales, after overseeing the passage of Ordinance 50 and other liberalizing legislation at the Cape in the late 1820s. Judge W.W. Burton wrote Ordinance 50 before becoming a member of the bench of the Supreme Court of New South Wales, and an opponent of legal pluralism. The first governor of Port Philip, later the colony of Victoria, C.J. LaTrobe, was a son of the Reverend LaTrobe who had written at length about Moravian missions to the Cape and their role. There is, in sum, a strong argument that the Australian colonies (unimaginably distant as they were from Britain) were seen through the prism of the Cape in both administrative and activist circles in the 1830s.

There were significant parallels between the Eastern Cape in the early years of the nineteenth century and the frontiers of New South Wales and Victoria in the 1830s. Both were sites of great violence, in which intimacy and violence were closely linked. Nonetheless, activists on “aboriginal” issues tended to occlude important differences. Events in New South Wales, I will suggest, demonstrate both some costs of the subsequent attack on legal pluralism by activists, and at the same time the problems of a transnational language about settler virtue rather than one about structural inequities. I will make these

⁵ Philip’s (covert) role in the writing of the report is made obvious in Priscilla Buxton to “E.N.B.” [Edward Buxton], 17 January 1837, in E. MacInnes (ed.), *Extracts from Priscilla Johnston’s Journal; and Letters. Collected by her daughter, E. MacInnes* (Carlisle: Charles Thurnam and Sons, 1862), p. 113, in which Thomas Fowell Buxton’s daughter describes Philip helping Anna Gurney to write the final report, using notes drawn up by Philip, among other things.

⁶ John Philip, “Letter from the Rev. John Philip, D.D., superintendent of the missions of the London Missionary Society at the Cape of Good Hope, &c., to the Society of Inquiry on Missions in the Theological Seminary, Princeton, New Jersey” (Princeton, 1833).

arguments in what follows through a series of linked case studies: of the murder of the Ourson family at the Cape in 1802; court cases in New South Wales and debates over legal pluralism in the 1820s; the select committee report of 1835-36 and its efforts to link aboriginal peoples across British settlements and to describe settler vice.

II

Let me first provide an example of the international circulation of competing “humanitarian” and settler narratives in the 1810s, at a time at which British civil society networks were not in fact very powerful. In the late eighteenth and early nineteenth centuries, the Eastern Cape frontier was enormously violent, as farmers incorporated dispossessed Khoisan peoples, and war captives, into their household economies.⁷ At the tail end of the 1799 to 1803 Khoekhoe rebellion against their Dutch masters (probably in 1802 before the British departure) a Khoekhoe man named Ourson, his wife and his young child were murdered at the behest of commando-leader Piet van Rooyen, at a time at which settler commandoes were sweeping the Eastern Cape. Ourson had earlier been employed as a wagon driver by Colonel Lemoyne, the British commander of Fort Frederick. Several years later, in 1808, London Missionary Society envoy James Read senior described these murders, without mentioning the military context, in a letter to his superiors in London in which he detailed a range of atrocities perpetrated against Khoekhoe and enslaved people in the vicinity of his mission station Bethelsdorp. This is how he described the murders:

The Hottentot was one Ourson an excellent character who had been waggoner to our worthy friend Col. Lemoyne at Fort Frederick and was repairing peacefully from Graaff Reiniet to our Institution – They were met [...] by number of Affrican [sic] Peasants [ie white farmers] – After they had conversed some time with him friendly; his hands were tied to knees on which he was placed, and shot dead, after 8 balls had been fired at him. The Infant was then taken from the mother’s arms by the leggs [sic] & the brains beaten out against a small hill. When the tears were seen to fall from the mother’s eye a savage Boor [Boer] now living in our neighbourhood (and who has been appointed Heemraad for this District) drew his knife and threatened if he saw another tear he would cut her eyes out of her head that moment – as soon as the child was dead the mother was thrown upon her back and her throat cut.⁸

This letter, which included several other examples of violent atrocities, entered into international networks under evangelical sponsorship and took on a life of its own once extracts from Read’s descriptions of violence were published in London in the *LMS Transactions*, a journal which circulated internationally.

⁷ Susan Newton-King, *Masters and Servants on the Cape Eastern Frontier 1760-1803* (Cambridge, 1999); Elbourne, *Blood Ground*, pp. 156-160 and passim.

⁸ London Missionary Society papers, South Africa, incoming correspondence, 3/5/B: James Read to LMS directors, 30 August 1808. Henceforward annotated as LMS-SA. The LMS papers are held in the Council for World Mission Archives, School of Oriental and African Studies, University of London.

The letter was read at the highest levels of the British government, including by the Prime Minister. It sparked a government investigation., but no fundamental change in the unfree status of the Khoisan. The testimony to grave violence provided in this letter and in further notes furnished by Read helped precipitate the establishment of a circuit court system in the Eastern Cape. The circuit court system enabled British officials to claim that they had established the rule of law, despite the fact that the Khoekhoe continued to be treated differently in law and fundamentally coerced into labour.

At the same time, Read's account of the Our son murders is not the only written narrative of these horrific events available to the historian. Read told a narrative about extreme cruelty that led white farmers to attack Khoekhoe people in a random manner. This dovetailed with the concerns of British evangelical activists on aboriginal issues about the immorality of settlers, and more broadly with the inevitability of human sin. In 1810, after the publication of Read's letter, the Governor, the Earl of Caledon, charged the landdrost of Uitenhage, Jacob Cuyler, with investigating Read's complaints.⁹ Unsurprisingly, Cuyler attempted to clear himself and his colleagues of the charge of complicity in atrocities. Cuyler's investigation was deeply flawed, as might perhaps be expected of a man whose own relatives were named in the charges, and whose own professional reputation was at stake; even the Deputy Secretary Christopher Bird informed Cuyler that his investigation was "unsatisfactory and incomplete".¹⁰ Some of the additional information about the Ourson murders is nonetheless revealing about the horrific environment in which so many were forced to live.

At first, the key witness to the Ourson murders, Read's own uncle-in-law, Willem Valentyn, rescinded his testimony, claiming that he knew of the murder only by hearsay, and indeed "[h]e does not know of any Hottentots being ill used or murdered by any of the Inhabitants, nor recollect having mentioned anything of that kind to any of the members of the Institution [Bethelsdorp]."¹¹ Read would later argue that witnesses were deeply afraid for their own safety and refused to participate. Other witnesses told a murkier, although no less horrific, story. The Khoekhoe man Jantje Michels testified:

I was on the Commando of Piet van Rooyen, and the camp lay at the Zwartkops River, and the Hottentot alluded to was brought to the camp by spies of Hottentots sent out, with his wife and a child, and I heard that he had been taken at Zandfontein. I was sitting at the fire cooking for my master Barend Marais, who was sick, when the Hottentot Class Meyer came to the place where I sat and was cleaning his knife, when I asked him what he had done with his knife, he answered he had cut the throat of Ourson's child, and told

⁹ C. Bird to J.A. Truter, Cape Town, 27 November, 1810, in G.M. Theal (ed), *Records of the Cape Colony*, vol. 7, pp. 434-5.

¹⁰ Christopher Bird to Jacob Cuyler, Cape Town, 28 February 1811, in Theal, *Records of the Cape Colony*, p. 496.

¹¹ Enclosure no. 4, J. Knobel, record of examination of Willem Valtyn, 9 October 1810, in J. Cuyler to the Earl of Caledon, 25 October 1810, in Theal, *RCC*, vol. 7, p. 405.

me that his brother Paul had cut the Hottentot woman's throat. The same Class Meyer informed me that Ourson was shot.¹²

Read confirmed this broad account in a written deposition: "Willem Booy and Willem Meyer declared that a certain Hottentot named Ourson, with wife and child, coming to the Bay, had by consent of Piet van Rooyen been shot, but the Hottentots missing him, he had further knocked him down and cut his throat off, and further cut the woman's throat, and cut the child to pieces". Local official Ignatius Muller, who was present in the camp at the time and who was accused of threatening Ourson's wife with cutting out her eyes, testified that Ourson's wife had been shot by a patrol under his command, without his knowledge, while she was trying to run away. On October 17, Read asked Cuyler to call Andries Pretorius, who testified that Valentyn had indeed seen the murder and that Read had overheard him talking about it. Read was thus forcing a member of his wife's family to bear witness against his will. Finally, Valentyn was recalled and testified at last "that he was at the Commando of Piet van Rooyen at Zwartkops River, and he saw a Hottentot together with his wife and child brought in by spies of Hottentots, among which was one Magerman, a Hottentot of Piet van Rooyen's; that they were taken on one side and shot, and that the next day passing by he saw the three bodies lying at a little distance, but cannot say that he saw any mangling or cutting upon them. That he mentioned this to Mr. Read, and that he further said that he heard Ignatius Muller say when the woman was crying she must not cry or that he would put his fingers in her eyes, but did not hear him say anything about cutting out her eyes."¹³ Read also submitted notes in which he listed atrocities and the names of the witnesses from whom he had garnered information. This information reveals that "Stout", an older daughter of Ourson, had testified that she saw the Khoekhoe man Hendrik Platje "cut to pieces alive by [settler Thomas] Ferreira, assisted by his sons and Lucas the son of Van Rooyen".¹⁴

The balance of information revealed in Cuyler's inquiry suggests that the murders were in fact a targeted political assassination rather than a random act of violence, although it is more than clear that there were many random acts of violence perpetrated against Khoisan dependents by settlers. Other historians may have a better sense than I whether it is pertinent that in November 1801 three Khoekhoe men led by rebel leader Klaas Stuurman had assassinated Piet van Rooyen's kinsman C.J. van Rooyen. The 1810 inquiry also underscores, if the accounts of testimony are at least partially accurate, that Khoekhoe dependents (at least some of whom might reasonably be described as enslaved) served on commandoes during the 1799-1803 war as at other times, and did killing for their masters. This was not material that entered

¹² Enclosure no. 6, J. Knobel, record of examination of Jantje Michels, 15 October 1810, in J. Cuyler to the Earl of Caledon, 25 October 1810 in Theal, RCC, vol. 7, pp. 406-7.

¹³ Enclosure no. 10, J. Knobel, report of the examination of Andries Pretorius and Willem Valtyn, 17 October 1810, in J. Cuyler to Earl of Caledon, Uitenhage, 25 October 1810, in Theal, RCC, p. 412.

¹⁴ Enclosure no. 2, J. Read, deposition, in J. Cuyler to Earl of Caledon, Uitenhage, 25 October 1810, in Theal, RCC, p. 412.

international information networks. Possibly Read wasn't given the full story about how Ourson was killed. Possibly, also, the testimony that Cuyler reported was false because he wanted to spread guilt.

Be that as it may, both Cuyler in 1810 and the local officials who investigated the case again in 1811 claimed that the fact that the murder occurred during a period of military conflict meant that it should not be treated as an ordinary murder and, by implication, that those who had ordered it should be exempt from punishment. Indeed, the Batavian governor from 1803 to 1806, J.W. Janssens, made the assumption buried in this argument explicit. He told the missionary Johannes Theodorus van der Kemp, in response to Van der Kemp's own description of atrocities, that it was politically essential to forgive the past, and that Van der Kemp should show affection to both settlers and indigenes, "for love had good and hate nothing but bad results"; in response, Van der Kemp stated that he was happy to be hated by murderers.¹⁵

In Britain, in the meantime, evangelical activists continued to use the story in an iconic fashion as an argument for the re-establishment of an imagined moral order. William Wilberforce, the parliamentary leader of the abolitionist forces, argued, for example, that the exemplary capital punishment of "two or three of ye most powerful and savage of ye Boors" would break the pattern of systematic "abominations".¹⁶ The theme of Afrikaner violence also dovetailed with the arguments implicitly made by contemporary British officials such as John Barrow that Afrikaner violent abuses of indigenous peoples justified the imposition of British legal control.¹⁷ In order for this to be a useful story in Britain it needed to be about one-sided atrocities carried out on individual bodies. Indeed, Thomas Laqueur has highlighted the importance for humanitarian discourse in the late eighteenth and early nineteenth centuries of the suffering individual body.¹⁸ On the frontier and in certain Cape administrative circles, in contrast, it was, I would argue, tacitly understood by whites that killing was necessary to maintain white control, and that murder was in that sense political and indeed systematic. Although this is a large and sensitive topic, it is arguable that some blacks needed to be implicated in the killings in order for the system to work. Knowledge of the participation of Khoisan dependents in killing was part of that frontier knowledge: intimacy and violence were closely bound together.

In the different ways in which the story of the murder of the Ourson family was used one might see reflected competing white ideas about knowledge and virtue. On violent frontiers, whites "knew" that killing was acceptable, and indeed inevitable, in the pursuit of ethnic domination. In Britain, activists

¹⁵ Hendrik Kraemer Instituut, Oegstgeest, Netherlands: J.T. van der Kemp, *Dag Verhaal*, 1805.

¹⁶ LMS-Home 2/5/B: Wilberforce to Burder, Hurstmonceaux, 3 August 1811. I discuss both the British debate and Van der Kemp's discussions with Janssens further in Elbourne, 2002, pp. 198-209.

¹⁷ John Barrow, *An Account of Travels into the Interior of Southern Africa in the Years 1797 and 1798* (London, 1801)

¹⁸ Thomas Laqueur, "Bodies, Details and the Humanitarian Narrative", in Lynn Hunt (ed.), *The New Cultural History* (Berkeley and Los Angeles, 1989); see also Lester, "Obtaining the 'Due Observance of Justice': The Geographies of Colonial Humanitarianism", *Environment and Planning D; Society and Space*, 20(3), 2002, p. 278.

“knew” that Britain ruled only because of her supposedly superior virtue; white settlers (whether of British origin or not) were supposedly out of control, and non-virtuous, and in that sense threatened the very basis of British rule. These were narratives that transcended the boundaries of particular areas of the British empire, despite the tensions between British and Afrikaners.

III

Although there is not space here to discuss the topic adequately, for a variety of reasons in the 1820s and 30s evangelical networks became more powerful both in Great Britain and in the colonies themselves as the abolitionist movement gained steam before its final victory in 1833. A key moment of influence was the 1835-36 Select Committee on Aborigines, although this was in some ways an unusual committee, which was the product of shifting political contingencies. The influence of the so-called “friends of the aborigines” would not long survive the increasing influence of settler interests from the 1840s onwards, and this committee should not be seen as typical of British policy. Nonetheless, at some key moments in the 1820s and 30s, “friends of the aborigines” and anti-slavery activists tried to influence policy towards Australian colonies, bringing to bear their previous experience at the Cape.

In the early nineteenth century, self-designated “humanitarian” activists in Great Britain often thought of New South Wales in terms defined by their perceptions of the Cape Colony. This was in large part because evangelical networks in New South Wales were in fact relatively weak, in contrast to the greater force of the evangelical presence at the Cape, while Aboriginal groups, many in the immediate aftermath of conquest, were engaged in a bitter military struggle for survival, rather than engaging in international networks. Foremost among perceptions of the Cape was a widespread view of southern Africa as a place of enslavement. Liberals among the missionaries at the Cape, such as the London Missionary Society superintendent John Philip, saw the Cape Colony as more influenced by slavery than even some historians. For Philip, for example, the disruption caused by the slave trade had destroyed much of civil society throughout Africa, including southern Africa. Philip claimed that Mzilikatsi’s military hegemony and disruptive impact was a product of the slave trade: “Mosalekatse has never himself traded in slaves, but the constant wars in which he has been engaged with the slave traders on the coast, may account for the ferocity of his people, and their superiority in war over the tribes they have lately subdued” . The knock-on impact of the slave trade was enormous. In 1833, Philip argued: “those that are killed and captured by this traffic are nothing in comparison of those barriers which are thrown in the way of the increase of the population, by the state of Society which it occasions over the whole continent, and the numbers that perish by the famines it occasions ... For one who may perish immediately in those conflicts to which the slave trade gives rise, many perish by the attempts of the plundered tribes to supply themselves with cattle for those they have lost, and that indifference to human life and that state of

universal disorder, which it is the tendency of the system to generate.”¹⁹ In his *Researches in South Africa* Philip also stressed the lack of freedom of Khoekhoe and San labourers, and the pervasiveness of the trade in child labour, as have many historians.²⁰ Buxton saw vagrancy legislation as a way to coerce unfree labour; this was crucial in his support for the Khoekhoe cause in the late 1820s.

The Buxton- Gurney circle proposed a range of solutions to what activists saw as the linked problems of the enslavement of indigenous peoples, their moral degradation through relationships with colonists, and the extreme violence practiced against them. In addition to the Christianization and education of indigenous peoples, a critical part of this program, expressed most clearly in the 1835-36 Select Committee reports, was to bring all members of colonial societies under the aegis of the same legal system. Indigenous people must be subject to British law, and must be recognized as equal citizens with whites (whatever the vexed term citizen might be taken to mean).

This was of course a narrow spectrum of solutions that occluded the views of many indigenous peoples themselves. The language of citizenship and equality under the law did not of course address the fundamental issues of land ownership and of the maintenance of indigenous laws and customs in a variety of situations. This was a particularly urgent issue in the Australian colonies, where extreme violence was tightly linked to the refusal of the colonial state to recognize indigenous land claims or legal customs. This is not, however, to say that the language of citizenship and equality under the law was meaningless, in the face of a wide variety of attempts to coerce the labour of indigenous peoples. Protection against labour coercion was, however, less significant in the early years of the Australian colonies than in southern Africa because the convict labour system already kept colonists supplied with unfree labour.

Australia was possibly the region of the world that would be most influenced by the Select Committee. It would be in Australia that a protectorate system would be attempted. A member of the Select Committee on Aborigines (British settlements), Sir George Grey, would actually explore Western Australia in the late 1830s, before becoming Governor of the new colony of South Australia, and then continuing his controversial career in New Zealand and ultimately the Cape Colony.²¹ It would also be in Australia that the committee’s explicit recognition of indigenous land ownership would have a twentieth-century legal aftermath. The committee demands that Australian aboriginal groups should be seen as British subjects

¹⁹ John Philip, *Letter from the Rev. John Philip, D.D., superintendent of the missions of the London Missionary Society at the Cape of Good Hope, &c., to the Society of Inquiry on Missions in the Theological Seminary, Princeton, New Jersey* (Princeton: John Gray, 1833)., pp. 13-14.

²⁰ John Philip, *Researches in South Africa* (London, 1828)

²¹ On Grey in the Cape Colony, see J.B.Peiros, *The Dead will Arise*, as well as the ongoing work of Saul du Bow. Grey’s writings include *Journals of Two Expeditions of Discovery in North-west and Western Australia, during the years 1837, 38 and 39*, 2 vols. (London: T. & W. Boone, 1841); *Vocabulary of the Dialects Spoken by the Aboriginal Races of S.W. Australia* (Perth: C. MacFaul, 1839); *Ko nga moteatea, me na hakirara o nga Maori* [Poems, traditions and chants of the Maoris] (Wellington, NZ: Robert Stokes, 1853). For these and other references I am indebted to Donald Jackson Kerr of the Auckland Central City Library, Auckland, NZ.

and thereby subject to British law also had an ironic afterlife. The liberal call for equality under the law in practice undergirded the denial of aboriginal sovereignty in the nineteenth century, among other things through the refusal to recognize the separate indigenous custom that defined the ways in which people thought about land. Indeed, the same lawyer, William Burton, who drafted Ordinance 50 at the Cape in 1828, which lifted many disabilities affecting Khoekhoe people, was also the presiding judge in the Jack Congo Murrell case in 1836 in New South Wales. In this latter case, a murder trial of an indigenous man for the killing of another indigenous man, the bench ruled (deploying some humanitarian arguments) that British law applied to, and superseded, indigenous law on the basis of British conquest.²²

In this context, pan-imperial debates about citizenship and the law were important but Janus-faced. Consider the example of Saxe Bannister. Attorney General of New South Wales between 1824 and 1826, Bannister, was a key figure in British networks on “aboriginal” issues. He lived at various times in Canada and the Cape Colony, as well as New South Wales. He argued among other things for Mohawk rights in Canada and for Khoekhoe land claims in the Cape Colony. He was also a maverick who was certainly not able to get on well with his colonial masters. Having resigned from his position in New South Wales, he spent much of the rest of his life trying to vindicate his actions and to be awarded colonial office once again. In the meantime, he participated in the Aborigines Protection Society and produced a torrent of books on the status of indigenous peoples around the empire (including *Humanitarian Policy*, which includes many primary documents relating to the Cape and will be well known to some Eastern Cape historians as a result).

The representative ambiguities of Bannister’s view of indigenous peoples as fully fledged British subjects are most sharply revealed in the legal debates in which he participated in New South Wales on the one occasion on which he actually held power. Were indigenous people subject to British law? In consequence, was the declaration of martial law the most appropriate response to violence between settlers and indigenous peoples? Bannister strongly supported Governor Thomas Brisbane’s declaration of martial law in the Bathurst district in 1824. He unsuccessfully urged Governor Darling to do the same in the Liverpool Plains district in 1826, and would later accuse Darling of condoning mass killing because of his preference for instructing settlers to take matters into their own hands.

Governor Brisbane had arrived in New South Wales in 1821, and had overturned Governor Macquarie’s halt to inland settlement. White settlers poured into the hitherto sparsely settled Bathurst district, in the territories of the Wiradjuri people. Between 1821 and 1825, as John Connor points out, the amount of alienated land increased from 2,520 acres to 91,636 acres, while the amount of stock more than tripled.²³ Wiradjuri responses from 1822 onward included what Connor sees as tactically innovative attacks on

²² See the notes of Judge Burton on his judgment in this case in *Miscellaneous Correspondence relating to Aborigines*, 5/1161, State Records of New South Wales, Sydney, Australia.

²³ John Connor, *The Australian Frontier Wars, 1788-1838* (Sydney, 2002), p. 55.

sheep and cattle, as well as the ambushing of individual stockmen. The best-known Wiradjuri leader was a man named Windradyne, known to the British as Saturday. Hostilities escalated. In May 1824 a series of Wiradjuri attacks left seven stockmen dead in a single month. In this climate, on May 31 John Hollingshead, a labourer on James Hassall's station, Brisbane Valley, came home wounded by spears in the thumb and left arm, having been chased by a "tribe of natives". Hassall's men applied to their master for arms "that they might go in pursuit of the natives, else they would all be murdered". Hassall gave the men guns, horses and a sword. They returned saying that they had failed to meet anyone but subsequently admitted to having met a party of thirty armed "blacks", at whom they fired in response to threats from spears. The men were put on trial for manslaughter after the discovery of three bodies not of warriors but of an old woman and two young girls. Saxe Bannister claimed that this suggested unjustifiable killing, not the consequence of an armed clash.²⁴ Rowe, the lawyer defending the men, argued that they were justified by Governor Macquarie's Proclamation of May 4, 1816, in the wake of violent conflict in the Nepean River region between settlers and the Darug, Darawal and Gandangara peoples, during which troops had "inflicted exemplary Punishment on the Hostile Natives."²⁵ The pertinent clause read that

from and after the 4th day of June next ensuing, that being the Birth-day of His Most Gracious Majesty King George the Third, no black native, or body of black natives, shall ever appear at or within one mile of any town, village, or farm, occupied by or belonging to any British subject, armed with any warlike or offensive weapon or weapons of any description such as spears, clubs, or waddies, on pain of being deemed and considered in a state of aggression and hostility, and treated accordingly"

During the cross-examination of a witness Bannister read the concluding lines of the Proclamation aloud: that if armed natives, or hostile natives without arms, or unarmed natives in groups of more than six, were to approach a British farm and if they refused to leave when asked in a civil manner, or attempted to plunder, "then they are to be driven away by force of arms by the settlers themselves; and in case they are not able to do so, they are to apply to a Magistrate for aid from the nearest military stations; and the troops stationed there, are hereby commanded to render their assistance when so required". When Bannister asked the witness, Reverend Thomas Hassall, founder of the first Sunday school in New South Wales, what his sense was of the meaning of this clause he replied that his "impression was, that the settlers might kill the natives, although they themselves were not attacked." The local Justice of the

²⁴ Sydney Gazette, 12 August 1824. Reproduced in Division of Law, Macquarie University, "R. v. Johnston, Clarke, Nicholson, Castles, and Crear", Decisions of the Superior Courts of New South Wales, 1788-1899, http://www.law.mq.edu.au/scnsw/html/r_v_johnston_and_others_.

²⁵ Macquarie to Bathurst, 8 June 1816, Historical Records of Australia, IX, p.139, cited by Connor, Australian Frontier Wars, p. 52.

Peace, William Cox, averred that the natives might be called at war with the Europeans and that resistance was justifiable..²⁶ The jury acquitted the defendants.

This case suggests a popular understanding that the colonial state sanctioned settler killings of indigenous peoples, at least at times of conflict. I don't know whether or not the 1816 Proclamation was in fact still in force, although I assume the lawyers were right that it hadn't been repealed. It does appear, however, to have lent powerful sanction to settler involvement in revenge killings. Like vagrancy legislation in the Cape Colony, the Proclamation also gave legal sanction to settler punishment of indigenous peoples for moving around the countryside – in other words for occupying their lands. Indigenous people known to settlers were to be given safe passes. This is very reminiscent of Cape legislation, under which non-white people without passes from an employer or missionary could be taken to the local magistrate and forced to work for settlers; such legislation had been introduced by the Dutch but codified by the British in the Caledon Code of 1811. In his 1838 memoir, the former convict Joseph Mason (sent to New South Wales for machine breaking) attested further to popular memory in New South Wales about 1816.

A mode of procedure was adopted for their destruction in the yearly days of the Colony which proved more effectual than the means hitherto employed to convert them to Christianity. They killed two or three persons on an estate about 10 miles from Westwood, and I believe one or two in another direction and had these murders been traced to their origin, probably the fault would have been found to rest with the white men rather than the blacks for in addition to their feeling themselves aggrieved at the white people setting down as they call it in their land, they are often further exasperated by their new neighbours taking away their women and when thus provoked they gave full scope to the spirit of revenge, which I believe is nothing but what is common to all savages. For these murders martial law was proclaimed against them and they were slaughtered without mercy wherever they were found. (Mason, pp. 138-9)

It may come as no surprise to Australian historians that Mason further commented that in the interior many were still “shot by shepherds and stockeepers with as little ceremony as the[y] would shoot one of the native dogs that come to prey on the flocks.” (Mason, p. 139)

What was potentially at stake in the issue of whether or not indigenous people were subject to the same laws as European-origin settlers is brought out in the 1827 case of the King against Nathaniel Lowe, a Lieutenant in the army who was accused of summarily shooting a black man in his custody, known to the British as Jackey Jackey. Lowe's lawyer, Dr. Wardell, was a great enemy of Saxe Bannister, and had

²⁶ Sydney Gazette, 12 August 1824, reproduced in Macquarie University, Decisions of the Superior Courts, “R. v. Johnston, Clarke, Nicholson, Castles, and Crear”

attacked Bannister in the editorial pages of his controversial newspaper *The Australian*. Among other things, Wardell had accused Bannister of supporting utopian schemes: “they may accord with the first principles of Christianity, but they may at the same time endanger the lives of hundreds of persons.”²⁷ For his part, Bannister thought Wardell was a man of such immorality that he jeopardized his relationship with Governor Darling by refusing to be present at an official dinner in the same room as Wardell. Just before leaving the colony in 1826, Bannister had sued Wardell for libel in a case that he lost despite an impassioned six-hour speech; to cap things off, Bannister had then accepted Wardell’s challenge to a duel, in which fortunately neither man proved to be a very accurate shot. Wardell surely had Bannister in mind as he argued that Lowe was justified in shooting Jackey Jackey because the indigenous man had himself committed a murder but was not, and could not, be subject to British law. “He is not a subject of the British king, because his tribe has not been reduced under His Majesty’s subjection, and because there has been no treaty, either expressed or understood, between his country and that of the British King, and because in fact there could be no treaty between him as a member of NO commonwealth and the British King.”²⁸ If he couldn’t be tried as a British subject, could he be tried as a foreigner? – no, because the jury would have to be half indigenous, which was impossible. Since Jackey Jackey could not be tried by a British court, and was still living in a state of nature, Lowe was justified in punishing him for murder because he was acting “according to the divine law, and in a manner comprehended by the native and his tribe.”²⁹ Wardell was surely cynical in his arguments. He may nonetheless have tried to give legal expression to popular attitudes to retributive violence. Although the judge refused Wardell’s request to have the case dismissed, the jury took five minutes to find Lowe not guilty, whereupon, according to Wardell’s *Australian*, “the numerous friends of Lieutenant Lowe crowded round to congratulate him on the happy termination of the trial”. Significantly, when the acting Attorney General W.H. Moore approached the missionary L.E. Threlkeld for information concerning the “report of a black native having been shot by some of the mounted Police at Wallace’s plains”, Threlkeld was uncertain to which case Moore was referring, “several having been shot by the Police”. He gave information on the three cases that he thought might be the subject of inquiry. Contrary to Keith Windschuttle’s intimations, incidentally, Threlkeld’s information was excellent; his informants in this instance included an eye witness who had testified twice to his servant and, in one of the cases, the actual sergeant who had done one of the shootings and had taken shelter under Threlkeld’s verandah during a heavy rain storm with two other prisoners roped together.³⁰

²⁷ *The Australian*, 18 October 1826.

²⁸ *Australian*, 23 May 1827. Reproduced in Macquarie University, “R. v. Lowe”, *Decisions of the Superior Courts*.

²⁹ *Australian*, 23 May 1827.

³⁰ W.H. Moore to L.E. Threlkeld, Newcastle, 6 Jan 1827, and Threlkeld to Moore, Bahtahbah, Lake Macquarie, 6 January 1827, in N. Gunson (ed.), *Australian Reminiscences and Papers of L.E. Threlkeld*, vol. I (Canberra, 1974), p.95.

This is important background to understanding Bannister's support for Brisbane's declaration of martial law, that so excellent a historian as R.H.W. Reece describes as the preliminary to large-scale killings in the Bathurst region. Essentially, Bannister wanted the state to have a monopoly of violence. Bannister later argued that martial law was appropriate because the indigenous people involved were known to the settlers and had lived among them; they could not be conceived of as an alien people, "these Aborigines living familiarly with us, and black constables being chosen from them."³¹ If indigenous people were to be subject to the laws of Britain, the logical consequences needed to be accepted. The Murrel case, a key moment in the loss of Aboriginal sovereignty, must also be seen in this light.

IV

These were uneasy complications on the ground that the Select Committee of 1835-36 attempted to occlude through a powerful, overarching statement that would bring all indigenous people into the same narrative frame. I think it is arguable that the committee's final reports were designed as narratives, in which Africans and "aborigines" were perceived in a predetermined manner. They had particular roles to play in great cosmic narratives of salvation; they were also the subjects of political narrative designed to reach an evangelically-influenced public. The report was, in sum, among other things an account of ruin and redemption, designed to appeal to a religious public long schooled in the genre of conversion narratives, as well as to politicians. Evangelical ideas about sin, the self and history informed this compendium of information. This was also an effort to come to terms with violence in a multitude of places, in a manner that might permit redemption and transformation. I want finally to pause on this narrative, as an example of the discourses with which indigenous peoples needed to come to terms and to which to some extent a few contributed. It should be borne in mind that this was nonetheless a top-down document from a British perspective.

The final report claimed that the British overseas had oppressed the «natives of barbarous countries,» in ways including land theft and murder. This contravened Britain's moral responsibility towards the «uncivilized nations of the earth». In this language about «uncivilized nations», the Report grouped together a multiplicity of diverse groups, held to react in similar ways to similar processes: the centralizing narrative would bolster the Report's recommendation for the enlightened metropolitan determination of policy and oversight of local settlers. British policy «as it has already affected the interests, and we fear we may add, sacrificed the lives, of many thousands, may yet, in all probability, influence the character and destiny of the human race».³² In practice, intercourse with Europeans, «unless when attended by missionary exertions,» had been a source of «many calamities to uncivilized nations», including the seizure of land and property, decline in numbers, debased character, and «European vices

³¹ Saxe Bannister, *Statements and documents relating to proceedings in New South Wales in 1824, 1825, and 1826* (Cape Town, 1827), p. 57.

³² BPP: SCA, II, (1837) p. 3.

and diseases».³³ This was very much a moral contagion. Natives were brought into contact with alcohol and guns. They also encountered the worst elements of British society, according to a Report, which issued from individuals firmly associated with the upper and upper-middle classes of Britain. The overview statement of the Report cited the concerns of the CMS missionary Rev. S. Williams of the Society Islands that «the common sailors, and the lowest order of men, the very vilest of the whole,» would leave their ships to «go to live among savages, and take with them all their low habits and all their vices.»³⁴ Other evidence collected by the Committee was frequently shot through with this concern that aborigines were corrupted by the drunken traders and evil-minded settlers with whom they came into contact: whalers in New Zealand were a particular target, as were Afrikaner farmers with their own low level of civilization. Not only did “aborigines” suffer, but Britain lost economically from these processes: one notes here parallels to the types of arguments so recently mobilized by the same group in favour of the abolition of slavery in favour of more economically productive free labour.

The only possible remedy to these ills was the «propagation of Christianity, together with the preservation, for the time to come, of the civil rights of the natives.» Non-Christian aborigines would not accept «civilization». Once converted, however, aboriginal peoples turned to the improvements of civilization. Converted «Indians» in Canada, for example, «exhibited that desire for the advantages of civilized life, and that delight in its conveniences, which have hitherto been supposed to belong exclusively to cultivated nations ...» In contrast, the Report cited the suffering of Indians who were destroyed by civilization but unable to reap its advantages. The Reverend J. Evans claimed, for example, that the Ojibway of St. Clair were so overcome by alcoholism «that I have known many times a family of small children left to spend several days and nights in the wigwam alone, gathering a few sticks to warm their shivering limbs, or wandering through the bushes to satisfy their hunger; greedily devouring the potato peelings and refuse thrown out by whites; while their parents were rolling around some of those hotbeds of vice, those nurseries of crime, the taverns.»³⁵ Christianity was therefore the necessary prophylactic against «degeneracy», degradation and ultimate destruction.

The report more specifically recommended that the protection of «natives» should devolve on the executive: settlers should have limited control over natives, in other words. Among other suggestions, work contracts between natives and settlers should be strictly limited in order to prevent forced labour. The sale of alcohol to indigenous people should be forbidden. Settlers should not be able to purchase land defined as under Crown protection, even if natives were willing sellers. No new territories should be made without home sanction. Religious instruction should be widespread, and missionaries should be entrusted with a wide variety of local powers. In a nutshell, Christianization would save natives, while an enlightened metropolis would work hand in hand with missionaries on the ground to oversee policy

³³ BPP: SCA, II (1837), p. 5.

³⁴ BPP: SCA, II (1837), p. 27.

³⁵ BPP: SCA, II (1837), p. 48.

towards aboriginal peoples. In all this, aborigines themselves were, one might suggest, conceived of as a blank slate. Only Christianity would restore agency, and that of a limited kind. In that sense, Christianity alone was conceived of as giving true freedom.

The Report's call for a moral policy towards «aborigines» was held to be not only in the economic interest of Britain, which would save much money from not having to engage in colonial warfare, but also to be a means of saving the British from themselves. The British empire, the Report concluded, had been «signally blessed by Providence.» In return, she had the urgent moral duty to show «peculiar obedience» to God. Surely Britain had been given her empire for a higher purpose, beyond «commercial prosperity and military renown.» The British would need to answer to «He who has made Great Britain what it is,» who would inquire «how we have employed the influence He has lent us in our dealings with the untutored and defenseless savage.»³⁶

This was not just window-dressing, I think, but went to the heart of what the report's authors would all have seen as the issue of the relationship of nations to God. According to early nineteenth-century evangelical belief, God dealt with collectivities as well as individuals.³⁷ Collectivities, such as «nations», could indeed be collectively guilty. They might be punished directly by God, as indeed they might be favoured for some higher divine purpose. Nations that failed to live up to their responsibilities made themselves vulnerable to particularly severe punishment. It was therefore essential for sinful nations, just like sinful individuals, to make atonement for what they had done wrong. Here Christ was a powerful model: just as the sinless Christ had made atonement for humanity as a whole, so sinful collectivities must themselves confess and atone – or make a mockery of the crucifixion.³⁸ Justice towards aboriginal peoples might protect the British empire from the wrath of God, just as those who corrupted aborigines needed too to be saved from themselves.

Many evangelicals in the fight to abolish slavery had mobilized this language, with startling political success. In the very different circumstances of white settler colonies, such descriptions of human wickedness would meet with a far less receptive audience. In the struggle to abolish slavery, the British public ultimately saw itself as having overcome wickedness and demonstrated its own collective virtue. The Select Committee on Aborigines made a direct attack on the virtue of the non-elite British public that was harder to overcome. Buxton indeed made this explicit in a private letter to his abolitionist ally Zachary Macaulay in 1835. “Oh we Englishmen are by our own account fine fellows at home, who amongst us doubts that we surpass the world in religion, justice, knowledge, refinement, practical honesty – but such a set of miscreants & wolves as we prove, when we escape from the range of the law, the earth

³⁶ BPP: SCA, II, 1837, p. 76.

³⁷ Comapre, for example, Michael Crawford, *Seasons of Grace: Colonial New England's Revival Tradition in its British Context* (Oxford: OUP, 1991).

³⁸ Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785-1865* (Oxford: Clarendon Press, 1988).

does not produce.”³⁹ Ultimately, such attacks on settler virtue would not go uncontested, in an increasingly democratic age. As the product of a small, relatively elite, group of evangelicals concerned with sin and salvation, they would meet with an uneasy reception in the colonies themselves.

An excursus into an Australian example illustrates the committee’s preoccupation with settler sin and its consequence. Ironically, despite the long-term impact of the report in the South Seas, the Australian colonies were certainly secondary to the Buxton-Gurney-Philip circle’s primary interest in the Cape Colony; it is perhaps not surprising that most of the impacts on Australia of this report were unintentional. The authors of the report were far less well informed about Australia than about southern Africa or even the Canadian colonies. There were no indigenous witnesses from Australia, and the Australians who did testify, Presbyterian minister J.D. Lang and the Anglican archdeacon Broughton, had fairly limited networks among indigenous communities. The best informed missionary witness, Launcelot Threlkeld, was at odds with his home society and on the verge of abandoning his mission in the face of the near-complete collapse of the indigenous population in his region, to the north of Sydney in New South Wales. His accounts of violence and massacres and his commitment to assimilation would only have strengthened the committee’s overall case, although his gloomy sense of the failure of his own mission might not have.⁴⁰

Various indigenous groups were at war with settlers in the Australian colonies throughout the 1820s and 30s, as guerilla conflict marked the expansion of the pastoralist frontier.⁴¹ Settlers and aboriginal peoples did not share one another’s languages, nor indeed much knowledge of one another’s religions. There were few successful Christian missions among aboriginal groups by the 1830s, on the one hand. On the other hand aboriginal conventions that much sacred knowledge was secret knowledge, to be passed on only to men of the group at the time of initiation ceremonies, meant that even had settlers been inclined to listen they would not have had much information about aboriginal beliefs and customs.⁴² At the same time, the members of this committee who were in agreement with Fowell Buxton’s agenda tended to be averse to many settler descriptions of indigenous peoples.

How then did this committee generate “knowledge” about Australian indigenous peoples? The most striking information about the Australian colonies was presented in the course of the joint examination on June 6, 1836, of three leading missionary society officers, namely the Reverend Dandison Coates, the Reverend John Beecham and the Reverend William Ellis of the Church Missionary Society, the Wesleyan

³⁹ TFB, vol. 14: Thomas Fowell Buxton to Zachary Macaulay, 13 October, 1835.

⁴⁰ Archives office of New South Wales, Sydney: L.E. Threlkeld, “Threlkeld’s Account of 24 Years Residence as a Missionary”; Niel Gunson (ed.), *Australian Reminiscences and papers of L.E. Threlkeld*.

⁴¹ John Connor, *The Australian Frontier Wars 1788-1838* (Sydney, 2002); Henry Reynolds, *The Other Side of the Frontier* (1981); Bain Attwood and Stephen Foster (eds.), *Frontier Conflict: The Australian Experience* (Canberra, 2003).

⁴² T.G.H. Strehlow, *Songs of Central Australia* (1971).

Missionary Society, and the London Missionary Society respectively. This presentation would almost certainly have been discussed beforehand. The entire interview was framed in terms of the presentation of several instances of the harm perpetrated by European settlers against indigenous peoples. Buxton's opening question to Coates, for example, was simply "have any acts of cruelty and oppression, committed by Europeans on the natives, been reported to you by persons upon whom you can place reliance?"⁴³ Having given some instances of violence in New Zealand, Rev. Coates then turned to present evidence from the letters and journals of William Watson, CMS missionary in Wellington Valley, New South Wales. He introduced the extracts with the comment that they pertained perhaps not so much to "acts of cruelty and oppression" as to "the pernicious influence of the immoral conduct of the Europeans upon the natives".⁴⁴ These lengthy extracts included descriptions of the infanticide of half-white, half-aboriginal children, violence against aboriginal women, the seduction of women by white men, and the impact of venereal disease. Coates testified that in his opinion aboriginal mothers killed their half- white children; he attributed this to the fact that "the natives regard this sort of intercourse with their females to be an injury to them".⁴⁵ Watson's journals described an aboriginal woman in named Rachel who was forced into the bush by community members while she was in labour in order to have her mixed-race baby killed at birth. Two women told Watson that the father, a white stockman named Kelley, had himself killed the baby. Watson also reported that Kelley paid Rachel's husband "a certain portion of handkerchiefs, &c. for the loan of Rachel".⁴⁶ Some months later, Kelley refused to return Rachel to her husband, Bobby, until Bobby and Watson forced him to do so. Watson further claimed that girls as young as nine were prostituted to white men. He thus framed his understanding of Australia in terms that reflect the evangelical commonplace that the status of women was an important measure of civilization and that non-Christian societies abused women. Australian aboriginal groups being, in Watson's opinion, the most savage of nations, he unsurprisingly argued that aboriginal women were more mistreated than women in any other society:

Female prostitution is practiced to an extent that finds no parallel in the history of savage nations. The female infant is given to some adult native to be his future wife; he is then at liberty to take her when he chooses, which is generally at the age of five or six years. She then accompanies him in his wanderings, or becomes the property of a native for a season, or is lent to some white man, who, perhaps, have three or four of these young girls, from eight to twelve years of age, with whom he lives in a state of adultery. If she remains in the possession of her husband, whenever they have a native dance, she is, probably, prostituted to all the youths in the company. No class of human beings on the earth can possibly be in a more wretched and pitiable condition than the aboriginal

⁴³ BPP 538. Reports from Committees: 1836. Vol. I, (1) "Aborigines (British Settlements)". 1836, vol. VII, June 6, 1836, p. 481.

⁴⁴ SCA, 1836, examination of Coates, Beecham and Ellis, 6 June 1836, p. 486.

⁴⁵ SCA, Report, vol. I, 1836, examination of Coates, Beecham and Ellis, p. 486.

⁴⁶ SCA, Report, vol. I, 1836, extracts from the journal of Rev. William Watson, Dec. 6-8, 1832, p. 487.

females of New Holland; compelled to look out for food for themselves, and sometimes for the men, and in their journeyings forced to carry many of his weapons; and, it may be added, sometimes compelled to yield to the brutal desires of white men against their will.⁴⁷

Watson described the effects of v.d. in terms that implicitly conflated the decay of the body with the decay of morality, and by extension of the aboriginal community itself. “I often think that to have our residence in a charnel-house would be scarcely more disgusting than our employment here. We generally have some sick, and occasionally from half a dozen to a dozen at the same time, apparently destined to an early dissolution, filthy and corrupt in their bodies from the ravages of the venereal, covered with sores, &c., and unwilling to move from their place on any account, or to do anything for themselves.”⁴⁸

The information that most represented Australia was, then, focused on the abuse of women and of children. The fact that women played so central a role in the composition of this report may have something to do with the choice of examples. At the same time, it was a long-standing argument among both missionaries and liberals more broadly that men in “primitive” societies abused women, and that the status of women was an important index of civilization.⁴⁹ Indeed, this was an important argument in favour of colonialism for some, and for missions for others. Although I do not have space to explore this argument further, the Australian example arguably illustrates the use of dramatic narrative detail to make a familiar evangelical argument. Male vice destroyed female virtue. In this case, however, the vice of the white man matched and even surpassed the vice of the indigenous man. The colonies in this examples, and elsewhere in the report, were sites of peculiarly unchecked white male sin – indeed, of an almost exaggerated hyper-masculinity, as men indulged in unrestrained appetites to have sex, to exploit resources and to kill. Only Christian men stood between such undomesticated men and their female victims.⁵⁰

VI

A critical trope of London-based activists in the 1820s and 30s was in sum that there were similarities between different colonial situations, such that similar structural solutions could be applied. A further key trope was that New South Wales and the Cape Colony were alike sites of settler vice, with similar results. Obviously, however, there were in practice important differences between colonial frontiers in Australian and southern African contexts.

⁴⁷ SCA, Report, vol. I, 1836, extracts from the journal of William Watson, 14 December 1833, p. 489.

⁴⁸ SCA, Report, vol.I, 1836, extracts from the journal of William Watson, 30 June 1833, p. 489.

⁴⁹ Elbourne, “Domesticity and Dispossession”.

⁵⁰ Compare Adele Perry’s discussion of similar themes in debate about mid-nineteenth-century British Columbia in her *On the Edge of Empire*.

By the early nineteenth century, the Australian frontier was remarkably fast-moving and mobile, with multiple fronts; it could start up in Bathurst in 1824, or again in port Philip in the mid 1830s, while settlers were also beginning to colonize South Australia. Possibly as a result, I wonder if a frontier paradigm is less applicable to Australian history? – or at least a less readily available trope in popular memory and historical practice. There was more technological disparity on Australian frontiers. Indigenous peoples had more trouble getting hold of guns in Australia than in Africa, although I may be wrong on that. Furthermore, there seem to me to have been for a multiplicity of reasons, including the speed of conquest, fewer cultural brokers. Perhaps this is a trick of the archives I have been examining. I am convinced that the absence of missionaries was nonetheless a crucial part of this; in southern Africa, missionaries preceded formal conquest in large numbers, meaning that many African groups already had diplomatic links with the colony, and were already literate, making trans-national links to London a more attractive political strategy. In southern Africa, furthermore, the British inherited already conquered territory from the Dutch; the conquest here was first-generation.

I raise these issues partly because I have been curious about the great violence of the Australian frontier, which strikes me as at least as violent as southern African frontiers, from an indigenous perspective, although probably greater numbers of whites died in mid-century southern Africa: these were of course two sides of the same coin. The greatest violence on the eastern Cape frontier by the mid-19th century was state-run during wars, not settler-generated, despite tremendous levels of daily conflict. A possible explanation for violence in New South Wales, Victoria and South Australia is simply that structural issues in the 1820s and 30s made violence between settlers and indigenous peoples almost inevitable. To put things in the bleakest terms, the state engaged in land theft and then expected the poor to do the necessary killing if required; this type of heady generalization in the early days of research will of course require modification.

I am struck by the connection between intimacy and violence in New South Wales in the 1820s and 30s, in some ways akin to similar links in the Eastern Cape at the turn of the century. Could that be because the agents of killing were stockmen and labourers as well as the police (and rarely the army), and because of the small-scale nature of rural society? To British convicts and farmers, the indigenous people were deeply other, speaking different languages, having secret sacred beliefs and violating many British cultural taboos. At the same time, those who were most likely to kill indigenous people were also most likely to know them – just as my initial reading suggests that many indigenous people killed white people that they knew. They may also have been the most likely to work out relationships of cooperation and coexistence on the ground. I am curious about sexual relationships, drinking relationships, even dancing. As Australian historians attest, conflict over women was often a critical issue in local explosions of violence, as both indigenous and white groups had skewed sex ratios.

Consider the case, for example of eleven indigenous men who in November 1834 gang-raped a 17-year old servant woman, Margaret Hanshall, having dragged her away in sight of her master and mistress, the Lynches. While this was happening other men attacked the Lynches' house. One of the men told Lynch "he wanted his child to do what he liked with" and also "laid hold of my wife and told me he wanted to take her into the bush to ravish her, or words to that effect".⁵¹ Surely this was a symbolic assertion of control? Although this is the only reference I have seen to indigenous rape of white women, white sources abound with references to white men's rape of indigenous women: I am sure this is a sensitive and controversial subject. Conflict over sexual access to women was a key symbol of the violence – intimacy dyad.

I want to close on a further, very difficult example: the Myall Creek massacre of 1837. This was one of the few occasions on which the colonial state successfully prosecuted white men for the murder of a group indigenous people, and it tellingly occurred in the immediate aftermath of the Select Committee on Aborigines. I am struck in reading the eye-witness accounts reproduced by Judge Thierry that the stockman near whose hut the massacre took place was friendly with the visiting indigenous people, until the day that a group of armed whites rode up to the station: "not a day that he returned from his run that he was not dancing, laughing, joking and playing with those blacks. He used to get the children to dance, and the women to sing. I have seen that on several days". As the group of blacks was being led out to be shot away from the station, one stockman tried to put aside a seven-year old boy who was a favourite of his. "He snatched him up and placed him behind a tree, telling the child to remain there until he came for him".⁵² The boy ran with his mother instead and was shot with her. The seven men who hanged were convicted on the basis of the murder of this particular boy, who was known to witnesses.

The Select Committee on Aborigines and other London-based evangelical activists were certainly troubled by intimacy, and saw it as the source of the oppression of indigenous peoples. Issues of particular concern were alcoholism, venereal disease and the sexual exploitation of women. This type of approach tended to problematize the virtue of the settler, as I have argued. Partly in consequence, the Colonial office and activists alike in the 1830s expressed deep distrust of settler efforts to obtain land by treaty from indigenous people, which activists assumed was a form of trickery rather than an effort to establish cooperative relationships.

Against this background, and for a host of other reasons as well, it does not seem surprising that settlers struggled to create alternate foundation narratives that stressed instead the virtue of the settler, and settler worthiness to act as agents of civilization. As Tim Rowse points out in a recent unpublished article, civil

⁵¹ Sydney Gazette, 14 February 1835, in Division of Law, Macquarie University, "R. v. Mickey and Muscle", Decisions of the Superior Courts of New South Wales 1788-1899, <http://www.law.mq.edu.au/scnsw/cases> 1835-6.

⁵² Therry. Ref needed.

society has to be able to see itself as virtuous in order to justify its tutelage of the non-civil ... As early as the 1820s, and doubtless much earlier, many settlers created narrative myths about their experience as settlers, in which they found reasons to deserve holding the land. Historical memorialization went hand in hand with the very process of colonization. The dichotomy between the myth of the virtuous nation, and the reality of daily struggle seems to me to be a longstanding theme in Australian history, as elsewhere. Settler memorialization and creation of popular versions of history occurred at the same time as colonization – particularly given the uneven, constantly unfolding nature of frontier expansion.

VII

Finally, how might we put these debates into their historical context? My research leads me to think that from the 1820s to 1840s, there was more debate among the British themselves than perhaps tends to be recognized in the scholarly literature around the status of indigenous peoples in a white settler empire that was then in a rapid state of expansion. This period was in fact something of a turning point in British colonial policy, despite important continuities in social practice on the ground. C.A. Bayly more broadly suggests that “for all the talk of the high point of imperialism in the later nineteenth century, the basic system of British imperial dominance was put in place between 1760 and 1860. Not very much of economic value was added thereafter.”⁵³ I agree. In my opinion, the 1820s-1840s were an even more specific turning point in terms of attitudes towards indigenous peoples and modes of governance in the white settler colonies; the Napoleonic wars and their aftermath limited full-fledged settler expansion before 1815, while settler domination had arguably become more widely accepted in Britain itself by the 1840s. From the 1820s onward, from within the citadel of imperial policymaking, various administrators were rethinking the economic organization of a range of settler territories that had hitherto been run mostly by minor aristocrats and military officers with extensive authority within the limits of budgetary constraint.⁵⁴ At the same time, settlers were gaining increased control of colonial economies and colonial land, as capitalist agriculture developed rapidly. Not without considerable controversy, for example, an Eastern Commission of Inquiry recommended in the 1820s a range of liberal reforms in the Cape Colony and in the Australian colonies. In the Cape Colony, reforms that began to be instituted in the late 1820s included the greater monetization of the economy, changes to the land tenure system, the anglicisation of the bureaucracy and court system, the abolition of vagrancy legislation and other efforts to remove fetters on indigenous labour, and the removal of restrictions on indigenous rights to own land.⁵⁵ In New South

⁵³ C.A. Bayly, “The British and indigenous peoples, 1760-1860: power, perception and identity”, in Martin Daunton and Rick Halpern (eds.), *Empire and Others: British Encounters with Indigenous Peoples, 1600-1850* (Philadelphia, 1999), pp. 21-2.

⁵⁴ C.A. Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830* (London: Longman, 1989)

⁵⁵ J.B. Peires, “The British and the Cape, 1814-1834”, in Richard Elphick and Hermann Giliomee (eds.), *The Shaping of South African Society, 1652-1840* (Middletown, Conn.: Wesleyan University Press, 1988); Hazel King, Richard Bourke (Melbourne: Oxford University Press, 1971); Public Record Office, London, CO414, “Commission of Eastern Inquiry, Cape of Good Hope”; “Ordinance of his Honor the Lieutenant-governor in Council, for improving the Condition of Hottentots and other Free Persons of Colour at the Cape of Good Hope, and for consolidating and amending the Laws affecting those persons” (1828), in *British Parliamentary Papers*, , p. 169

Wales, as in the Cape Colony and in the Canadian colonies, liberalizing impulses came from the settler community as well, as debate exploded over freedom of the press, trial by jury, and, in the case of New South Wales, the status of former convicts within colonial society. Vigorous arguments by Dutch and French speakers about their respective place in post-conquest societies were an important part of contemporary politics. All of this is to say that there were important discussions over economic and political liberalization, the rights of colonists, and the labour status of indigenous peoples occurring as the British liberalized their economy.

The debates of the period were deeply informed by liberalism in various forms. This reflected the reality of franchise reform (however limited in scope) in 1832, and the push from below in British society for expanded political participation for non-elite men. Were settlers citizens and how much say should they have over their own affairs? Logically, however, this raised the further question of whether, if settlers were citizens, indigenous peoples must also be seen as citizens – or at a minimum as equal subjects of the British crown. Could the citizenship and equal liberty of settlers and indigenous peoples co-exist, or were they mutually exclusive? Heated debates around slavery and its eventual abolition in 1833 surely stemmed in part from similar concerns.⁵⁶

As the work of Richard Price, Andrew Bank and others trenchantly shows, however, classic liberalism showed the strain of co-existence with “imperial despotism”, as Richard Price puts it in a recent unpublished paper. Liberalism itself was marked by contradiction, and frequently shifted in response to colonial conditions.⁵⁷ This is not surprising. At the heart of colonial policy in the 1820s and 30s lay a paradox: a British liberalizing state, many of whose members used the language of liberalism to justify their possession of territory around the world and pointed to the abolition of slavery as a marker of British commitment to freedom, was in fact dependent on violence, coercion and property theft to extend its control over ever-increasing tracts of land. It is not surprising that those who debated the status of indigenous people in the British settler empire in the 1820s and 30s struggled to resolve this paradox. It is also not surprising that many who wanted to support settler expansion found solutions in versions of liberalism that accorded (and limited) “liberal” rights on the basis of character, in one form or another. Many humanitarian activists tended in contrast to argue for the extension of rights to indigenous peoples on the basis of their lack of difference from whites, and thus their shared virtue in one form or another.

⁵⁶ Among a vast literature, see David Brion Davis, *Slavery and Human Progress* (Oxford: OUP, 1984); Robin Blackburn, *The Overthrow of colonial slavery* (London: Verso, 1988); David Turley, *The culture of English anti-slavery, 1780-1860* (London, 1991); Claire Midgeley, *Women against slavery: the British campaigns, 1780-1870* (New York, 1992).

⁵⁷ Andrew Bank, “Losing faith in the civilizing mission: the premature decline of humanitarian liberalism at the Cape, 1840-60”, in Martin Daunton and Rick Halpern (eds.), *Empire and Others: British Encounters with Indigenous Peoples, 1600-1850*, pp. 364-383; Bank, “Liberals and their enemies: Racial ideology at the Cape of Good Hope, 1820 to 1850” (Ph.D. thesis, Cambridge University, 1995); Uday Mehta.

Against this background, one might see the House of Commons select committee of 1835-36 as a key expression of debate over the uneasy coexistence of liberalism and conquest. This does not capture the essence of this committee's agenda: the main figures behind it were ultimately more concerned with sin and salvation than with issues of earthly freedom, however intertwined they thought different forms of "freedom" were. Nonetheless, the committee did encapsulate the political tension between competing theories about the relationship between settlers and indigenous peoples, based on, and justified by, competing sets of "knowledge" claims about indigenous peoples that circulated across different areas of the British white settler. It was against this background that indigenous people themselves, in a wide variety of contexts, struggled to make their voices heard and to stave off the bitter consequences of colonialism.