

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

Exclusionary Empire

English Liberty Overseas, 1600–1900

Consisting of an introduction and ten chapters, *Exclusionary Empire* examines the transfer of English traditions of liberty and the rule of law overseas from 1600 to 1900. With each chapter written by a noted specialist and focusing on a particular area of the settler empire – Colonial North America, the West Indies, Ireland, the early United States, Canada, Australia, New Zealand, and South Africa – and one nonsettler colony, India, it examines the ways in which the polities in each of these areas incorporated these traditions, paying particular attention to the extent to which these traditions were confined to the independent white male segments of society and denied to most others. This collection will be invaluable to all those interested in the history of colonialism, European expansion, the development of empire, the role of cultural inheritance in those histories, and the confinement of access to that inheritance to people of European descent.

Jack P. Greene is Andrew W. Mellon Professor in the Humanities, Emeritus, in the Department of History at Johns Hopkins University. He has also taught at Michigan State University, Western Reserve University, the University of Michigan, and the University of California at Irvine. A specialist in Colonial British and Revolutionary American history, he has published and edited many books, chapters in books, articles, and reviews. Perhaps his best-known books are *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689–1776* (1963); *Peripheries and Center: Constitutional Development in the Extended Polities of the British Empire and the United States, 1607–1789* (1986); *Pursuits of Happiness: The Social Development of the Early Modern British Colonies and the Formation of American Culture* (1988); and *The Intellectual Construction of America: Exceptionalism and Identity from 1492 to 1800* (1993).

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

*For all of those subordinated people who lost their lands, cultures,
freedoms, and lives in the construction of Britain's empire of liberty,
which denied them civic space.*

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

Exclusionary Empire

English Liberty Overseas, 1600–1900

Edited by

JACK P. GREENE

Johns Hopkins University



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,
São Paulo, Delhi, Dubai, Tokyo

Cambridge University Press

32 Avenue of the Americas, New York, NY 10013-2473, USA

www.cambridge.org

Information on this title: www.cambridge.org/9780521132701

© Cambridge University Press 2010

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First published 2010

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Exclusionary empire : English liberty overseas, 1600-1900 / edited by Jack P. Greene.
p. cm.

Includes bibliographical references and index.

ISBN 978-0-521-11498-1 (hardback) – ISBN 978-0-521-13270-1 (pbk.)

1. Political rights – Great Britain – Colonies – History. 2. Rule of law – Great Britain –
Colonies – History. 3. Civil rights – Great Britain – Colonies – History. 4. Great Britain – Colonies –
Administration – History. I. Greene, Jack P. II. Title.

JV1O96.E97 2009

323.09171'2410903-dc22 2009009884

ISBN 978-0-521-11498-1 Hardback

ISBN 978-0-521-13270-1 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs
for external or third-party Internet Web sites referred to in this publication and does not
guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

Contents

<i>Notes on Contributors</i>	<i>page</i> vii
<i>Preface</i>	ix
Introduction: Empire and Liberty	I
<i>Jack P. Greene</i>	
1 The Languages of Liberty in British North America, 1607–1776	25
<i>Elizabeth Mancke</i>	
2 Liberty and Slavery: The Transfer of British Liberty to the West Indies, 1627–1865	50
<i>Jack P. Greene</i>	
3 “Era of Liberty”: The Politics of Civil and Political Rights in Eighteenth-Century Ireland	77
<i>James Kelly</i>	
4 Liberty and Modernity: The American Revolution and the Making of Parliament’s Imperial History	112
<i>Eliga H. Gould</i>	
5 Federalism, Democracy, and Liberty in the New American Nation	132
<i>Peter S. Onuf</i>	
6 Liberty, Order, and Pluralism: The Canadian Experience	160
<i>Philip Girard</i>	
7 Contested Despotism: Problems of Liberty in British India	191
<i>Robert Travers</i>	
8 “. . . a bastard offspring of tyranny under the guise of liberty”: Liberty and Representative Government in Australia, 1788–1901	220
<i>Richard Waterhouse</i>	

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

vi

Contents

9	How Much Did Institutions Matter? Cloning Britain in New Zealand <i>James Belich</i>	248
10	The Expansion of British Liberties: The South African Case <i>Christopher Saunders</i>	269
	<i>Index</i>	289

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

Notes on Contributors

James Belich is Research Professor of History at the Stout Research Centre, Victoria University of Wellington. He has published extensively on New Zealand history and is now working on the history of settler societies in general. His most recent book, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World*, is being published by Oxford University Press in 2009.

Philip Girard is Professor of Law, History, and Canadian Studies and University Research Professor at Dalhousie University, Halifax, Nova Scotia. Among his many publications on Canadian legal and socio-legal history is *Bora Laskin: Bringing Law to Life* (2005), a biography of Canada's best-known chief justice.

Eliga H. Gould is Associate Professor of History at the University of New Hampshire, where he teaches early American and British Atlantic history. His books include *The Persistence of Empire: British Political Culture in the Age of the American Revolution* (2000) and *Empire and Nation: The American Revolution in the Atlantic World* (2005), co-edited with Peter Onuf. Gould is currently finishing a book, *Zones of Law, Zones of Violence*, on the American Revolution and the pacification of the Atlantic world.

Jack P. Greene, Andrew W. Mellon Professor in the Humanities, Emeritus, at Johns Hopkins University, has written extensively on the early modern British empire in America. He is currently completing a volume entitled *Speaking of Empire: Confronting Colonialism in Eighteenth-Century Britain, 1739-1785*.

James Kelly, MRIA, is head of the History Department, St Patrick's College, Dublin City University. He is the author of, among other works, *That Damn'd Thing Called Honour: Duelling in Ireland, 1570-1860* (Cork, 1995); *Henry Flood: Patriots and Politics in Eighteenth-Century Ireland* (Cork, 1998); *Poyning's Law and the Making of Law in Ireland, 1660-1800* (Dublin, 2006); and *Proceedings of the Irish House of Lords, 1771-1800* (3 vols, Dublin, 2008).

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

viii

Notes on Contributors

Elizabeth Mancke, Professor of History at the University of Akron, is the author of *The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, ca. 1760–1820*, and the co-editor with Carole Shammas of *The Creation of the British Atlantic World*, as well as the author of numerous essays on the relation between the British empire and state.

Peter S. Onuf, Thomas Jefferson Professor of History at the University of Virginia, has written extensively on the history of the early American republic, including most recently *The Mind of Thomas Jefferson* (2007).

Christopher Saunders is a Professor in the Department of Historical Studies at the University of Cape Town (UCT), South Africa. Educated at UCT and Balliol and St. Antony's Colleges, Oxford University, he returned to lecture at UCT and there pioneered the teaching of African history in the 1970s. He has written widely on topics in the history of southern Africa and is perhaps best known as the co-author of *South Africa: A Modern History* (5th ed., 2000). He is currently working on a chapter on South African historiography for the *Oxford History of Historical Writing*.

Robert Travers is Associate Professor of History at Cornell University and the author of *Ideology and Empire in Eighteenth-Century India: The British in Bengal* (Cambridge, 2007).

Richard Waterhouse, Bicentennial Professor of Australian history at the University of Sydney, is the author of five books on aspects of United States and Australian social and cultural history, the most recent of which is *The Vision Splendid: A Social and Cultural History of Rural Australia* (2005).

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

Preface

The idea for this volume came to me in March 2003 during a colloquium I organized for Liberty Fund, Inc., in Santa Fe, New Mexico. Entitled “William Molyneux and Irish Liberty in the Eighteenth Century” and examining Molyneux’s *The Case of Ireland’s Being Bound by Acts of Parliament in England Stated* and the contemporary responses to it, the colloquium generated a lively discussion of the parallels and contrasts between Irish efforts to incorporate English ideas of liberty into the Irish polity during the Protestant Ascendancy and the attempts of free settlers to do the same in the new polities they constructed in North America and the Atlantic and West Indian islands during the seventeenth and eighteenth centuries. This discussion immediately suggested to me the desirability of a colloquium with a wider spatial and temporal focus that would explore the experience of the transmission, application, adaptation, and operation of English ideas of liberty – especially as they involved consensual governance, trial by jury, and the rule of law – to the wide variety of settlement societies associated with the British empire.

Although the spread of English liberty overseas through colonization has long been a central trope in popular works, in school books, and, before the advent of decolonization after World War II, in the historiography of the British empire, I was astonished to discover that no single work had ever taken up this subject in detail and began to think about organizing a book consisting of case studies, written by specialists, of each of the major settlement polities established by British people overseas between the advent of successful colonization around the turn of the seventeenth century and the turn of the nineteenth century, a book that would consider not just the spread of English liberty to those polities but also the extent and form that it took and the particular exclusions it involved. The book I envisioned was never intended to be comprehensive even of all those portions of the empire that experienced extensive British settlement. In particular, it did not include treatments of twentieth-century settler polities in Kenya and Rhodesia as they developed and applied their own practices of exclusionary liberty. Nor in the original formulation did

the volume give any space to the vast nonsettler empire in India, southeast Asia, the Mediterranean, the Middle East, and Africa. Partially to remedy this neglect, I ultimately decided that a chapter on India, Britain's principal non-settlement colony, would provide a useful contrast to the experiences of the settler empire, which indeed turned out to be the case. The Indian example underlines the degree to which the spread of self-government to and the establishment of wider franchises in the settler colonies forced imperial thinkers and managers to articulate their rationale for denying self-government to the non-settlement portions of the British imperial world, while in the process delineating more fully the underlying cultural and racialist assumptions for the exclusion of various categories of people from civic participation within the settler empire.

Once Liberty Fund had generously agreed to support this project by commissioning ten original papers and sponsoring a conference of myself and the authors, I recruited the best authors I could find to write them. These included Elizabeth Mancke, on colonial British North America; Christopher Leslie Brown, on the West Indian and Atlantic island colonies; James Kelly, on Ireland under the Protestant Ascendancy; Eliga Gould, on the relationship between the British Parliament and provincial parliaments during the eighteenth century; Peter S. Onuf, on the republican United States that emerged out of the American Revolution; Philip Girard, on British North America/Canada; Robert Travers, on the early debate over extending British liberty to India; Richard Waterhouse, on the Australian colonies; James Belich, on New Zealand; and Christopher Saunders, on South Africa. Each of these people produced a discussion paper and, with the exception of Christopher Brown, who was unable to attend because of a medical emergency, came together in Cincinnati for four days in November 2007 at the Hilton Cincinnati Netherlands Plaza Hotel, a magnificent art deco edifice, to discuss them. Over the next few months the authors proceeded to revise their contributions along lines articulated in these discussions, and, together with my introduction, they constitute this book. When Christopher Brown had to withdraw from the project, I took on the assignment of writing the chapter on the West Indies and Atlantic islands, a subject in which I had had a strong interest for more than forty years.

Too broad to fit comfortably within an *Atlantic* framework and too narrow to represent a *global* perspective, albeit James Belich's imaginative chapter on New Zealand reaches in many interesting ways in that direction, this volume eschews both of those modern scholarly constructs in favor of an *imperial* approach, the empire being the largest unit with which most contemporaries among the settler populations that dominated these overseas polities customarily identified. Each chapter looks carefully at a specific subject – the transition of liberal traditions – within a broad British imperial context. In addition, these studies fit within the framework of state formation studies with its emphasis, in the case of colonial polities, on the construction of legal, political, and constitutional regimes in newly conquered or newly occupied areas, and they are

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)*Preface*

xi

sensitive to the post-colonial emphasis on the high cost paid by subaltern populations caught up in the colonial process.

The authors of these broad interpretive essays had considerable freedom in developing them, and many of the specific questions they examine are peculiar to the subjects they treat. Indeed, one of this volume's primary objectives is to show the variety in outcomes and experiences arising out of the process of adapting English political, legal, and constitutional traditions to differing environments at different times. If the specification of spatial variations is a central concern of each chapter, together they call attention to important temporal variations. Just as the experience of the Seven Years' War focused metropolitan attention on the looseness of British imperial governance and saw the beginnings of efforts to tighten it, the revolt of the American colonies stimulated Irish and West Indian political establishments to secure firmer control over their internal governance. Within a decade, the American republican experiment and the French Revolution served as a countervailing model for those who sought or opposed more liberty and self-government in Canada, Australia, and India, while Canada's invention of responsible government in the 1830s and 1840s strongly affected the movement for self-government in New Zealand, Australia, and South Africa.

Yet, because they all focus on the self-governing process as it took shape in the entities they cover, they all engage, to one degree or another, with a common set of topics. These include: (1) the intellectual and cultural traditions that underlay and informed that process and the social and economic conditions that nurtured and sustained it; (2) the crucial relationship of property to this process; (3) the nature of the conflicts with the metropolis that arose over settler self-governing claims and how those conflicts were resolved; (4) the character of the conflicts arising between national and provincial levels of government over issues involving the distribution of authority in federal polities (the new United States and most subsequent settler colonies); (5) the process of negotiation and implementation involved in the superimposition of English ideas of governance and law in polities encompassing territories with established European-style institutions (Ireland, Canada, and South Africa); (6) the scope of self-government within the polities, especially as it involved indigenous, enslaved, transported, and propertyless people, and the ways in which that scope changed over time; (7) how British traditions were modified and sustained during the first century or two of polity formation; and (8) the political and legal legacy of the early experience in self-government.

Despite their presentation and consideration at the same conference, these essays rarely speak to one another or move beyond the boundaries of their respective subjects. Yet, attentive readers will not fail to grasp the volume's comparative dimensions. They will appreciate the centrality of the liberal tradition in British overseas expansion. From the seventeenth through the nineteenth centuries, those traditions informed and shaped the British colonizing process at every stage and in every settler colony, at once energizing that process by providing *independent* settlers with a personal stake in the empire and

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

stimulating the emergence of competing concepts of liberty that elicited resistance to metropolitan direction, fueled provincial movements for self-governance, and led to one major rupture, with the withdrawal of thirteen colonies from the empire. Readers will also recognize the crucial relationship between personal independence and liberty and the logic of exclusion that, inherited from the metropolis itself, throughout the empire limited the civic space accorded to *dependent* populations. Indeed, the title, *Exclusionary Empire*, is intended to direct attention to the exclusionary character of these avowedly liberal regimes. Readers will also see the parallels among those societies – principally Ireland under the Protestant Ascendancy, the West Indies, those North American colonies with large enslaved populations, India, and South Africa – where dependent peoples often constituted a majority of the population. In two cases, notably Ireland and the West Indies, those dependent majorities became so restive as to persuade politically dominant populations to abandon self-government altogether: in Ireland, through incorporation into Great Britain, and in almost all of the West Indian colonies, by abandoning representative institutions, some of which were two centuries old.

This volume intentionally breaks out of the boundaries of several conventional historical categories. By including a chapter on Ireland, it intends to focus on the similarities and variations between the colonial status of Ireland in relation to the metropolis, and the status of more distant contemporary colonies in the Americas. By including chapters on the West Indies and India, it endeavors to blur the sharp distinctions drawn by many scholars between colonies of settlement and colonies of exploitation and to suggest that *settler* and *nonsettler* colonies might profitably be studied together as mutually enlightening. By including a chapter on the United States, it intends at once to highlight the continuing importance of the British inheritance in American political and legal culture; to bring the history of the United States within a broader global context of emerging nations; to provide a comparative perspective with contemporary developments in the West Indies, Canada, India, Australia, New Zealand, and South Africa; and to transcend the conventional confines of both American national history and a British imperial history that takes no further interest in the thirteen North American colonies after 1783, as if political boundaries put an end to cultural and other influences. By including chapters on the early modern or first empire in the same volume with chapters on the modern or second empire, it asks the reader to reconsider the question of periodization in British imperial history. By juxtaposing chapters on the older Atlantic empire and the newer African, Asian, and Pacific empires, it seeks to call attention to the global dimensions of national cultural transmissions in the imperial process.

I thank the nine other authors who contributed to this volume and Christopher Brown for his early participation. I and authors alike are especially grateful to officers of Liberty Fund, Inc., whose sponsorship of the conference that led to this book was essential. We owe a particular debt to Dr. Hans Eicholz, a Senior Fellow at Liberty Fund, who recommended a conference on

Cambridge University Press

978-0-521-13270-1 - Exclusionary Empire: English Liberty Overseas, 1600-1900

Edited by Jack P. Greene

Frontmatter

[More information](#)

Preface

xiii

this subject to Liberty Fund and was the Liberty Fund representative in charge of it. His contributions to the discussions helped to reshape several of the chapters. Dr. Amy Turner Bushnell assisted in many ways in making that conference run smoothly and in the preparation of this book. We are also grateful to our copy editor, Elise Oranges, and to our indexer, Russell Stoermer.

Jack P. Greene

East Greenwich, Rhode Island