

Introduction

How Settlers Gained Self-Government and Indigenous People (Almost) Lost It

This book explores what settler self-government meant for indigenous people in the Australian colonies.¹ How, in other words, did the rights and liberties of settlers impinge upon the rights and liberties of Indigenous people? We ask what role Indigenous-settler relations played in the establishment of self-government – how, for example, did the experience of being colonisers shape settlers’ conceptions of independent citizenship and of their own political rights? We also ask how Indigenous peoples in Australia understood and interpreted the difference between imperial and settler governance. Most importantly, we ask what difference did the shift from British control to settler self-government make to the ways in which Indigenous people were treated and governed.

One reason we need to ask these questions is that there has been a division within Australian colonial historiography which has resulted in these questions having rarely been asked or answered. There are, indeed, two separately narrated histories that we wish to bring together. One history concerns the Australian colonies’ gaining self-government and, soon afterwards, a type of colonial democracy, while remaining within the framework of the British Empire. Historians often tell it, to Australian audiences at least, as part of the positive story of colonists emerging from the shame and restrictions of penal settlements to build a free society with liberal institutions such as freedom of the press, trial by jury, freedom of assembly, and, with self-government, the development of democratic institutions such as universal male suffrage and the secret ballot. Part of the attraction of this narrative of progress is the rapidity of change with little in the way of violent struggle, and the making of democratic institutions from such an unlikely start. Unlike the history of the rise of American democracy and independence, however, this is not a story to which the majority of Australians are passionately wedded. It plays surprisingly little

¹ The terms Aboriginal and Indigenous are both used in this book, as they are in modern Australian discourse. As far as possible, we have used the term Indigenous, as the broader and more general term used in international comparative scholarship. However, given the frequent use of the term Aboriginal in our sources, we have ourselves used the term Aboriginal in the context of discussion of those sources.

2 Introduction

part in patriotic national narratives, which tend to focus more around suffering and endurance in times of war, or, less commonly, the creation of a diverse and tolerant society with opportunities for all. Yet the supposed mundanity of the tale of the rise of Australian democracy and independence is arguably the key to its subtle appeal; this is a reassuring history of progress without fuss, of a people who established governance over a continent without bloodshed or serious division.

Alongside the story of the peaceful establishment of self-government and democracy, however, is another story that historians also tell – the tragedy of Aboriginal dispossession and displacement. This is a history of extensive frontier violence, high levels of Aboriginal population decline, and a severe reduction in Aboriginal people's autonomy, opportunities for self-government, freedom of movement, and control over the future of their children and their societies. While in popular political debate the history of Aboriginal dispossession and subsequent treatment at the hands of settler society is still contested, there is nevertheless substantial recognition that what happened was a tragedy for Aboriginal people. The dispute is mainly one concerning the responsibilities of modern Australians in light of this history.

These narratives represent two entirely different genres, one an optimistic, even triumphant narrative of political progress and the other a chapter in the centuries-long history of destruction and deprivation imposed on Indigenous societies by the British Empire and colonisation. Yet both happened in the same place at the same time and involved many of the same people. Both the establishment of political institutions and the dispossession of Aboriginal people centred on vital questions such as who owned the country, what it meant to be a British subject, who had the right to govern themselves, and who had the power to govern others. Australia's violent colonising past has affected the nature and development of Australia's political institutions up to the present day. This book sets out to combine these two histories, so generically different, and to bring them, in the words of the influential Australian anthropologist, W. E. H. Stanner, within a 'single field of life'.²

There have been occasional exceptions to this separation of the two histories. From time to time, an imperial historian has offered valuable insights into the relationship between what he or she terms 'native policy' and the turn towards colonial self-government, though the coverage of the six Australian colonies on the vast island continent was typically very brief. Arthur Berriedale Keith, an imperial historian writing in the 1920s and 1930s, for example,

² W. E. H. Stanner, *After the Dreaming*, Sydney: Australian Broadcasting Commission, 2001 [1969], p. 25; see Ann Curthoys, 'Stanner and the Historians', in Melinda Hinkson, ed., *An Appreciation of Difference: WEH Stanner and Aboriginal Australia*, Canberra: Aboriginal Studies Press, 2008, pp. 233–50.

suggested that Britain had found the question of governance of ‘native races’ a difficult one in the context of granting self-government. In *The Sovereignty of the British Dominions* (1929), he pointed out that in both Canada and New Zealand, the British government had sought, unsuccessfully, to retain power over ‘native policy’ even while granting responsible government, and drew a contrast with the Australian colonial constitutions of the mid-1850s where there was no such attempt.³ He also noted that only in Western Australia was there any attempt to retain British control over Aboriginal policy even after the granting of responsible government. The colony’s constitution of 1889, he pointed out, provided that the ‘department charged with their interests’ should remain directly responsible to the governor, and mandated that it be funded annually by at least £5000 of colonial revenue.⁴ This controversial provision, and the circumstances leading to it, are important to the story we unfold in this book.⁵

In a similar vein, John M. Ward’s *Colonial Self-Government: The British Experience 1759–1856* (1976), now a classic text in the field of imperial history, makes a few references to the question of ‘native policy’ in the context of the transition to self-government. Ward contends that change in methods of government arose from changes in British policy and ideas rather than from local colonial pressures, and his treatment of questions of Aboriginal policy is no exception.⁶ When discussing the Colonial Office response in 1854 to the proposed constitution for New South Wales, for example, he notes that one of its law officers, Sir Frederick Rogers, expressed concern that Britain was transferring too much power to the colonies. One of Rogers’ examples of an unwise transfer of authority was Aboriginal policy; what would Britain do, Rogers asked, if colonial legislators authorised killing Aborigines?⁷ Yet despite Rogers’ concern, the British government went ahead, in part, Ward argues, because by this time there was little remaining concern for Aboriginal peoples.⁸ However, Ward does not flesh out these tantalising comments. Three years later, in 1979, John Cell’s essay, ‘The Imperial Conscience’ (1979) examined the ways British imperial authorities pondered the possible effects

³ Arthur Berriedale Keith, *The Sovereignty of the British Dominions*, London: Macmillan, 1929, pp. 66–9.

⁴ Keith, *The Sovereignty of the British Dominions*, p. 67. This clause, however, was rescinded in 1897. See Neville Green, ‘From Princes to Paupers: The Struggle for Control of Aborigines in Western Australia, 1887–1898’, *Early Days*, vol. 11, part 4, 1998, pp. 447–62.

⁵ See Ann Curthoys and Jane Lydon, eds., *Governing Western Australian Aboriginal People: Section 70 of WA’s 1889 Constitution*, special issue of *Studies in Western Australian History*, no. 30, 2016.

⁶ John M. Ward, *Colonial Self-Government: The British Experience 1759–1856*, Toronto: University of Toronto Press, 1976, p. vii.

⁷ *Ibid.*, p. 326.

⁸ *Ibid.*, p. 328.

4 Introduction

and morality of relinquishing control over Aboriginal policy when granting self-government to the settler colonies, including those in Australia.⁹

Even these fleeting references are, however, missing from histories focussed squarely on Australia. As a national Australian (as distinct from British imperial) historiography emerged, historians of the coming of self-government generally saw Aboriginal matters as outside their framework. The foundational account by A. C. V. Melbourne, *Early Constitutional Development in Australia* (1934; revised by R. B. Joyce, 1963), does not discuss Aboriginal policy or Aboriginal-settler relations as a dimension of the development of self-government.¹⁰ Geoffrey Serle's discussion in *The Golden Age* (1963) of the coming of self-government to Victoria, mentions Aboriginal people only briefly, observing at the beginning of the book that the 'onward march of European civilization and "progress" was made at the price of the virtual destruction of the aborigine'.¹¹ Despite the rise in the study of Aboriginal history in the 1970s and 1980s, Australian political and constitutional histories continued to ignore Aboriginal people and issues. W. G. McMinn's *A Constitutional History of Australia* (1979) had little coverage,¹² and the same is true of John Hirst's influential *The Strange Birth of Colonial Democracy* (1988). Hirst focusses on the class conflicts and alliances of the 1850s, and draws attention to the historical irony that the British government granted New South Wales self-government only to pave the way for a much more radical democracy than either Britain or the colonial elite had envisaged. In Hirst's account, the British government was generally ill informed about colonial conditions and, thus, unwittingly passed measures that were more democratic than it realised. Aboriginal policy and dimensions are missing, as they are in Hirst's later chapter on Australian modes of government in *Australia's Empire* (2008).¹³

By the turn of the twenty-first century, with Aboriginal historiography flourishing yet political historiography seemingly unaffected, historians were beginning to notice a problem. David Goodman insightfully commented in his

⁹ John Cell, 'The Imperial Conscience', in Peter Marsh, ed., *The Conscience of the Victorian State*, Syracuse (New York): Syracuse University Press, 1979, pp. 195–9; see Zoë Laidlaw, 'Imperial Complicity: Indigenous Dispossession in British History and History Writing', in Catherine Hall, Nicholas Draper, and Keith McClelland, eds., *Emancipation and the Remaking of the British Imperial World*, Manchester: Manchester University Press, 2014, especially pp. 141–2.

¹⁰ A. C. V. Melbourne, *Early Constitutional Development in Australia*, London: Oxford University Press, 1934.

¹¹ Geoffrey Serle, *The Golden Age*, Melbourne: Melbourne University Press, 1963, p. 3.

¹² W. G. McMinn, *A Constitutional History of Australia*, Melbourne: Oxford University Press, 1979.

¹³ John Hirst, *The Strange Birth of Colonial Democracy: New South Wales 1848–1884*, Sydney: Allen and Unwin, 1988; John Hirst, 'Empire, State, Nation' in Deryck Schreuder and Stuart Ward, eds., *Australia's Empire*, Oxford: Oxford University Press, 2008, pp. 141–62. For some brief mentions, see John Hirst, *Australia's Democracy: A Short History*, Sydney: Allen and Unwin, 2002, pp. 6, 24–5, 72–3.

examination of the rise of democratic politics during the gold rush era of the 1850s that it was time to see that politics as part of the same story as the taking of Aboriginal land and the attempted destruction of Aboriginal societies.¹⁴ The difficulty of bringing such an understanding to bear on political history, however, remained. Peter Cochrane's prize-winning book, *Colonial Ambition: Foundations of Australian Democracy* (2006), for example, rarely mentions Aboriginal issues and people. Written to commemorate the sesquicentenary of responsible government in New South Wales, it tells of 'how the eminent land-owners of NSW plotted to transfer power from Downing Street to themselves, only to see it usurped by their political enemies – the artisans, shopkeepers, merchants and renegade gentry whose power base was in Sydney'. Discussion of Aboriginal-settler government relations is, however, virtually absent.¹⁵ The same void is also evident in Terry Irving's *The Southern Tree of Liberty: The Democratic Movement in New South Wales before 1856* (2006). A lively and original account of working-class politics in Sydney in the 1840s and early 1850s, it argues that the struggle for democracy came not from the elites or the liberal middle class, the focus of Cochrane's analysis, but rather from the emerging working class.¹⁶ Here, too, Aboriginal people and policies do not appear.¹⁷ Similarly, Richard Waterhouse's essay in 2010 on the coming of self-government to New South Wales, despite being part of a collection edited by Jack Greene devoted to exploring the exclusion of indigenous peoples from the liberal freedoms granted to settlers within the British Empire since the seventeenth century, has only the briefest comments on Indigenous-settler relations. It does, however, make the important point that settlers' belief in the inferiority and imminent disappearance of Aboriginal peoples meant they did not consider Aboriginal people as potential members of the new polity.¹⁸ Benjamin T. Jones, *Republicanism and Responsible Government: The shaping of democracy in Australia and Canada* (2014), a valuable comparative study of political ideas and movements, also pays little attention to Indigenous-settler relations. Jones does point to the importance of settlers' belief in the necessity for a homogenous community as a basis for successful self-government, but

¹⁴ David Goodman, 'Making an Edgier History of Gold', in Iain McCalman, Alexander Cook, and Andrew Reeves, eds., *Gold: Forgotten Histories and Lost Objects of Australia*, Cambridge: Cambridge University Press, 2001, pp. 33–4.

¹⁵ Peter Cochrane, *Colonial Ambition: Foundations of Australian Democracy*, Melbourne: Melbourne University Press, 2006, p. xiii. See exceptions on pp. 3 and 410.

¹⁶ Terry Irving, *The Southern Tree of Liberty: The Democratic Movement in New South Wales before 1856*, Sydney: Federation Press, 2006, especially pp. 4 and 254.

¹⁷ See review by Paul A. Pickering, 'Contested Histories Forum: Was the 'Southern Tree of Liberty' an Oak?' *Labour History*, no. 92, 2007, p. 142.

¹⁸ Richard Waterhouse, "'... a bastard offspring of tyranny under the guise of liberty': Liberty and Representative Government in Australia, 1788–1901', in Jack Greene, ed., *Exclusionary Empire: English Liberty Overseas, 1600–1900*, Cambridge: Cambridge University Press, 2010, pp. 240–1.

6 Introduction

misses one of its most significant consequences – a close association between democratic ideas and racial exclusivism.

If histories of Australian politics and constitutions have had little to say about Aboriginal policy, most histories of Aboriginal–settler relations in turn have, until very recently, had little to say about colonial politics and systems of government, despite the fact that the field has been criticised (or praised) as a highly politicised form of history. So little have most Aboriginal histories considered the nature of colonial government and colonial politics that many, indeed most, scarcely notice the mid-century (later in Western Australia) transition to responsible government or ponder its significance for Aboriginal people.¹⁹ The main exception has been the work of Henry Reynolds, a founding and leading historian in the field of Aboriginal history, although even he has treated the issue only briefly. Reynolds points out that with ‘the decision in 1850 to grant the colonies of eastern Australia self-government, the Colonial Office prepared to surrender responsibility for the Aborigines to the very colonists whom they had frequently accused of trying to exterminate the tribes they encountered’.²⁰ When Britain granted responsible government to the new colony of Queensland nine years later, he says, disaster for Aboriginal people ensued. ‘Each step,’ he writes, ‘took responsibility closer to the frontier and placed it more securely in the hands of men with both public and private interests in the pastoral industry and in the rapid sale of land throughout the vast tropical hinterland.’²¹ In Reynolds’ histories, Britain generally appears as wishing to protect Aboriginal people while pursuing colonisation and settlers appear as the unruly perpetrators, seeking protection not for Aboriginal people but only for themselves.²²

Change, however, is on the way. At the beginning of the twenty-first century, a rejuvenated British imperial history (once called the ‘new imperial history’ but perhaps now a little too old and well-established for such a title) prepared the ground for a convergence of the narratives of the coming of settler self-government and Aboriginal–settler relations. Influenced by late twentieth century developments in histories of race and gender and more broadly in ‘histories

¹⁹ See, for example, Richard Broome, *Aboriginal Australians: Black Responses to White Dominance 1788–2001*, Sydney: Allen and Unwin, 1982, revised editions in 1994 and 2001; Richard Broome, *Aboriginal Victorians: A History since 1800*, Sydney: Allen and Unwin, 2005; Heather Goodall, *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770–1972*, Sydney: Allen and Unwin, 1996; Bain Attwood, *Possession: Batman’s Treaty and the Matter of History*, Melbourne: Miegunyah Press, 2009.

²⁰ Henry Reynolds, *An Indelible Stain? The Question of Genocide in Australia’s History*, Ringwood: Viking, 2001, p. 99.

²¹ Reynolds, *An Indelible Stain?*, p. 100.

²² This is especially true of *An Indelible Stain*, but see also Henry Reynolds, *The Law of the Land*, Ringwood: Penguin, 1987, and Henry Reynolds, *This Whispering in our Hearts*, Sydney: Allen and Unwin, 1998.

from below', British imperial history was turning away from its earlier focus on British initiative and control and instead exploring the dynamic relationship between Britain and her colonies. Not only did Britain influence what happened in its colonies, but also, the new scholarship emphasised that colonial pressures and developments changed Britain itself. Two books that appeared within a year of each other – Alan Lester's *Imperial Networks: Creating Identities in Nineteenth Century South Africa and Britain* (2001), and Catherine Hall's *Civilizing Subjects: Metropole and Colony in the English Imagination* (2002) – signified the change, as their titles clearly indicate.²³ Through a series of essays by Alan Lester (2002), Elizabeth Elbourne (2003), and Zoë Laidlaw (2004), the new imperial history became increasingly concerned with Indigenous-settler relations across the empire.²⁴ Historians increasingly recognised, as Alan Lester put it, that 'the history of any one locality within an empire can be understood only through its connections with other sites, both within and even beyond that empire'.²⁵

One result of a reconfigured British imperial history has been that with historians of the British Empire increasingly addressing Indigenous-settler relations in Britain's settler colonies, historians of Australia turned with greater attention than hitherto to Australia's imperial context, a context that had characterised earlier scholarship but had since faded from view. A major contribution was the ground-breaking work by Patricia Grimshaw, Julie Evans, David Philips, and Shurlee Swain, *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830s to 1910* (2003). In their study of the history of the voting and other political rights of Indigenous peoples in Australia, Canada, New Zealand and South Africa, they consider the development of representative and responsible government, and finally full independence, as Britain gradually distanced itself from its colonies' politics and practices. They observe that,

²³ Alan Lester, *Imperial Networks: Creating Identities in Nineteenth Century South Africa and Britain*, London: Routledge, 2001; Catherine Hall, *Civilizing Subjects: Metropole and Colony in the English Imagination*, Cambridge: Polity Press, 2002.

²⁴ Alan Lester, 'British Settler Discourse and the Circuits of Empire', *History Workshop Journal*, vol. 54, no. 1, 2002, pp. 27–50; Elizabeth Elbourne, 'The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates Over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire', *Journal of Colonialism and Colonial History*, vol. 4, no. 3, 2003; Zoë Laidlaw, "'Aunt Anna's Report": The Buxton Women and the Aborigines Select Committee, 1835–1837', *Journal of Imperial and Commonwealth History*, vol. 32, no. 2, 2004, pp. 1–28. An earlier example was Martin Daunt and Rick Halpern, eds., *Empire and Others: British Encounters with Indigenous Peoples, 1600–1850*, Philadelphia, PA: University of Pennsylvania Press, 1999, which combined a focus on Native American history with contributions concerning Canada, Cape Colony, the Caribbean, and an essay, by Heather Goodall, on Australia. See Zoë Laidlaw, 'Breaking Britannia's Bounds? Law, Settlers, and Space in Britain's Imperial Historiography', *The Historical Journal*, vol. 55, no 3, 2012, p. 811.

²⁵ Alan Lester, 'Relational Space and Life Geographies in Imperial History: George Arthur and Humanitarian Governance', *Journal of the Canadian Historical Association*, 2009, vol. 21, no. 2, p. 29.

8 Introduction

in the eastern Australian colonies, the place of Indigenous peoples in the political process was barely addressed ‘in the swift passage of these colonies from Crown colonies to near self-governing democratic societies’ and they briefly trace the attempts by British humanitarians to protect the rights of Indigenous peoples in the proposed constitutions.²⁶

The turn towards considering Aboriginal policy in an imperial context has been joined more recently by increased attention to the impact on indigenous people of the history of slavery and anti-slavery within the British Empire. This work has two principal dimensions – one, an investigation of the ways in which the experience of slave-ownership in the Caribbean and elsewhere impacted on the Australian colonies politically, economically, and culturally, and the other the connected task of tracing the impact of *anti-slavery* ideas and movements on policies towards Indigenous people. As Catherine Hall, Nicholas Draper and Keith McClelland argue in the introduction to *Legacies of British Slave-ownership*, their project has been to ‘reinscribe slave-ownership onto modern British History’, from which it had largely disappeared in public consciousness. They investigate what happened to slave-owners and their descendants after the Slavery Abolition Act of 1833, the economic consequences of the subsequent massive slave-owner compensation, the turn to other forms of unfree labour, and the shift in the balance of empire from the Caribbean to India and the white settler colonies.²⁷ Catherine Hall has explored some of the cultural legacies in the work of beneficiaries of slave-owner compensation who became significant writers in and about the Australian colonies.²⁸ The task of tracing the economic, cultural, and political legacies of slave ownership in Australia is still in its early stages; further advanced is the study of the influences of anti-slavery on both British Aboriginal policy and on colonial discourse. In her survey of recent scholarship, Lisa Ford emphasises that anti-slavery advocates were concerned not only to reform and end slavery in the British Empire but also to ‘refine the constitutional relationship between the imperial centre and colonial peripheries’.²⁹ To achieve their aims, anti-slavery evangelicals sought to maximise the reach and effectiveness of British law, and became themselves

²⁶ Patricia Grimshaw, Julie Evans, David Philips, and Shurlee Swain, *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830s to 1910*, Manchester: Manchester University Press, 2003, pp. 64–8.

²⁷ Catherine Hall, Nicholas Draper, Keith McClelland, Katie Donington and Rachel Lang, *Legacies of British Slave-Ownership: Colonial Slavery and the Formation of Victorian Britain*, Cambridge: Cambridge University Press, 2014, pp. 2–8.

²⁸ Catherine Hall, ‘The Slave-Owner and the Settler’, in Jane Carey and Jane Lydon, eds., *Indigenous Networks: Mobility, Connections and Exchange*, London: Routledge, 2014, pp. 29–49; Catherine Hall, ‘Reconfiguring Race: The Stories the Slave-Owners Told’, in Hall et al., *Legacies of British Slave-Ownership*, pp. 163–202.

²⁹ Lisa Ford, ‘Anti-Slavery and the Reconstitution of Empire’, *Australian Historical Studies*, no. 45, 2014, p. 72.

involved in the administration of the empire. Self-governing colonies could be extremely difficult to manage on humanitarian issues, as they well knew from the extraordinarily generous slave-owner compensation that had been necessary to achieve the abolition of slavery in 1833.³⁰ As we explore in Chapters 6 and 7, this keen support for imperial authority and wariness about self-government would influence both some imperial executives and the Aborigines Protection Society through the two decades leading up to the granting of self-government in the mid-1850s.

Particularly influential in the study of the connections between evangelical humanitarians and colonial imperial Aboriginal policy has been Alan Lester and Fae Dussart's *Humanitarian Governance: Protecting Aborigines across the Nineteenth Century British Empire* (2014). They use imperial biography – the study of certain key figures such as George Arthur and George Grey – to explore attempts to govern British colonies in a way that protected and controlled Indigenous peoples. They emphasise the importance of humanitarian ideals and individuals in shaping British Aboriginal policy in a range of colonies, especially New South Wales and New Zealand, in the context of colonisation and the violent seizure of Indigenous peoples' lands. 'Violent colonial conquest', they argue, 'was foundational and intrinsic to the shared history of British humanitarianism and governmentality.'³¹ Humanitarians, they argue, did not so much wish to protect Indigenous people from British governments, as to shape the nature of colonial governments in their dealings with indigenous peoples, and more directly to govern indigenous peoples themselves. Several historians have taken up Lester and Dussart's emphasis on the role of humanitarian ideas in imperial and colonial governance of indigenous peoples, exploring in some depth the role of protectors in colonial state-building, and indigenous peoples' responses to protection policies.³² In a series of essays and a joint-authored book, Amanda Nettelbeck in particular has explored the vexed relationship between policies of protection and systems of discipline and punishment in the Australian colonies.³³ Investigations of protection policies have

³⁰ Ford, 'Anti-Slavery and the Reconstitution of Empire', p. 80.

³¹ Alan Lester and Fae Dussart, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines across the Nineteenth Century British Empire*, Cambridge: Cambridge University Press, 2014, p. 1.

³² Penelope Edmonds and Anna Johnston, 'Introduction: Empire, Humanitarianism and Violence in the Colonies', *Journal of Colonialism and Colonial History*, vol. 17, no. 1, Spring 2016; Jane Carey and Jane Lydon, eds., *Indigenous Networks: Mobility, Connections and Exchange*, New York: Routledge, 2014; Alan Lester and Zoë Laidlaw, eds., *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World*, Houndmills: Palgrave Macmillan, 2015; Lisa Ford and Tim Rowse, eds., *Between Indigenous and Settler Governance*, London: Routledge, 2013.

³³ See especially Amanda Nettelbeck, 'Colonial Protection and the Intimacies of Indigenous Governance', *History Australia*, vol. 14, no. 1, 2017, pp. 32–47; Amanda Nettelbeck, Russell Smandych, Louis A. Knafla, and Robert Foster, *Fragile Settlements: Aboriginal Peoples, Law,*

most recently been augmented by approaches drawn from cultural history and the burgeoning field of the history of emotions, as in Jane Lydon's exploration of the role of photography in humanitarian discourse and campaigns and Tony Ballantyne's emphasis on the importance of print and text in the articulation and circulation of humanitarian sentiment.³⁴

In *Settler Society in the Australian Colonies: Self-Government and Imperial Culture* (2015), Angela Woollacott places her analysis of the coming of self-government firmly within an imperial framework. Although her focus is not on Aboriginal policy and governance or on the political struggles over its control, she shows in detail how settlers, with their high mobility and networked connections as individuals and families, moved from one British colony to another and participated in the flow of ideas around the empire about British settlers' rights and about self-government. She also emphasises the importance of both frontier violence and the employment of non-white labour in forming a particular kind of masculine settler identity, shaping elite and middle class demands for self-government.³⁵

Despite this burgeoning scholarship on governance and empire there is still no detailed or comprehensive study of how Indigenous-settler relations affected the transition to self-government or what self-government, when it came, meant for Indigenous people in the Australian colonies. This is what we set out to provide.

Let us begin by exploring the key terms in our book's title, *Taking Liberty: Indigenous Rights and Settler Self-Government*.

As our main title, *Taking Liberty*, suggests, this is above all a history of a struggle over liberty – who had rights to it, who could exercise it, and who should lose it. Notions of liberty were central to British settler identity, but while settlers wanted their own rights to liberty acknowledged and translated into a new system of government, they were also engaged in taking away existing liberties from others. As Blackstone explained in 1771, in English thought liberty entailed the observance of four principal rights – to personal security, freedom of movement, freedom from imprisonment without cause, and the use

and Resistance in South-West Australia and Prairie Canada, Vancouver: University of British Columbia Press, 2016; Amanda Nettelbeck and Robert Foster, 'From Protectorate to Protection, 1836–1911', in Peggy Brock and Tom Gara, eds., *Colonialism and Its Aftermath: A History of Aboriginal South Australia*, Adelaide: Wakefield Press, 2017, pp. 27–40.

³⁴ Jane Lydon, *Photography, Humanitarianism, Empire*, London: Bloomsbury, 2016; Tony Ballantyne, "'Moving Texts" and "Humane Sentiment": Materiality, Nobility and the Emotions of Imperial Humanitarianism', *Journal of Colonialism and Colonial History*, vol. 17, no. 1, Spring 2016. See also Rebecca Swartz, 'Educating Emotions in Natal and Western Australia, 1854–65', *Journal of Colonialism and Colonial History*, vol. 18, no. 2, 2017.

³⁵ Angela Woollacott, *Settler Society in the Australian Colonies: Self-government and Imperial Culture*, Oxford: Oxford University Press, 2015; Angela Woollacott, 'A Radical's Career: Responsible Government, Settler Colonialism and Indigenous Dispossession', *Journal of Colonialism and Colonial History*, vol. 16, no. 2, 2015.