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L. R. Hiatt

Excerpt

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## 1

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*Prologue*

In the autumn of 1768, just after the *Endeavour* had set out from Plymouth on its voyage of discovery, a London ordnance clerk named Granville Sharp sent a manuscript to the eminent jurist William Blackstone,<sup>1</sup> seeking his opinion on certain arguments relating to the liberty of the person. The response was not encouraging. Nonetheless Sharp published his manuscript the following year, setting in motion a train of events that led to the abolition of slavery in the British colonies. A slightly later and not nearly so much celebrated consequence was the formation of the institutional framework of the discipline of anthropology in Great Britain and Ireland.<sup>2</sup>

Sharp was the youngest son of a Northumberland archdeacon whose fertility outran his ability to pay for higher education.<sup>3</sup> After an apprenticeship in linen-drapery that came to nothing, he settled for a job in the civil service. In 1765, while visiting the medical surgery of his brother William, he noticed a badly injured negro awaiting attention and asked what had happened to him. The man, Jonathon Strong, was a slave from Barbados whose master had maimed and then abandoned him. The Sharp brothers restored him to health, clothed him, and found a position for him with an apothecary. Two years later his erstwhile owner, a lawyer named David Lisle, saw him in the streets and, perceiving that he was marvellously rehabilitated, resolved to retrieve him. Shortly afterwards, at the lawyer's bidding, two men from the office of the Lord Mayor of London intercepted the errant slave and took him into custody.

When the apothecary sought to intercede on Strong's behalf, Lisle deterred him with a threat of legal action for infringing his property rights. Granville Sharp, though still a young man, was not so easily intimidated. On hearing the news, he presented himself to the master of the prison and charged him, at his own peril, not to deliver up the slave to anyone who might claim him. He then persuaded the Lord Mayor to summon before him all concerned. While this was being arranged, Lisle sold his interest in Strong to a Jamaican planter named Kerr, on the understanding that no money would be paid

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until the goods were in transit. At the meeting in the Lord Mayor's office, the principals to the transaction were represented by the notary who drew up the bill of sale and the captain of a ship about to sail for Jamaica. After listening to their claims, the Lord Mayor stated that as Strong had not been charged with any offence he was at liberty to go wherever he wished. The captain forthwith seized the slave by the arm and told the Lord Mayor he took him 'as the property of Mr Kerr'. Prompted by the city coroner, who whispered in his ear, Granville Sharp turned upon the captain and said loudly: 'Sir, I charge you for an assault.' The captain released his grip, and they all bowed to the Lord Mayor and left. Strong and Sharp returned home unmolested.

Several days later Sharp received a writ charging him with having robbed David Lisle of a negro slave. With the backing of his brother James, a wealthy ironmonger, he consulted a solicitor in the Lord Mayor's office and retained an eminent counsel. In due course his legal advisors told him the case could not be defended. The basis for their opinion was a statement issued jointly in 1729 by the Solicitor-General and the King's Attorney, and confirmed subsequently by the Lord Chief Justice in court, that a slave from the West Indies did not become free merely by setting foot upon the soil of Great Britain or Ireland. His master's property right in him persisted and could be legally exercised by compelling him to return to the plantations.

Sharp was advised to settle out of court as best he could and leave the slave to his fate. Instead, driven by a conviction that the law of England could not be so bad, he searched the libraries and constructed his own defence. As he expected, no process survived in English common or statute law whereby one person could unwillingly be made the slave of another. Furthermore, the Habeas Corpus Act (1679) empowered the courts to bring before them any person whose liberty was restrained so that the legality of his or her detention might be investigated and determined. The question was whether a person enslaved in accordance with the laws of another country continued to be a slave in England unless emancipated by the owner. Here Sharp advanced an original and compelling argument. A statute proclaimed in the reign of Henry VIII expressly confirmed that all aliens living in England were bound by English law. As they were subject to its authority, they were surely entitled to its protection. On entering England, a slave became a subject of the sovereign and thus entitled to the same freedoms as all other subjects. Because it could be said that in a sense he was now the property of the sovereign, it followed that he need not continue to be the property of anyone else.

Sharp circulated his manuscript among some twenty lawyers. In the

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event, Lisle withdrew the charge and paid treble costs. No doubt the law was uncertain, but if Sharp turned out to be right there would be heavy damages to pay as well. If Strong was a free man from the time he entered England, then clearly the various assaults and restraints inflicted upon him were illegal and subject to penalty. At the conclusion of his memorandum Sharp left his accuser in no doubt as to his intentions. If he acknowledged his error in writing, he would not press a case against him on behalf of Strong. But were he and his advisors to reject these friendly conditions,

they may be assured that I shall think myself in duty bound, as a man, a Christian and subject of England, to defend the said Negro, and this my opinion, in the King's Courts to the utmost of my abilities; for my opinion is not founded on my own presumption, but on the plainest literal expression of statutes formed and ordained by the wisdom and authority of Kings, Lords, and Commons.<sup>4</sup>

On 3 July 1770 Joseph Banks recorded in his diary that a spring tide had floated the *Endeavour* off a beach on the east coast of Australia after repairs to her hull had been completed. An 'alligator' swam for some time by her side.<sup>5</sup> On the same day back in London his mother made an urgent visit to Granville Sharp. During the night her servants, hearing shouts of distress from the garden next door, found two men dragging a negro towards a boat lying in the Thames. They knew him to be Tom Lewis, a West Indian slave who had run away from Mr Stapylton, Mrs Banks's neighbour. When the kidnappers assured them they had authority to retrieve and ship him back for sale in Jamaica, the servants returned with the news to their mistress. Mrs Banks, having heard of Sharp by reputation, now sought his advice.

Sharp immediately obtained a warrant to intercept the ship, but it had been cleared for sailing and the captain refused to comply. As soon as possible, one of Mrs Banks's servants was despatched to Portsmouth with a writ of habeas corpus. A few days later he returned to London accompanied by Lewis, on whose behalf Mrs Banks then brought an action against her neighbour and his accomplices. The case was heard by Lord Chief Justice Mansfield early in 1771. Stapylton defended himself on the basis of property rights but, on being asked by the judge for documentary evidence of ownership, was unable to produce any. The jury subsequently agreed that he could not therefore claim Lewis as his property. However, when Mrs Banks's counsel pressed for a judgment on the defendants for an assault, Mansfield declined to pronounce one. Mrs Banks had saved the negro, and she should be satisfied with that.

The outcome was patently scandalous. What lay behind it was the presence in England of between 14,000 and 15,000 slaves, whose

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masters had brought them with them on holidays or upon retirement. Their market value was approximately £700,000. Previous judgments, including opinions stated in court by Mansfield himself, had given owners confidence that their property was legally secure. The Lord Chief Justice was on the horns of a dilemma: acknowledge the arguments of a layman or continue in complicity with West Indian merchants. To his ultimate credit he chose the former. In 1772 Granville Sharp retained counsel on behalf of James Somerset, a runaway slave whose master was attempting to ship him back to Jamaica. After lengthy legal argument, several adjournments, and much prevarication, Mansfield told a packed court that 'no foreigner can in England claim a right over a man: such a claim is not known to the laws of England'.<sup>6</sup> The job of the court was to find the law, not to make it. If the merchants considered the finding injurious to trade and commerce, they should look for help among the legislators.

Late in 1772 the West Indian lobby pressed for the introduction of a bill in the Commons exempting them from Mansfield's determination, but the motion was thrown out. Public opposition to slavery was mounting, aroused in particular by principled objections from the Evangelical Movement and the Quakers. From the time of its formation a century earlier the Society of Friends had exhorted members to mitigate the evils of slavery. In 1774 it issued a decree threatening any member involved in the slave trade with expulsion and, two years later, a similar sanction directed at slave owners. In 1783 English Quakers established a standing committee for the relief and liberation of slaves, to be sought through personal influence and the publication of books and articles. Granville Sharp, though not a Quaker, accepted an invitation to join it. When the committee petitioned Lord North (then Secretary of State), he described their objectives as humane but impractical.

About this time Sharp was visited by a negro who drew his attention to impending litigation arising from the jettisoning of cargo from an English slave-ship bound for Jamaica. Early in 1781 the *Zong* set out from Africa with 440 slaves and a crew of fourteen. Sickness broke out, some sixty slaves died, and many others seemed in danger of suffering the same fate. The captain informed his officers that the loss of slaves in transit as a result of illness was not covered by insurance. However, if those about to die were sacrificed in order to save the rest, the owners would be compensated. Accordingly, on the pretext of a shortage of water, 130 ailing slaves were thrown overboard. In due course the owners claimed the market value of their lost property and, when the insurers refused to pay, took them to court. Lord Chief Justice Mansfield expressed the opinion that there was 'no doubt, though it shocks one very much, that the case of slaves was the same

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as if horses had been thrown overboard'.<sup>7</sup> The jury found in favour of the owners.

Sharp petitioned the Lords of the Admiralty and publicised what would otherwise have passed unnoticed as a minor dispute between underwriter and client. No action was ever taken against the captain and his officers, but the name of their ship was at least imprinted on the public conscience as a stigma of its own culpability. In 1787 the Quaker committee increased in size and appointed Sharp as its chairman. After a conference with him the following year, Prime Minister Pitt moved a resolution binding the House to discuss the slave trade in the next session. Not all his colleagues regarded it as an act of political wisdom. Lord Sydney, whose name had just been given to a convict colony in the antipodes, was against tampering with a traffic so necessary to the health of the nation. Nevertheless Pitt's friend William Wilberforce, who lived among Evangelicals at Clapham, took up the case against it and in 1791 sought leave to introduce a bill which would abolish it. The motion was defeated 163 to 88. As one speaker during the debate put it, 'though men may be generous with their own property, they should not be so with the property of others'.<sup>8</sup>

Every year for the next decade Wilberforce moved his motion with no more success than the first time. The French Revolution, Napoleon, and war with France had turned men's minds elsewhere, and it was not until 1807, two years after the Battle of Trafalgar, that the British slave trade was finally abolished by Act of Parliament. The stage was now set for emancipation. The Quaker committee became the Anti-Slavery Society, eminent non-Quakers enlarged it, and the Duke of Gloucester became its President. In 1824 Wilberforce, his health declining, handed the parliamentary baton to Thomas Buxton, a recently-elected prison reformer and son of a Quaker mother. Two years later Buxton was able to exhort fellow-members with the backing of 32,000 signatures. By 1831 the Anti-Slavery Society had branches in all large towns, as well as 1300 affiliated societies throughout the world. In the meantime, as moral pressure rose, profits from West Indian sugar fell.<sup>9</sup> In 1833, against a counterpoint of slave rebellions and floggings in the Caribbean, Parliament found the will to make slavery illegal in British colonies.

With the main objective of the abolition movement achieved, Buxton sought to harness its resources and goodwill for the benefit of indigenous peoples throughout the British Empire. In 1837, at his urging, Parliament appointed a Select Committee on Aboriginal Tribes to advise on the protection of their rights, the spread of civilization among them, and the voluntary and peaceful reception of the Christian

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religion. In the opening section of its report, the Committee made three main points: (1) Intercourse with Europeans had been uniformly calamitous for native peoples, unless attended by the exertions of missionaries. (2) Whites had regularly entered the domains of native inhabitants without invitation and then treated them as trespassers on their own land. (3) Setting aside considerations of justice and decency, a more friendly policy towards the natives would contribute to the civil and commercial interests of Great Britain.

The report then reviewed the situation of indigenous people in each of the British colonies. With regard to the Aborigines of New Holland, it seemed that enlightened principles had been abandoned everywhere with the possible exception of the new colony of South Australia. The committee recommended an increase in expenditure on missionaries, who should be chosen and directed by missionary societies in England. There was also a need for official Protectors, who should learn the vernacular languages and gain familiarity with the traditional cultures. Protectors should devise codes of customary law adapted to modern circumstances, although the use of native police was inadvisable. They should also claim on behalf of their charges as much land as was needed for their support. So long as Aborigines found agriculture distasteful, they should be allowed to subsist by hunting and gathering.

In order to continue the good work of the Select Committee, some of its members formed an organization called the Aborigines' Protection Society, with Buxton as president. In 1839 the Society was able to inform members that Mr G.A. Robinson had been appointed as the First Protector of the Natives of New South Wales. Following his appointment, Mr Robinson had told a public meeting in Sydney of severe cruelties inflicted on Aborigines by sealers, whalers and stockmen; even 'the most vehement opponent of the cause of the Aborigines, the editor of the *Sydney Herald*, admitted that "the narrative was a statement of plain facts of which no man entertained a doubt"'.<sup>10</sup> At the same meeting the Rev. Threlkeld, a missionary and honorary member of the Aborigines' Protection Society, spoke of atrocities and said that 'he could make out a list of five hundred blacks slaughtered by whites within a short time'.<sup>11</sup> In a subsequent publication the Society presented a full account of court proceedings in Sydney following the massacre of twenty-eight Aborigines at Myall Creek in 1838.<sup>12</sup>

The prime mover in the formation of the Aborigines' Protection Society, and its most active member, was a Quaker and medical practitioner named Thomas Hodgkin.<sup>13</sup> In 1839 Hodgkin received a letter from his colleague and fellow-Quaker Dr James Prichard of Bristol, apologizing for his inability to attend the anniversary meeting

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in May.<sup>14</sup> While warmly endorsing the humanitarian objectives of the Society, Prichard took the opportunity to emphasize its potential value for science as well. He himself had been investigating the natural history of mankind for many years and was keenly aware of the necessity to obtain physical, psychological, and linguistic information from tribal peoples before it was lost forever. Shortly afterwards Prichard developed the same theme in a paper on the extinction of human races which he presented at a meeting of the British Association for the Advancement of Science. As a result, a committee (including Prichard, Hodgkin, and also Charles Darwin) was appointed for the purpose of drawing up a list of questions to guide individuals in contact with uncivilized communities on how to obtain data of value to scholars. In due course the Association published a document entitled 'Queries Respecting the Human Race, to be Addressed to Travellers and Others', which the Aborigines' Protection Society helped to distribute.<sup>15</sup>

Nevertheless, it was soon evident that the priorities of the Society lay in political humanism rather than dispassionate inquiry. In 1842 Dr Richard King, who had been on an expedition to the Arctic and knew a lot about Eskimos, decided to form a break-away group for those members who felt their scientific interests were being swamped by philanthropy. With Hodgkin's approval, he issued a prospectus for an 'Ethnological Society of London', which would investigate the physical and moral characteristics of the varieties of mankind, both past and present, publish scientific findings, acquire a library of the best books on ethnology, and provide financial aid for travellers. In due course informal meetings took place in Hodgkin's rooms, and the society was formally inaugurated towards the end of 1843. Prichard became a member the following year, and president a few years later. He and King represented the Ethnological Society at British Association meetings, where Ethnology became a subsection in Section D (Zoology-Botany). Although Hodgkin maintained a strong presence in both the Aborigines' Protection Society and the Ethnological Society, the institutionalization of charity and learning, having diverged at that point, proceeded thereafter on separate and not always mutually sympathetic courses. Many years later an eminent British scientist, discoursing on the cleavage, spoke of it as a rift between 'the missionary party' and 'the student party'.<sup>16</sup>

In his Anniversary Address to the Ethnological Society in 1847 Prichard defined ethnology as the history of human races, and its task to elucidate their origins and relations.<sup>17</sup> In 1848 the Society began publishing papers and communications presented at its meetings. Most were accounts of populations still surviving in remote parts of the world, along with investigations of peoples and cultures now

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extinct. Although, like the founders, a majority of the contributors had been trained in medicine, philology served the objectives of the Society more actively than comparative anatomy. Over shorter spans of time and space, it seemed, languages were better guides to connections than bones. Not all articles were theoretically focussed; a good many owed as much to the older literary tradition of travellers as to the newer models of science. Typically, authors had been to the places they wrote about. They described the people who lived there objectively, but with respect and occasionally admiration.

After four volumes of the journal, the last dated 1856, publication ceased. Two years later, the year in which Charles Darwin and Alfred Wallace presented their theory of evolution to the Royal Society, only seven members turned up for the annual general meeting. The resources of the Society, financial and intellectual, were drying up. In 1860, whether for this or some other reason, the president moved 'that Ladies be admitted as visitors'.<sup>18</sup> Although in the event a slightly less radical amendment was passed, reserving a right of exclusion, not all members were pleased. During the following year the secretary, Dr James Hunt, complained of ill health and an inability to perform his duties properly. Two years later he resigned in order to form a rival organization, which he called the 'Anthropological Society of London'. In doing so he publicly declared his wish to emulate the Anthropological Society of Paris and its dynamic secretary, Dr Paul Broca.<sup>19</sup> Furthermore, in a published statement addressed to his French counterpart, he explained that the Ethnological Society had been ruined by a president who wished to emulate the fashionable and popular Royal Geographical Society by admitting women. 'You will doubtless smile', he went on, 'at the strange idea of admitting females to a discussion of all Ethnological subjects. However, the supporters of the "fair sex" won the day, and females have been regularly admitted to the meetings of the Ethnological Society during the past three years.'<sup>20</sup>

In the same statement Hunt set out an alternative conception of Ethnology, apparently beyond the reach of his meretricious adversaries, as 'a grave, erudite, and purely scientific study, requiring the most free and serious discussion, especially on anatomical and physiological topics...'<sup>21</sup> The contents of the first volume of memoirs published by the Anthropological Society made clear why some of these grave matters could not be freely discussed (or perhaps discussed at all) in the presence of ladies. At a meeting of the Society on 1 November 1864, Captain Richard Burton read a paper entitled 'Notes on Certain Matters connected with the Dahoman'. After a brief account of Dahomey history and language, the speaker announced that he now intended to 'notice certain peculiarities in



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the Dahoman race, which, in the usual phrase, are "unfit for the drawing room table".<sup>22</sup> They included the topics of prostitution, circumcision, clitoridectomy and castration. On 17 January of the following year, Mr W.T. Pritchard presented a paper 'On Some Anthropological Matters connected with the South Sea Islanders (the Samoans)', these being childbirth, menstrual taboos and ritual defloration.<sup>23</sup> On the same occasion a communication from Mr Edward Sellon was read on phallic worship in India.<sup>24</sup> To conclude an unusually heavy evening, Fellows discussed the pathology of a syphilitic monkey whose remains had been forwarded to the Society from a zoo near Manchester.<sup>25</sup>

Female attendance was not the only issue on which the two Societies were divided. In November 1863 Dr Hunt addressed his colleagues on 'The Negro's Place in Nature'. As they hardly needed to be reminded, the father of English Ethnology, the late Dr Prichard, maintained that all the present varieties of mankind had descended from a single negro stock and constituted a single species.<sup>26</sup> But while it was true that negroes were capable of inter-breeding with Europeans, it had not yet been established that the offspring were indefinitely prolific. After reviewing the best evidence available, particularly from Dr Broca and contemporary American experts, Dr Hunt was forced to conclude that the justification for classifying negroes and Europeans as separate species was at least as good as for distinguishing asses from zebras. If intelligence criteria were taken into account as well, the difference between whites and blacks was greater than between chimpanzees and gorillas. While doubtless he would be accused of helping the slave trade for saying this, no one deplored the horrors of that unregulated industry more than he did. The fact of the matter was that, by preventing Africa from exporting its worthless and surplus population, British legislation had harmed the negro race more than helped it. The highest type of negro now in existence was to be found in the Confederate States of America.

Not surprisingly, the paper produced a lively debate. Mr Burke, a speaker from the floor, expressed the view that there was no difference in principle between a white man's refusal to allow his daughter to marry a black man and a nobleman's refusal to allow his daughter to marry a peasant. Racial discrimination was therefore of the same order as class discrimination.

Mr. McHenry: No; it is not.

Mr. Burke: I differ from you in opinion very widely.

Mr. McHenry: And I do from you. I am afraid you are an abolitionist, sir.

Mr. Burke: The gentleman is at liberty to have his own opinions, and, of course, he will allow me to have mine. I contend that the difference is one of degree only.

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Mr. McHenry: I pity you; you do not know better.

Mr. Burke: I must call on the Chairman to prevent these unseemly interruptions. The gentleman can speak after I have done. If I have a servant in my house, I find that servant has a different order of feelings, and is a different kind of being, in some respects, from the members of my own family. Does it follow that I am to make a particular distinction of species, and cut off that poor creature from us simply because she is a grade lower than we are? I for one maintain there are gradations. . . I do not for a moment hold that the Negro is equal to the White, no more than that the peasant is equal to the gentleman. I do not mean to say, that out of the peasant may not spring a gentleman.

Mr. McHenry: Out of a black man there cannot spring a white man.<sup>27</sup>

By profession James Hunt specialised in the treatment of stammering, having inherited a technique devised by his father.<sup>28</sup> In 1854, while a Cambridge undergraduate, he came under the influence of Robert Knox, a Scots anatomist, atheist and anti-Prichardian, who maintained that the races of mankind were immutable species.<sup>29</sup> Hunt joined the Ethnological Society during the same year. Later, when he proposed Knox for membership, the nomination was allegedly black-balled by the Quakers. Over and above his strong views on race and gender, Hunt was driven by a vision of anthropology as a total Science of Man, encompassing ethnology and much else. At a time when the intellectual world was in the throes of re-thinking Man's place in Nature, the ethnologists were sunk in a torpor induced by the 'sedative works of Prichard'.<sup>30</sup> Instead of keeping abreast of developments in evolutionary biology, particularly in regard to relationships between human races and anthropoid apes, they were still plodding along with philology and travellers' tales. It was imperative that anthropology be given a section of its own in the British Association, instead of sharing a section with geography as ethnology now did. A College of Anthropology was needed to provide professional training. Some day it would be taught in every university worthy of the name. In the meantime the Anthropological Society of London would publish the most advanced ideas in the subject, draw attention to their practical applications in public affairs, and provide a forum for discussing the burning social issues of the day.

By 1865 the new organization had over 500 members. Hunt was its president and, from his own resources, published a journal called *The Anthropological Review*. Under the stimulus of competition, female membership, and public interest in the evolutionist debate, the Ethnological Society also grew (though not so fast) and began publishing its journal again. To cursory outside observation the aims of the two Societies seemed much the same, so that when bitter rivalry erupted in