Chapter 2

Biography and global history: reflections on examining colonial governance through the life of Edward Eyre

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Edward John Eyre (1815–1901) is in many ways the iconic Australian explorer. Against all odds, he walked across the vast Nullarbor Plain, battling the vagaries of the desert climate and the unforgiving landscape to ‘open up’ the country from Adelaide to Albany. Although he was born into a very different life in England, by his early twenties he had already made a name for himself as an overlander of sheep and cattle half a world away in the Antipodes, forging stock routes through the outback of the south-eastern colonies in the 1830s. Uncharacteristically for the times, he gained a reputation for befriending Aborigines, a practice that helped him survive that extraordinary ‘journey of exploration’ for which he is still best known within conventional accounts of Australia’s past.¹ The naming of the Eyre Highway and Lake Eyre still commemorates his feat of endurance on maps and landmarks although its precise historical significance is perhaps diminishing within the popular imagination.

This familiar narrative places Eyre fairly easily within local explorer historiography, in the company of other ambitious young men from the ‘old world’ who were intent on making better futures in the ‘new’. Few of these explorers, however, acknowledged so openly the role of the Aborigines in supplying vital food and water or engaged so willingly with their different ways of knowing the world. While their personal dispositions might have differed, all these men were nevertheless representatives of European civilisation and progress, reporting back to investors and settlers in burgeoning towns along the coast—as well as in distant England—the potential of the surrounding country to support pastoral expansion, to be wrested from the so-called strictures of primitive land use and be converted into productive private property. Accordingly, the lives of these individuals can no more be seen in parochial terms than can the histories of the nations whose foundations they establish.² They were men who, in living out their hopes and dreams in the colonies, were also the ferrymen of the global market economy.

In seeking to look beyond the constraints of the nation when considering the life of an individual, *Transnational Ties: Australian lives in the world* invites us to reflect, too, on the possibilities that biography presents for the writing of global histories. This mix of genres might seem odd in that it seeks to bring together two apparent oppositions of conventional social inquiry: is it the individual agent or the broader social structure that should be accorded priority in explaining human experience?³ Such calls to bridge the divide regarding 'the forces that have shaped the modern world'⁴ are of course by no means new. The historian Morris Cohen argued 60 years ago (with the class and gender assumptions of the time intact) that

in studying the individual life of an outstanding man, we may be studying social forces in their clearest expression. The real problem is not whether history is to be written as the biography of great men or as a tracing of social forces, for the great men are precisely the points of intersection of great social forces.⁵

The sociologist C. Wright Mills similarly exhorted us to adopt an integrated approach, although the intention in his case was to advance prospects for social justice by empowering individuals through their appreciation of the significance of their historical position and its relationship with their present circumstances:

We have come to know that every individual lives, from one generation to the next, in some society; that he lives out a biography, and that he lives it out within some historical sequence. By the fact of his living he contributes, however minutely, to the shaping of this society and to the course of its history, even as he is made by society and by its historical push and shove.

The sociological imagination enables us to grasp history and biography and the relations between the two within society. That is its task and its promise...No social study that does not come back to the problems of biography, of history, and of their intersections within a society, has completed its intellectual journey.⁶

If grasping the relationship between history and biography has the potential to enhance understanding of enduring social inequalities, it is difficult to conceive of a field of inquiry in which the task is more urgent than the history of settler societies, such as those Eyre helped advance at the beginning of his career. In the Australian case, Indigenous peoples continue to fare far worse in the contemporary era than the majority of the population on every indicator of social disadvantage, a characteristic that is common to the native peoples of New Zealand and North America, who share a similar history of dispossession and dislocation.⁷ Meanwhile, heated debates about the telling of the national story⁸ have seen revisionist and post-colonial critiques⁹ drawn ever more

controversially into the public domain. While issues of sovereignty, self-determination and land rights in settler societies remain contentious internationally and domestically,¹⁰ however, the problems arising from settler colonialism seem to excite far less interest in the former heart of empire, where mainstream imperial historiography remains relatively detached.

The historian Nicholas Dirks commented recently that '[w]hen imperial history loses any sense of what empire meant to those who were colonised, it becomes complicit in the history of empire itself'.¹¹ Dirks was drawing particular attention not only to the recent popular books and television productions of Niall Ferguson, whose robust advocacy of Western civilisation radically discounts past colonial violence and oppression, but to that level of academic distance that characterises conventional texts such as *The Oxford History of the British Empire*. Such influential accounts of Britain's past, Dirks claims, not only ignore the empire's troubling legacies in the present; they fail to acknowledge the reciprocity of empire whereby European economies and ideologies developed in response to, rather than in isolation from, colonialism.¹²

That such anxieties and presumptions about colonial pasts appear themselves to be specific to time and place further highlights the need to appreciate more fully the consequences of European expansion from the late fifteenth century to the present. In this sense, Eyre would be a rich subject for historical inquiry even if he had simply stayed in Adelaide and had been content to build up his holdings and prestige in the local community, which was so assiduously extending its control beyond the initial settlement. Eyre proceeded, however, to develop a career in colonial administration that took him from a modest post in 1842 as Resident Magistrate and Protector of Aborigines (a reward for his journey of exploration) to a number of increasingly important government appointments in New Zealand, St Vincent, Antigua and Jamaica, where his repressive policies culminated in his violent suppression of the Morant Bay rebellion in 1865 and eventually led to his recall to England. The notorious 'Eyre controversy' prompted three years of public and legal disputes over his actions in Jamaica. His 'trans-colonial' experience therefore makes Eyre that much more fruitful as a subject of analysis in that the story of his life does not simply represent the generalised concerns of capital in a settler society such as Australia. It also forces us to acknowledge that his role in Australia's constitution as a nation—to say nothing of Britain's role as coloniser—was simply part of the vast and multifarious imperial endeavour in which Europe was engaged as it set about normalising and universalising its interests abroad.

Accordingly, as I have argued in more detail elsewhere, Eyre's personal readings of the colonial encounter throughout his career help clarify the nature and purpose of colonial governance by locating in time and place its characteristic discursive features, its responsiveness to specific economic imperatives and its

association with particular modes of violence and coercion.¹³ That is, my broader research on Eyre's interventions in Australia, New Zealand and the Caribbean engages centrally with the questions of agency and determination that have long preoccupied the social sciences.¹⁴

I focus my present reflections on how two conventionally separate styles of historical writing, biography and global history, might be helpfully enmeshed to examine the strategies and techniques of colonial governance—while also alerting us to their contemporary manifestations—through the life of Edward Eyre.

Methodological considerations

Given the title of this book, it is perhaps important to note that I understand my methodological approach to be comparative rather than 'transnational'—a term I have been reluctant to employ in the colonial context where its use seems anachronistic in the sense that it anticipates a status that is still in the process of formation.¹⁵ I argue that it is this formative stage of nationhood that demands closer scrutiny, particularly in terms of explaining how and why Britain's commitment to the rule of law was so severely tested—and indeed could break down completely—while sovereignty was still in the process of being secured. In seeking further detachment from the 'comfortable frame' of the nation,¹⁶ my use of comparative historical inquiry also directs attention to the common and distinctive ways in which racialised laws and practices were called on to fulfil European ambitions in the lands of others.

In facilitating analysis of how the nation is constituted in different colonial contexts, a comparative approach must also do more, of course, than simply extend the bounds of geographical inquiry. Each site should be clarified mutually through the comparison so that detailed examination of their substantive similarities and differences demonstrates how broad-based economic and ideological factors were expressed locally. For instance, historical analysis has the unique capacity to specify the complex circumstances in which race develops, to unearth detailed evidence of how such ideas about social differentiation are grounded in very material concerns and in association with particular disciplinary regimes. Moreover, in relation to colonial governance in the British Empire, it seems additionally important to be able to say how and why ideas about race took different forms in different colonies and performed different functions in Britain than elsewhere.¹⁷

In his book *The Comparative Imagination*, George Frederickson describes his approach to comparative history as one that 'combines elements of cultural contrast and structural analysis' involving 'the interaction between the peculiarities of culture and ideology on the one hand and the recurrent and generalisable structural factors on the other'.¹⁸ To this end, I argue that Eyre's

contrasting perceptions of the colonial encounter in Australia and the Caribbean reflect the particular nature of the economic interests that were at stake in each place and the different modes and rhetoric of governance he considered necessary to uphold them.

The following thoughts about my way of understanding Eyre's career focus on the operations of two key concepts of colonial governance—race and the rule of law—and conclude by considering their continuing significance as primary measures of social justice in Australia and elsewhere.

Biography, historiography and global history

In terms of the relationship between biography and history, my work on Eyre sets out to examine how the idiosyncratic characteristics of one individual interacted with the more general economic, social and political interests that he was employed to pursue.

Although Eyre came from a respectable background—his father was vicar at Hornsea and Long Riston in East Yorkshire—the family's straitened economic circumstances limited his prospects for advancement in England. Rather than pursue a career in the army, Eyre opted for a life of adventure in the colonies and, in 1833, at the age of seventeen, he found himself in New South Wales learning all he could about farming in the outback. By 1839, Governor Gawler of South Australia asked him to explore the regions around Adelaide and, within two years, Eyre felt honoured to be leading the expedition to the northern reaches of the Flinders Ranges and eventually across the Nullarbor Plain towards the west of the continent. He was proud, too, of his subsequent appointment as Resident Magistrate and Protector of Aborigines at Moorunde, outside Adelaide, which formally recognised his contributions to colonial development and seemingly vindicated his decision to fulfil his ambitions abroad.

On his return to England, Eyre's experiences in the Australian colonies led him to feel optimistic about a career in colonial administration. Conscious of his economic vulnerability within Britain's class structure, his modest social status still worried him but seemed set to improve with his appointment as Lieutenant Governor in New Zealand in 1847. He was delighted when Miss Adelaide (Ada) Fanny Ormond, whom he had met through his fellow explorer Charles Sturt, set sail from Plymouth to become his wife. Dark clouds were, however, on the horizon. Ever alert to the significance of petty distinctions in the colonies, the local elite scorned Eyre's entry into polite society. Judge Chapman commented, for example: 'In person he is tall, very thin, and not well made—with a tip-toeing awkward gait. He is narrow chested and has a bad tailor which makes things worse. His countenance is not agreeable and he has what phrenologists call a bad head.'¹⁹ Charlotte Godley also derided Ada's apparent pretensions when hosting a ball: 'At the top of the room was a sofa on which Mrs Eyre sat, without

rising to receive anyone, bowing to some, and shaking hands with the more illustrious (such as ourselves).²⁰

Figure 2.1: Eyre and Wylie, one of his Aboriginal companions.

Gordon H. Woodhouse, c. 1910 – c. 1950. Colour glass lantern slide. State Library of Victoria. Image no. b13773.

While such local snobberies were relatively trifling, more serious rifts soon appeared in Eyre's relationship with his superior, Governor George Grey. In time, professional and personal disagreements overwhelmed their relationship until Grey virtually withdrew Eyre's authority and his prospects for promotion looked bleak.²¹ It is not difficult to see why Eyre's experiences in New Zealand did little to lessen his sensitivity to criticism, especially when he felt misrepresented and misjudged. As Charlotte Godley again observed, 'He seems a very good sort of person only rather wanting in tact and very anxious to do the right thing by everyone.'²² Indeed, throughout his career, Eyre wrote copiously and often to the Colonial Office, defending his actions against a range of detractors. He was by no means alone in this practice, but the persistent indignation of his correspondence sets him apart.

After waiting two years for his requested transfer, Eyre was offered a post as Lieutenant Governor in the Caribbean colonies. He arrived on the island of St Vincent with Ada and their two children in 1854. Ada did not, however, adjust well to the tropical climate, so when they returned to England on leave in 1857 she decided to stay there with the children. Eyre continued on in the Caribbean alone, writing his memoirs in his tiny, spidery script²³ and trying to overcome his disappointment on hearing that Sir George Bowen had been made Governor of Moreton Bay in 1859, a position for which he felt uniquely qualified and that he had dearly wanted for himself and his family. After a brief period as Lieutenant Governor in Antigua, and many requests to the Colonial Office for promotion and extended periods of leave in England, he was finally rewarded with the acting governorship of Jamaica in 1862.

Ada joined him this time and, with five children now in tow, they embarked on the most turbulent period of their lives. In the next few years, Eyre would be embroiled in a number of public controversies and would turn increasingly to repressive measures to secure his authority. After the so-called Morant Bay 'rebellion' in October 1865, Eyre declared martial law, but the prolonged display of violence that followed prompted a Royal Commission into his actions. Eyre was dismayed by this turn of events, given the strong support he had formerly received from the British Government and his conviction that he had acted to prevent a massacre of the white population. As Henry Taylor from the Colonial Office later observed, Eyre would have been quite 'unconscious of the view...taken by the public and the press in this country. By this time [early December] it will have dawned on him.'²⁴

Figure 2.2: Edward John Eyre, 1865, the year of the Morant Bay rebellion.

Copy print, carte de visite. Mitchell Library, State Library of NSW: CY3190Ae99.

Figure 2.3: Edward John Eyre c. 1900

Silver gelatin print. Mitchell Library, State Library of NSW: CY3190Ae911

Though Eyre was never formally indicted, he faced years of action in the courts.²⁵ His career had come to an ignominious end and he retired to Devon until his death in 1901, the year of Australia's nationhood. Ada and their five children survived him.

How can we best analyse historically these seemingly straightforward biographical details of Eyre's life as an explorer and administrator in the British Empire? Just as Eyre's personal notoriety after the Morant Bay rebellion drew attention away from the issues that fuelled it, the subsequent historiography can inhibit analysis of the implicit violence of colonialism and its continuing ramifications in the present.²⁶ Nation-bound studies, for example, often sensationalise Eyre's career, describing him either as a heroic explorer and advocate for the Aborigines in Australia or as a brutal and racist governor in Jamaica. Where the full range of his experiences is remarked on, scholars tend to regard Eyre as an individual whose sense of personal duty explained his actions, or as the personification of certain race, class, gender and religious interests that played out reciprocally in England and the colonies.²⁷

While acknowledging these important insights, my intention has been, rather, to de-centre the powerful figure of Eyre the individual in order to bring the more commonplace violence of colonialism more fully to the fore. Accordingly, my comparative analysis suggests that Eyre's individual preoccupations—as a person and as an administrator—at once increased his personal vulnerability to criticism and undermined British interests by exposing rather than concealing the coercive techniques of governance that were deployed throughout the empire.

The comparative model

Eyre and colonial governance in the Australian settler colonies

As Patrick Wolfe has explained, settler colonialism is a unique colonial formation wherein settlers seek to 'replace' natives on their land. Unlike in plantation colonies, in settler colonies Europeans sought a permanent stake in the land, rather than the more detached opportunity simply to exploit its resources.²⁸ Accordingly, in the Caribbean colonies, Britain's interest lay in securing a cheap labour force (initially through slavery but, post-emancipation in 1834, through waged labour), but in the Australian colonies, the priority was wresting exclusive control of the land.²⁹ Within this comparative structural framework, Eyre's administrations highlight the central issues at stake in the colonial governance of settler and plantation economies.

In the Australian case, Eyre's writings demonstrate how the Indigenous population's claims to sovereignty could threaten British intentions if they could not be suitably diminished. That is, while his *Journals of Expeditions of*

*Discovery*³⁰ put forth the case for Aboriginal sovereignty, his later pronouncements outline a system for ensuring its rapid demise. In the remote desert regions, Eyre came to depend on Aborigines for his very survival. While some explorers might have been less willing to expose themselves in this way,³¹ Eyre's openness to expressing his vulnerability led him to seek other ways of knowing the land, enabling him to survive in extraordinarily harsh circumstances by locating mounds of edible eggs among the desert dunes, for example, or collecting early morning dew from native bushes. It was during this period that Eyre came to appreciate more fully Aboriginal peoples' attachments to land and the 'injustice...of the white man's intrusion upon [their] territory'. Explaining their actions in defending their sovereign presence, Eyre asserted that 'our being in their country at all is, so far as their ideas of right and wrong are concerned, altogether an act of intrusion and aggression'.³² In recognising that 'our presence and settlement, in any particular locality, do, in point of fact, actually dispossess the aboriginal inhabitants', Eyre makes a further plea against settler violence against them:

That as we ourselves have laws, customs, or prejudices, to which we attach considerable importance and the infringement of which we consider either criminal or offensive, so have the natives theirs, equally, perhaps, dear to them, but which, from our ignorance or heedlessness, we may be continually violating, and can we wonder that they should sometimes exact the penalty of infraction? [D]o we not do the same? [O]r is ignorance a more valid excuse for civilized man than the savage?³³

Eyre openly dismissed the universalist pretensions of the law of nations (as international law was then known) as 'a law that provides not for the safety, privileges, and protection of the Aborigines, and owners of the soil, but which merely lays down the rules for the direction of the privileged robber in the distribution of the booty of any newly discovered country'.³⁴ Once he became Resident Magistrate and Protector, however, Eyre soon reined in the troubling implications of his earlier outspokenness. In assuming more direct responsibility for colonial interests, Eyre not only set about 'pacifying' the overland route so that more and more settlers could arrive from the east. He also wrote a companion volume to his journals entitled *Manners and Customs of Aborigines and the State of their Relations with Europeans*.³⁵ In contrast with his earlier criticisms, Eyre now sought to bolster British sovereignty in two key ways: through the discursive containment of Aboriginal claims and the administrative regulation of their lives and culture.

Eyre explained that only the elders were legitimate sovereigns. While lamenting the 'fatal and melancholy effect which contact with civilisation seems ever to produce upon a savage people',³⁶ only Aborigines 'in their natural state' could retain a sovereign presence in the Australian colonies. It was 'a matter of deep

regret', he continued, 'to see them gradually dwindling away and disappearing before the presence of the Europeans'.³⁷ Meanwhile, those Aborigines who were no longer able to live a traditional lifestyle would be subject to management by the State, whose 'duty' was to break down Aboriginal culture: 'I cannot persuade myself, that any real or permanent good will ever be effected, until the influence exercised over the young by the adults be destroyed, and they are freed from the contagious effects of their example.'³⁸ State control of Aboriginal people could be achieved through their isolation on reserves. If found in Adelaide without permission, they 'should be taken up by the police and slightly punished', although they would be rewarded for sending their children to school or for giving up 'the performance of any of their savage or barbarous ceremonies upon their children'.³⁹

In their entirety, Eyre's Australian writings indicate that British and Aboriginal claims to sovereignty—understood as exclusively European under international law—were incommensurable.⁴⁰ His ultimate rejection of Aboriginal sovereignty was based on the idea of an authentic Aboriginality that racialised Indigenous peoples in such a way as to reduce their challenge to British interests. As others have also elaborated, this powerful notion still informs the operations of race in the Australian context, where recent recognition of native title favours the state by limiting eligibility to those who can prove continuous attachments to land and culture after generations of dispossession.⁴¹ Eyre's recommendations for encouraging cultural breakdown, meanwhile, were eventually reflected in the type of bureaucratic regulation that would characterise Aboriginal peoples' lives in Australia well into the twentieth century and beyond.⁴² Laced here and there with a menacingly mundane coercion, such procedures made a mockery of Britain's claim that, no matter their lack of political rights, Aborigines were British subjects who were nevertheless entitled to the equal force and protection of the law.

Eyre and colonial governance in the plantation colonies of the Caribbean

Eyre's quite different understanding of the challenge to British sovereignty in the Caribbean, on the other hand, reflects the structural distinctions between colonies of settlement and colonies of exploitation. As observed above, in plantation economies, British economic interest lay in controlling the labour rather than the land of the colonised population. Moreover, whereas the urgency to defend British sovereignty in settler colonies such as Australia commonly diminished over time, as settler hegemony increased, the end of slavery in the middle decades of the nineteenth century served to further destabilise governments in the Caribbean. Emancipation had not only required Europeans to reformulate labour relations, it meant facing the fact that while Europeans had always been outnumbered in the Caribbean, the people they had once

enslaved had been notionally transformed into free, fully sovereign individuals who could potentially vote them out at the ballot box. A history of riots and rebellions had long unnerved the local elite, but once freedpeople (as ex-slaves were known) could no longer be openly coerced, their demographic strength had to be reckoned with in different ways.

When Eyre arrived on St Vincent in 1854, 20 years after emancipation, it was clear that freedom meant little more than a simple release from servitude. There were few changes in the political order, while freedpeople who wanted to establish themselves as an independent peasantry were forced by colonial governments to labour for wages in the faltering plantations. Eyre's sensitivity to the need to entrench British rule, already well honed through his experiences in Australia and New Zealand, was heightened by evidence of growing discontent in the community and his consciousness that Europeans formed such a small minority. As conditions worsened, Eyre decided that exercising his authority at the least sign of resistance would not only demonstrate his worthiness as a representative of the British Crown, it might be the only way to stem a more generalised rebellion that risked bringing down British sovereignty altogether. Throughout his administrations in the Caribbean, as we have already seen in the Australian case, the limits of a disinterested, universal rule of law would once again be tested and race would similarly be deployed in the defence of British interests.

When Eyre became responsible for governing the larger and more volatile colony of Jamaica in 1862, tensions were already widespread. In the next few years, economic depression exacerbated the hardships of the people. Eyre extended sentences for poverty-related crimes such as theft and vagrancy, authorised the use of whipping and the treadmill, and established voluntary militias 'which could at any time be called out in aid of the civil power to suppress any riot or disturbance'.⁴³ Eyre's relentless enforcement of his authority, however, ironically reduced its effectiveness, openly displaying to a disaffected population the government's ultimate dependence on force. Public opposition to Eyre's repressive measures gathered momentum.

Eyre's growing insecurity was also evident in the way he spoke of freedpeople. In 1864, he described ex-slaves as a peasant 'class' who would be eligible for equality once they could demonstrate 'civilised' values. He trusted that with help from the missionaries they would soon become 'as industrious as honest as truthful as virtuous as are the peasantry of any other Country'.⁴⁴ By the next year, however, as protests about social conditions in Jamaica increased, Eyre described them as a 'race' of people 'only just emerging from...a state of barbarism', whose antisocial behaviour appeared impervious to reform. Accordingly, their economic distress—and Jamaica's decline—might well be due not so much to external circumstances as to 'something very wrong and

defective both in the habits and the character of the people'.⁴⁵ This shift from the social category of class to the biological category of race indicated that freedpeople's inferiority, which had once been evident in their slavery, was now considered to be immutable, effectively reinstating their susceptibility to repression.

The British Government and the local elite supported Eyre's administration despite protests by some clergy and missionaries that the widespread distress in the colony had to be addressed by other measures. By October 1865, in Morant Bay, when armed protesters burnt down the court house, liberated prisoners and murdered local officials, the European population's long-held fears of a widespread rebellion prompted Eyre's declaration of martial law. Once the extended display of deaths, floggings and house burnings could no longer be condoned in England, however, Eyre relied yet again on race to justify his actions. In evidence to the Royal Commission, he described freedpeople as 'a race little removed in many respects from absolute savages'.⁴⁶

By the time Eyre left the colony early the next year, prospects for more a democratic social order in Jamaica seemed more remote than ever. In the aftermath of Morant Bay, the assembly had decided to stem once and for all the uncertainties of representative government post emancipation, by voting to revoke its own powers and revert to the perceived safety of crown colony rule.

Sovereignty, race and the rule of law

The disinterested principles of the rule of law purported to distinguish the British Empire from the more brutal undertakings of its rivals. When analysing the 'transnational' dimensions of Eyre's career within the comparative framework adopted above, however, Eyre's writings in Australia and the Caribbean appear consistent in their defence of interests that were far from universal.

As I have argued elsewhere, calls to suspend the rule of law for Aborigines alone accompanied the spread of pastoralism throughout the Australian continent.⁴⁷ Indeed, colonial law helped shore up British sovereignty and secure the transfer of the land by countenancing a host of discriminatory provisions otherwise condemned in law. These consisted not only of the types of bureaucratic repression outlined above, they included legislation that made Aborigines subject to summary justice with no rights of appeal, the banning of testimony and the condoning of exemplary executions, and even outright declarations of martial law—and all of this quite apart from the unregulated violence of the frontier.

Meanwhile, although Eyre's apparently exceptional resort to maximal repression in Jamaica has tended to dominate historical inquiry into his Caribbean administrations, a comparative approach places such so-called 'emergencies' in a global historical context and demonstrates their relative ubiquity in colonial situations.⁴⁸ Such an analysis identifies the real extent of racialised violence

that was deployed in upholding British interests throughout the empire, while also directing attention to the very notion of emergency—no less now than in the past—in justifying the suspension of the rule of law and the use of discriminatory procedures.

Eyre's participation in these broader practices attests to his awareness of the strategic significance of law and race in supporting British sovereignty and authority at critical points of colonial development. In Australia, his use of the notion of 'authenticity' underscored his proposals to deny Aboriginal peoples' culture and sovereignty and authorise their subjection to British rule. In the Caribbean, on the other hand, his construction of the alleged 'immutability' of freedpeople's inferiority helped deliver them up for renewed repression, thereby reconciling their troubling sovereign subjecthood to the demands of the plantation economy in the post-emancipation era.

Moreover, while the capacity of the rule of law to tolerate exceptional provisions on the basis of race is particularly clear in the colonies, such techniques of governance are, of course, by no means confined to the past. In the Australian case, in recent years, race and law have once again acted as prominent signals of discrimination against Indigenous peoples,⁴⁹ asylum-seekers, refugees and other minority groups in the defence of the national interest. Similarly, Eyre's abandonment at the hands of the British Government, which had condoned his actions in Jamaica until his exposure of the law's violence was no longer tolerable domestically, is also telling in the present. As Terry Eagleton recently observed in relation to the demonising force of the notion of 'terrorist', for example, the classic idea of the 'scapegoat' makes it possible for the law, and the nation's citizens who put their faith in that law, to turn a blind eye to structural injustice:

The scapegoat is a living image of society's polluted and disfigured humanity, at once guilty and innocent: guilty because it subsumes to itself the crimes of society as a whole that are off-loaded onto it, but innocent because the more it does that, the more it frees society from guilt and therefore the more morally admirable it is.⁵⁰

Finally, analysing the relationship between biography and history with reference to the concepts of race and the rule of law helps clarify the European-ness of present-day understandings of sovereignty, whose lineage is enmeshed not merely in the British context we have discussed here, but in centuries of broad-based Western expansion. As long as sovereignty's history as a 'discourse of conquest'⁵¹ can still be transcended in law, and its exclusivist claims remain unchallenged, nation-states will continue to call on its legitimising force to deny the aspirations of Indigenous peoples, and other minority groups, to exercise their sovereignty. We need look no further than the refusal of Canada, Australia, New Zealand and the United States to adopt the UN *Declaration on the Rights of Indigenous Peoples*, for example, to understand the contemporary import that

questions of indigenous sovereignty still hold for settler states. By seeking to look beyond the self-serving confines of nationalist frameworks, however, it becomes possible to appreciate just how comprehensively, and for how long, indigenous disadvantage has been manufactured to serve the interests of others.

Notes

¹ I am grateful to Patricia Grimshaw for her thoughtful reading and suggestions and to the editors and anonymous referees for their comments.

Eyre was always eager to meet with local people when passing through their country. His expeditions also comprised a number of Aborigines including Wylie, Cootachah, Neramberein, Joshuing, Unmallie, Kour and Warrulan. Originally from King George's Sound, Wylie was the only person to complete the long westward journey with Eyre. Wylie went on to become a native constable in the area and Eyre eventually arranged for him to receive government rations. Wylie was another of the King George Sound travellers whom Tiffany Shellam discusses in *Shaking hands on the fringe: negotiating the Aboriginal world at King George's sound* (2008, PhD Thesis, The Australian National University); and 'Manyat's "sole delight": travelling knowledge in Western Australia's southwest, 1830s', in Desley Deacon, Penny Russell and Angela Woollacott (eds), *Transnational Lives* (under review). Warrulan was the son of Tenberry whom Eyre met at Moorunde. Drawings of Wylie and Tenberry and his family are included in Eyre's *Journals*. At the end of 1844, Eyre undertook to educate Kour and Warrulan in England, where, unfortunately, Warrulan died. Kour later returned to Australia. Little further is known of Eyre's relationships with these individuals, or of their attitudes or those of their families to accompanying Eyre on his expeditions or to England. Aboriginal people played a largely unacknowledged role in exploration, acting as guides, interpreters and emissaries. See Reynolds, H. 1990, *With the White People: The crucial role of Aborigines in the exploration and development of Australia*, Penguin, Melbourne; and Schaffer, K. 2001, 'Handkerchief diplomacy: E. J. Eyre and sexual politics on the South Australian frontier', in L. Russell (ed.), *Colonial Frontiers: Indigenous-European encounters in settler societies*, Manchester University Press, Manchester, pp. 134–50.

² For a comparative study of the effects of dispossession in the settler societies of Australia, New Zealand, Canada and South Africa, see Evans, J., Grimshaw, P., Phillips, D. and Swain, S. 2003, *Equal Subjects, Unequal Rights: Indigenous peoples in British settler colonies, 1830s–1910*, Manchester University Press, Manchester.

³ Carr, E. H. 1961, *What is History?* Macmillan, London, p. 25.

⁴ Fredrickson, G. M. 1997, *The Comparative Imagination: On the history of racism, nationalism, and social movements*, University of California Press, Berkeley, p. 9.

⁵ Cohen, M. R. 1961, *The Meaning of Human History*, The Open Court Publishing Company, Chicago, p. 221.

⁶ Mills, C. W. 1970, *The Sociological Imagination*, Penguin, Middlesex, p. 12.

⁷ The 1991 Royal Commission On Aboriginal Deaths In Custody and *Bringing Them Home: Report of the national Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1996), together with landmark judgments such as *Mabo v. Queensland* (1992), unequivocally relate Indigenous disadvantage to the historical experiences of colonisation and dispossession.

⁸ In Australia, a recent conservative backlash has called for the return of a more celebratory view of the nation's foundations. See, for example, Windschuttle, Keith 2002, *The Fabrication of Aboriginal History. Volume 1. Van Dieman's Land 1804–1847*, Macleay Press, Paddington; and Connor, M. 2005, *The Invention of Terra Nullius: Historical and legal fictions on the foundation of Australia*, Macleay Press, Paddington. For responses to this, see Macintyre, S. and Clark, A. 2003, *The History Wars*, Melbourne University Publishing, Carlton; and Manne, R. (ed.) 2003, *Whitewash: On Keith Windschuttle's Fabrication of Aboriginal History*, Black Inc., Melbourne.

⁹ Early examples include Rowley, C. D. 1970, *The Destruction of Aboriginal Society*, Penguin, Melbourne; 1970, *Outcasts in White Australia*, Penguin, Melbourne; and 1971, *The Remote Aborigines*, Penguin, Melbourne; Reynolds, Henry 1982, *The Other Side of the Frontier: Aboriginal resistance to the European invasion of Australia*, Penguin, Melbourne; 1987, *Frontier: Aborigines, settlers and land*, Allen & Unwin, Sydney; and 1987, *The Law of the Land*, Penguin, Melbourne; Carter, P. 1987, *The Road to Botany Bay: An essay in spatial history*, Faber & Faber, London; and Thomas, N. 1994, *Colonialism's Culture: Anthropology, travel and government*, Melbourne University Press, Melbourne.

¹⁰ In February 2008, in the 'spirit of reconciliation', newly elected Australian Prime Minister, Kevin Rudd, issued a national apology to members of the Stolen Generations who had been 'separated' from their families (see Endnote 7). Meanwhile, the previous conservative federal government's 'intervention' in the Northern Territory continues (see Endnote 49) with certain modifications. In June 2008, the Canadian Prime Minister, Stephen Harper, also apologised for a century of boarding school policies and practices, which similarly sought to break down indigenous cultures. Unlike his Australian counterpart, Harper promised \$2 billion in compensation.

¹¹ Dirks, N. B. 2006, *The Scandal of Empire: India and the creation of imperial Britain*, Belknap Press, Cambridge, Mass., p. 332.

¹² Ibid., pp. 330–2. For accounts that deal with the reciprocity of empire, see, among others, Armitage, D. 2000, *The Ideological Origins of the British Empire*, Cambridge University Press, Cambridge; Cooper, F. and Stoler, A. L. (eds) 1997, *Tensions of Empire: Colonial cultures in a bourgeois world*, University of California Press, Berkeley; Hall, C. 2002, *Civilising Subjects: Metropole and colony in the English imagination, 1830–1867*, Polity, Oxford; and Lester, A. 2001, *Imperial Networks: Creating identities in nineteenth-century South Africa and Britain*, Routledge, London. It is worth noting that Seeley reminded his students at Oxford more than a century ago that 'the expansion of England involves its transformation' and that 'England owes its modern character and its peculiar greatness from the outset to the New World'; Seeley, J. R. 1883 [1931], *The Expansion of England: Two courses of lectures*, Macmillan & Co., London, pp. 93, 102. See also Elliott, J. 1991, *National and Comparative History, An inaugural lecture delivered before the University of Oxford, 10 May 1991*, Clarendon Press, Oxford.

¹³ See Evans, J. 2002, 'Re-reading Edward Eyre: race, resistance and repression in Australia and the Caribbean', *Australian Historical Studies. Special Edition. Challenging Australian Histories*, vol. 24, no. 120, (June), pp. 411–34; and 2005, *Edward Eyre, Race and Colonial Governance*, Otago University Press, Dunedin.

¹⁴ Key figures in the social sciences including Herbert Spencer, Karl Marx, Emile Durkheim and Max Weber engage theoretically with these questions. For examples in history, see Thompson, E. P. 1963, *The Making of the English Working Class*, Victor Gollancz, London; and 1978, *The Poverty of Theory, and Other Essays*, Monthly Review Press, New York. In sociology, see, for example, Giddens, Anthony 1976, *New Rules of Sociological Method: A positive critique of interpretative sociologies*, Hutchinson, London; and 1984, *The Constitution of Society: Outline of the theory of structuration*, Polity, Cambridge. For a joint analysis of Thompson and Giddens, see Sewell, Jr, William H. 1990, 'How classes are made: critical reflections on E. P. Thompson's theory of working-class formation', in H. J. Kaye and K. McClelland (eds), *E. P. Thompson: Critical perspectives*, Temple University Press, Philadelphia, pp. 50–77.

¹⁵ Alternative views are discussed in Lake, M. 2003, 'White man's country: the trans-national history of a national project', *Australian Historical Studies*, no. 122, (October), pp. 346–63. See also Curthoys, A. and Lake, M. (eds) 2006, *Connected Worlds: History in transnational perspective*, ANU E Press, Canberra; and Darian-Smith, K., Grimshaw, P. and Macintyre, S. (eds) 2007, *Britishness Abroad: Transnational movements and imperial cultures*, Melbourne University Press, Melbourne.

¹⁶ See the Introduction to this volume.

¹⁷ My broader work on Eyre engages with this in more detail: see Endnote 13. See also Wolfe, P. 2003, 'Land, labor, and difference: elementary structures of race', *American Historical Review*, vol. 106, no. 2, (June), pp. 866–905.

¹⁸ Fredrickson, *The Comparative Imagination*, p. 9. See also Cooper, F. and Stoler, A. L. 1997, 'Between metropole and colony: rethinking a research agenda', in Cooper and Stoler, *Tensions of Empire*, pp. 1–56.

¹⁹ Cited in Dutton, G. 1982, *In Search of Edward John Eyre*, Macmillan, Melbourne, p. 57.

²⁰ Ibid., p. 62.

²¹ I discuss the details of Eyre's administration in New Zealand in *Edward Eyre, Race and Colonial Governance*.

²² Cited in Lawson, I. 1954, An examination of the administration of Edward John Eyre as Lieutenant Governor of the Province of New Munster, New Zealand, 1848–53, MA Thesis, Victoria University College, p. 68.

²³ Eyre, E. J. 1859 [1984], *Autobiographical Narrative of Residence and Exploration in Australia, 1832–39*, Edited and with an introduction and notes by J. Waterhouse, Caliban Books, London.

²⁴ Henry Taylor to Mary O'Brien, 2 December 1865, Henry Taylor Papers, Folio 65, Bodleian Library, Oxford.

- ²⁵ See Semmel, B. 1962, *The Governor Eyre Controversy*, Macgibbon & Kee, London.
- ²⁶ Semmel's work on Morant Bay is an exception. See also Guha, R. 1994, 'Dominance without hegemony and its historiography', in R. Guha (ed.), *Subaltern Studies VI: Writings on South Asian history and society*, Oxford University Press, Delhi, pp. 210–309.
- ²⁷ See Dutton, *In Search of Edward John Eyre*, and Dutton, G. 1977, *Edward John Eyre: The hero as murderer*, Penguin, Melbourne, first published as *The Hero as Murderer: The life of Edward John Eyre, Australian explorer and Governor of Jamaica, 1815–1901* (1967, Collins, Sydney); and Stokes, E. 1993, *The Desert Coast: Edward Eyre's expedition 1840–41*, Five Mile Press, Melbourne. See also Hall, *Civilising Subjects*, and Hall, C. 1996, 'Imperial man: Edward Eyre in Australasia and the West Indies, 1833–66', in B. Schwarz (ed.), *The Expansion of England: Race, ethnicity and cultural history*, Routledge, London, pp. 130–70; and Lorimer, D. A. 1978, *Colour, Class, and the Victorians: English attitudes to the negro in the mid-nineteenth century*, Leicester University Press, Leicester.
- ²⁸ Wolfe, P. 1999, *Settler Colonialism and the Transformation of Anthropology: The politics and poetics of an ethnographic event*, Cassell, London, pp.1–7.
- ²⁹ This is not to say that Aboriginal labour was not also called on to support settler interests in certain times and places. See, for example, May, D. 1994, *Aboriginal Labour and the Cattle Industry: Queensland from white settlement to the present*, Cambridge University Press, Melbourne; Berndt, R. M and Berndt, C. H. 1987, *End of an Era, Aboriginal Labour in the Northern Territory*, Australian Institute of Aboriginal Studies, Canberra; and McGrath, A. 1987, *Born in the Cattle: Aborigines in cattle country*, Allen & Unwin, Sydney.
- ³⁰ Eyre, E. J. 1845 [1964], *Journals of Expeditions of Discovery into Central Australia, and Overland from Adelaide to King George's Sound, in the years 1840–1; Sent by the Colonists of South Australia, with the Sanction and Support of the Government: Including an account of the manners and customs of the Aborigines and the state of their relations with Europeans*, 2 volumes, T and W. Boone, London [Libraries Board of South Australia, Adelaide, facsimile edition](hereafter *Journals Vol. 1* or *Journals Vol. 2*).
- ³¹ See Carter, P. 1990, 'Plotting: Australia's explorer narratives as "spatial history"', *The Yale Journal of Criticism: Interpretation in the humanities*, vol. 3, no. 2, (Spring), pp. 91–107, at 93.
- ³² Eyre, *Journals Vol. 1*, pp. 167–8.
- ³³ *Ibid.*, pp. 167–8.
- ³⁴ *Ibid.*, p. 175.
- ³⁵ Although published contemporaneously in 1845, the journals were written in 1840–41.
- ³⁶ Eyre, *Journals Vol. 2*, p. 412.
- ³⁷ *Ibid.*, p. 415.
- ³⁸ *Ibid.*, p. 430.
- ³⁹ *Ibid.*, pp. 488–9.
- ⁴⁰ For an introduction to the 'doctrine of discovery' that rendered indigenous peoples non-sovereigns in international law, see Anghie, A. 2005, *Imperialism, Sovereignty and the Making of International Law*, Cambridge University Press, Cambridge.
- ⁴¹ See Motha, S. 2002, 'The sovereign event in a nation's law', *Law and Critique*, vol. 13, pp. 311–38; and Wolfe, P. 1994, 'Nation and miscegenation: discursive continuity in the post-Mabo era', *Social Analysis*, no. 36, (October), pp. 93–152.
- ⁴² See Haebich, A. 2000, *Broken Circles: Fragmenting indigenous families 1800–2000*, Fremantle Arts Centre Press, Fremantle; and Nelson, E., Smith, S. and Grimshaw, P. (eds) 2002, *Letters from Aboriginal Women in Victoria, 1867–1926*, History Department, University of Melbourne, Melbourne.
- ⁴³ Eyre to Newcastle, no. 195, 19 August 1863, CO 137/374, The National Archives (hereafter TNA), London.
- ⁴⁴ Eyre to Newcastle, no. 94, 9 March 1864, CO 137/380, TNA.
- ⁴⁵ Eyre to Cardwell, no. 90, 19 April 1865, CO 137/390, TNA.
- ⁴⁶ Eyre to Cardwell, no. 321, 8 December 1865, CO 137/396, TNA.
- ⁴⁷ See Evans, J. 2005, 'The rule of law in the settler-colonial encounter: the case of Western Australia', in P. Brand, K. Costello and W. N. Osborough (eds), *Adventures of the Law: Proceedings of the British Legal History Conference, Dublin, 2003*, Four Courts Press, Dublin, pp. 161–76.
- ⁴⁸ See Simpson, A. W. B. 2001, *Human Rights and the End of Empire: Britain and the genesis of the European convention*, Oxford University Press, Oxford; and Hussain, N. 2003, *The Jurisprudence of Emergency: Colonialism and the rule of law*, University of Michigan Press, Ann Arbor.

⁴⁹ For responses to the Northern Territory intervention, see Altman, J. and Hinkson, M. (eds) 2007, *Coercive Reconciliation: Stabilise, normalise, exit Aboriginal Australia*, Arena Publications, Melbourne.

⁵⁰ Eagleton, T. 2006, 'Terror and the law', *Arena Magazine*, 83, (June–July), pp. 42–6, at 43. I thank Tallace Bissett for alerting me to this observation. Eagleton's comments are elaborated in *Holy Terror* (2005, Oxford University Press, Oxford).

⁵¹ Williams, R. 1990, *The American Indian in Western Legal Thought: The discourses of conquest*, Oxford University Press, New York.