

Protecting Slaves and Aborigines

The Legacies of European Colonialism in the British Empire

ABSTRACT The historiography on protection in the nineteenth-century British Empire often assumes that British humanitarians were the progenitors of protection schemes. In contrast, this article argues that the position of Protector or Guardian for slaves and Indigenous peoples in the British Empire drew on Spanish, Dutch, and French legal precedents. The legal protections and slave codes operative in these European colonies are compared to British colonial territories, where there was no imperial slave code and no clear status of slaves at common law. Drawing on debates in the House of Commons, Parliamentary Commissions of Inquiry, and the published work of abolitionists and anti-slavery societies, the article examines how the pressure for amelioration in the British Empire coincided with the acquisition of new colonies that offered ready-made models for slave protection. British reformers combined their calls for greater protection for slaves with their extant knowledge of European protective regimes. **KEYWORDS** humanitarianism, protection, British colonialism, slaves, Code Noir, Código Negro

Over the course of the nineteenth century, in settings as diverse as Trinidad, the Cape Colony, Australia, New Zealand, India, and the Straits Settlements, British governments and their colonial representatives created the office of Protector. There were Protectorates and Protectors for slaves, Indigenous peoples, and Chinese and Indian immigrants. The objects of protection were considered vulnerable—to rapacious masters and employers, to vicious settlers, or in the case of Chinese, to the hostility of European miners or the power of Chinese secret societies. Protectors had a range of duties that changed according to context. At the most basic level, Protectors were supposed to safeguard the interests of vulnerable groups and shelter them from abuse. Thus, for example, they heard complaints against slave masters, mediated for their charges in legal systems where their evidence was inadmissible, encouraged sedentary communities among Indigenous people, oversaw contracts for indentured labourers, and encouraged Christianisation and civilisation. Yet Protectors' effectiveness was almost always limited and frequently compromised,

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because colonialism was premised on the dispossession or exploitation of the subjects of their responsibility. The office of Protector therefore stood at the crossroads between humanitarian sentiment, state power, and the colonial project.

Protection awaits a comprehensive genealogy. The emergence of the concept of protection itself and the foundations of its essential offices are not well understood. There has very been little research into how the language of protection, Protectorates, and Protectors came to be applied to such a diverse range of subjects or the transnational influences on its evolution and application. One assumption governs much of the historiography on protection in the nineteenth-century British Empire: British humanitarians were the progenitors of protection schemes.¹ In contrast, this article argues that the genealogy of protection was rather more global, and, to take one example, that historians have insufficiently explored its indebtedness to European colonial legal codes. The position of Protector or Guardian for slaves and Indigenous peoples in the British Empire drew on Spanish, Dutch, and French legal precedents. Those models included basic forms of protection for slaves and also protective practices for Indigenous people. Protection was therefore not a peculiarly British nor humanitarian innovation, even though it was championed by reformers from the late eighteenth century as a form of amelioration for slaves and as a safeguard for Indigenous people in settler colonies.

The concept of protection, and the office of Protector, drew only sporadic attention from historians until the 1990s.² As former colonies moved towards independence in the post-Second World War period, there were a small number of studies of older colonial government structures, including the office of Protector.³ An interest in the history of previous state policies

1. A. Lester and F. Dussart, "Masculinity, 'Race' and Family in the Colonies: Protecting Aborigines in the Early-Nineteenth Century," *Gender, Place & Culture* 16, no. 1 (2009): 63–75; *Ibid.*, "Trajectories of Protection: Protectorates of Aborigines in Early 19th Century Australia and New Zealand," *New Zealand Geographer* 64 (2008): 205–20; James Heartfield, *The Aborigines' Protection Society: Humanitarian Imperialism in Australia, New Zealand, Fiji, Canada, South Africa and the Congo, 1836–1909* (New York: Columbia University Press, 2011); Michael Christie, *Aborigines in Colonial Victoria* (Sydney: Sydney University Press, 1979); E. J. B. Foxcroft, *Australian Native Policy: Its History Especially in Victoria*, (Melbourne: Melbourne University Press, 1941).

2. For an early example see E. J. B. Foxcroft, "The New South Wales Aborigines Protectorate, Port Philip District, 1938–50" [Part One], *Australian Historical Studies* 1, no. 2 (1940): 76–84; and E. J. B. Foxcroft, "The New South Wales Aborigines Protectorate, Port Philip District, 1938–50" [Part Two], *Australian Historical Studies* 1, no. 3 (1941): 157–67.

3. S. Ng, "The Chinese Protectorate in Singapore," *Journal of South East Asian History* 2, no. 1 (1961): 89–116; R. Jackson, *Pickering: Protector of Chinese* (Kuala Lumpur: Oxford University Press, 1965).

towards Indigenous groups in the wake of civil and land rights campaigns from the 1960s drove some interest in protection regimes, particularly in the settler colonies.⁴ From the 1980s, the influence of postcolonialism and post-structuralism in the academy refreshed the field of imperial and colonial histories. Historians increasingly took account of gender, race, and ethnicity in the way that they accounted for the power dynamics of colonial societies. Protectors, white men whose very task was often to record and hear the complaints of subject peoples, left an archive rich in possibility for reading against, and along, the grain. Historians have used the archives of protection schemes as a way to reconstruct the experience of slavery, to document the impact of frontier violence and expansion on Indigenous peoples, and to investigate how the subjects of protection might deploy its rhetoric for their own ends. Indeed, this work has been among the most innovative scholarly uses of such records, and it points to the necessity of conceiving protection, like humanitarianism, as the site of multidirectional power relations.⁵

The reinvigorated role of the United Nations with the end of the Cold War in the 1990s, and an increasing willingness to conduct international humanitarian interventions—culminating in the doctrine of the Responsibility to Protect (2005)—prompted a wave of new historical scholarship about the origins and past practice of humanitarianism, including older protection regimes.⁶ Much of this work has been concerned with elucidating

4. See for example Michael Christie, *Aborigines in Colonial Victoria*.

5. J. E. Mason, "Hendrik Albertus and His Ex-slave Mercy: A Drama in Three Acts," *Journal of African History* 31 (1990): 423–45 and "The Slaves and their Protectors: Reforming Resistance in a Slave Society, the Cape Colony 1826–34," *Journal of Southern African Studies* 17, no. 1 (1991): 103–28; E. V. Da Costa, *Crowns of Glory, Tears of Blood: The Demerara Slave Rebellion of 1823* (Oxford: Oxford University Press, 1997); Pamela Scully, *Liberating the Family? Gender and British Slave Emancipation in the Rural Western Cape, South Africa 1923–53* (Portsmouth: Heinemann, 1997); John Lean and Trevor Burnard, "Hearing Slave Voices: The Fiscal's Reports of Berbice and Demerara-Essequibo," *Archives* 27 (2002): 120–33. Apart from work already cited, see Amanda Nettelbeck, "'We Are Sure of Your Sympathy': Indigenous Uses of the Politics of Protection in Nineteenth-Century Australia and Canada," *Journal of Colonialism and Colonial History* 17, no. 1 (2016).

6. See for example Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca: Cornell University Press, 2011); Brendan Simms and D. J. Trim, eds., *Humanitarian Intervention: A History* (Cambridge: Cambridge University Press, 2011); Richard Ashby Wilson and Richard D. Brown, eds., *Humanitarianism and Suffering: The Mobilization of Empathy* (Cambridge: Cambridge University Press, 2009); Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press, 2012); James Heartfield, *The Aborigines' Protection Society: Humanitarian Imperialism in Australia, New Zealand, Fiji, Canada, South Africa and the Congo*; Rob Skinner and Alan Lester, "Humanitarianism and Empire: New Research Agendas," *Journal of Imperial and Commonwealth History* 40, no. 5 (2012): 727–47; Zoe Laidlaw, "Justice to India—Prosperity to England—Freedom

the contemporary resonance of the ambivalent and problematic foundations of humanitarian practice. Mindful that benevolent intentions could beget further violence and dispossession in the contemporary world, scholars revisited humanitarian projects from the nineteenth century in order to examine their entanglement with violence and imperial expansion.⁷ The protection of Indigenous people in Australia and New Zealand in the nineteenth century has been the subject of the most extensive scholarship. That work has examined the tensions inherent to the coeval projects of protection, displacement, and dispossession; the intersection of protection with the global circulation of imperial personnel, ideas, and practices associated with reform; and the political economy of imperialism and the legal reordering of empire.⁸ Alan Lester and Fae Dussart were particularly concerned to articulate how protection, as an example of humanitarianism in general, was woven into the governance structures of settler societies.⁹ Tony Ballantye has insisted that colonization itself was increasingly recast as “protection” by the 1830s, as the British state sought to control and regulate the acquisition of territory by justifying it as preventing the corruption of vulnerable Indigenous peoples by unscrupulous whites. Protection was thereby a “legitimizing device for Empire.”¹⁰

to the Slave!: Humanitarian and Moral Reform Campaigns on India, Aborigines and American Slavery,” *Journal of Royal Asiatic Society* 22, no. 2 (2012): 299–324; Christina Twomey, “Framing Atrocity: Photography and Humanitarianism,” *History of Photography* 36, no. 3 (August 2012): 255–64.

7. Penelope Edmonds and Anna Johnston, “Empire, Humanitarianism and Violence in the Colonies,” *Journal of Colonialism and Colonial History* 17, no. 1 (Spring 2015), available at <https://muse.jhu.edu/article/613279>.

8. A. G. L. Shaw, “British Policy towards the Australian Aborigines, 1830–50,” *Australian Historical Studies* 25, no. 99 (1992): 265–85; Christina Twomey, “Vagrancy, Indolence and Ignorance: Race and Civilisation in the Era of Aboriginal ‘Protection’, Port Phillip 1839–1845,” in *Writing Colonial Histories: Comparative Perspectives*, eds. Julie Evans and Tracey Mar (Carlton: University of Melbourne, 2002): 93–113; Rachel Standfield, “Protection, Settler Politics and Indigenous Politics in the Work of William Thomas,” *Journal of Colonialism and Colonial History* 13, no. 1 (Spring 2012); Amanda Nettelbeck, “A Halo of Protection: Colonial Protectors and the Principle of Aboriginal Protection through Punishment,” *Australian Historical Studies* 43, no. 3 (2012): 396–411; Amanda Nettelbeck and Robert Foster, “Colonial Judiciaries, Aboriginal Protection and South Australia’s Policy of Policing with Exemplary Severity,” *Australian Historical Studies* 41, no. 3 (2010): 319–36; Mark Hickford, *Lords of the land: Indigenous Property Rights and the Jurisprudence of Empire* (Oxford: Oxford University Press, 2011), 227–28.

9. 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).

10. Tony Ballantye, *Entanglements of Empire: Missionaries, Maori, and the Question of the Body* (Durham: Duke University Press, 2014), 247.

In comparison to the work on the protection of Indigenous peoples, the scholarship on the protection of slaves is less well developed, and that for the Protectors of Immigrants is minimal.¹¹ In the case of slaves, the office itself is rarely the subject of particular study or analysis, and reference to Protectors or Guardians of Slaves is usually folded into a broader discussion of amelioration or mentioned only briefly. The literature on the amelioration of British slavery before emancipation in 1833 has been, understandably, most concerned with determining whether or not such efforts made a difference to the lives of slaves themselves.¹² Compared to the voluminous studies of abolition and emancipation, the historiography of amelioration is relatively small and within it, references to protection's European antecedents are relatively fragmentary and scattered.¹³

In order to demonstrate the need for a more comprehensive genealogy of a concept that spanned different imperial systems and chronologies, this article outlines the legal protections and slave codes operative in Spanish, French and, to a lesser extent, Dutch colonial possessions. It does so in order to clarify the complexity and diversity of these measures. In British colonial territories, however, there was no imperial slave code, nor was there a clear

11. The protection of immigrants is perhaps the least-studied manifestation of protection policy and practice; the scholarship on Protectors of Immigrants (usually indentured labourers) remains small, as does the work on Protectors of Chinese in colonial Victoria and the Straits Settlement. Goolam Vahed, "Uprooting, Rerooting: Culture, Religion and Community among Indentured Muslim Migrants in Colonial Natal, 1860–1911," *South African Historical Journal* 45, no. 1 (2001): 191–222; Kathryn Cronin, *Colonial Casualties: Chinese in Early Victoria* (Melbourne: Melbourne University Press, 1982); Mae Ngai, "Chinese Miners, Headmen and Protectors on the Victorian Gold Fields," *Australian Historical Studies*, 42, no. 1 (2011): 10–24; Hugh Tinker, *A New System of Slavery: The Export of Indian Labour Overseas, 1830–1920* (London: Oxford University Press, 1974), 224–25. For a study of Chinese indentured labour in the United States see Moon-Ho Jung, *Coolies and Cane: Race, Labor and Sugar in the Age of Emancipation* (Baltimore: John Hopkins University Press, 2006).

12. J. R. Ward, *British West Indian Slavery, 1750–1834: The Process of Amelioration* (Oxford: Clarendon Press, 1988).

13. In relation to slavery, Enrico Dal Lago notes that the "ideologies of all the different master classes" in the Atlantic slave system await full comparative study, including ideas about the reform of slave management. See his "Comparative Slavery," in *The Oxford Handbook of Slavery in the Americas*, eds., Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2010), 672. For the anti-slavery debate see David Brion Davis, *The Problem of Slavery in the Age of Revolution 1770–1823* [1975] (Oxford: Oxford University Press, 1999); Thomas Bender, ed. *The Antislavery Debate: Capitalism and Abolition as a Problem in Historical Interpretation* (Berkeley: University of California Press, 1992); and Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006). For a recent collection on emancipation see Catherine Hall, Nicholas Drape, and Keith McLelland, eds. *Emancipation and the Remaking of the British Imperial World* (Manchester: Manchester University Press, 2014).

status of slaves at common law. After detailing the idiosyncratic British tradition, I detail how, by the eighteenth century, British antislavery reformers were aware of protection for slaves and Indigenous people in other imperial systems. The evidence draws on debates in the House of Commons, Parliamentary Commissions of Inquiry, essays and tracts by abolition activists, and pamphlets published by antislavery societies. I then examine how the pressure for amelioration in the British Empire coincided with the acquisition of new colonies that offered ready-made models for slave protection. In these circumstances, British reformers combined their calls for greater Parliamentary regulation of slave systems, and protection for slaves, with their extant knowledge of European protective regimes.

Historians who have studied the protection of Indigenous people in the British Empire most often assume ideas about protecting slaves were transposed onto Indigenous groups. They argue that Indigenous protection “grew,” “morphed,” or “transmuted” out of protective measures, including the position of Protector or Guardian, designed to ameliorate slavery in the British Empire from the 1820s.¹⁴ The small body of English-language work on the protection of “Indians” in the Dutch and Spanish empires is rarely consulted, although it contains reference to measures that preceded the protection of slaves.¹⁵ European colonists frequently referred to Indigenous people on the South American continent and the islands of the Caribbean as “Indians.” In Dutch and Spanish colonial territories, there had been regulations, however inadequate, to provide some form of protective measures for people known as Indians since the sixteenth century.

The inherent tensions between protection, dispossession, and Christianisation, such features of British schemes in the nineteenth century, were already present in early articulations of protective policy for Indigenous peoples, or “Indians,” in European empires. Catholic concern about the virtual enslavement of Indigenous peoples in the Spanish empire led to a number of initiatives that cohered around the idea of an officer responsible for the protection of Indians. The Dominican friar Bartoleme de Las Casas voiced such concern most famously in *A Short Account of the Destruction of the Indies* (1542).¹⁶

14. Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 10, 23.

15. Mary Noel Menezes, *British Policy towards the Amerindians in British Guiana 1803–73* [1977] (Guyana: Caribbean Press, 2011); Charles Cutter, *The Protector de Indios in Colonial New Mexico, 1659–1821* (Albuquerque: University of New Mexico Press, 1986).

16. For an early English translation see *The Tears of the Indians: Being an Historical and True Account of the Cruel Massacres and Slaughters of Above Twenty Millions of Innocent People...*

Las Casas himself was appointed Protector de Indios in the wake of its publication. The title of “Protector” reflected an equation in the Spanish legal system between Indigenous peoples and minor children.¹⁷ In 1573 the Council of the Indies, the key office for imperial administration in Spain, issued the *Ordinances for the Discovery, New Settlement and Pacification for the Indies*. The ordinances contained extensive commentary about the protection of Indians.¹⁸ Chapter 72 specifically directed “no lands to be admitted to composition which shall have belonged to Indians, and are held by illegal title; and the attorneys and protectors are to see justice done.” Chapters of the *Ordinances* which stated that it was the Spanish “wish that the Indians be protected and well treated, and that they not be molested nor injured in their person or property” were undermined by other provisions declaring: “If the natives opposed the settlement, they shall be induced to remain peaceable, and the settlement shall continue.” “They shall be given to understand that the intention in forming [a settlement], is to teach them to know God and his holy law, by which they are to be saved.”¹⁹

There are further clear parallels between eighteenth-century Dutch colonial practice and the model of a Protector and Assistant Protectors for Aborigines later adopted in Australian colonies such as Victoria in the 1830s. Apart from the similar titles and structure of the office, each shared an emphasis on encouraging sedentary communities, keeping demographic statistics, and encouraging self-reliance. The Dutch, less interested than the Spanish in the project of Christianisation, were concerned to protect valuable trading and other alliances with Indigenous people. From at least the mid-eighteenth century, the position of “postholder” was a feature in Dutch Guiana, a collection of settlements on the Atlantic coast of South America. Later called “Assistant Protectors,” postholders initially regulated trade between Dutch colonists and Indigenous peoples, ostensibly to prevent exploitation.

(London: J.C. for Nath Brook, 1656). For a recent translation with useful introduction see Nigel Griffin, ed., *A Short Account of the Destruction of the Indies* [Brevisima relación de la destrucción de las Indias] (London: Penguin, 1992). For further analysis of Las Casas and the question of Indigenous slavery see Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (Cambridge: Cambridge University Press, 1982), 119–45.

17. Cutter, *Protector de Indios*, 3.

18. Lyle N. McAlister, *Spain and Portugal in the New World, 1492–1700* (Minneapolis: University of Minnesota Press, 1984), 309–10.

19. 87–Lib. IV, Tit. 12, Law 17 in Joseph M. White, ed. *A New Collection of Laws, Charters and Local Ordinances of the Governments of Great Britain, France and Spain, Relating to the Concessions of Land in their Respective Colonies*, Volume 2, (Philadelphia: T & J.W. Johnson), 43.

They also encouraged Indigenous people to congregate and attach themselves to designated posts and distributed presents to them. The Dutch, and later the British, drew upon these communities in military alliances based around catching escaped slaves and repulsing Spanish incursions.²⁰ By the early nineteenth century, the administration required postholders to report quarterly to a Protector of Indians, account for the number of Indigenous people in their district, their interactions with free people and slaves, and their progress towards becoming self-supporting.

Settler colonial protection regimes thereby echoed elements of earlier European practice, rather than simply transposing British ideas about the amelioration of African slaves onto Indigenous people. As the case of Spanish and Dutch colonies demonstrates, the tradition of protecting Indigenous people was of equal, if not longer, duration than measures for the protection of slaves. Indeed, protection of Indigenous peoples originated in European colonialism, rather than in the efforts of a British evangelical humanitarian lobby to ameliorate the condition of slaves in their Empire after the abolition of the slave trade in 1807. The latter group in fact drew on earlier European practices in their proposals for protectorate schemes. Herman Merivale, during his tenure as professor of political economy at Oxford University in the late 1830s and early 1840s, recognized the importance of these European precedents for contemporary protection policies: “The establishment of Protectors, or Commissaries of the Indians,” he insisted, “have been long known in the old Spanish colonies.”²¹

Aside from regulations governing interaction between Indigenous people and colonists, European colonial regimes also attempted to provide some form of basic protection for African slaves in their empire. France enacted the *Code Noir* in 1685, which originally applied to the West Indian colonies of Martinique, Guadeloupe, and St Christophe.²² The Sovereign Councils in these colonies, comprised of high-ranking military officers and slave owners, had already passed ordinances regulating slavery. In the 1680s, they received Royal instructions asking them to incorporate and extend such regulations to

20. Menezes, *British Policy towards the Amerindians in British Guiana*.

21. Herman Merivale, *Lectures on Colonization and Colonies delivered before the University of Oxford*, Vol. II (London: Longman, Brown, Green and Longmans, 1842), 157.

22. *Le Code Noir, ou Recueil des reglemens rendus jusqu'à a present concernant le gouvernement, l'administration de la justice, la police, la discipline et le commerce des Negres [sic] dans les colonies françoises et les conseils et campagnies e tablis a ce sujet* (Paris: 1767).

produce a more comprehensive code.²³ King Louis XIV's finance minister, the mercantilist Jean-Baptist Colbert, was the lead author of the *Code Noir*, which drew upon this information from the colonies. The Code at once enshrined a racially stratified society, including harsh forms of punishment for slaves and proscriptions about the consequences of cross-racial relationships, and allowed slaves certain minimum protections such as food and clothing allowances, a ban on torture, and the right for families not to be sold separately.²⁴ Maintaining even such slight protections was made difficult through the weak capacity to enforce them.²⁵ By the early eighteenth century, revisions to the *Code Noir* led to the creation in French colonies of the office of the Procureur General, to act as the Guardian of slaves who protested against ill-treatment by their masters. In many cases of complaint, the Procureur General had ordered the punishment of slaves or acted as public prosecutor against them, thereby demonstrating the contradictions and tensions inherent to the practice of protection.²⁶

The Spanish state also attempted to exert some central control over the activities of its colonial slaveholders, through a combination of royal decrees and the application of domestic law. Indeed, the absence of domestic statutes regulating slavery in British, Dutch, and French law has led some historians to argue that the "humanistic element" in Spanish slave codes derived from the extant connection with Roman law.²⁷ Alongside the sixteenth-century *Ordinances*, Spain's colonies had been subject since their foundation to the *Siete Partides*, a thirteenth-century statutory code based in part on Roman law.²⁸ Although not providing protection for slaves as such, Roman law did allow for the manumission of slaves by self-purchase or through a third party. Manumission was not a uniform entitlement across slave societies in the later

23. Vernon Valentine Palmer, "The Origins and Authors of the Code Noir," *Louisiana Law Review* 56, no. 2 (1996), 366–71.

24. Dwain C. Pruitt, "'The Opposition of the Law to the Law': Race, Slavery and the Law in Nantes, 1715–1778," *French Historical Studies* 30, no. 2 (2007): 147–74.

25. Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492–1800* (London: Verso, 1997), 291.

26. "No. 2 (a) Observations of the Commissions of Inquiry upon the proposed Order in Council for Improving the Condition of the Slave Population in Mauritius," c. 1828 in *Ordinance for Government and Protection of Slaves in Mauritius*, Paper No. 338, Vol. 25, 17.

27. Sue Peabody, "Slavery, Freedom and the Law in the Atlantic World, 1420–1807," in *The Cambridge History of World Slavery*, eds., David Eltis and Stanley L. Engerman (Cambridge: Cambridge University Press, 2011), 603–67.

28. S. P. Scott and Robert I. Burns, *Las Siete Partidas, Volume 1: The Medieval Church: The World of Clerics and Laymen (Partida 1)* (Philadelphia: University of Pennsylvania Press, 2012).

period.²⁹ By the late eighteenth century, a number of slave rebellions in the Spanish Empire had prompted the Spanish King Charles III to adopt the more comprehensive French *Code Noir* as a model for his own *Código Negro*. The *Código* of 1783 and a royal *cedula* or decree which followed in 1789 were applied unevenly throughout Spanish America owing to slaveholder resistance.³⁰ Nevertheless, urban slaves in particular evinced a new willingness to pursue grievances against masters through the court system, citing the *Código Negro* in support of their claims.³¹ Officers similar to the French Procureur General, with an equally compromised efficacy given the structural contradictions of their position and its capacity to be occupied by slave owners, were found in Spanish colonies. The Spanish Procurador Syndic was a post approximating an Attorney General and to whom it was possible for slaves to turn for protection at least in theory. In Dutch colonies the “Fiscal” performed a similar function.³²

Britain approached the governance of its slaveholding colonies somewhat differently to its European counterparts and, as a consequence, provisions for the protection of slaves were very poor. Slavery was central to the creation of Britain’s Atlantic empire, as it was to its French, Spanish, and Dutch rivals.³³ Compared with the French and Spanish, the British had been prepared to allow a large part of the responsibility for governance to pass to representative bodies in the colonies, rather than issue imperial ordinances and codes to govern the affairs of such possessions. There was no Protector or Guardian of Slaves, for instance, in Britain’s mainland North American colonies before the Revolution. In addition, the British common law was almost mute on the question of slavery, unlike Spain’s *Siete Partidas*. Governors appointed by

29. The capacity to self-purchase became known as *coartación*. See Hubert S. Aimes, “Coartación: A Spanish Institution for the Advancement of Slaves into Freedom,” *Yale Review* 17 (1999): 412–31; Alejandro de la Fuente, “Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*,” *Hispanic American Historical Review* 87, no. 4 (2007): 659–92. Manumission was also possible in Dutch colonies, see Henk Den Heijer, “Dutch Carribean” in *The Oxford Handbook of Slavery in the Americas*, eds., Robert L. Paquette and Mark M. Smith, 167.

30. Manuel Lucena Salmoral, *Sangre sobre piel negra: la esclavitud quiteña en el context del reformismo borbónico* (Quito, 1994), cited in Peter Blanchard, “Spanish South American Mainland,” in *The Oxford Handbook of Slavery in the Americas*, eds., Robert L. Paquette and Mark M. Smith, 81.

31. Blanchard “Spanish South American Mainland,” 81–82.

32. See Trevor Burnard, “A Voice for Slaves: The Office of the Fiscal in Berbice and the Beginning of Protection in the British Empire, 1819–1834,” *Pacific Historical Review* 87, no. 1 (February 2018).

33. Abigail Swingden, *Competing Visions of Empire: Labor, Slavery and the Origins of the British Atlantic Empire* (New Haven: Yale University Press, 2015).

London still exercised supervision, but their key obligations were to ensure that merchants and proprietors were able to function successfully and profitably. Britain's West Indian colonies established in the seventeenth century, including Jamaica, Barbados, the Bahamas, the British Leewards (St Kitts, Nevis, Antigua, and Montserrat), or acquired in war (Grenada, St Vincent, and Dominica), were considered "representative colonies" owing to the significant role ultimately played in their internal regulation by legislative assemblies and councils.³⁴ The protection of slaves was rarely a feature of the ordinances passed by British colonial legislatures, with local plantation economies dominated by the interests of slaveholders.

From the 1760s, in the wake of the growing anti-slavery sentiment and increasing difficulty in recruiting slaves from Africa, some British colonies did pass measures focused on improving material conditions for slaves. These "ameliorative" or "meliorative" acts were in large part designed to ensure that the labour force would be self-reproducing when the supply of human capital from Africa ceased.³⁵ The acts were subject to intense criticism from abolitionists such as James Stephen, a prominent lawyer who had spent time in the West Indies and returned to England determined to work for the end of slavery. Stephen's abolitionist connections were secured in 1800 when he married his second wife, Sarah, sister of William Wilberforce. Stephen considered that these "paltry ostensible regulations" were impossible to enforce, utterly inadequate, and a "mere dead letter."³⁶ In a series of rhetorical letters to the Chancellor of the Exchequer that he published in 1802, Stephen declared:

Take into your hands Sir, the volumes of Acts of Assembly of the different West India islands; and where you find "negroes" or "slaves" in the index, refer to the Acts that relate to them. Till within the last few years you will not find in a century or more, a single provision in these laws tending to protect a class of men by far the most numerous in these societies, from the injuries to which their situation must always have exposed them: not one clause to limit the master's authority; not one to punish its abuse.³⁷

34. D. J. Murray, *The West Indies and the Development of Colonial Government 1801-34* (Oxford: Clarendon Press, 1965); Mary Turner, "Modernising Slavery: Investigating the Legal Dimension," *New West Indian Guide/Nieuwe West-Indische Gids* 73, no. 3 & 4 (1999): 5.

35. J. R. Ward, *British West Indian Slavery: The Process of Amelioration*. In Jamaica, for instance, the 1816 Slave Code allowed slaves to appeal only "wanton" punishments, or those in excess of the legal maximum. Turner, "Modernising Slavery," 7.

36. Stephen, *Crisis of the Sugar Colonies*, 142.

37. *Ibid.*, 141.

J.R. Ward's study of planter-initiated ameliorative efforts in the British West Indies concluded that while the standard of living of slaves and their productivity in fact rose as a consequence, the ameliorative acts retained profound weaknesses when it came to other protections of slaves.³⁸

The loss of the American colonies gave a temporary fillip to the long-established British principle that the best arbiters of internal colonial affairs were the colonists themselves. The American revolutionary argument that the British Parliament should not make laws for unrepresented colonists echoed the position of planters, who were equally uninterested in imperial interference in their domestic affairs. Abolitionists were quick to quash any parallels that the legislatures of slave colonies might be inclined to make between their own position and that of the lost American colonies. "The great principle upon which the North American colonists asserted their exclusive right to interior legislation, does not fairly apply to . . . a law to MELIORATE THE CONDITION OF THE SLAVES," Stephen insisted.³⁹ Taking issue with the proposition that the colonies should be left to their own devices because they lacked representation in the British Parliament, Stephen raised a fundamental lack of representation in slave societies themselves: "Are the enslaved negroes represented in the colonial assemblies?" Stephen pointed to the contradictions that inhered in colonial assemblies, where the legislators themselves were interested parties to all manner of laws pertaining to master and slave. "Privilege to the slave must necessarily in the same degree be restraint on the master," Stephen argued. Conversely, restraint on slaves would increase the authority of the master. It was essential to recognize, Stephen urged, that the civil character of the slave was not merged with the master, must be considered as distinct from him, and that the slave was "intitled [sic] to the protection of laws against the master himself."⁴⁰ The only body that could ensure such protection was the British Parliament, which should interpose on behalf of the slave. Stephen's assertion of parliamentary prerogative to address matters pertaining to slaves in the colonies would gather further strength after abolition. He embodied a philosophical consensus that had emerged since the late eighteenth century about freedom from political tyranny and a concomitant emphasis on natural rights. Discussion of freedom inevitably inspired debate about empire and growing

38. For example, in Jamaica, a bill allowing slave testimony to be heard at court was voted down in the island's legislative assembly. Ward, *British West Indian Slavery*, 274.

39. Stephen, *Crisis of the Sugar Colonies*, 133.

40. *Ibid.*, 134-37.

metropolitan revulsion towards the system of slavery itself. When combined with the deepening influence of the humanitarian lobby on the British state, continuing faith in the prudence of the slave colonies' self-management had been seriously undermined by the early nineteenth century.⁴¹

Some of the earliest detractors of the slave trade were aware of the different forms of protection in other imperial systems, a narrative that would become more pressing after abolition in 1807. British reformers knew about protective codes for Indigenous people and they were equally aware of slave codes in other empires. Bishop Beilby Porteous, a critic of the Church of England's slaveholding estates in Barbados, presented the protective efforts of other European powers as a model to British slaveholders in 1784. It would be a significant advancement to the condition of slaves in the British Empire, Porteous suggested, if they were put "under the protection of *known and fixed laws*, a protection to which they have hitherto been almost utter strangers." In South America, he insisted, "every Indian district has its protector, to whom the wretched slaves may fly for refuge and relief." Likewise, in the French islands, when slaves were cruelly treated they "may have recourse to the *procureur* who is obliged to redress their grievance without trouble or expence [sic]." This "pleasing and delightful institution of a legal *protector* for the injured slave," Porteous noted, "is unknown in the British West-India islands."⁴² Other contemporary authors noted in their accounts of travels in Latin America that slaves in the Spanish colonies enjoyed greater safeguards than elsewhere. The Prussian geographer Alexander von Humboldt commented that the slaves he encountered "as in all other Spanish possessions" were "somewhat more under the protection of the laws than the Negroes of other European colonies."⁴³

Historians of the legal codes of slavery have been at pains to point out the discrepancies between the prescriptions and practice of the law in Spanish

41. Christopher Leslie Brown, *Moral Capital: The Foundations of British Abolitionism*; Trevor Burnard, *Planters, Merchants and Slaves: Plantation Societies in British America, 1650–1820* (Chicago: University of Chicago Press, 2015), 260–61.

42. Beilby Porteous, "An Essay Towards a Plan for the More Effective Civilization and Conversion of the Negro Slaves, on the Trust Estate in Barbadoes Belonging to the Society for the Propagation of the Gospel in Foreign Parts" [1784] reprint in Robert Hodgson, *The Works of the Right Reverend Beilby Porteous, D.D., Late Bishop of London with His Life*, 6 Volumes, Volume VI: Tracts (London: T. Cadell and W. Davies: 1811), 197–99.

43. Alexander de Humboldt, "Political Essay on the Kingdom of Mexico or New Spain" [1811] repr. in John Taylor, *Selections from the Work of Baron de Humboldt, relating to the Climate, Inhabitants, productions and mines of Mexico* (London: Longman, Hurst, Rees, Orme, Brown & Green, 1824), 71.

and French colonies, which British reformers often conflated in their rush to find alternative models to their own harsh slave codes. One abolitionist less inclined to do so was Stephen. Prior to the passing of the Abolition of the Slave Trade Act 1807, legislation he had a large hand in drafting, Stephen was critical of the French slave codes in particular. In 1802 Stephen considered that protective measures through municipal laws in the colonies were a vain attempt to reconcile a contradiction inherent in the attempt to extend rights to people who did not possess basic freedom. He also argued that such regulations “were almost wholly neglected in practice.”⁴⁴ Yet despite wide variation in early modern legal codes in the Atlantic colonies, and the legal innovations attendant on the growing practice of African slavery that were often as mindful of the needs of slaveholders as slave themselves, it does seem that the Spanish and French reputation for more humane legal protections was not entirely unfounded.⁴⁵

As political pressure mounted within Britain itself to rid the empire of slavery altogether, the established policy of allowing the slave colonies to regulate their own affairs came under further pressure. In the years between the abolition of the slave trade in 1807 and emancipation in 1833, anti-slavery activists and reformers intensified public and parliamentary discussions about efforts to ameliorate the position of slaves. Stephen and Wilberforce led the African Institution, which had members who pushed for further reform on the floor of Parliament including Lord Holland and, in the House of Commons, Henry Brougham. The Institution continued to circulate publicity about the ongoing exploitation and abuse of slaves in Britain’s colonies and urged the “necessity of reform in the administration of our West Indian colonies” by arguing that people should “no longer shut their eyes to the consequences of the system which has been established there.”⁴⁶ Its successor, the Anti-Slavery Society, further honed the criticism of colonial control. By the early 1820s, the Society declared that it was “the universal feeling of the country” that slaves ought to be protected from the

44. James Stephen, *The Crisis of the Sugar Colonies, or, an Enquiry into the Objects and Probable Effects of the French Expedition to the West Indies; and Their Connection with the Colonial Interests of the British Empire, to which are Subjoined Sketches of a Plan for Settling the Vacant Lands of Trinidad: in four letters to the Right. Hon. Henry Addington, Chancellor of the Exchequer & c.* (London: J. Hatchard, 1802), 13, 127.

45. Sue Peabody, “Slavery, Freedom and the Law in the Atlantic World, 1420–1807,” in *The Cambridge History of World Slavery*, eds., David Eltis and Stanley L. Engerman, 603–7.

46. *Sixth Report of the Directors of the African Institution* (London: Ellerton & Henderson, 1812), 14.

power of their white colonial masters. Colonists “see nothing but ruin in every measure *tending* to emancipation, and they will not, they plainly tell us, be the artificers of that ruin.” “It would be an extraordinary disregard of the claims of humanity and justice,” the Society urged, “if . . . we should continue to delegate to them the task of legislating for the entire Black and Coloured population of our colonies.”⁴⁷

The pressure for greater Parliamentary intervention on behalf of slaves occurred within the context of the expansion of Britain’s slave-holding possessions, which unwittingly provided new avenues for protection. Broader protective measures were introduced to British colonial practice in the late eighteenth century and early nineteenth century as a consequence of the acquisition in the Revolutionary and Napoleonic Wars of formerly Spanish, French, and Dutch colonies. During the wars, the British Cabinet had decided against, at least for the time being, introducing representative bodies to its new possessions.⁴⁸ In keeping with the earlier policy of minimal interference in local affairs, the British further decided to retain the existing laws and customs of colonies as they were captured or ceded to them from other powers. The new possessions became known as the Crown Colonies, in contrast to the older, “representative” West Indies territories.⁴⁹ Among the Crown Colonies were Trinidad, St Lucia, and the former Dutch settlements of Demerara, Essequibo, and Berbice. The last were captured by Britain in the early nineteenth century and by 1831 had become known as British Guiana. Under the so-called Articles of Capitulation of 1803, the British agreed to retain all laws in force in the colony, all of its constituted authorities and public officers, and its legislative structures, virtually guaranteeing planter control over the colony until the early years of the twentieth century.⁵⁰ This agreement also ensured that some form of protection for slaves, personified in the office of the Fiscal, would be part of the new administration. Instructions for the Protection of Indians were also incorporated into British rule, when the Court of Policy issued postholder instructions in 1803 requiring quarterly

47. Anti-Slavery Society, *The Progress of Colonial Reform; being a brief view of the real advance made since May 15th 1823, in carrying into effect the recommendations of His Majesty, the Unanimous Resolutions of the Parliament and the Universal Prayer of the Nation with respect to Negro Slavery* (London: Hatchard and Son, 1826), 43–45.

48. Murray, *The West Indies*, 67.

49. These acquisitions included British Guiana, Trinidad, and St Lucia.

50. Menezes, *British Policy towards the Amerindians in British Guiana*.

returns to the Protector of Indians.⁵¹ Similarly, when Spain formally ceded Trinidad to Britain in 1802 under the Treaty of Amiens, Spanish law and court apparatus were maintained, including the Procurador Syndic. The concept of protection thus entered the British Empire through its conquest of other European colonial possessions, and the subsequent retention of European imperial bureaucracies that included some formal mechanism for slaves to seek redress and for the activities and spatial location of Indians to be regulated.

A series of Commissions of Inquiry between 1818 and 1826—part of an empire-wide quest to comprehend the implications of expanded imperial possessions and to recommend solutions for its diverse populations, legal traditions, and governance structures—included the slave colonies on their itinerary.⁵² In 1822, Fortunatas Dwaris led one such Commission of Inquiry into the administration of civil and criminal jurisdiction in the West Indies islands of Barbados, Tobago, and Grenada. He was alarmed to discover that in Barbados, slaves were “without LEGAL PROTECTION OR REDRESS FOR PERSONAL INJURIES. . . . A slave who is, or who thinks himself aggrieved, looks in vain, in this island, for a proper quarter in which to prefer his complaint; it can be NO WHERE received.”⁵³ Even in colonies such as Grenada, where Guardians of Slaves had been appointed, “the duty is neglected and inefficiently performed,” in large part because slave owners were the incumbent appointees in such offices.⁵⁴ Planter-initiated efforts at amelioration in the late eighteenth century had largely lapsed by the early nineteenth century.⁵⁵ For reformers, the extent of ignorance about even minimal legislative provision for protection was personified in the figure of the Governor of Grenada, Mr. Paterson, who insisted that a position such as

51. “Despatch from Sir B. D’Urban to Mr Under Secretary R.W. Horton,” 16 May 1837; “Instructions for the Protection of Indians,” “Post-Holders Instructions—as enacted by Honorable Court of Policy, 14 May 1803,” in *Aboriginal Tribes* (North America, New South Wales, Van Diemen’s Land and British Guiana), 1834, Cd. 617, 166–71, 185.

52. Zoe Laidlaw, “Investigating Empire: Humanitarians, Reform and the Commission of Eastern Inquiry,” *Journal of Imperial and Commonwealth History* 40, no. 5 (2012): 749–68.

53. *First Report of the Commission of Inquiry into Administration of Civil and Criminal Jurisdiction in West Indies. Barbados, Tobago, Grenada.* 1825. House of Commons Papers, Paper No. 517, Volume 15, 62.

54. *First Report of the Commission of Inquiry into Administration of Civil and Criminal Jurisdiction in West Indies*, 17.

55. One of the earliest amelioration acts was passed on planter initiative in the Leeward Islands in 1798. David Barry Gaspar, “Ameliorating Slavery: The Leeward Islands Slave Act of 1798,” in *The Lesser Antilles in the Age of European Expansion*, eds. Robert L. Paquette and Stanley L. Engerman (Gainesville: University Press of Florida, 1996), 241–58; Robert Luster, *The Amelioration of Slaves in the British Empire* (New York: Peter Lang, 1995).

Protector was “an officer unknown to the British constitution.” The fact that Grenada had possessed a Guardian Act since 1788 was proof to reformers that planter-led reforms were the means “by which men’s eyes in this country were for a time blinded.”⁵⁶

British anti-slavery activists’ knowledge of earlier European slave codes, and their attempts to reinforce or revivify them in the Crown Colonies and introduce them to representative colonies, were an important source for protection schemes.⁵⁷ In 1810, the African Institution pointed to Trinidad’s Spanish past as providing a potential model for protective measures elsewhere in the empire. “In the Island of Trinidad something has been done to ameliorate the condition of the slaves, merely by adhering to the wholesome provisions of the Spanish Slave Code,” the Directors insisted.⁵⁸ They were aware that the articles of capitulation made such code the law of the island, but they regretted that since the British had taken over, it had fallen into disuse. In an effort to revive its spirit, the African Institution translated and published the 1789 “Royal Ordinance or *Cedula* for the Governance and Protection of Slaves in the Spanish Colonies,” and commented on its virtues:

The beneficial nature of this code may be inferred from the following brief sketch of its principal regulations. It secures to slaves the right to redeem themselves, at a fair price, and gives the judge a power to deprive an inhuman master of all his slaves. It gives a right to the slave to have a weekly portion of his time for his own benefit, and very materially restrains the master’s power of punishment. It gives freedom to every female slave who has cohabitated with her master, and in failure of lawful children, the illegitimate offspring, of whatever colour, may, after any act of acknowledgement by the father, inherit his property and success to the mother’s without any such act.⁵⁹

The translated *Cedula* was printed by order of the House of Commons the following year.⁶⁰ A decade later, Commissioner Dwarris suggested that French and Spanish legislative models might offer a solution for the better

56. Anti-Slavery Society, *The Progress of Colonial Reform*, 39.

57. See also Caroline Spence, *Ameliorating Empire: Slavery and Protection in the British Colonies* (PhD diss.: Harvard University, 2014), 6–7.

58. *Fifth Report of the Directors of the African Institution* (London: Ellerton & Henderson, 1811), 36.

59. *Ibid.*

60. *Translation of the Royal Ordinance, or Cedula, for the Government and Protection of Slaves, in the Spanish Colonies* (African Slaves in Spanish America), Cd. 203, 31 May 1811.

protection of slaves in British colonies. In future, “it may be practicable to establish a general code (*Code Noir*) proceeding upon FIXED PRINCIPLES for all our colonies,” Dwarris reported, recommending one that was infused with the “humanity of the Spanish law” on such matters.⁶¹ The Anti-Slavery Society was also insistent on the relative beneficence of the “admirable principle of the Spanish Colonial Code” and lamented that in Trinidad “this merciful law, however, has not been enforced under the English government.”⁶²

Rather than presenting protection, and the office of Protector or Guardian of Slaves as an evangelical humanitarian innovation, reformers were concerned to Anglicize existing offices in the Crown Colonies, then export that model to the representative colonies. In 1823, the House of Commons resolved, on the motion of Foreign Secretary George Canning, “to adopt the effectual and decisive measures for meliorating the condition of the slave population in His Majesty’s colonies.” These measures included preparing slaves for Christianisation, admitting the testimony of slaves in court, the legalization of slave marriages, the removal of obstructions to manumission, preventing the separation of families by sale, restraints on the powers of masters, abolishing corporal punishment of females, and banning the use of the driving whip in the field. There was overt discussion that the “resort to compulsion” was required because the “state of society” existing in the slave colonies “was at war with every acknowledged principle of natural equity, of common humanity, or of British constitutional law.”⁶³ Consequently it was necessary for the King to issue a preemptory mandate in the form of an Order in Council. The Crown Colony of Trinidad was made the first test case in 1824. Foreign Secretary Canning declared that Trinidad was chosen because it once “belonged to the Spaniards” and was therefore “most favourable to the principle of abolition.”⁶⁴ The “Order in Council for Improving the Condition of Slaves in Trinidad” acknowledged the pre-existing office of the Procurador Syndic and stated that it “should be more fully established, and that the duties thereof should be more fully ascertain, and that provision shall be made for the support thereof.” Henceforth, the Procurador was to be known as the Protector and

61. *First Report of the Commission of Inquiry into Administration of Civil and Criminal Jurisdiction in West Indies*, 18.

62. Anti-Slavery Society, *The Progress of Colonial Reform*, 4.

63. *Ibid.*

64. *Speech of the Right Hon. George Canning, Secretary of State for Foreign Affairs & c. & c. on laying before the House of Commons the papers in explanation of the measures adopted by His Majesty’s Government with a view of ameliorating the condition of Negro Slaves in the West Indies* (London: 1824), 14.

Guardian of Slaves, supported by Assistant Protectors, receive a salary, and be prevented from owning slaves himself.

The centrality of previous European colonial regimes to the adoption of protection in British colonies was made clear in returns to the House of Commons from the Slave Colonies. In 1826, the colonies were asked to provide a list of all their public functionaries, including the Fiscal, Protector, and Assistant Protector of Slaves. The return effectively demonstrated that only those colonies previously under Dutch or Spanish colonial administration (specifically Berbice, Demerara, Trinidad, and the Cape of Good Hope) had the office of Fiscal, Protector, or Guardian of Slaves. The one exception was the former Spanish colony of Jamaica, which had no such office but had been under British control since the mid-seventeenth century and had developed representative local institutions. The returns also revealed the contradictions at the heart of slave protection practice. The vast majority of Protectors and Assistant Protectors of Slaves were themselves slaveholders, with some individuals in control of up to four hundred people.⁶⁵ Of course, offices associated with protection were designed as much to curb slave unrest and ensure the smooth functioning of the system and economy, as they were an effort to blunt the hard edge of slave society. Similarly, the Protectors of Indians were largely ineffectual in preventing dispossession and exploitation, and the post-holders in particular developed a reputation for abusive and exploitative behaviour.

The representative colonies proved resistant to imperial government initiatives to prepare for a transition to emancipation. New codes for the regulation of slavery and amelioration of the condition of slaves regularly lapsed in their legislative assemblies, or performed mere lip service to the notion of greater protection for slaves.⁶⁶ Even the Crown Colonies adopted the Orders in Council with some resistance, or as the Anti-Slavery Society put it, “the decided and avowed hostility of the whole white population.”⁶⁷ Demerara resisted the reforms until 1825; Berbice and St Lucia complied in 1826. The representative colonies fought a much longer rearguard action.

65. BPP, 1826–7 (III) (146) *Slaves in the Colonies. Return to an address of the Honorable House of Commons, dated 8 March 1826, for a return of all the public functionaries.*

66. The tardy progress of these colonies in reform of their Slave Acts was a regular feature of reporting in anti-slavery journals such as *Anti-Slavery Monthly Reporter*, Volume II, June 1827–May 1829. C. Levy, “Barbados: The Last Years of Slavery, 1823–1833,” *Journal of Negro History* 44 (1959): 308–45.

67. Anti-Slavery Society, *The Progress of Colonial Reform*, 4.

It took eight attempts to make Jamaica accept the orders, which finally occurred in 1831 only two years before emancipation.⁶⁸

Given the growth of transnational history in recent times, and its particular appeal to historians of empire, colonialism, and modernity, the ongoing absence of a broader and more ambitious study of protection that takes into account the global influences on its development is surprising. In the early nineteenth century, British reformers openly acknowledged their interest in European colonial legal codes as models that might be adopted in the management of their own colonies. Subsequent scholarly study of the limitations of these codes in minimizing the harms of the plantation system, or in preventing the dispossession and exploitation of Indigenous people, should not now prevent acknowledgement of the influence that such models exerted. The British Empire was not singular in its development of protective measures for slaves and Indigenous peoples. The Offices of Guardian or Protector developed from the early nineteenth century were Anglicized versions of officials once known at the Fiscal, Procureur General, and the Procurador Syndic, appointed under European colonial regimes in previous centuries.

Furthermore, the longevity of the office of Protector in the British Empire after slavery had ended suggests that it contained elements that transcended the particular historical moment of amelioration. An exclusive focus on slaves or Indigenous peoples obscures the ways in which the office of Protector was refashioned after emancipation. The indentured labour system that developed in the wake of slavery, and the widespread immigration of Indian and Chinese people attendant upon it, resulted in the appointment of Protectors of Immigrants throughout the British Empire. The legacies of protection thus continued, and fed into the regulation of labour in British colonies, particularly those heavily reliant on immigrant labour such as Natal, Jamaica, the Straits Settlements, and Malaya. The duality of care and control that inhered in the office of Protector embodied the well-established ambiguities of nineteenth-century humanitarianism, but they also referenced protection's origins in the project of colonialism itself. ■

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68. Turner, "Modernizing Slavery," 11.