



Information Sheet 12: Indenture and Slavery

SLAVERY AND INDENTURE

Slavery was a legal status that lasted for life and was inherited by slaves' children. Slaves were the property of their owners, and could be sold, bequeathed, gifted, mortgaged or hired out like any other chattel. Slaves could not enter into any contract, own property or give evidence in court.

Convicts on assignment in New South Wales worked under conditions very close to slavery, although only for the duration of their sentences. Australian colonial society was founded at a time when slavery was still legal in the British Empire. Australians know of their initial convict heritage but seldom realise that other labour systems existed which bear similar characteristics to slavery. Slave trading and slavery began to be abolished in many European and USA jurisdictions onwards from the 1770s and 1780s. Slavery was deemed illegal in Britain in 1772, then slave trading was abolished anywhere in the British Empire in 1807 and slave trading was made a felony anywhere in the empire in 1811, the offence punishable by transportation as a convict. Slave ownership was not abolished in the British Empire until 1833 and slavery continued in fifteen southern states of the United States of America until the Civil War of 1861–1865. In 1865, after the Civil War, the Thirteenth Amendment to the Constitution abolished slavery throughout the United States of America. Up until 1833 individual Australian colonists could have owned slaves. The Queensland indentured labour trade began just thirty years later.

At the same time as slavery declined as a labour system, and transportation of convicts came to an end, there was a transition to the use of indenture to create masters' and servants' contracts. This was the legal mechanism used in Queensland to bind over 50,000 Pacific Islander labourers on 62,000 indenture contracts to their employers between 1863 and 1904. Indenture was used widely in European colonies to ensure a supply of labour, and most European migrants to the USA onwards from the 17th century arrived as indentured servants. European, Asian and Pacific Islander indentured servants were imported into Britain's Australian colonies. Indenture remained in use in Queensland until 1906 and in the USA until 1917. While it has been called 'a new form of slavery', strictly speaking, by the standard definition of slavery given above, indenture was not slavery. Like assignment of convicts, indenture legally bound a servant to his or her master in servitude for a specific period of time under specific conditions and was a highly authoritarian legal structure which favoured the employer. When Queensland was established as a free colony in 1843 convictism ended and slavery had become moribund and anachronistic. Indenture took their place as a means of controlling labour. In some places, such as Mauritius and the West Indies, where indenture was directly substituted for slavery, the conditions remained extremely similar. When Queensland, adopted indenture as the legal mechanism to bind imported Pacific Island labour, the colony was working within the current legal system of the British Empire, although the legal relationship with Melanesia was of dubious legality and predatory.

The circumstances of 'recruiting' Pacific Islanders were dubious and sometimes totally illegal: around 10 to 15% of the labour recruiting, mainly in the 1860s and 1870s, was probably illegal; and there was no specific legislation between 1863 and 1868. The indentured labour trade took advantage of Pacific Islanders, by physical force, coercion, guile and entrapment, but as the process continued inter-colonially over fifty years it became more regulated. For a variety of reasons young males participated freely, sometimes on more than one occasion, sometimes lured by cheap trade goods but often for legitimate reasons relating to their own societies. It also needs to be said that as the indentured labour trade continued over several decades there was undoubtedly a large degree of voluntarism involved and 'indigenous 'bigmen', 'chiefs' and 'passage masters' in the islands were complicit in organising the movement of labour. As well, there was virtually no difference between the indentured labour trade to Queensland and Fiji in the 1880s, 1890s and 1900s and that internally in Vanuatu and Solomon Islands in the 1910s to the 1930s. In Queensland it is often called 'Blackbirding', with strong connotations of illegality, while in Vanuatu and the Solomon Islands the internal indentured labour trade, while just as exploitative, is regarded as a legal labour system.

If the word slave is used metaphorically—for example to indicate that someone was treated as badly as a slave—then this is a question of historical fact to be determined like any other, by a dispassionate weighing of the evidence. In a significant proportion of cases Pacific Islanders were kidnapped to come to Queensland to work under indenture in conditions which were slave-like. Even so, use of the term slavery in describing indentured labour merely confuses the issue by introducing an inaccurate and emotionally charged expression.

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Sincerely,



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