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Book Review of A Jurisprudence of Power: Victorian Empire and the Rule of Law

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R.W. Kostal, *A Jurisprudence of Power: Victorian Empire and the Rule of Law*, New York: Oxford University Press, 2005. Pp. 529. \$140.00 (ISBN13: 9780198260769).

Governor Edward John Eyre's brutal suppression of a Jamaican uprising was an infamous *cause celebre* of the Victorian era. The "Jamaica affair," as it was called in the day, invoked heated opinions among notable mid-Victorian public intellectu-

als, drew into its wake elite members of the legal profession, and was obsessively analyzed by major newspapers. Further, the methods employed to quell the insurrection raised issues as to the legitimacy of state-applied force when endeavoring to bring social order to a “less enlightened” foreign nation living under British occupation. The Jamaica affair is therefore a historical morality play that resonates with despairing familiarity to the contemporary ear.

Rande Kostal’s *A Jurisprudence of Power: Victorian Empire and the Rule of Law* follows in the footsteps of his previous legal history work on Victorian railways. Like its predecessor, this book is meticulously researched, logically organized and argued, highly readable, and provides an informative and scholarly appendix. And similar to his prior effort, which recounted the role of lawyers in the rise and fall of nineteenth century railway capitalism, *A Jurisprudence of Power* thrusts lawyers onto center stage.

Kostal brings a novel focus to the otherwise well known (but never before so exhaustively recounted) story of the Jamaican affair. The uprising began with an October 1865 protest by Jamaican blacks outside the Morant Bay courthouse at which the Riot Act was read and ignored, and seven people subsequently shot to death. The crowd retaliated by killing the chief magistrate and seventeen others and wounding some thirty additional people (almost all of whom were white); the upheaval extended over the next few days to plantation raids. Concerned that the island’s 430,000 non-white residents would soon engulf its 13,000 white ones, Governor Eyre proclaimed martial law and unleashed his troops. In consequence, more than 400 blacks were killed (immediately or soon thereafter), 600 more viciously flogged, and some 1,000 dwellings razed. Prominent among those put to death was George William Gordon. A mulatto landowner, Jamaican Assembly member, and outspoken critic of the colonial government, Gordon was arrested in Kingston (beyond the boundaries of martial law) on Eyre’s orders and transported to Morant Bay (where martial law prevailed) to face a sham court martial and execution.

Four years of public uproar ensued in England, although the government declined to pursue criminal action against Eyre and his collaborators. A privately formed “Jamaica Committee” comprising notable progressive figures of the day, and largely under the leadership of John Stuart Mill, was not as reticent. It initiated three private prosecutions and a civil action against Eyre, as well as two private prosecutions against military officers who followed his instructions; each one failed. Eyre never received another Royal commission, but was eventually awarded a Governor’s pension and lived to old age in bucolic obscurity.

Kostal argues that at the heart of the Jamaica affair was not the morality of what was done to British subjects abroad, or even the legitimacy of the declared martial law. Instead, the central thesis of *A Jurisprudence of Power* is that the lurid events evoked a public discourse on the validity of the Victorian Empire’s rule of law ethos. For a society that “saw the world through the prism of law” (128), Kostal explains, the Jamaica affair was a crucible for determining whether the British Empire could balance out—and thereby justify—its Imperial ambition by fidelity to the rule of law. To contemporaneous minds, the civil liberties of British subjects

at home could only be viewed as safe if legal safeguards were also abided when quelling dissent abroad.

Kostal also persuasively links the Jamaica affair to the political context of the day. He describes how some saw Gordon's plight as a warning for the safety of Radical politician John Bright, himself a Jamaica Committee founder and supporter of the fiercely debated Second Reform Act Bill. *A Jurisprudence of Power* likewise explains how, for the Jamaican white minority, the backdrop of the catastrophic 1857 Sepoy Mutiny in India exacerbated concerns over the potential consequences of local unrest.

Two critiques slightly offset the above well-deserved praise. First, for a book that inexorably is about racial relations, Kostal does not sufficiently plumb the issue of why the main protagonist held racist beliefs regarding black Jamaicans. We are told that much like many fellow Victorians, Eyre viewed non-whites as intellectually and morally inferior. Fair enough, but Eyre's time as a colonial official in Australia was characterized as tolerant and enlightened. His perspective changed upon appointment as Lieutenant Governor of the Caribbean island of St. Vincent. It presumably worsened in Jamaica. Some treatment of why Eyre considered Aborigines capable of being "civilized" to the point that he brought two boys back to England for formal education, but deemed Jamaican blacks as less than human is warranted (even if not to the depth of work by Geoffrey Dutton, Julie Evans or Douglas Lorimer). Second, Kostal has done an exceptional job of mastering and synthesizing a mountain of archival and secondary materials. A formidable storyteller, Kostal recounts this research with such elegance and wit that one wishes he related more of the narrative in his own voice than through abundant quotations. In the event, this remarkable book is worthy of much acclaim.

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