Agrarian Discourse in Imperial Context: landed property, Scottish stadial theory and indigenes in early colonial Australia

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I INTRODUCTION

This article first traces the genesis of an "agrarian discourse" in its Scottish context in the eighteenth century through the work of various theorists and agriculturalists - primarily Henry Home, Lord Kames - while linking it to the rise of stadial theorising about the course of human development. Secondly, the paper will trace how a particular conception of property was in many ways theoretically contingent upon thinking about land in an agrarian context. What will be termed the "agricultural argument" encompasses the proposition that in order to establish property in land – though a specific form of individual, exclusive property right – cultivation or agriculture was seen to be a necessary prerequisite within the realms of stadial theory.[1] Such an agricultural argument is a commonplace in Australian historiography in relation to why indigenous interests in land were not recognised in the early colonial period and beyond. However, its specific late eighteenth-century form - expressed through a particular Scottish idiom of landed property and stadialism - has often been neglected in favour of its Lockean relations and will form the basis of this paper.

Scottish stadial theorising is particularly interesting to trace within the Australian colonial context because of the perceived complete lack of agricultural land use on the part of indigenous inhabitants.[2] Consequently, arguments relating to cultivation as opposed to the indigenous hunting economy are highlighted by the very contrast they provide. Furthermore, the character of debates in New South Wales about the best form of land use for the colonists to pursue, pastoralism or agriculture, offered an ironic twist to the question of indigenous relationships to land. The stadial sequence with its varying modes of subsistence could arguably be seen in three different stages in one relatively small colonial possession.

II AGRARIAN DISCOURSE

Both agricultural and improvement discourse have long been seen as significant within Britain's domestic history. However, their applications, influence and mutations are only beginning to be noticed in the broader imperial sphere, particularly within the second British empire, post-1780. As Richard Drayton has recently argued, the notion of "the improvement of the world" was related in complex ways to the domestic

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1 The term "agricultural argument" is used by Thomas Flanagan in "The Agricultural Argument and Original Appropriation: Indian Lands and Political Philosophy" (1989) 22 CJPS 589.

2 See Banks, *The Endeavour Journal of Joseph Banks* (Beaglehole ed, 1962) 113, 128; Cook, *The Voyage of the Endeavour 1768-1771* (Beaglehole ed, 1955) 396-397; Tench, *1788: Comprising A Narrative of the Expedition to Botany Bay, and A Complete Account of the Settlement at Port Jackson* (1789, Flannery ed, 1996) from the 1789 text, 53; Bennett, *Wanderings in New South Wales, Batavia, Pedir Coast, Singapore, and China* (1834, facs ed, London, 1967) 172.

improvement movement, and also that an "imperialism of 'improvement'" ordered "enclosure at home and expansion abroad".[3] C A Bayly has also argued that an "agrarian patriotism", related to the moral and practical significance of agriculture in Britain, and specifically Scotland, was a key doctrine of empire in the late eighteenth century.[4] Both accounts are richly suggestive of a broader imperial agricultural or agrarian discourse which, though closely integrated into the domestic improvement movement, was flexible enough to act as one of the foundational assumptions of British colonisation in New South Wales.

Definitions

"Agrarian discourse" encompassed a wide range of thought associated with ideas concerning developing scientific methods of agriculture along with agricultural practice in the eighteenth-century British context. However, most relevant for present purposes are the theoretical constructions of the significance of agriculture in the path towards human and social development in short stadialism within Scottish thought. This paper traces the latter aspect of this agrarian discourse, specifically the way in which agrarian categories were ordered in the hierarchical schema of conceptions of property within stadial theory.

The Agricultural Argument

The contours of the argument were simple. In order to establish property in land, cultivation was necessary. It also involved a very specific form of individual, exclusive property interest, opposed to common or usufructary rights**.** As is well known, in stadial theory, property passed through several stages as society was seen to progress from an economy or mode of subsistence based upon hunting, to pastoralism, then agriculture and finally the highest commercial stage.[5] Forms of personal property could exist in the hunting or pastoral stages. Landed property, however, was seen to emerge only with agriculture, as were recognisable government and law.[6]

The Agricultural Approach in Stadial Theory

The moment of transformation in terms of conceptions of property in land arrived with agriculture in stadial theory. Kames noted that "[a]griculture, which makes the third stage of the social life, produced the relation of land-property".[7] Other theorists held similar views. John Millar wrote that agriculture "obliges men to fix their residence in the neighbourhood of that spot where their labour is chiefly to be employed, and thereby gives rise to property in land, the most valuable and permanent species of wealth".[8] Robertson wrote that the "institution suited to the ideas and exigencies of tribes, which subsist chiefly by fishing and hunting, and which have as yet acquired but an imperfect

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3 Drayton, *Nature's Government; Science, Imperial Britain and the 'Improvement' of the World,* (2000) xv-xvi.

4 Bayly, *Imperial Meridian* (1989) 85.

5 On stadial theory generally see Meek, *Social Science and the Ignoble Savage* (1976); Berry, *Social Theory of the Scottish Enlightenment* (1997); Stein, *Legal Evolution: The Story of an Idea* (1980).

6 Recognisable of course to European colonisers in the contemporary European sense of government and law.

7 Home (Lord Kames), *Historical Law Tracts* (4 ed, 1792) 104.

8 Millar, *Origin of the Distinction of Ranks,* (4 ed, 1806) 67

conception of any species of property, will be much more simple than those which must take place when the earth is cultivated with regular industry, and a right of property not only in its productions, but in the soil itself, is completely ascertained".[9]

Robertson, in keeping with other theorists, placed significant qualifications on what exactly was able to constitute the kind of agriculture that produced conceptions of property in the full agricultural stage. It had to form the main or primary mode of subsistence. In his analysis of Native Americans in North America he elaborated at some length. In America, Robertson noted that "we scarcely meet with any nation of hunters, which does not practise some species of cultivation".[10] However, he observed that for the Native Americans hunting or fishing remained the main occupation, and such agriculture is "neither extensive nor laborious. As game and fish are their principal food, all they aim at by cultivation, is to supply any occasional defect of these".[11] Smith likewise explained in his *Lectures on Jurisprudence* that the "women plant a few stalks of Indian corn at the back of their huts. But this can hardly be called agriculture".[12] The land was not regarded as having been appropriated, as it was not enclosed, used individually, or upon a large and regular scale. More importantly, it involved no great expenditure of industry or labour. Necessity would ultimately (though not yet) surmount "the abhorrence of labour natural to savage nations" to compel them "to have recourse to culture, as subsidiary to hunting".[13] Industry and labour were regarded as crucial aspects of the emergence of private property in land in the agricultural stage. Such "savage nations" lacked "industry or foresight" to the extent thought necessary for the immediate progression to the full agricultural stage.[14]

III INDIVIDUAL PROPERTY

Property signified "a peculiar relation betwixt a person and certain subjects".[15] It was essentially an individual relationship. Kames further explained that a "man who has bestowed labour in preparing a field for the plough, and who has improved that field by artful culture, forms in his mind an intimate connection with it. He contracts by degrees a singular affection for a spot, which in a manner is the workmanship of his own hands".[16] Though land in common is noted at several points throughout his texts, this form of tenure is associated both with backwardness and a poorly developed society and mode of subsistence.

When societies remained hunters or shepherds property could be nothing other than common. Kames argued that there could be no conception of property in land prior to the agricultural stage. "In the first two stages of the social life, while men were

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9 Robertson, *The History of America* (6 ed, 1792), vol II, 111.

10 Ibid at 117.

11 Ibid at 117-118.

12 Smith, *Lectures on Jurisprudence* (Meek, Raphael and Stein, eds, 1978) Lectures (A), 15. See also Lectures (B), 459.

13 Robertson, supra note 9, 117.

14 Ibid at 117. James Anderson also saw industry as crucial: "The highest benefits that man derives from civil institutions, are safety to his person, and security of property; and human industry is always found to be nearly in proportion to the degree in which these privileges are enjoyed in every country on the globe" in Anderson, *Essays Relating to Agriculture and Rural Affairs* (1777) vol III, 90.

15 Home, supra note 7*,* 88-89.

16 Ibid at 104.

hunters or shepherds, there scarce could be any notion of land-property".[17] They were "[s]trangers to agriculture… [and] wandered about in hords [sic], to find pasture for their cattle".[18] Without precise attachment to a determinate piece of land, Kames argued that in "this vagrant life, men had scarce any connection with land more than with air or water".[19] The metaphoric quality of this sentence lies in his comparison of land with things that are paradigmatic common resources. Robertson agreed with Kames that hunters could have no conception of property in land. "Nations which depend upon hunting are, in a great measure, strangers to the idea of property".[20] Adam Ferguson divided the ages prior to the agricultural stage into the savage and the barbarian. Hunters remained savages, while shepherds graduated to the category of barbarian. The distinction is relevant to capacity for or presence of property in each. The "savage…is not yet acquainted with property", while the "barbarian" is aware of property though not "ascertained by laws", it is "a principle object of care and desire".[21] Those who "intrust [sic] their subsistence chiefly to hunting, fishing, or the natural produce of the soil…have little attention to property, and scarcely any beginnings of subordination or government".[22] For Ferguson the only "subjects of property" to the hunter will be "the arms, the utensils, and the fur, which the individual carries".[23]

Civic Humanism versus Natural Jurisprudence

Within intellectual history it is generally accepted that two particular languages are important for our understanding of the Scottish Enlightenment: civic humanism and natural jurisprudence.[24] The two interpretations have largely remained independent of each other, and John Pocock has pointed to this problem.[25] Many historians, following the work of Pocock, have tended to focus upon the former language in eighteenth-century Scotland.[26] However, the language of natural jurisprudence was also widely used in this period, particularly in the context of early modern natural law thinking, which constituted an important influence on the development of Scottish stadial theory. Stadial thinkers, including Kames, may be read within this language of natural jurisprudence.

Though the agricultural argument typical of stadial theory echoed John Locke's labour theory of property, the sequential movement through four distinct stages and the definition of property interests in each marked it out as a novel conception of property expressed in a Scottish stadial vernacular.[27] Jane Rendall has noted that Adam Smith and John Millar no longer used the state of nature and the original contract as

17 Ibid at 103.
18 Ibid.
19 Ibid.
20 Robertson, supra note 9, vol II, 130.
21 Ferguson, *An Essay on the History of Civil Society* (1767, reprinted 1995) 81.
22 Ibid.
23 Ibid.
24 Pocock, "Cambridge paradigms and Scotch philosophers: a study of the relations between the civic humanist and the civil jurisprudential interpretation of the eighteenth-century social thought" in Hont and Ignatieff (eds), *Wealth and Virtue* (1983) 235-252; and Haakonssen, "Natural Jurisprudence in the Scottish Enlightenment: Summary of an Interpretation" in MacCormick and Bankowski (eds) *Enlightenment, Rights and Revolution* (1989) 36.
25 Pocock, supra note 24.
26 See for example Robertson, *The Scottish Enlightenment and the Militia Issue* (1985); Phillipson, "Propriety, property and prudence: David Hume and the defence of the Revolution" in Phillipson and Skinner (eds) *Political Discourse in Early Modern Britain* (1993) 302-320.
27 See Locke, *Two Treatises of Government* (1690, reprinted 1977).

explanatory tools, but rather depended on changes in the economic bases of society to explain development and progression.[28] Kames likewise favoured alternative explanations. A perennial problem within accounts of the emergence of society and property in the natural law or natural jurisprudential tradition had been the question of the original appropriation of property. Devices such as the state of nature and original contracts had earlier guided theorists out of this quagmire, though Kames managed to avoid it altogether with, first, his evolutionary grasp of societal development, and secondly, his Pufendorfian conception of natural sociability which precluded the sharp division between a solitary primeval state of nature and a later compact which drove so-called solitary man into civil society. In the *Sketches* he argued that "there is in man an appetite for society, never has been called into question".[29] The fact that "men are endued with an appetite for society" he illustrates by reference to the "inhabitants of that part of New Holland which Dampier saw".[30] Even they "live in society, tho' less advanced above brutes than any other known savages; and so intimate is their society, that they gather their food, and eat, in common".[31] Kames' underlying notion of property as a gradually evolving individual moral sense (as well as a material fact) avoided the question of consent for the division of property – a perennial problem in the Lockean and Grotian versions of original appropriation.

IV QUESTIONS WITHIN AUSTRALIAN HISTORIOGRAPHY

Arguments about indigenous peoples' property rights – or the lack of such – in the early years of British colonisation have been a longstanding issue within Australian historiography. Though the question has become a central element of historical debate since the emergence of Aboriginal histories from the 1970s, prior historical narratives tended to subsume the question into a national story of progress in which British settlement was an unquestioned given within this body of thinking. In effect, indigenes' rights were a non-issue as they themselves were effectively written out of national Australian histories from the early decades of the twentieth century. If the issue was addressed, indigenes were regarded to have no such property rights as a result of their purported "savage" state, most often identified by their nomadism and failure to cultivate the soil. In W E H Stanner's now famous phrase, a "great Australian silence" had developed around indigenes. He defined this as "a structural matter, a view from a window which has been carefully placed to exclude a whole quadrant of the landscape. What may have begun as a simple forgetting…turned under habit and over time into something like a cult of forgetfulness practised on a national scale".[32]

This perspective is relevant to the question of property rights given the implicit agreement amongst historians of Australia prior to the 1970s that the aborigines were disqualified from possessing property rights due to their non-agriculturalist status.[33] As Australia's indigenes were written out of a national historical narrative, the justifications

28 Rendall, *The Origins of the Scottish Enlightenment* (1978) 150.

29 Home, *Sketches of the History of Man* (2 ed, 1778) Vol II, 153. See also "Man by his nature is fitted for society" in Home, supra note 7, 89.

30 Home, supra note 29, vol II, 172.

31 Ibid.

32 Stanner, *After the Dreaming* (1969) 25.

33 The argument has a long lineage in both the nineteenth and twentieth centuries – the history of which cannot be dealt with here. See Griffiths, *Hunters and Collectors: The Antiquarian Imagination in Australia* (1996) for some aspects of Stanner's "silence".

that had most often underpinned their dispossession from the continent – namely the agricultural argument – also became an implicit element of these narratives and were generally not specifically enunciated.[34]

Henry Reynolds' *The Law of the Land* was written in opposition to such a dominant historical narrative, and it is not surprising that he chose to combat the agriculturalist argument through the view that a form of indigenous possessory title could (and should) have been recognised by the British government on the contemporary criteria of both international and the English common law in the late eighteenth and early nineteenth centuries.[35]

Reynolds sought to make two main arguments in favour of the recognition of indigenous rights to land by officials in the Colonial Office and contemporary settlers. The first can be characterised as a kind of possessory title argument: that the indigenes could be considered to have been in possession of their land in the European sense of the term upon British colonisation in 1788. He marshalled extensive evidence from jurists who wrote between the seventeenth and twentieth centuries to support his view, which was based on principles of possession and occupation in both the English common law and international law.[36] Reynolds was arguing against the agricultural argument, and in consequence tended to overstate the evidence supporting what may be termed his possession-based property argument. His second argument was based upon a reading of evidence which he argued suggested that certain, limited, interests in land were recognised by contemporaries. However, he failed to adequately distinguish the range and diverse kinds of property interests which contemporary sources employed. Reynolds failed to sufficiently contextualise the theories of property of the time with which he was dealing. This problem seems to be a result of the fact that our understanding of such theories and conceptions of differing kinds of property have not been properly analysed in historical work to date.

In relation to the earlier period of discovery and settlement, Reynolds did not pay sufficient attention to the intellectual context, particularly when assessing which body of law or ideas may have been thought to apply to indigenous peoples in the late eighteenth and early nineteenth centuries. He anachronistically assumed that principles of possession that governed English law would (or should) be applied in a context where indigenous or native peoples were commonly regarded to exist in a lower state of existence or what some liked to call a state of nature.[37] Reynolds spent only two pages on stadial theory, though references to the agricultural argument were studded throughout the text.[38] He did acknowledge the omissions in his own argument to some extent, when he wrote "[t]heir occupation, their possession was overlooked for two distinct reasons – European ignorance and European philosophical ideas".[39] He briefly referred to these ideas in a section in Chapter One entitled "A State of Primeval

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34 See for example Evatt, "The Legal Foundations of New South Wales" (1938) 11 ALJ 409, in which the indigenes were not mentioned at all. Other, more historical, works also contained few references in the same period. See, for example, Scott, *A Short History of Australia* (1916, reprinted 1950); Shaw, *The Story of Australia* (1955); Pike, *Australia: The Quiet Continent* (1962). For a general appraisal of the presence and treatment of indigenous peoples in Australian historical work during the twentieth century, see Broome, "Historians, Aborigines and Australia: writing the national past", in Attwood (ed) *In The Age of Mabo* (1996) 54.

35 Reynolds, *The Law of the Land* (2 ed, 1992).

36 Ibid at 7-54.

37 See, for example, Cook's view that "[w]e are to Consider that we see this Country in the pure state of Nature, the Industry of man has had nothing to do with any part of I" in Cook, supra note 2, 396.

38 Reynolds, supra note 35, 24-25.

39 Ibid at 22.

Simplicity", yet his references were brief and did not provide sufficient context – particularly why such thinking proved dominant in relation to British perceptions of the indigenous lack of property interests.

Despite the lack of weight Reynolds accorded to the agricultural argument, it remained as a subtext throughout the book, in the sense that he was constantly attempting to combat its influence as an underlying assumption of attitudes towards the indigenous capacity for property rights, as outlined earlier in relation to dominant twentieth-century historical narratives. At the heart of his argument was the belief that he was rescuing a forgotten tradition of oppositional voices.[40] "A minority of settlers took the view that the Aborigines were… the proper, the legitimate owners of the soil and British usurpers and brigands".[41] However, and this qualification is crucial, the "great majority continued to accept that Europeans had a right to colonize the world, to turn 'waste' lands to better use and to subdue and replenish the earth".[42] While Reynolds understandably devoted his book to recovering and mapping the contours of this lost tradition, the consequence was that dominant attitudes towards property and indigenous society were, in turn, submerged under the weight of evidence he mobilised in favour of his own position. Through a process which may be seen as a corrective, I explore the theoretical genealogy of views concerned with an agrarian vision of landed property which assisted in ensuring that the possessory principles Reynolds outlined were not generally used in the early Australian context.

V THE LAW OF NATIONS AND OCCUPATION VERSUS CULTIVATION

While agriculture was central to accounts of the stadial progression of societies, and as such was often regarded as necessary in order to establish proprietary rights over land, in the contemporary context of the law of nations jurists were divided over the criteria or acts necessary for so-called savage or indigenous peoples to have established property over the lands on which they were variously seen to either "range over" (in terms of so-called nomadic peoples) or to occupy. It was a complex debate, yet in essence may be reduced to two main arguments. As Reynolds and others including Kent McNeil have argued,[43] it appears that the majority tended towards the view that occupation sufficed (leaving aside the vexed point of whether such occupation established communal or individual interests in land; let alone the evolving concept of sovereignty) though a strand of thought in the eighteenth century most often identified with the Swiss jurist Vattel demanded that only agricultural land use could establish indigenes' rights to the exclusion of other, colonial, nations.[44]

Thus the intellectual bounds of such arguments may be reduced to two main headings: first, an occupation- or possession-based conception of property; and second, a cultivation-based conception. The latter, expressed through a particular form of agrarian discourse within Scottish stadial theory in the late eighteenth-century, was often echoed by early observers and colonists when discussing the lack of indigenous

40 This theme (almost Thompsonian in its sensitivity to resurrecting the perspectives of the losers of history) runs throughout his books. Also see Reynolds, *Frontier: Aborigines, Settlers and Land* (1987).

41 Reynolds, supra note 35, 73.

42 Ibid.

43 Ibid. See also McNeil, *Common Law Aboriginal Title* (1989).

44 De Vattel, *The Law of Nations* (2 ed, 1834).

capacity or ability to possess land in a recognisably private, individual and exclusive manner – primarily as a result of their ignorance of the arts of agriculture.[45] Though clearly having precursors who used a similar "agricultural argument" (Locke as well as Vattel) it was increasingly expressed in a Scottish idiom of agrarian property that drew upon the language of natural jurisprudence within the stadial tradition. The Scottish stadial vernacular is important precisely because it constituted a discourse or idiom within, and emanating from, the British empire that provided an apposite explanation and justification of how and why colonies of "settlement" from the late eighteenth-century could be appropriated into British hands.

Although the two discourses existed side by side, the question that remains is which contemporary observers most often applied to Australia's indigenous peoples. The following will answer this question by way of an analysis of both as used by the Scottish philosopher Lord Kames, and point to the different contexts in which the two discourses operated in the late eighteenth and early nineteenth centuries.

VI HENRY HOME, LORD KAMES

Lord Kames' work is interesting primarily for his use of divergent justifications and emphases when discussing landed property in different texts and contexts. He used two distinct idioms of property in his texts – the agrarian natural jurisprudential idiom and the occupation/possession idiom. Each placed varying emphases upon the criteria thought necessary to establish and justify landed property, and the former constituted an integral part of a widespread "agrarian discourse" that has been detailed above. Through Kames's intermixture of philosophy, legal theory, and practical agricultural writings, he developed a form of stadial theory that was heavily dependent upon natural jurisprudential narratives for the course of human development. As such, his view of property, established in an original theoretical sense, of original appropriation (of lands from the theoretical "common"), rested more upon the criterion of cultivation than what may be seen as the competing criteria of possession and occupation.[46]

Kames' most comprehensive versions of stadialism are in the *Historical Law Tracts* (1758) and *Sketches of the History of Man* (1774).[47] While his earliest and most interesting account was in the *Tracts*, a brief comparison with the *Sketches* suggests that the two should be understood within different contexts. In R L Meek's so-called "materialist" interpretation of stadial theory, the *Tracts* are seen as a standard account.[48] While this is true of its general outlines, it appears that the role of Kames' moral philosophy has not been adequately understood in his stadial conceptualisation of the progression of society through the development of the sense of property. His account in the *Sketches* is a much more materialist version, drawing extensively upon typical material aspects such as food, population, climate and necessity that are seen to operate

45 See supra note 2.

46 Kames' significance extends to his place within a tradition of Scottish agricultural writers who melded agrarian theory and practice, including James Anderson, James Hutton and Sir John Sinclair, all of whom in various ways further developed Kames' agricultural and improving visions, continuing the Scots agrarian intellectual and practical tradition, and in turn the dissemination of "agrarian discourse", within both Britain and Scotland, as well as the wider colonial realm.

47 Home, supra note 7; Home, supra note 29.

48 Meek, supra note 5, 102-6.

as factors driving a society from one mode of subsistence to the next.[49] In the *Tracts*, these elements are largely neglected in favour of a history of the individual moral sense – in essence the development of the individual's capacity for civilised existence. This is in turn itself a history of the emergence of law, property and government, where the appearance of such institutions is only made possible by the emergence of the individual's capacity for these elements of civilisation.

However, both emphases are important in different ways in explaining the progression of different aspects of society and the individual's (and thus society's as a whole) capacity for property, law and government. In material terms, an increase in population will put pressure on a people to seek out a new mode of subsistence, as will elements such as climate and forms of foods available in the general environment. In contrast, Kames's chapter on property in the *Tracts* is overtly concerned to explain the emergence of conceptions of property, at first outside the realm of law or government, but ultimately progressing towards sophisticated juristic relationships in the agricultural and then the commercial agricultural stages of society.

The apparent paradox concerning Kames' emphasis upon agriculture is that in the *Tracts*, when he delved into modern practical issues in Scots, English and Roman law, the relevant principles of possession and occupation were far more prominent than those of cultivation.[50] When he discussed existing legal systems and legal problems, laws governing the ordering and transmission of landed property rights – which were for the most part based upon principles of occupation – came into play. On the other hand, when he was engaged in a discussion, description or conjecture upon a society not yet governed by a sophisticated or indeed any legal system (or government) at all, the language of natural jurisprudence, and cultivation, became prominent. Such a dichotomy echoed the division between an agrarian conception of property in land in which only cultivation was held to confer full rights of property in the soil, and the well-established principles of most legal systems in Europe in this period. In short, in a society past the agricultural stage – with full institutions of property, government and a developed system of law – the principles of possession and occupation were seen to apply. Yet, with a so-called "savage" society that was perceived to be pre-agricultural, principles governing the development of societies in an embryonic early stage were thought relevant. In pre-agrarian societies, only cultivation could constitute a claim over land that would be recognised within the bounds of this theoretical schema of stadialism.

VII CONCLUSION

It is through a reading of one Scottish theorist of the eighteenth-century that we can see how the two arguments of cultivation and occupation-based property interrelate, and more importantly, interact, when indigenous peoples are situated and categorised within stadialism as below the level of a propertied agrarian society with recognisably European-style government and laws. It is these two distinct arguments that run through the work of both certain contemporary Scottish stadial theorists and the historiography, best characterised by Reynolds's work, discussed above. It is important to understand their interrelationship, particularly within the context of stadialism and agrarian

49 Home, "Progress of Food and Population" in supra note 7, vol I, 85.

50 For example his discussion of the transfer of goods, title and the *bona fide* purchaser: Home, supra note 29, 92-93.

discourse, not only in terms of an historiographical revision of Reynolds's work, but also in terms of understanding eighteenth-century theoretical constructions of indigenes within a sensitively reconstructed historical context.