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Joseph Bockrath

Louisiana State University, Paul M. Hebert Law Center, jbockrath@lsu.edu

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LAW ON REMOTE ISLANDS: THE CONVERGENCE OF FACT AND FICTION

JOSEPH BOCKRATH*

I.

Indeed, the island wilderness is the home of romance and dreams and mystery.

—Mark Twain¹

Virtually everyone is haunted by the presence and lure of islands.² Consider, for example, Rachel Carson:

Isolated islands in the sea are fundamentally different from the continents . . . islands are ephemeral, created today, destroyed tomorrow. With few exceptions they are the result of the violent, explosive, earthshaking eruptions of submarine volcanoes, working perhaps for millions of years to achieve their ends. It is one of the paradoxes in the ways of the earth and the sea what a process seemingly so destructive, so catastrophic in Nature can result in an act of creation.³

And it is not simply a matter of their physical presence. We phantasize about islands because of the societies we expect to be found there. Whether island societies are different because they are so isolated, or for still some other reason, they are, unlike what we might assume, often volcanic and violent, as are their residents. Isolation can have strange effects.⁴ Yet, insularity, profound in different ways, may allow new societies to emerge, societies with individuality, character, distinction, complexity, and weirdness. As Paul Theroux, the travel writer and novelist, puts it: "The ideal island is a whole world, and what a world.

* R. Gordon Kean Professor of Law, LSU Law Center.

¹ Mark Twain, *FOLLOWING THE EQUATOR* (Ecco Press, 1992)(1887).

² On island lore, mythology, religious influence, geology, and its influence on art (and more), see Seon Manley, *ISLANDS: THEIR LIVES, LEGENDS, AND LORE* (Chilton Book Co., 1970).

³ Rachael Carson, *THE SEA AROUND US* (Oxford University Press, 1951).

⁴ It can also produce tedious books. See e.g., Tom Neale, *An Island to Myself* (Holt Rinehart and Winston, 1966) an account of the author's stays alone (from Oct. 1952-June 54 and April 1960-Dec. 1963) on Savarov, an atoll almost in the center of the Pacific, five hundred miles north of Rarotonga, and two hundred miles from the nearest inhabited island. Neale's story is, of course, less compelling because he had no one to interact, for better or worse, with. Neale's time on Savarov is also recounted in the *Hermit of Suvarrow* and in *Castaways in Paradise* by J. C. Simmons.

Size is incidental. Where insularity is concerned, completeness is everything, and even a tiny island may contain multitudes."⁵

Islands born of natural fury of unimaginable power give rise to societies that must deal with those who are drawn to island life and the hidden human forces set free by isolation. An island world may be "but a small version of a war-torn adult world,"⁶ but they are also worlds, Theroux tells us, which

breed a unique kind of peacemaking and politeness. Rudeness tends to be a big-city survival technique—a form of assertiveness on the expedient of people who know they can disappear into the hinterland. . . . For better or worse, islanders are family members and for their own sanity try to practice conflict avoidance.⁷

This may be true for mature island societies but does it hold as well for island societies still in their formative stages? Are the first settlers family, in the sense Theroux uses the word, or does the isolation and lack of hinterland unleash primal, island-like volcanic forces (with chaos and mayhem to follow)?

Charles Darwin and Alfred Russel Wallace conducted studies on isolated islands and where better to see the evolutionary development of creatures shaped by innate characteristics, chance, environment and violence. Oddity abounds in island evolution, from the Galapagos tortoise, to "cases of evolutionary dwarfism as of small ice age elephants marooned on Mediterranean Islands."⁸ Should we think that the evolution of human behavior and the rules which govern it on isolated islands would be different?

In a nation consumed by a tidal wave of law, in an era when we attempt to solve so many of our problems with legislation, we may lose sight of the fact that "legalization," be it marijuana or abortion, requires first that it be declared illegal.⁹ The nature of law and its sources, and the nature of man and our need for law, is a subject of a longstanding

⁵ Paul Theroux, *ISLANDS 3* (Capra Press, 1992).

⁶ L. L. Dickson, *THE MODERN ALLEGORIES OF WILLIAM GOLDING* 12 (University of South Florida Press, 1990).

⁷ Theroux, *supra* note 5, at 9.

⁸ Noel Boaz, *ECO HOMO* (Basic Books, 1997).

⁹ In my introductory course in constitutional law, and occasionally in others, I often begin with a discussion of "legalization" in an attempt to provoke a discussion of the source of freedom, and am often surprised, not to say confounded, by the easy acceptance of the notion that freedom, at least in the Western sense of absence of restraint, is somehow the product of government action. Puzzling over this matter I began this study of islands with the idea of exploring the relationship of "freedom from" and "freedom to" in a society.

inquiry and no resolution. But the question of how people might embark on the clean slate of an uninhabited island, how they would organize themselves, and whether they would revel in the absence of restraint or degenerate into chaos depend not only on man's primal nature but who the settlers themselves are. The legal slate may be clean, but people's mind are not. John Locke opined that "the woods and forests, where irrational, untaught, inhabitants keep right by following nature, are fitter to give us rules, than cities and palaces. . . ."¹⁰ True or not, new inhabitants of unpopulated islands came from somewhere, loaded with baggage, and their new found lack of external restraint can result in savagery. Locke observed that, "Thus far can the busie mind of man carry him to a Brutality below the level of Beasts, when he quits his reason, which places him almost equal to angels."¹¹

Do people stranded on a deserted island follow the dictates of reason, revert to savagery, attempt to apply whatever law they were accustomed to, or develop a new legal regime suitable to new circumstances? Perhaps one's internal moral compass will suffice, but then, not everyone has one, or if they have one it may not function adequately. In the adventure novel *She*, H. Rider Haggard has the narrator speak of a monarch unconstrained by law or moral sense of right and wrong:

But her talk gave me a fresh thrill of fear, for what may not be possible to a being who, unconstrained by human law, is also absolutely unshackled by a moral sense of right and wrong, which, however partial and conventional it may be, is yet based, as our conscience tells us, upon the great will of individual responsibility that marks off mankind from the beasts?¹²

What indeed?

¹⁰ Locke, *First Treatise* § 58, in John Locke, TWO TREATISES OF GOVERNMENT 201 (Cambridge University Press, 1963).

¹¹ *Id.*

¹² H. Rider Haggard, *SHE* (Wordsworth Classics, 1995)(1887). Haggard not only wrote entertaining novels, he also knew first-hand about law. Born in 1856, he served the British government in South Africa from 1875-1879, then returned to England to study law, and was called to the Bar in 1884. The 1885 publication and success of *King Solomon's Mines* persuaded him to abandon law to write, very successfully, more than 40 novels. Haggard also knew first hand the dangers of colonialism and was knighted in 1912 for his writings on colonial migration.

That reliable order and civility must have roots in the human heart to be effective and enduring is a recurring theme from Chuong-Tzu¹³ to Shakespeare¹⁴ and a glance at any newspaper suggest that law without an underlying moral or social compact is impotent. As William Golding put it, "They (Jews) were not done by the headhunters of New Guinea, or by some primitive tribe in the Amazon. They were done, skillfully, coldly, by educated men, doctors, lawyers, by men with a tradition of civilization behind them, to beings of their own kind. . . ."¹⁵

From where then, might new residents of uninhabited islands find the code by which to live and which might thereafter form the basis of law. Religion seems a likely candidate.

If God does not exist, then everything is permitted.
—Doestoevsky¹⁶

Really? Richard Feynman,¹⁷ a Nobel Laureate in physics and about as close to a Renaissance man as the 20th century produced, saw the need for God differently. Feynman identified three aspects of religion: the metaphysical (what and where of men and God); the ethical (how to behave); and the inspirational (necessary for the weak). But he notes, "suppose God isn't there: Isn't it interesting that the moral and ethical values have survived almost intact?"¹⁸ This notion that morals and values exist apart from a deity was also noted by Haggard in *She*:

The religions come and the religions pass, and civilizations come and pass, and naught endures but the world and human nature. Ah! If men would but see that hope is from within and not from without—that he himself must work out his own salvation! He is there, and written him is the breath of life and knowledge of good and evil as good and evil is to him. Thereon let him build and stand erect, and not cast himself

¹³ Chuong-Tzu (about 369-286 B.C.) was the founder of Taoism. He is quoted in Derek Bryce, *The Mystical Way of the Arthurian Quest* (Samuel Weiser, 1986), as saying, "perfect peace cannot reign in this world until people seek the cause of their own ills in their own interior imperfection."

¹⁴ "Men at some time are masters of their fates: The fault, dear Brutus, is not in our stars, but in ourselves, that we are underlings." Cassius speaking in the *Tragedy of Julius Caesar*, Act I, Scene 2.

¹⁵ William Golding, quoted in Dickson, *supra* note 6, at 25.

¹⁶ This quotation is often attributed to Doestoevsky's Ivan Karamazov in *The Brothers Karamazov*. While it sounds like something Ivan might have said, a search of the book, both in French and English translations discloses no such statement.

¹⁷ Richard Feynman (1918-1988) was a Nobel winner in 1965 for his work in quantum electrodynamics. Feynman's life was compactly summed up by the title of James Gleick's biography, *Genius* (Pantheon Books, 1992).

¹⁸ See Richard Feynman, *THE MEANING OF IT ALL* (Persous Books, 1998).

before the image of some unknown God, modeled like his poor self, but with a larger brain to think the evil thing, and a longer arm to do it.¹⁹

The existence of a God, however, is hardly a guarantee of moral conduct, even if one purports to follow the rules. Indeed, perhaps it is in this idea that God exists that all is permitted. Just such a perspective is illustrated in the penultimate castaway story of an alien stranded on earth, on trial for the murder of a human.

- Q. So you perform no actions that are not the will of God?
 A. By definition, such a thing would be impossible. . .
 Q. Is it all right to kill?
 A. Obviously, God could prevent one form doing so if she wished; that she does not clearly means the killer must have been acting as her instrument.

* * * *

- Q. In our culture we define insanity as the inability to distinguish moral acts from immoral acts.
 A. There is no such thing as an immoral act.
 Q. So, by the definition of the human race, you are insane?
 A. Unquestionably.²⁰ Such a view would certainly cut down on guilt and the need for contrition!

II.

Life imitates art far more often than art imitates life.
 – Oscar Wilde²¹

The clear demarcation between fact and fiction, hardly clear to mainland dwellers, is all the more problematic for those who attempt to live and organize societies on uninhabited islands and who must establish their own rules to guide conduct. Thus, it seems appropriate to use both real and imaginary islands, stories both imaginary and

¹⁹ Haggard, *supra* note 12, at 145.

²⁰ Examination of Hask, Sawyer, R, *ILLEGAL ALIEN* (Ace Books, 1987). An unusual twist is attributed to the Mois people of pre-war central Vietnam. Peripatetic traveler and author Norman Lewis reported that “not only did the Mois not commit crimes but conceptions of right and wrong seemed quite incomprehensible to them. In their place – and incidentally governing conduct by the most rigid standards – were notions of what was expedient and what was inexpedient.” Norman Lewis, *THE WORLD, THE WORLD* (Henry Holt and Co., 1996).

²¹ Ralph Keys, *THE WIT AND WISDOM OF OSCAR WILDE* 45 (Gramercy Books, 1996).

historical, to further explore the law and society of newly inhabited islands. "Perhaps best of all are islands on paper."²²

The fictional tales chosen here are William Golden's allegorical novel, *Lord of the Flies*²³ and *The Coral Island*,²⁴ the novel by Robert Ballantyne on which Golden's novel was based. *The Coral Island* was based on the settlement of Pitcairn's Island by the mutineers of the *Bounty* in 1790 and the settlement of Tristan da Cunha in the South Atlantic in the same year.²⁵

Lord of the Flies and *The Coral Island* are indisputably the products of their authors' imaginations. The mutiny on the *Bounty* and the settlement of Pitcairn by the mutineers are treated as historical fact, but

²² Manley, *supra* note 2, at 228, the first sentence of the chapter entitled "To Be Cast Upon a Desert Island," which summarizes the work of Defoe, Verne, Wyss, Stevenson and others who wrote of castaways. The blurred distinction between fact and fiction is emphasized by the fact that even Robinson Crusoe is (loosely) based on the true story of Alexander Selkirk who was castaway on Mas a Tierra in the Juan Fernandez Islands, off the coast of Chile. Selkirk's tale, and many others are recounted in Edward Leslie's *Desperate Journeys, Abandoned Souls* (Mariner Books, 1988). If one looks closely at a map of the Juan Fernandez Islands, one will see an island named Alejandro Selkirk but Selkirk was never there; he was on Isla Robinson Crusoe, just to the east. The fictional Robinson Crusoe wasn't on either one; that book is set in the South Atlantic.

²³ Published in 1954 after having been rejected by 21 publishers, as had been several earlier novels. (All page references in this Essay refer to the Riverhead Books, New York edition published in 1997.) An exploration of similar themes, also in a remote fictional island setting is Aldous Huxley's last novel, *Island*, written in 1962.

²⁴ Published in 1858 and still in print today. (All page references in this paper refer to the Puffin Classics edition published in 1994). Also worthy of a mention is Euripides' *Bacchae* which appears to have been a source of many of the themes in *Lord of the Flies*.

²⁵ Another viable candidate is Palmerston, a 1 square mile atoll, and the only true atoll, in the Southern Cook group, at 18° South latitude, 163° West longitude, which soars to an elevation of 20 feet, at a spot known as the "Mountain." Palmerston was "discovered" by Captain Cook in June 1774 uninhabited although there were signs of previous habitation. Palmerston was settled by William Marsters in 1862 or 1863 along with three wives he had acquired while sailing as a ship's carpenter. To keep the peace, each wife had her own house, as did Marsters, and as each family grew he divided the land between them and set up rules for island government and intermarriage. Marsters rules as a virtual king until his death in 1899. After a brief dispute over succession the British resident at Rarotonga appointed Marster's son Joel as Magistrate. Joel led the settlement until 1956 when his son took over. Palmerston has been quietly successful. With a population now of about 50, an Island Council of Elders considers island politics and an island mayor handles day to day matters. Two government representatives coordinate matters with Rarotonga. All houses have at least part time electricity and the island receives government aid in the form of generators, a school, and community water tank. The cash crop is parrot fish and Boson bird eggs, collected to supplement the diet, are shared by all. A prohibition on guns and alcohol, along with the closely related population and sense of community no doubt help keep the peace.

the details are disputed. Much of what we think we know about the *Bounty* incident comes from the *Bounty Trilogy*, a novelized reconstruction of the events published in the 1930s.²⁶ The story told of the mutineers and the events that take place between their arrival on Pitcairn in 1780 and the world's renewed contact with them 18 years later is disputed, both in its details and its perspective as the story was relayed by the single surviving mutineer, who himself was a multiple murderer. In fact, so murky is the history of Pitcairn prior to 1808 that it has been said that: "Encarnation, Michel and San Pablo were all islands within two hundred miles of Pitcairn that were plotted on Admiralty charts until the mid-nineteenth century. Not one of them was real."²⁷

Among the factors which may influence, if not determine, how people who find themselves the only inhabitants of remote islands behave, interact, organize a society, and create legal or quasi-legal regimes, are the islands themselves, and the personal histories of those who attempt to take possession of those islands. Thus, a look at the islands and their new inhabitants.

III.

Passing Cape Horn, into the Pacific, "The captain said that he had no idea where we were, as we had been blown far out of our course. . . ."
 – The Coral Island

While the location of Robert Ballantyne's Coral Island is unknown, other than that it is in the Pacific, we are told that it is both desert and tropical, with a central mountain, a diameter of about 10 miles, and an area of about 78 square miles. There are no people on the island until the castaways, Ralph, Jack, and Peterkin arrive, but the island shows signs of prior habitation; there is an abandoned hut and its deceased occupant. How isolated the island may have been we are not told but it is visited by pirates not long after the boys arrive and is accessible by canoe to warriors from other islands.

Food is plentiful as the boys have access to bread, fruit, oysters, fish, wild pigs and presumably other animals to hunt. After being shown a coconut tree Peterkin exclaims: "Meat and drink in the same tree." From

²⁶ Charles Nordhoff & James Hall, *THE BOUNTY TRILOGY* (Little, Brown, 1932).

²⁷ Dea Birkett, *SERPENT IN PARADISE* (Anchor Books, 1997).

the wreck the boys salvaged, among other items, a pen knife, whipcord, a sailmaker's needle, a telescope, and an axe.²⁸

Clearly, the most significant contributors to whatever success the castaways on the Coral Island attained were the character and optimism of the boys themselves. While the island may, as one commentator notes "for boys and about boys, and is even narrated by a boy, or at least, by a former boy,"²⁹ the "three boys are rational, self reliant, inventive and virtuous—in short they are like no boys that anyone has ever known."³⁰

Ralph's presence on the ship, if not on Coral Island, was the result of a resolution at age fifteen to make a South Seas voyage. His father was a sea captain as was his grandfather, and his great grandfather had been a marine. Thus, the deprivations and perils of the sea were as well known to him as its attractions. Peterkin Gay is described as "little, quick, funny, decidedly mischievous and about fourteen years old," and "much beloved." Another reference places Peterkin's age at thirteen.

The third castaway on Coral Island was Jack, aged eighteen, of who Ralph says, "But Jack was very tall, strong, and manly for his age and might easily have been mistaken for twenty." Jack's relative maturity and the fact that his leadership was both welcomed and undisputed sets the relationship between the three Coral Island lads apart from their *Lord of the Flies* counterparts or the mutineers on Pitcairn, and it was, no doubt, a major factor in their relative (fictional) success and happiness. Says Ralph, of Jack's idea to cross the island to seek out the wreck of the ship, "we would have agreed to any proposal Jack made; for, besides older and much stronger and taller than either of us, he was a very clever fellow, and I think he would have induced people much older than himself to choose him for their leader, especially if they required to be led on a bold venture."

Two other characteristics of the Coral Island boys contribute to their success—racial, cultural and gender homogeneity and their initial good spirits and optimism. As Ralph stated his initial impressions, "As we now emerged from these [thick bushes] and walked down the sandy beach together, I cast my eyes about, and, truly, my heart glowed within me and my spirits rose at the beautiful prospect which I beheld on every

²⁸ In a literary allusion remarkable for its lack of subtlety, the axe is found embedded in an oar and "all of Peterkin's strength could not draw it out of the cut." "Ah! That is capital indeed, cried Jack, at the same time going the axe a wrench that plucked it out of the tough wood." Could anyone but Jack become the leader?

²⁹ Minnie Singh, *The Government of Boys: Golding's Lord of the Flies and Ballentyne's Coral Island*, 25 *Children's Literature* 205, 206 (1997).

³⁰ Samuel Hynes, "Several Interpretations of *Lord of the Flies*," in Clarice Swisher (ed.), *READINGS ON LORD OF THE FLIES* 56-64 (Greenhaven Press, 1997).

side." Peterkin's reaction was similar: "I have made up my mind that it is capital—first rate—the best thing that ever happened to us, and the most splendid prospect that ever lay before three jolly young tars. We've got an island all to ourselves. . . ." He goes on to say, "we'll build a charming villa, and plant a lovely garden round it, stuck all full of the most splendiferous tropical flowers and we'll farm the land, plant, sow, reap, eat, sleep, and be merry."

The mutineers who made Pitcairn home were young, ranging in age from 22 to 45, with most in their mid- to late twenties. Fletcher Christian was twenty-five³¹ having run away to sea at sixteen. Christian and Edward Young, twenty-seven years of age, thought by one commentator to have been innocent of mutiny,³² and are said to have been men of decent education,³³ both were officers, and were the only persons on the *Bounty's* last voyage capable of navigating her. Young, born in St. Kitts, was half West Indian, and has been referred to as the "Island Machiavelli"; he may have been involved in the subsequent massacre of five of his shipmates by the Polynesian men who arrived with them. If true, this suggests "a depth of villainy notable even in the groups of outlaws."³⁴ Reputed to be a favorite with the ladies, Young, had learned the basics of distilling spirits in the West Indies. This skill, shared with mutineer William McKoy³⁵ who had worked at a distillery prior to his sailing career, was soon put to use on Pitcairn, and led, at least in part, to mayhem and death, and, in their aftermath, to religious and moral revival.

The other mutineers on the *Bounty* appear to have been the rough and tumble types characteristic of 18th century sailors. John Adams, originally Alexander Smith, the future island patriarch, is said to have grown up in a poorhouse. Quintal and McCoy were hard cases. Quintal particularly had a history of violence and was the leader of mistreatment of the Polynesians, including his own wife. Silverman calls him "easily the outstanding heavy" in the Pitcairn cast, "despite no inconsiderable competition," and refers to mutineer Mills as a "sadistic bully-boy." Brown was a gardener's assistant and Williams an assistant armourer, the closest thing to a mechanic of the group. Even this skill,

³¹ Captain Bligh himself was only 35.

³² David Silverman, *PITCAIRN ISLAND 26* (World Publishing Company, 1967).

³³ Fletcher Christian's brother Edward was Professor of Law at Cambridge, Chief Justice of Ely and Editor of Blackstone's Commentaries. For an exhaustive biography of the Christian family see Glynn Christian, *FRAGILE PROMISE, THE DISCOVERY OF FLETCHER CHRISTIAN-BOUNTY MUTINEER* (London: Hamish Hamilton, 1982).

³⁴ Silverman, *supra* note 32, at 45.

³⁵ Various spelled M'Koy, Mickoy, & Mackay.

however, had negative consequences. As Silverman puts it, "Because his fellow mutineers placed high value on his skills, they aided him in the wife snatching which was the genesis of the carnage that almost obliterated the adult males of Pitcairn."³⁶ The type of men who would mutiny and then sail off to an unknown fate, knowing they would never see home again were tough individualistic characters, prone to violence. "It was not a fondness for authority or orders that had brought them to Pitcairn."³⁷ A propensity for disorder and violence, coupled with fear and the loss of everything past and an uncertain future would not seem to be the recipe for peaceful and happy life on a deserted island. With the volatile factors of race, culture and sex added to the mix, any promise of tranquility on their new island home vanished.

IV.

The location of the island on which the castaways found themselves in William Golding's 1954 novel *Lord of the Flies* has been the subject of some odd speculation, odd in the sense that the island is fictional. One commentator, for example, suggests that the island is located in the Sunda Sea.³⁸ This could refer to Selet Sunda between Sumatra and Java, or to the Sunda trench just west of Sumatra in the Indian Ocean, or to the sea around the Greater Sunda Islands which include Borneo and Celebes, or to the sea near the Lesser Sunda Islands in the region bounded by Southeast Java, Southern New Guinea, and Northwest Australia. Oldsey and Weintraub contend that "[t]he island seems to lie somewhere in the Indian or Pacific Ocean, probably on a line extending from England to Australia."³⁹ At least part of this is likely as the plane on which the boys traveled in an effort to escape imminent nuclear war in England stopped en route in "Gib; and Addis."⁴⁰

But these speculations fail however to note that Golding tells us that "[t]he lagoon had protected them from the Pacific."⁴¹ This would seem to eliminate the Sunda Sea, and the Indian Ocean. Further, if the flight went from London to Gibraltar and Addis Ababa it must have been

³⁶ Silverman, *supra* note 32, at 42-46.

³⁷ *Id.* at 62.

³⁸ Mark Kinkead-Weekes & Ian Gregor, WILLIAM GOLDING, A CRITICAL STUDY 22 (Faber and Faber, 1967).

³⁹ Bernard S. Oldsey & Stanley Weintraub, "Golding's Deliberately Obscure Setting," in *Readings on Lord of the Flies*, *supra* note 30, 112-115, at 115.

⁴⁰ *Lord of the Flies*, at 17. Gibraltar; Addis Ababa.

⁴¹ *Lord of the Flies*, at 118.

heading east and south. If so, and, if it was en route to Australia, it wouldn't have been in the Pacific unless it had gone seriously astray.

In short, speculation about where, other than Golding's mind, the island was, is oddly pursued and wholly unnecessary. All we really can know or need to know is that the island was in the Pacific, remote enough to draw only two passing ships in a month or so, but close enough to other land to be the site of an air battle,⁴² as the boys plane was shot down.⁴³

The island appears to have provided the boys with the necessities of life and no scarcities appear.⁴⁴ Water, fruit, coconuts, and wild pigs abound. As Kinkead has pointed out, however, the boys exploration of the island is "as it was not in the Coral Island, against a real jungle, dense, damply hot, scratching. This is not a stroll through a nineteenth-century English wood with different trees."⁴⁵

V.

The Pacific Ocean has an area of about 63,838,000 square miles and is home to more than 25,000 islands which actually exist outside of a novelist's mind, and one of them is Pitcairn, a two square mile⁴⁶ volcanic speck 1200 miles from Tahiti which is to the north and west. The nearest islands are Oneo, about 90 miles to the north and Henderson, 120 miles east, visited by Pitcairners for wood. In clear weather Pitcairn can be seen from 40 miles away as its volcanic peak rises to an elevation of 1108 feet and much of the land is steep with sheer cliffs.⁴⁷ Pitcairn lies just outside the tropics with an agreeable climate.⁴⁸

⁴² Oldsey and Weinbraub, *supra* note 39, at 115.

⁴³ *Lord of the Flies*, at 2: "We was attacked!"

⁴⁴ Kathleen Woodward, "The Case for Strict Law and Order," in *Readings on Lord of the Flies*, *supra* note 30, 88-95, at 91-92. Johnson has noted that the problem of physical existence was solved by an island rich in fruit and game with good climate. See Arnold Johnson, *OF EARTH AND DARKNESS* (University of Missouri Press, 1980).

⁴⁵ Kinkead-Weekes, *supra* note 38, at 23.

⁴⁶ By way of contrast, Hilton Head, South Carolina is 42 square miles and Washington D.C. 67 square miles. Pitcairn is closer, then, to the size of New York's Central Park which is 843 acres. A recent Pitcairn visitor, visiting Houston en route noted, "I wandered in and out of the building (of the Lyndon B. Johnson Space Center) estimating that the whole site covered up to two thousand acres, almost twice the size of Pitcairn. Birkett *supra* note 27, at 37.

⁴⁷ Of the 1,112 acres of Pitcairn 8% is flatish, 31% rolling and 34% steep slope. The cliffs rise 600-800 feet on the south shore and 300-400 feet in the north.

⁴⁸ The island does not rest in the path of reliable trade winds and has an average temperature of about 82° in the summer and 65° in winter.

VI.

On the edge of the Walvis ridge, in the South Atlantic at 39° South latitude, 12° West longitude sits the volcanic cone of Tristan da Cunha. The island is roughly circular, eight miles in diameter,⁴⁹ with virtually all of its 25 mile coastline exposed. At the base of 2000 foot cliffs there is a small coastal plain suitable for habitation. Tristan da Cunha has been called the remotest inhabited island in the world⁵⁰ as it lies 2334 km from St. Helena, not exactly on the main line itself, and 2778 km west and slightly south of Cape Town.

No indigenous population was found when, in 1506 Portuguese Admiral Tristao da Cunha landed on Tristan, and early attempts by the Portugese to settle on Tristan and neighboring islands. It was not until 1790, the same year the *Bounty* mutineers landed on Pitcairn, over 10,000 kilometers to the west,⁵¹ that Tristan hosted human inhabitants in the person of American seal hunters who stayed only for the several months of their hunt.⁵² In the following years, the island was visited often by whalers seeking meat or fresh water, and sometimes served as home to shipwrecked crews awaiting rescue.⁵³

⁴⁹ About 21 times the size of Pitcairn.

⁵⁰ The *Guinness Book of World Records* notwithstanding, the title is subject to dispute. Spence Murray notes that while Tristan is the island settlement most distant from any other inhabited place, Pitcairn "remains the champion as the most remote." Spence Murray, *PITCAIRN ISLAND, THE FIRST 200 YEARS* (Bounty Sagas Pub., 1992). Remote in this usage appears to mean inaccessible.

Tim Cahill notes that "[t]he Marquesas, a part of French Polynesia, are, in fact, the most remote islands on the face of the earth; the island group that's farthest from any continent." Tim Cahill, "The Marquesas: Beauty, Terror and Sublime Seclusion," in Theroux, *supra* note 5, at 22-33. Perhaps Cahill's definition of remote was influenced by the fact that in 1813 David Porter, an American naval officer, claimed the islands for the United States, only to have President Madison decline the offer. Remote or not the Marquesas at one time or another were home to Herman Melville, Robert Louis Stevenson, Paul Gauguin, and more recently Jacque Brel.

⁵¹ Twice that to the east.

⁵² The Tristan bibliography is rather less than that of Pitcairn, and its claim to remoteness eroded by the fact of frequent visits after 1790. This does not, however make the early Tristan story any the less strange or compelling. Much of the factual material regarding Tristan da Cunha comes from the following: Douglas M. Gane, *TRISTAN DA CUNHA* (George Allen & Irwin, Ltd., 1932); Rose Annie Rogers, *THE LONELY ISLAND* (George Allen & Irwin, Ltd., 1926); Erling Christophersen, *TRISTAN DA CUNHA, THE LONELY ISLE* (Castle and Co., 1940); Margaret Mackay, *ANGRY ISLAND* (Rand McNally & Co. 1963).

⁵³ Penguins and their eggs were easy prey for hungry castaways, and water and vegetables were available.

VII.

William Golding,⁵⁴ a son, brother, father, and schoolmaster was linked with boys for most of his life and came to understand and know them with "awful precision."⁵⁵ Golding found the Coral Island and its portrayal "of those idealized British boys, Jack, Ralph and Peterkin in their tropical paradise, to be fake, since boys are human beings, and human beings are not like that."⁵⁶

Golding's boys appear to range in age from about six⁵⁷ to thirteen and to number at least twenty. The principle characters, Ralph, Jack, and Simon, named for the Coral Island boys, and Piggy, are the older of the boys. at the high end of the age range. They are an apparently homogenous group of middle-class, white, British, public (private) schoolboys, who while being flown to safety in anticipation of an atomic war, are shot down but find themselves miraculously unhurt on an uninhabited island. There does not seem to be any racial, cultural or sexual tension. But it has also been noted that there was also "no kinship structure, no bonds of love or even close friendship," indeed, "no society, just a collection of people."⁵⁸

For a group of young boys whose airplane has just been shot from the sky and who fear that their families at home are dead,⁵⁹ their initial reactions to their situation are remarkably, and perhaps unrealistically upbeat. Almost immediately, Ralph is said to have the "delight of realized ambition overcome him," when Piggy says there are "no grown ups at all" on the island, and "forced at last to believe in the reality of the island laughed delightedly again and stood on his head." A few pages later Golding reiterates Ralph's joy. "Here at last was the imagined but never fully realized place leaping into real life, Ralph's lips parted in a delighted smile. . ."

Exploring the island with Jack, Ralph proclaims, "All ours" and the boys "laughed and tumbled and shouted on the mountain." They expect, while waiting to be rescued to have a good time on the island.

⁵⁴ William Golding, 1911-1993. Nobel Laureate for Literature, 1983.

⁵⁵ Johnson, *supra* note 44, at 80. See also, Singh, *supra* note 29, at 210.

⁵⁶ Kinkead-Weeks, *supra* note 38, at 21-22.

⁵⁷ The youngest boys are referred to as "littleuns."

⁵⁸ Woodward, *supra* note 44, at 91, 92. While the fact that many of the boys didn't know each other is evidenced by the fact they had to introduce each other, Jack was the choir leader and held sway over many of the boys from the start.

⁵⁹ "Didn't you hear what the pilot said? About the bomb? They're all dead." Piggy speaking. *Lord of the Flies*, at 9.

"It's like in a book."
 "Coral Island."⁶⁰

* * *

R. M. Ballantyne's novel *The Coral Island* is a straight forward 19th century sea adventure tale of 3 shipwrecked boys, complete with cannibal attacks, kidnaping by pirates, and damsels in distress. The optimistic, self-reliant and courageous boys prevail against all odds.

Being only three in number, the boys have little need for a governing structure⁶¹ although one, Jack, older and stronger, is the leader by default. The boys do vote on occasion⁶² but their decisions are basically made by consensus, with little or no dispute, and with constant deference to Jack's greater experience.

What little the boys salvage from the ship is held in common and no claims of ownership of anything are made. Prolonged discussion is not the norm. As Jack complained, "we are wasting our time in talking instead of doing."⁶³

The narrator, Ralph, seems to be guided by traditional Christian religious values imparted by his mother.

My heart sank within me; but at that moment my thoughts turned to my beloved mother, and I remembered those words, which were among the last that she said to me: "Ralph, my dearest child, always remember in the hour of danger to look to your Lord and Savior Jesus Christ. He alone is both able and willing to save your body and your soul." So I felt much comforted when I thought thereon.⁶⁴

The day after the shipwreck, with virtually everything of value lost, Ralph mourned the loss of his Bible.

While thus meditating, I naturally bethought me of my Bible, for I had faithfully kept the promise, which I gave to my beloved mother, that I

⁶⁰ *Lord of the Flies*, at 34.

⁶¹ The boys do speak in the language of the time, as Peterkin says, "You shall be king, Jack; Ralph, primeminister. . ."

"I have no title at all. I shall merely accept a highly responsible situation under government, for you see, Jack, I'm fond of having an enormous salary and nothing to do." *Coral Island*, at 16.

⁶² Vote here may be a figure of speech. "I vote that we row to the reef," cried Peterkin. "And I vote that we visit the islands within the lagoon," said I. "And I vote we do both," cried Jack, "so pull away, boys." *Coral Island*, at 124. "Just the very thing I was going to propose," cried Peterkin, "I vote for starting at once." *Id.* at 249.

⁶³ *Coral Island*, at 17.

⁶⁴ *Id.* at 10.

would read it every morning; and it was with a feeling of dismay that I remembered I had left it in the ship. I was much troubled with this. However, I consoled myself with reflecting that I could keep the second part of my promise to her, namely, that I should never omit to say my prayers.⁶⁵

Although the Coral Island boys did not encounter them until they had ventured to an adjacent inhabited island as the captives of pirates, the ubiquitous presence of missionaries as “civilizing” influences on the native population is a feature of the novel. After Ralph is captured by pirates, the pirate ship meets a ship with a missionary aboard. Says a pirate to Ralph:

As for missionaries, the captain favors them because they are useful to him. The South Sea islanders are such incarnate fiends that they are better of being tamed, and the missionaries are the only men who can do it.⁶⁶

It is soon apparent, however, that the islanders are hardly the only fiends in the area. In a vicious and deceitful attack, the pirates massacre the islanders.

We had not rowed off above a couple of hundred yards when a loud roar thundered over the sea, and the big brass gun sent a withering shower of grape point-blank into the midst of the living mass [of 500-600 islanders], through which a wide lane was cut, white a yell. The like of which I could not imagined, burst from the miserable survivors as they fled to the woods. Amongst the heaps of death that lay on the sand, just where they had fallen, I could distinguish mutilated forms writing in agony, while ever and anon one and another rose convulsively from out of the mass, endeavoured to stagger towards the wood, and ere they had taken a few steps, fell and wallowed on the blood sand.⁶⁷

Ralph, noticing the pirate captain’s “quiet look of indifference,” wondered “whether it were possible for any missionary to tame him.”⁶⁸ The missionaries have little or no influence on the boys behavior and

⁶⁵ *Id.* at 31.

⁶⁶ *Id.* at 195. That the natives legal and ethical system was, one might say, not fully evolved is made clear by the exchange between Ralph and the pirate Bill after the native chief has brutally beaten one of his subjects. “Have these wretched creatures no law among themselves, said I, “which can restrain such wickedness?” “None,” replied Bill. “The chiefs word is law. He might kill a dozen of his own subjects any day for nothing more than his own pleasure, and nobody would take the least notice of it.” *Coral Island*, at 218.

⁶⁷ *Id.* at 197.

⁶⁸ *Id.* at 198.

none is needed. In Ballantyne's romantic vision, the boys possess all of the good qualities of characters needed and the many threats they face are external.⁶⁹

The Coral Island, is of course, a boy's adventure story, and could hardly exist without virtuous heroes and suitable villains. The boys are shipwrecked in a storm, caught in a gale in their small boat, "surrounded on all sides by human beings of the most dreadful character, to whom the shedding of blood was a mere pastime,"⁷⁰ and subjected to shark attacks. Even the enormous rock that came crashing down the mountainside nearly crushing them was, unlike the similar incident in *Lord of the Flies*, not pushed by one of them, or indeed, anyone else. Thus, the boys' eventual triumph over the external forces of evil and danger, and their lack of internal weakness, inevitably leads to a happy ending, albeit one of "cheerful unrealities."⁷¹

* * *

The source of the threat is rather different in *Lord of the Flies*. While Golding's novel of boys stranded alone on an island obviously tracks, in a less romantic fashion, *The Coral Island*, it also owes a debt to Euripides' *Bacchae*.⁷² While it has been noted that *Lord of the Flies* is "replete with Bacchic themes,"⁷³ others note that the Greek influence is more "pervasive than specific."⁷⁴ Nonetheless, the stories share a beast-god cult, a savage hunt, and the murder of a scapegoat figure, and blindness to one's own irrational nature leading to destruction.

⁶⁹ Singh notes that while both *The Coral Island* and *Lord of the Flies* "equate good government with the defeat of savagery and both characterize savagery with and absence of restraining law," the books differ on whether the savagery is internal or external. Singh, *supra* note 29, at 208.

⁷⁰ *Coral Island*, at 220. This refers both to the natives and the pirates. Ralph continues, "On shore were the natives whose practices were so horrible I could not think of them without shuddering. On board were none but pirates of the blackest dye, who, although not cannibals, were foul murderers."

⁷¹ Johnson, *supra* note 44, at 9.

⁷² James Baker was apparently the first to point out similarities. L.L. Dickson was the first to point out that Baker was the first. See Dickson, *supra* note 6, at 15.

⁷³ Mark Roncace, *The Bacchae and Lord of the Flies: A Few Observations with the Help of E.R. Dodds*, *Classical and Modern Literature* 37, at 37 (Fall, 1897) (exploring the relationship between *Bacchae* and *Lord of the Flies*).

⁷⁴ Johnson, *supra* note 44, at 4.

Woodruff warns of overgeneralizing about Euripides since of the 88 known plays only 19 survive.⁷⁵ But, by the fifth century B.C.E. there had arisen a movement appealing to nature rather than law, "to the idea that nature has established permanent universal norms, whereas the laws made by human beings serve only relatives to the interest of those who make them."⁷⁶ It may be that Euripides wasn't sure that nature and law would necessarily conflict as the chorus in *Bacchae* says, "The cost of these beliefs is light; power lies with whatever thing should be divine and whatever law stands firm in time by nature ever natural."⁷⁷ But Euripides' support for law as a mode of social control is clear. In *Suppliant Maidens* Theseus states:

Nothing means more evil to a city than a tyrant. First of all there will be no public laws but one man will have control by owning the law, himself for himself, and this will not be fair. When the laws are written down, then he who is weak and he who is rich have equal justice.⁷⁸

And Cadmus in *Bacchae* notes, "Tiresias' advice is excellent, my boy. Stay home with us, don't cross the threshold of the law."⁷⁹

With the curious combination of *The Coral Island* and *Bacchae*⁸⁰ as predicate, one could certainly expect a story based to one degree or another on both, to offer a unique look at the nature of human behavior, the veneer of civilization, and the role of law on a group of young castaways on a deserted island. One would not be disappointed on this account with *Lord of the Flies*.

Provoked perhaps by Goldings' use of the expression "the darkness of man's heart" in *Lord of the Flies*' penultimate paragraph, the book is often compared with, or thought to have been influenced by, Joseph Conrad's *Heart of Darkness*. Golding claimed in a 1981 interview, however, to have read Conrad's most famous work after completing *Lord*

⁷⁵ Paul Woodruff, "Introduction," to Euripides, *BACCHAE* ix-xlii (Hackett Pub. Co., 1998)(Paul Woodruff trans.)

⁷⁶ *Id.* at xx. Woodruff refers us to Thrasymachas in Plato's *Republic* for an accessible (relatively speaking) representation of this view.

⁷⁷ Euripides, *BACCHAE* 36 (Hackett Pub. Co., 1998)(Paul Woodruff trans.)

⁷⁸ Euripides, *Suppliant Maidens*, quoted in Woodruff, *supra* note 75, at xix.

⁷⁹ Euripides, *Bacchae*, *supra* note 77, at 13.

⁸⁰ *Bacchae* is also concerned with the place of women and particularly "the anguish of women at their lack of freedom." Woodruff, "Introduction," at xix. This line was not followed up in *Lord of the Flies* as there are no female characters and almost no references to women. Woman's anguish, was however, surely a contributing cause to the murders on Pitcairn.

of the *Flies*.⁸¹ Conrad grew up at a time when discussion of evolutionary theory was intense; Alfred Russel Wallace is said to have been among his favorite writers. Consequently, we are not surprised to find aspects of evolutionary thought in *Heart of Darkness*. We find them as well in *Lord of the Flies*, were “Darwinistic ideas of the struggle for existence and the survival of the fittest never seem far distant.”⁸²

While Conrad may have been influenced by Wallace, and Golding was not as some suggest influenced by *Heart of Darkness*, Golding and Wallace were both certainly aware of the role that law—too much and too little of it—can have on the way people behave. Golding believed that without a legal regime to constrain ugly human impulse mayhem would result. Wallace, despite the dark and violent tones in his characterizations of evolutionary theory, saw evidence of internal restraint even as he was formulating his famous theory. Severin reports:

The settlement buzzed with activity, and Wallace marveled—as he had already done at the well-mannered behavior of his Prahm crew that this ill-assorted mass of people managed to get on so well without any formal rule of law, courts or police to keep order. Dobbo was full to bursting with “a motley, ignorant, thievish population” of Chinese, Bugis, half-caste Japanese, men from Seram, with a sprinkling of half-wild Papuons from Timor, and the islands to the south. Yet they do not cut each other’s throats, do not plunder each other day and night, do not fall into the anarchy such a state of things might be supposed to lead to. It is very extraordinary. It made him wonder that perhaps European countries were over-governed, and that “the thousands of lawyers and barristers whose whole lives are spent in telling us what

⁸¹ In a Golding interview in 1981, the following exchange took place:

Baker: The voyage of initiation inevitably reminds one of Conrad and his novels and stories of the sea, but is there any influence there? Do you admire Conrad?

Golding: O, do I admire Conrad? I think I’m pretty much tired of being asked which story of Conrad I got which of my stories from. I’m pretty much tired of being told how much I owe to *Heart of Darkness*. I read that book after I wrote *Lord of the Flies*. James R. Baker, *An Interview with William Golding*, 28 *Twentieth Century Literature* 130, 162 (1982).

⁸² Norman Page, “Lord of the Flies: From Ballantyne to Conrad” in Frédéric Regard (ed.), *FINGERING NETSUAKES: SELECTED PAPERS FROM THE FIRST INTERNATIONAL WILLIAM GOLDING CONFERENCE 26-29*, at 27 (L’Université de Saint-Etienne, 1995). Wallace himself declined to engage in any such struggle with Darwin over who should properly be credited with first discovery of the theory of evolution by natural selection. A very entertaining account and re-enactment of Wallace’s expedition through the Aru archipelago, in what is now Indonesia in 1857, and his curious relationship with Darwin, is Tim Severin’s *The Spice Islands Voyage* (Carroll and Graf, 1997). Wallace’s own account is *The Malay Archipelago*.

the hundreds acts of Parliament mean' indicated that 'if Dobbo has too little law, England has too much."⁸³

VIII.

"Yes, its 's true, life is nasty brutish and short; but please don't tell the children."

—Ortega y Gosset

In *Lord of the Flies* a plane carrying school boys being evacuated from England in response to the threat of atomic war is shot down over the Pacific. The boys survive the crash unhurt and attempt to organize themselves while they await rescue. On a mountain top a signal fire is lit and then allowed to go out as the attention of the boys turns to hunting. Two of the boys report seeing "the beast"; actually, a dead pilot suspended by his parachute which they take to be a devil figure. Most of the boys follow Jack in a descent into primitivism and violence, and murder Piggy, the symbol of reason, and Simon, who questions whether the beast might be within the boys themselves. Ralph, the elected chief, is then chased through the burning island until, at the end, he and the boys are rescued by British sailors.

The book, both adventure story and allegory, is also, given its antecedents and its author's own words, Golding's dark notions of the boy's, and mankind's, thinly veneered capacity for evil.⁸⁴ The principal characters of the novel have contrasting views of man's relation to evil. Ralph and Piggy believe that people are basically good, and that fault lies with the individual person. The world as structured by these beliefs is now "breaking up"⁸⁵ for Ralph and Piggy as their island community

⁸³ Severin, *supra* note 82, at 74.

⁸⁴ Golding's World War II experience and the atomic threat of the late 1940s and early 1950s have been suggested as a source of his gloomy vision. While there are exceptions, Johnson is largely correct when he notes that *Lord of the Flies* "creates a fictional world that shows rather than tells what Golding sees." Johnson, *supra* note 44, at 6. For a notable exception see the quote at note 162, *infra*.

The technique of showing rather than telling is hugely effective when done by a master. In recounting an interview with Ernest Hemingway another Nobel laureate in literature, in Cuba 2 years before his death in 1961, Norman Lewis reported that "He told me nothing, but he taught me even more than I wanted to know." Lewis, *supra* note 20, at 174.

⁸⁵ As Ralph puts it at page 90, "things are breaking up. I don't understand why. We began well. We were happy. And then _____." Likewise, the conduct of the boys while debating the existence of the beast seemed to Ralph like "the breaking up of sanity." *Lord of the Flies*, at 98. Ralph later, at page 159, asks Piggy, "I mean . . . what makes break up like they do?" Piggy's response shows how different his view is than Simons. "I dunno,

dissolves. Jack believes that destruction and violence are living forces, and Simon is sure that evil not only exists as a force, but that it is in everyone, not external or confined to select individuals.⁸⁶ Simon's notion, which is central to the novel's theme is made abundantly clear when, as the boys debate the existence of the beast, Simon tells the others, "What I mean is . . . maybe it's only us."⁸⁷

As the castaway boys revert to homicidal misbehavior we note that they were not, prior to having landed on the island, criminals given to lawlessness and violence. The island on which they boys find themselves, unlike Coral Island, provides for most of their physical needs and they face no threat from cannibals, sharks, naturally falling boulders, or other destructive external factors. They do not live in perpetual fear of discovery and capture as did the Pitcairn mutineers. *Lord of the Flies* presents no "real savages with whom to compare the boys."⁸⁸

In *Lord of the Flies* there are rock falls⁸⁹ but they are the work of the boys themselves. In the first incident the boys are playing and no one is hurt.

The rock was as big as a small motor car.

'Heave!'

Sway back and forth, catch the rhythm.

'Heave!'

Increased the swing of the pendulum, increase, increase, come up and bear against that point of furthest balance-increase-increase-

'Heave!'

The great rock loitered, poised on one toe, decided not to return, moved through the air, fell, struck, turned over, leapt droning through the air and smashed a deep hole in the canopy of the forest.⁹⁰

Later, all sense of play is gone.

Ralph, I expect its him." "Jack." Much later Piggy, in a speech to the boys who have reverted to savagery, asks, "Which is better, law and rescue, or hunting and breaking things up? *Lord of the Flies*, at 208. The response is Piggy's murder and the breaking of the conch shell which had been the symbol of order.

⁸⁶ These categories are nicely explored by Kinkead-Weeks, *supra* note 38, at 45.

⁸⁷ *Lord of the Flies*, at 98.

⁸⁸ Johnson, *supra* note 44, at 10.

⁸⁹ The allusions to the "fall" are hard to miss. Dickson has noted that "Golding's obsession with the fallen human state permeates the imagery of *Lord of the Flies*." Dickson, *supra* note 6, at 22. Ralph trips and falls, the plane falls from the sky; Ralph falls trying to stand on his head; Simon faints and falls; Ralph has nightmares of falling and death; Ralph falls at the feet of his rescuer.

⁹⁰ *Lord of the Flies*, at 26.

“High overhead, Roger, with a sense of delirious abandonment, leaned all his weight on the lever”. . . .

The rock struck Piggy a glancing blow from chin to knee; the conch exploded into a thousand white fragments and ceased to exist. Piggy, saying nothing, with no time for even a grunt, traveled through the air sideways from the rock, turning as he went. The rock bounded twice and was lost in the forest. Piggy fell forty feet and landed on his back across the square red rock in the sea. His head opened and stuff came out and turned red.⁹¹

Simon’s hallucinatory dialog with the beast seems to sum it up. The Beast says to Simon, “You knew, didn’t you. I’m part of you. Close, close, close! I’m the reason why it’s no go. Why things are what they are?”⁹²

Golding’s attempt to trace the defects of society back to defects of human nature,⁹³ along with his belief that “[t]here is no essential difference between the island world and the grown up one,”⁹⁴ presents a grim and dark forecast. Mayhem of the sort which afflicted the Pitcairn settlers seems inevitable, even though the boys are educated and there are no significant racial and gender imbalances, and they are not afflicted with persistent drunkenness.

It is curious how little reference we find in *Lord of the Flies* to the boys’ parents. Indeed, one commentator notes that the “female parent is all but missing.”⁹⁵ And the mothers who are mentioned are those of Ralph and Piggy, two of the three voices of civility and rationality. Ralph says, “Mummy had still been with them and Daddy had come home every day.”⁹⁶ Piggy laments, “My dad’s dead, and my mum_____”. “I used to live with my auntie.”⁹⁷ Given how well, relatively speaking, Ralph and Piggy turned out, mothers seem inconsequential to Golding. Even the smallest children, the “littleuns,” are said to have “cried for their mothers much less often than might have been expected.”⁹⁸

⁹¹ *Id.* at 209. A few pages later the savages also use a falling rock in an attempt to murder Ralph. *Id.* at 224-25. Again, the fall is preceded by “Heave! Heave! Heave!,” and followed by a “shrill, prolonged cheer.” It is interesting to recall that much of the early violence on Pitcairn was precipitated by the death of William’s wife when she fell into the sea.

⁹² *Lord of the Flies*, at 164.

⁹³ Johnson, *supra* note 44, at 8.

⁹⁴ Kinkead-Weekes, *supra* note 38, at 38.

⁹⁵ Singh, *supra* note 29, at 211.

⁹⁶ *Lord of the Flies*, at 126. Ralph’s father is a commander in the Navy. *Lord of the Flies*, at 9.

⁹⁷ *Id.* at 9.

⁹⁸ *Id.* at 63.

The oldest of the boys in *Lord of the Flies* is about thirteen and there are no females on the island, thus sexual tensions are absent from the novel, in contrast to early Pitcairn and Tristan. There is, however, one scene in the novel in which violence has an obviously sexual character. At the conclusion of a hunt in which the boys have speared a wild hog.

The sow staggered her way ahead of them, bleeding and mad, and the hunters followed, wedded to her in lust, by the long chase and the dropped blood. Jack was on top of the sow, stabbing downward with his knife. Roger found a lodgement for his point and began to push until he was leaning with his whole weight. The spear moved forward inch by inch and the terrified squaling became a high pitched scream. . . . The sow collapsed under them and they were heavy and fulfilled upon her.⁹⁹

Lord of the Flies is rich in religious allegory but there is no God in the novel.¹⁰⁰ While most of the boys had been members of the school choir, “[t]heir bodies, from throat to ankle, were hidden by black cloaks which bore a long silver cross on the left breast,”¹⁰¹ but the boys do not express interest in religion or turn to religion.¹⁰² Moreover, Golding doesn’t provide much reason to conclude that piety would have made much difference in their behavior.

In *Lord of the Flies* we have an island with a party of boys, thoroughly endowed with Golding’s version of original sin, unrestrained by parents, religious conviction, or law. Their prospect looks grim. But, while the degeneration to savagery happens quickly, the boys do

⁹⁹ *Id.* at 154. The *Bacchae* contains similar violence. The first Messenger reported, “No sharp weapons, but you’d have seen one woman tear apart a young cow with her bare hands—it was bellowing, its udder was swollen with milk. Others ripped grown cows to pieces. You see ribs and feet hurled ever which way, hooves flying, pieces hanging in the pine trees, smeared with blood and dripping. Later, the violence escalated to human victims, in this case to Pentheus, son of Agavé.” In Scene 5 the Second Messenger tells us “Grabbing his left wrist with her hands, she [Agavé] braced her foot against her ribs—what a horrible fate for him—and tore off his shoulder—but not by brute strength. The God made it come off easily in her hands. On the other side Inó was taking him apart, breaking off bits of meat. Autonóë and the mob of Bacchae all went after him then. Then there was screaming everywhere. He kept crying in pain as long as he had breath—they were howling in triumph. Oll went one with a forearm, another took his foot—with its hunting boot. And his ribs were stripped, flesh torn away. They all had blood on their hands. They tossed Pentheus’ meat like balls in a game of catch.” And we thought Ralph and Piggy had poor mother-son relations.

¹⁰⁰ Kinkead-Weeks, *supra* note 38, at 52.

¹⁰¹ *Lord of the Flies*, at 16.

¹⁰² Recall that in *The Coral Island* religious faith rears its head just as the ship is about to strike the reef.

attempt to organize themselves with a system of rules, as they have seen grownups do at home. What, we are left to speculate, was so flawed and inadequate in their system, that dooms their effort at society?

There was, of course, a veneer of civilization and conscience to be found in at least some of the boys, although it dissipates rapidly. Clothing is shed promptly in the hot tropical climate but Ralph soon finds that, "[t]o put on a grey shirt once more was strangely pleasing."¹⁰³ This symbol of school regimentation cast away almost immediately became a symbol of comfort as the reality of their situation set-in.¹⁰⁴ Shelter, another mark of civilized society, is treated in a similar fashion. Piggy laments,

"The first thing we ought to have made was a shelters down there by the beach. It wasn't half cold down there in the night. But the first time Ralph says 'fire' you goes howling and screaming up this here mountain. Like a pack of kids." . . . "How can you expect to be rescued if you don't put first things first and act proper?"¹⁰⁵

Shelter does, finally, become an issue. Ralph's disgust at the slow and shoddy pace of construction is obvious. "Been working for days now. And look." Only two shelters were in position, one shaky, the one already a ruin. Ralph says to Jack, "So we need shelters as sort of _____; Jack fills in the blank, "Home."¹⁰⁶ Ralph's attempt to build shelters is, as Kinkead notes, "an attempt to build home, community, to civilize."¹⁰⁷ It failed.

The murderous relationship's between Ralph and Jack, who vie for leadership, develops along with the idea of building a signal fire which has given the boys a brief sense of common purpose and a sense of community. Referring to a heavy log Ralph says, "Almost too heavy," to which Jack responds, with a grin, "Not for the two of us."¹⁰⁸ Earlier Ralph and Jack had done an initial reconnoiter of the island together. "Eyes shining, mouths open, triumphant, they savored the right of

¹⁰³ *Lord of the Flies*, at 10.

¹⁰⁴ This notion is explored in depth by Kinkead-Weekes, *supra* note 38, at 24.

¹⁰⁵ *Lord of the Flies*, at 47. On both Pitcairn and the Coral Island shelter was a priority. Peterkins' notion in *The Coral Island*, for example was to "build a charming villa, and plant a lovely garden around it. . ." *Coral Island*, at 17. Crude house using wood from the Bounty were built on Pitcairn almost immediately and rules for their placement were agreed upon.

¹⁰⁶ *Lord of the Flies*, at 50. The shelter's collapse with "smothering finality" coincides with the collapse of all remaining society on the island. See *infra* note 210.

¹⁰⁷ Kinkead, *supra* note 38, at 28.

¹⁰⁸ *Lord of the Flies*, at 40.

domination. They were lifted up: were friends."¹⁰⁹ Yet, not long after this, Jack and Ralph go their own ways. "They walked along, two continents of experience and feeling, unable to communicate. 'If I could only get a pig!' 'I'll come back and go on with the shelter.' They looked at each other, baffled, in love and hate."¹¹⁰

Even during the hunt, with all the violence and death it entails, Jack is initially restrained. Golding's words, gripping and pregnant with mayhem to follow:

He [Jack] raised his arms in the air. There came a pause, a hiatus, the pig continued to scream and the creepers to jerk and the blade continued to flash out the end of a bony arm. The pause was only long enough for them to understand what an enormity the downward stroke would be.

They knew very well why he hadn't: because the enormity of the knife descending and cutting into living flesh; because of the unbearable blood.

Next time there would be no mercy.¹¹¹

Some of the other boys also demonstrate some initial restraint. Maurice and Roger come upon "littleuns" building sand castles on a sand bar which Roger kicks over. Maurice, "laughing . . . added to the destruction," but then hurried away when a littleun began to wimper with sand in his eye.

In his other life Maurice had received chastisement for filling a younger eye with sand. Now, though there was no parent to let fall a heavy hand, Maurice still felt the unease of wrongdoing. At the back of his mind formed the uncertain outlines of an excuse. He muttered something about a swim and broke into a trot.¹¹²

Even the sadistic, murderous Roger was at first controlled by a patina of humanity.

Roger stooped, picked up a stone, aimed, and threw it at Henry—threw it to miss. The stone, that token of preposterous time, bounced five yards to Henry's right and fell in the water. Roger gathered a handful of stones and began to throw them. Yet there was a space round Henry, perhaps six yards in diameter, into which he dare not throw. Here, invisible yet strong, was the taboo of the old life. Round the squatting child was the protection of parents and school and policemen and the

¹⁰⁹ *Id.* at 28.

¹¹⁰ *Id.* at 58-59.

¹¹¹ *Id.* at 30.

¹¹² *Id.* at 65.

law. Roger's arm was conditioned by a civilization that knew nothing of him and was in ruins.¹¹³

This hesitation, referred to by Singh as "an internalized restraint—that is, civility,"¹¹⁴ whatever its source, does not survive. Later in response to Piggy's questions, "Which is better—to have rules and agree or to hunt and kill?" "What is better, law and rescue, or hunting and breaking things up?" Roger, "with a sense of delirious abandonment," levered a rock, a "monstrous red thing," which silenced the voice of reason. Piggy never had the chance to say to Jack, as he had planned, "I don't ask you to be a sport . . . not because you're strong, but because what's right's right."¹¹⁵

Piggy, the voice of reason in the *Lord of the Flies*, believes that order can be created and maintained if only the boys will meet and talk. Piggy calls for a meeting of the castaways almost immediately and suggests that all of the boys will come if they blow the conch, a "symbol of assembly identified with its procedure, democracy and the right to free speech."¹¹⁶ He was correct. "[M]ore and more of them came" and "gave him the same simple obedience that they had given the man with the megaphone."¹¹⁷

The "uniformed superiority" of the choir and the "offhand authority" of its leader, Jack Merridew, intimidated Piggy, but Ralph announces the meeting and invites Jack and the choir to "come and join us." When Jack is told there are no adults on the island he responds, "Then we'll have to look after ourselves." Piggy replies, "That's why Ralph made a meeting, so we can decide what to do." Piggy has thus already conceded leadership to Ralph, but Jack holds out. With a curious qualification, Jack declares that he should be chief "because I'm chapter choister and head boy. I can sing C sharp."¹¹⁸ Voice aside, it is clear that Jack, prior to any meeting, is in charge of the boys in the choir and that any democratic procedure would only reduce his status and power. Jack's power over the choirboys, while substantial, is not total. When Jack

¹¹³ *Id.* at 66-67.

¹¹⁴ Singh, *supra* note 29, at 205. The civilizing, or at least ordering impact of their past is also recognized where Golding says, "Nevertheless, the northern European tradition of work, play, and food right through the day, made it possible for them to adjust themselves wholly to this new rhythm." *Id.* at 63. For a while.

¹¹⁵ *Lord of the Flies*, at 198.

¹¹⁶ Kinkead-Weekes, *supra* note 38, at 18.

¹¹⁷ *Lord of the Flies*, at 14, 15. There apparently was a man with a megaphone directing the boys on the plane. Piggy asks on page two, "Where's the man with the megaphone?" Ralph just shakes his head in reply.

¹¹⁸ *Id.* at 19.

shouts an order—"Choir! Stand still!"—the decree is met with obedience but also a whining protest.¹¹⁹

Ralph and Jack agree that there should be a "chief to decide things." Roger, of all people, declares "Let's have a vote" "vote for Chief," "Let's vote." Thus, the first call for democracy came from the boy who would soon be a sadistic killer.

The general desire among the boys for a chief results in the election of Ralph. Golding says, "None of the boys could have found good reason for this; what intelligence had been shown was traceable to Piggy while the most obvious leader was Jack."¹²⁰

The vote itself reflects a division; the choir, in "dreary obedience" votes for Jack, while the others vote for Ralph. In an ugly harbinger of things to come, "the freckles on Jack's face disappeared under a blush of mortification" when the choir applauded Ralph's ascendancy. These are the same freckles that will soon disappear under a protective coat of savage war paint. In his eagerness to offer Jack something, Ralph immediately plants the seeds of tribal conflict by telling Jack, "[t]he choir belongs to you, of course." "Jack's in charge of the choir. They can be—what do you want them to be?" Jack's ominous response, "Hunters."

Only then, with leaders elected and the community split, does Ralph realize that he has no idea what to do. "Listen everybody, I've got to have time to think things out."

Later in the day the boys assemble again but "[t]here were differences between this meeting and the one held in the morning."¹²¹ The choir, the only previously organized entity on the island, was now less noticeable and had even discarded their cloaks. Ralph, in a reversion to school days, concocted a "Hands up" rule for talking at assembly and the conch was to be in the hands of the speaker. No interruptions were to be allowed, except, of course by the chief.

At this point Jack, soon to be leader of the savage tribe, was on his feet. "We'll have rules!" He cried excitedly, "Lots of rules! Then when anyone breaks'em —¹²²" This failure to specify the rules when the rules are broken, or to set forth the consequences, raises a question about the disintegration of communities (and perhaps their initial lack of integration): Is it a question of not having enough law, or is it that chaos is inevitable when there does not exist a system of rules for dealing with

¹¹⁹ Kinhead has pointed out that "The marching choir, and the way Jack treats it, recalls an Army world of authority, arrogance and callousness, rather than the holy singing their uniform suggests. Kinhead-Weekes, *supra* note 38, at 24.

¹²⁰ *Lord of the Flies*, at 19.

¹²¹ *Id.* at 31.

¹²² *Id.* at 33.

those who break rules? Is there any good reason to think that absent some internal guidance or sense of community of interest, from wherever it may come, that the ultimate outcome would be different?

Some optimism is present, if only briefly, when Ralph declares to the assembled boys, "We want to be rescued; and of course we shall be rescued."¹²³ The voices of the silent assembly babbled and, "The simple statement, unbacked by any proof but the weight of Ralph's new authority, brought light and happiness. The assembly was lifted toward safety by his words. They liked and respected him."¹²⁴

But order is short-lived. Ralph's call to make a fire was greeted by clamorous agreement but the conch was forgotten. Jack calls, "Come on! Follow me." The boys, with little nod to legislative decorum, run off following Jack. Ralph's shouts for quiet go unheard and he is left, impotent, holding the conch, alone with Piggy. Scornfully, Piggy declares, "Like kids!" "Acting like a crowd of kids."¹²⁵ The first attempt to render incarnate a democratic process, for all the bombast, has come to naught. While there has been talk of the need for rules, except for the role of the conch, none have been made. (Rule-making began early on at Pitcairn, and except for the housekeeping matters, led to unhappiness and violence.)

On the island of the *Lord of the Flies* even the one rule adopted isn't enforced. Jack leads the boys to the mountain top to build a signal fire, and is soon followed by Ralph and Piggy. Piggy, distressed that Jack has snatched his glasses to start the fire, conch in hand, demands to speak. Jack's responds, "The conch doesn't count on top of the mountain . . . so you shut up." The rule of law and orderly procedure are put in immediate danger. It becomes clear that it isn't the conch but who holds it that gives one authority. Ralph, holding the conch, again implores the boys, "We ought to have more rules. Where the conch is, that's a meeting. The same up here as down there." Jack holds out his hands for the conch and announces, "I agree with Ralph. We've got to have rules and obey them. After all, we're not savages. We're English, and the English are best at everything. So we've got to do the right things."¹²⁶

The boys of the choir are assigned to keep the fire going and to keep a lookout,¹²⁷ but the urge to hunt overtakes them. With notable lack of progress on the shelters, Ralph exclaims, "Meetings. Don't we love

¹²³ *Id.* at 37.

¹²⁴ *Id.* at 38.

¹²⁵ *Id.* at 39.

¹²⁶ *Id.* at 43, 44.

¹²⁷ On Pitcairn the first rules required dousing the fire so smoke would not be seen by passing ships.

meetings. Every day. Twice a day. We talk.” But talk cannot build a shelter, find meat, or keep the fire going. Jack’s attention becomes focused on the mask of his painted face, a pig is killed, the signal fire goes out, and a passing ship is missed. Jack’s desire to kill has become more important than rescue. After the kill

[h]is mind was crowded with memories: memories of the knowledge that had come to them when they closed in on the struggling pig, knowledge that they had outwitted a living thing, imposed their will upon it, taken away its life like a long satisfying drink. “You should have seen the blood!”¹²⁸

These frightening words, with their emphasis on atavistic “memories” of the power of the kill do not bode well for anyone who might stand in Jack’s way. Neither Ralph, nor the boys’ primitive legal system, seem able to prevent destruction.

After they kill the pig, the march towards murder seems inexorable, though punctuated with attempts at democracy and civility. Soon after the kill, Jack “took a step, and able at last to hit someone, stuck his fist into Piggy’s stomach.”¹²⁹ This attack by the strongest of the boys on fat, asthmatic, astigmatic, rational Piggy has been termed, the “birth of evil” on the island.¹³⁰ Jack, however, had yet to fall into homicidal abyss. His apology to Ralph for letting the signal fire go out elicited from his hunters, “admiration at this handsome behavior.” Ralph, who responded with silence, thus, “asserted his chieftainship and could not have chosen a better way if he had thought for days.” Jack, powerless and enraged, knew that he and Ralph were now “on different sides of a high barrier.” “Now even Ralph knew how a link between him and Jack had been snapped and fastened elsewhere.” Jack seeks understanding from the boys, “but found only respect.”

The success of the hunt, meal, song and dance which follow, make Ralph resentful and envious and in a typical response, he calls an assembly, “the last point at which ‘civilized’ rules and procedures can be said to dominate the boys words and actions.”¹³¹ Ralph’s thinking reveals that while he knows the importance of good thinking, he recognizes, “I can’t think. Not like Piggy.” Ralph puts on a brave face and observes that while things get decided, they don’t get done on critical matters like water collection, shelters, sanitation and the signal and cooking fires.

¹²⁸ *Lord of the Flies*, at 76.

¹²⁹ *Id.* at 77.

¹³⁰ Kinkead-Weekes, *supra* note 38, at 34.

¹³¹ Johnson, *supra* note 44, at 11.

His attempt to reassert his authority as chief has a sad and plaintive sound.

“Things are breaking up. I don’t understand why. We began well; we were happy. And then—”

“Then people started getting frightened.” “We’ve got to talk about this fear and decide there’s nothing in it.” “Then, when we’re decided, we can start again and be careful about things like the fire.” “And be happy.”¹³²

The boys now turn their attention to the claims of a littleun, Percival, that the island harbors a beast. Jack dominates the discussion and speaks without the conch suggesting that the beast is “only us.” A tussle between Jack and Piggy ensues over the conch and is stopped by Ralph who says, “we can’t have proper assemblies if you don’t stick to the rules.” Then in a preposterous use of the rules, Ralph calls for a vote on the existence of a ghost—the name he has given beast. The vote is affirmative. “The world, that understandable and lawful world was slipping away.”¹³³ Ralph is beaten and bewildered, Piggy is livid: “What are we? Humans? Or animals? Or Savages.”¹³⁴ Piggy still thinks they are different.

Ralph, set back in the matter of the selection of the chief, revives enough to summon his wits and shout: “The Rules!” “You’re breaking the rules!” Jack’s further retreat from the rule of law is then made certain. “Bollacks to the rules! We’re strong—we hunt.”

The assembly now breaks up in “noise and excitement, screams and laughter,” leaving only the ever hopeful Piggy and the shaken Ralph to discuss their plight.

“Blow the conch, Ralph.” “You’ve got to be tough now. Make ’em do what you want.”

“If I blow the conch and they don’t come back; then we’ve had it. We shan’t keep the fire going. We’ll be like animals.”

“If you don’t blow, we’ll soon be animals anyway.”

Twin boys, Sam and Eric, awoke Ralph from a dream—he is feeding ponies sugar over a garden wall—to report that they had seen the beast (which is actually the corpse of a pilot suspended by parachute lines) and Ralph, typically, responds, though with hesitation, with a call for an assembly. Jack calls for a hunt, rejects the conch, and declares, “It’s time

¹³² *Lord of the Flies*, at 90.

¹³³ *Id.* at 100.

¹³⁴ *Id.* at 101.

some people knew they've got to keep quiet and leave deciding things to the rest of us." "This is a hunters job."

Later, after the hunt fails, Jack summons the boys, blowing inexpertly on the conch, and elicits from Ralph a bitter, "Talk, talk, talk, talk." But when Jack challenges Ralph's leadership by calling for a vote, he is rebuffed in embarrassment and shame. He lays the conch on the ground with care, and, in school boy fashion, declares, "I'm not going to play any longer. Not with you."¹³⁵

Jack is next seen far off along the beach, looking "brilliantly happy." He has now renounced communal decision-making, has declared himself chief of the boys who have followed him, and seems to find the ideal of tribalism, what Kinkead-Weekes calls "a power grouping in a world where strength counts,"¹³⁶ satisfying. In the meantime Ralph, Piggy and a few boys attempt a sad reorganization.

Jack, now clearly in charge of the hunters, joins Ralph and Piggy in an uneasy feast after a pig is killed. In a lightening storm the boys dance and again reenact the hunt. "Kill the beast! Cut his throat! Spill his blood!" "There was the throb and stamp of a single organism." "Kill the beast." "Cut his throat!" "Spill his blood!" Into this blood frenzy Simon crawled, crying about a dead man on a hill. Thinking, if that's the word, that Simon was the beast, "There were no words, and no movements but the tearing of teeth and claws."

The role of Ralph and Piggy, the two voices of reason and civilization, in the death of Simon, hung heavy over them. Discussion of the incident begins with Ralph laughing at Piggy's suggestion that an assembly be called and Ralph's calling the death a "murder." Piggy takes on the sad effort to convince Ralph and himself that killing Simon was an accident, that they were actually outside the fatal circle. He goes on far as to place the blame on Simon himself, as he "hadn't no business crawling like that out of the dark." There is some sense here that Piggy and Ralph, in their guilt, are still human. Yet, Piggy declares, "We got to forget this. We can't do no good thinking about it, see?"

With the idea of relighting the fire, not to attract rescue but to cook meat, the more savage boys attack Ralph and Piggy to obtain the last remaining lens. With this theft, there begins the "total disintegration" of society on the island.¹³⁷ When the attack ended Piggy noticed that the

¹³⁵ *Id.* at 145. See Kinkead-Weekes, *supra* note 38, at 41 where this language is said to show Jack "reverting not to a savage, but to a school boy."

¹³⁶ Kinkead-Weekes, *supra* note 38, at 42.

¹³⁷ Johnson, *supra* note 44, at 16.

invaders left the conch, the symbol of order behind. The chief, "exulting in his achievement," took Piggy's broken glasses.

With every aspect of island civilization in tatters, Ralph, Piggy and a few littleuns assemble yet again and Piggy insists that they confront the savages. With conch in hand, he says, "I'll show him the one thing he hasn't got." At the savages' camp, Ralph, yet again calls an assembly, which prompts Jack to shout, "You go away, Ralph, you keep to your end. This is my end and my tribe you leave me alone."

Piggy is now murdered by Roger. Ralph is attacked by Jack. "Viciously, with full intention, he hurled his spear at Ralph." Ralph runs for his life. "There was no Piggy to talk sense. There was no solemn assembly for debate nor dignity of the conch." The island experiment is over. "Ralph wept for the end of innocence, the darkness of man's heart."¹³⁸

IX.

On the 28th of April 1789 there is a mutiny on the *Bounty*; the saga of the islanders of Pitcairn is now underway. The mutiny has been the subject of a voluminous literature,¹³⁹ scholarly and popular, as has the astounding voyage of Captain Bligh and the eight loyalists who, in an 18

¹³⁸ *Lord of the Flies*, at 235.

¹³⁹ The best known is probably Nordhaff and Hall, *THE BOUNTY TRILOGY* (Little, Brown 1995)(1932). The Pitcairn Island Study Center at Pacific Union College has over 500 books about the *Bounty* and Pitcairn. Among the works consulted regarding Pitcairn were: Robert Nicholson, *THE PITCAIRNERS* (University of Hawaii Press, 1997)(1965); Spencer Murray, *PITCAIRN ISLAND: THE FIRST 200 YEARS* (Bounty Sagas, 1992); Ian Ball, *PITCAIRN, CHILDREN OF MUTINY* (Little Brown & Co., 1973); Glynn Christian, *FRAGILE PARADISE* (London: Hamish Hamilton, 1982); Walter Brodie, *PITCAIRN'S ISLAND AND THE ISLANDERS IN 1850* (London: Whittaker, 1851); Charles Nordhaff & Hamish Norman Hall, *THE BOUNTY TRILOGY* (Little Brown & Co. 1932); Thos. Boyles Murray, *PITCAIRN: THE ISLAND, THE PEOPLE, AND THE PASTOR* (Haskell House, 1972)(1853); Frank Clune, *JOURNEY TO PITCAIRN* (Sydney: Angus and Robertson, 1966); Dea Birkett, *SERPENT IN PARADISE* (Anchor Books, 1997); Harry L. Shapiro, *THE HERITAGE OF THE BOUNTY* (Simon and Schuster, 1936); David Silverman, *PITCAIRN ISLAND* (World Publishing Company, 1967); Herbert Ford, *PITCAIRN, PORT OF CALL* (Hawser Titles, 1996); Roy Sanders, *Our Island*, M.A. thesis (University of Auckland, 1953); Michael A. Ntumu (gen. ed.), *SOUTH PACIFIC ISLANDS LEGAL SYSTEMS* (University of Hawaii Press, 1993); Trevor Lummis, *PITCAIRN ISLAND: LIFE AND DEATH IN EDEN* (Ashgate Publishing, 1997); Anne Ficklen (ed.), *THE HIDDEN MARK TWAIN: A COLLECTION OF LITTLE-KNOWN MARK TWAIN* (Greenwich House, 1984); Peter Clarke, *HELL AND PARADISE: THE NORFOLK-BOUNTY PITCAIRN SAGA* (Viking, 1986); John Barrow, *A DESCRIPTION OF PITCAIRN'S ISLAND AND ITS INHABITANTS* (Haskell House Publishing, 1972)(1900); "Pitcairn Island, The Official 2000 Guide to Pitcairn" <<http://users.iconz.co.nz/pitcairn/>> (site visited July 19, 2002).

foot boat with a supply of bread and salt pork, made a 4,000 mile, 50 day voyage from near Tahiti to Timor, to eventually return to England.¹⁴⁰

Just prior to the mutiny, the *Bounty* had spent six months at Tahiti loading a collection of bread fruit trees to be used as a source of food for African slaves in the Caribbean. Whether the mutiny was provoked by a cruel captain,¹⁴¹ or a desire to return to the "licentious, idleness of Tahiti,"¹⁴² the mutineers were clearly criminals.

After Bligh was set adrift, the twenty-five mutineers, and a few crewmen loyal to Bligh, returned the *Bounty* to Tahiti. Sixteen of them elected to remain on Tahiti, while Fletcher Christian, and eight shipmates were joined by eighteen Tahitians, eleven women, six men, and a 15 year old girl, sailed with the *Bounty* seeking a place where their apprehension by the British Navy would be less likely.¹⁴³ They were, as one scholar puts it, seeking "a home which was remote, uninhabited, defensible, and capable of sustaining a human community."¹⁴⁴

"Certainly, and _____" a thought suddenly arrested Roberto. "And that's not all! You make me realize that at the same instant I were on the line of the meridian, it would be midnight on the dot, but if I looked to the west, I would see the midnight of Friday and if I looked to the east, I would see the midnight of Thursday. Holy God!

—Umberto Eco, *The Island of the Day Before*¹⁴⁵

¹⁴⁰ The remarkable story is vividly recounted in *Captain Bligh's Portable Nightmare*, by John Toohey, published in 1999. It is worth noting that Bligh, often painted as the villain, led his party on an astonishingly dangerous voyage with a loss of only one life, and that to unfriendly islanders. Fletcher Christian's "leadership" of the Pitcairn community led to mass murder, including his own.

¹⁴¹ The fact that Bligh was the victim of another mutiny many years later is suggestive, but the British navy of the 18th century was not a pleasure cruise. But, Fletcher Christian had sailed with Bligh before and thus knew Bligh's temperament, whatever it was. For a much less compelling story of the second mutiny. See Arthur Hawkey, *BLIGH'S OTHER MUTINY* (Pursell Book Services, Ltd., 1975).

¹⁴² Shapiro, *Heritage of the Bounty*, *supra* note 139, at 44. In *Oedipus Rex*, Sophocles tells us that "sex drive is a mad and savage master." Ian Ball has written that the mutiny may well have been caused by, as he puts it, "that old standby, sex," and suggests that Christian's Tahitian consort may have been pregnant, further tying Christian to Tahiti. Although he terms it "risky business," Ball also speculates on Christian's mental state at the time of the mutiny. Ball, *Pitcairn, Children of the Mutiny*, *supra* note 138.

¹⁴³ This fear proved well founded, as the British, after Bligh's return to England sent the Pandora back to Tahiti in search of the mutineers. Of those captured, 3 were hanged and two others killed in route to England for trial.

¹⁴⁴ Silverman, *supra* note 32, at 28.

¹⁴⁵ Umberto Eco, *THE ISLAND OF THE DAY BEFORE* (Harcourt Brace & Co., 1995).

In 1767 Captain Carteret on His Britannic Majesty's *Swallow*, had discovered an uninhabited island which he gave the name of the sailor who spotted it first.¹⁴⁶ In what would be an error that would play a significant role in the island's history, Carteret recorded the island's position as 25 degrees 2 minutes south latitude and 133 degrees 30 minutes west longitude.¹⁴⁷ The actual position was 130 degrees west longitude—some 150 miles further east.

Longitude, thanks to the earth's rotation, has both spatial and temporal ramifications. The settlers on Pitcairn didn't know exactly when they arrived due to Captain Bligh's failure to take the International Date Line into account,¹⁴⁸ an error which has serious consequences for matters ranging from religious practices to the naming of children.

Each of the white mutineers had a woman exclusively his own, leaving only three women for the six native men. The native men included both chiefs and ordinary islanders, although all alike seemed to have referred to the mutineers as "their masters."¹⁴⁹ And if the resulting sexual imbalance were not distablizing, there was the matter of race. The white sailors were obviously enchanted by the Tahitian females while considering the native males their inferiors. For their own part, lighter skin color was prized in Tahitian culture; the chiefs were a lighter brown than the other men. The Englishmen had "an immediate desirability and high status, and it was more prestigious for a woman to be associated with one of them than one of the native men."¹⁵⁰ If the relatively free nature of Tahitian sexual relationships looked attractive

¹⁴⁶ The island was referred to as Pitcairn's Island for many years until the possessive was eventually dropped.

¹⁴⁷ Carteret's description of Pitcairn is found in "An account of the voyages undertaken by the order of his Present Majesty for Making Discoveries in the Southern Hemisphere."

¹⁴⁸ The story of the effort to find a reliable method of determining longitude at sea is a delightful one upon which much has been written. In 1714 the English Board of Longitude offered a prize of £20,000 for the development of a chronometer accurate enough for a ship to reach the West Indies, regardless of the duration of the voyage, with an error of .5 degrees. The prize was not claimed until 1762 when a device built by John Harrison was tested on a voyage to Jamaica was found to be 20 times more accurate than the prize rules required. Another eleven years passed before the prize was paid, 3 years before Harrison's death in 1776. A complete history may be found in the recent book *Longitude: The True Story of a Lone Genius who Solved the Greatest Scientific Problem of His Time* by Dava Sobel. Penguin Books 1996. A wonderful work of fiction on the subject packed with his usual prodigious scholarship and imagination is the Umberto Eco novel. Umberto Eco, *THE ISLAND OF THE DAY BEFORE* (New York; Harcourt Brace & Co. 1995).

¹⁴⁹ Brodie, *supra* note 139, at 55.

¹⁵⁰ Lummis, *supra* note 139, at 55.

to the mutineers, it may have become less so as proto-family units emerged and they took on remnants of European values.¹⁵¹

The group, diverse as it was, landed on Pitcairn early in 1790 and upon first landing, "no one could appeal to civil power or to common custom to enforce their assumptions about how society should be organized. Property rights, inheritance, the division of labor and social status, all had to be negotiated; the strong had to be controlled and the weak protected, for without such basic principles society cannot long survive."¹⁵² As we shall see, it didn't.

As one of only two men aboard the *Bounty* who could pilot the boat on its four month, 7,000 mile meander in search of a refuge, Fletcher Christian was in charge, but his leadership was tenuous. Jenny,¹⁵³ one of the Tahitian females, and consort of mutineer Martin, tells this story: At Tahiti, a native came aboard and after admiring shell buttons on Christian's jacket, was made a present of it. For no obvious reason, he was then shot dead by one of the mutineers. Jenny related, "Christian was highly indignant at this. He could do nothing more, having lost all authority, than reprimand the murderer severely . . ."¹⁵⁴ Whatever special status Christian had about the *Bounty*, and during the voyage at, did not long endure after the arrival on Pitcairn.

* * *

To live in the antepodes, then, means reconstructing instinct, knowing how to make a marvel nature and nature a marvel, to learn how unstable the world is, which in one half follows certain laws and in the other half the opposite of those laws.

—Umberto Eco, *The Island of the Day Before*¹⁵⁵

February 8, 1808. The American whaler *Topaz*, only the third ship sighted in 18 years,¹⁵⁶ rediscovered Pitcairn and found living on it one European male, and 34 women and children of mixed-blood. Eighteen

¹⁵¹ The *Bounty's* records reveal that 4 of the 9 mutineers who reached Pitcairn were treated for venereal diseases. It is unclear, given the historical records, what role this may have played in the establishment of a stable society.

¹⁵² Lummis, *supra* note 139, at 4.

¹⁵³ Jenny returned to Tahiti in 1817.

¹⁵⁴ Silverman, *supra* note 32, at 60.

¹⁵⁵ Eco, *supra* note 145, at 102.

¹⁵⁶ The first ship sighted by the mutineers arrived in 1795 and landed a party, but apparently was unaware of the settler's presence.

years had passed since the mutineers and their associates had put ashore. What success had they had?

First, there was plenty of food—fish, chickens, bananas, bread, fruit, yams, sea birds and their eggs, coconuts—plus the stores of the *Bounty*. Also, pigs and goats had been turned loose for an enduring meat supply. There was no lack of water or arable soil, at least so long as the population was kept within limits. There was in essence—plenty, freedom, paradise.

But a lack of leadership became apparent even before the settlers reached land. While Christian and a landing party were scouting Pitcairn, Mills suggested to those left on the *Bounty* that they abandon Christian and return to Tahiti. Shortly after reaching Pitcairn, the *Bounty* was stripped of her metal and sail, and much of the ship's oak was burned, against Christian's desire to "save her for a while."¹⁵⁷ Whether Christian attempted to assume governing authority in the first days on Pitcairn is unknown, although there are references to the colony's "living under Christian's government for several years."¹⁵⁸ Given the Pitcairn settler's initial state of freedom and plentiful supplies, one might well wonder why any law or government at all might be deemed necessary or desirable.

Apparently, the initial rules on Pitcairn were motivated by a common interest in self-preservation and were enacted with no dissent. Houses were to be erected in places where they could not be seen from the sea; no trees seaward to the houses were to be cut. A lookout was to be maintained and fires extinguished if a ship was sighted. Rules regarding goats and hogs (domestic and wild) evolved.

Cultural values, at least those of the Europeans, were made manifest early and arrogantly, and with predictably disastrous results. As Lummis put it:

The nature of the settlement, the distribution of land, the allocation of property rights, the choice of sexual partners and the establishment of family units for the reproduction of human population was initially carried out predominately according to European cultural values and by and to the advantage of white males.¹⁵⁹

There emerged a notion of public property as to the village site and the well, but the imposition of a private property regime for the remainder of the island was a disaster in both conception and execution.

¹⁵⁷ Silverman, *supra* note 32, at 60.

¹⁵⁸ *Id.* at 60.

¹⁵⁹ Lummis, *supra* note 139, at 53.

It has been noted that, “[i]f ever a situation called for an experiment in true communal living, with communal ownership of land and produce, this surely was it.”¹⁶⁰ Instead, Fletcher Christian divided the island into nine equal portions,¹⁶¹ one for each of the white, male settlers. The six Polynesian males were left, landless, to share three females.

As if the imperious land distribution and gender imbalance were insufficient, Williams, one of the white mutineers, lost his wife in 1790. Being now the only white male without a woman, he claimed “right” to one of the women with the Polynesian men. The stage is now set for mayhem. Williams seems not to have acted on his proclaimed “right” until the death of Adams’ wife in 1791, a year after the death of his own. Adams’ determination to have another woman received backing from the other white males, and, according to Jenny, the Europeans cast lots for the women and both Adams and Williams won new women.

Precisely what transpired next is not known. As Lummis put it, “There were no outside witnesses to the crimes which were committed during the years of isolation on the island and the surviving participants had their own reasons for giving different versions at different times.”¹⁶² What is known for certain is that mutineers Christian,¹⁶³ Mills, Williams, Martin and Brown were murdered in 1793 and that by years end all of the Polynesian males had been murdered. Who murdered who

¹⁶⁰ Ball, *supra* note 139, at 104.

¹⁶¹ Silverman noted that the equal division was also a sign of the weak leadership position of Fletcher Christian. As he puts it, “equal was not the share of a prize which would have been awarded the captain of a fortunate vessel.” Silverman, *supra* note 32, at 60.

¹⁶² Lummis, *supra* note 139, at 49. A detailed early account of the “revolt” can be found in Brodie, *supra* note 139.

¹⁶³ Perhaps not. In a case reminiscent of Elvis sightings, a *Bounty* sailor who knew Christian well, claimed to have seen him in Davenport some years later, and even John Adams late in his life hinted that Christian had escaped. Samuel Coleridge and William Wordsworth were both friends of the Christian family and Wordsworth challenged published accounts of Fletcher Christian as a mutineer. The friendship is also the basis for the legend that Fletcher served as the model for “The Rhyme of the Ancient Mariner.” These and other “Elvis Sightings” stories concerning Fletcher Christian are collected in Clark, *Hell and Paradise*, *supra* note 138.

In yet another curious convergence there is another version of the origin of the Ancient Mariner. Alexandre Selkirk, the model for Robinson Crusoe, was rescued by a Captain Rogers, under whom served Simon Hatley. Hatley was captured by Spanish forces in Peru and on his release in 1713 sailed around Cape Horn with Captain George Shelvocke who wrote an account of the voyage in *Voyage Around the World* in 1726. In his book, Shelvocke reports that Hatley, suffering from melancholia shot a black albatross hovering near the ship. Seventy years later William Wordsworth, who was reading Shelvocke, told the story to Samuel Coleridge, who adapted it to the South Seas.

is not known, but with the sexual, racial and economic situation, and criminal predisposition of the participants, any one of them could have been involved in the misdeeds.

The following year, 1794, saw the remaining males, all European, hold a dinner to celebrate the first anniversary of the murders of the Polynesian males. A month later they discover that the females are conspiring to murder them as they slept. Found out, the women admit their intentions. But how are they to be punished? The men had good reason to be fearful since the women had been personally involved in the murders the preceding year, but replacement females are not readily unavailable. Young, in his journal, observes that: "We did not forget their conduct; and it was agreed among us, that the first female who misbehaved should be put to death; and this punishment was to be repeated on each offense until we could discover the real intentions of the women."¹⁶⁴

A subsequent non-fatal attack by the women was pardoned but clearly a race-gender war was simmering and an uneasy peace reigned for some four years. Violence resumed in 1798 when McKoy was successful in distilling potent spirits from the ti plant. Quintal, McKoy, Adams, and perhaps Young, although he denied it, and some of the women, then entered into a period of drunkenness and related misbehavior. Quintal reverted to his pattern of violence against women, and McKoy, in a state of drunken derangement, threw himself into the sea and drowned. Quintal's behavior became so violent and erratic that Young and Adams murdered him, in what has been called an act of anticipatory self-defense,¹⁶⁵ in 1799. The following year Young died, the first natural death on Pitcairn of the fifteen original male settlers who made the initial landing.

The disintegration of the Pitcairn community, if it is to be called a community, from a potential island paradise, to carnage and death fueled by race and gender, took only four years. Exactly which

¹⁶⁴ Journal of mutineer Young, recounted in Lummis, *supra* note 139, at 87.

¹⁶⁵ Silverman, *supra* note 32, at 176. While the presence of copious amounts of alcohol seems often to result in trouble, it often, as on Pitcairn, seems to be coupled with the absence of any countervailing values. Lewis, in *The World, The World*, notes that in the Saora tribe in India, who are sufficiently remote to this day to be looked at as a metaphorical island in the sea of Indian humanity, "the only form of crime in such tranquil village was the theft of alcohol making (from pine tree sap) equipment or the alcohol itself."

The Saora live in a stratified society where the headman is assisted by a religious leader. The families are extended and close and children are treated as adults, including drink, from an early age.

combination of factors—race, gender, culture, the volatile characters of the settlers—was responsible we cannot now fully assess. But the effect of Christian's primitive race-based legal system cannot have helped. The absence of law may well have been preferable to a system of law in which the white male minority own virtually everything and everyone. But then, it is not clear that more law, absent a different sense of community, would have resulted in a different outcome.

Adams and Young, after the murder of Quintal, realized that the only hope for the future of the children on Pitcairn was in the effort to teach the young a new (old) scheme of values, and to do this they undertook to teach them to read and write, "the source of their lessons and precepts being the Bible."¹⁶⁶ Reinstitution of the Sabbath, albeit on the wrong day, and family prayer seemed to offer some hope for the future.

The death of Young, in 1800, left Adams, the only male adult, isolated and guilt-ridden, the island's religious leader, and its law and government. Then Adams had a dream.¹⁶⁷ Gabriel warns him of danger from his past wickedness. Brodie reports that:

From this time forward a picture of an opposite character is presented to the eye. We now gladly turn away from scenes of crime and folly to record the history of the most innocent and well organized community that has perhaps been ever seen on earth—one, moreover, which assumed this character by a change so sudden, and so contrary to all likelihood, that a direct interference of Providence in its favor would seem the manner of accounting for the change.¹⁶⁸

Armed with a Bible and Common Prayer Book from the *Bounty*, scant knowledge, a revelation in a dream, guilt, and little else, Adams sets about to transform his decimated but child-rich island into a viable community. Rules for religious practice,¹⁶⁹ schooling of the children, morality and marriage were promulgated.

The new community, under Adam's guidance, rediscovered in 1808, is described as peaceful and content. When visited by the *Sultan* in 1817, the first officer was told: "We have no king, no lord, to obey here,

¹⁶⁶ Lummis, *supra* note 139, at 123.

¹⁶⁷ Nicholson suggests that this vision of the angel Gabriel may have occurred during a period of intoxication. Nicholson, *supra* note 139, at 58.

¹⁶⁸ Brodie, *supra* note 139, at 63-64.

¹⁶⁹ The *Common Prayer Book* set aside Ash Wednesday and Good Friday as fast days. Adams interpreted this to mean every Wednesday and Friday and the practice continued until corrected by Buffet in 1823, though the Friday fast was retained. *Id.* at 62-63.

and every one is his own master; but . . . we mind what Mr. Adams tell us, because he knows best."¹⁷⁰

X.

In 1810, weirdness arrived in earnest on Tristan da Cunha in the person of American pirate, Jonathan Lambert, a fugitive from a violent career at sea. He brought with him two shipmates and fellow Americans, Andrew Millet and Thomas Currie.¹⁷¹ Shortly after their arrival on Tristan, Lambert sent the following announcement to the people of his home state of Massachusetts:

Know all men by these presents that I, Jonathan Lambert, late of Salem, in the State of Massachusetts, United States of America, and citizen thereof, have this fourth day of February in the year of Our Lord Eighteen hundred and eleven, taken absolute possession of the Islands of Tristan da Cunha, so called, viz the great island and the other two known by the names of Inaccessible and Nightengale Islands, solely for myself and my heirs, forever . . . grounding my claim on the rational and sure principles of absolute occupancy, and as such, holding and possessing all the rights, titles and immunities properly belonging to proprietors by the usage of nations.¹⁷²

This proclamation, complete with a diamond emblazoned flag was sent by Lambert to every government in Europe, provoking the British Governor of the Cape of Good Hope—a man not himself shy about occupying the land of others and declaring himself sovereign—to urge the deployment of troops to liberate Tristan. No deployment occurred. Disputes seemed to have arisen between the three settlers¹⁷³ and in March of 1813 a British ship which stopped at the island found only Currie alive. Currie claimed that the other two were lost at sea while fishing, but there was no way to verify his account.

Tristan served as a valuable refreshment stop for American ships patrolling the South Atlantic in the War of 1812. By 1814 the Netherlands had formally ceded the Cape of Good Hope to Britain, and the British kept a sharp eye on St. Helena, 1200 miles to the north, the new abode of another individual with a notable ego, Napoleon. Fearing that Tristan might be used as a staging-area to launch a rescue of

¹⁷⁰ Quoted in Silverman, *supra* note 32, at 176.

¹⁷¹ Currie was half Irish, half Italian and his name is sometimes given as Tomaso Corri or Thomasso Currie or Corrie.

¹⁷² Boston Gazette, July 18, 1811, quoted in Mackay, *supra* note 52, at 31.

¹⁷³ A fourth, American Williamson, arrived on Tristan under obscure circumstances in 1812.

Napoleon by his supporters, the British claimed the island in the name of King George III. Lieutenant Rice and 18 seamen settled on Tristan in August of 1816 and were soon joined by an additional 72, introducing wives, families and children to the island for the first time. Included in the settlement gumbo were six Hottentots.

When the perceived threat to St. Helena dissipated the party was recalled to the Cape. In a scene reminiscent of Pitcairn, Currie's demand for a woman was thwarted by the party's withdrawal. He then turns up at the island canteen with handfuls of gold and an endless capacity for drink. Intoxicated, Currie speaks darkly of revenge and victory over Lambert and Millet.

The British contingent prepared for final departure in November of 1817 but three men asked to stay behind and make Tristan their home. William Glass, one of these men, three years before, then thirty years old, had married a 13 year old half-Dutch Cape colored girl named Maria. By 1817 they had a two and one-half year old son, William, and a six month old daughter, Mary. They were the first child born on Tristan. The two other settlers, Samuel Burnell and John Nankivel, were English stonemasons.

One speculation has it that Glass remained on Tristan out of fear that his Scots Presbyterian family would not approve of his mixed race family. Glass replied:

"Why, you know, sir, what could I possibly do when I reached my own country after been disbaned? I have no trade, and am now too old to learn one. I have young wife, and a chance of a numerous family; what could I do better for them than remain?"¹⁷⁴

The statement proved prophetic. The Glasses had 16 children, eight boys and eight girls, the descendants of whom still make a notable presence on Tristan.

When the British departed Tristan they helped draft and witness a partnership agreement signed by the three male settlers which provided for "equal sharing of states, labour, property and profits."¹⁷⁵ All land, initially owned in common, became the property of the owner when built upon. Land intended for cultivation could be individually owned so long as it was cultivated. Thus, the property division scheme based on race which proved so volatile on Pitcairn was avoided. (In this case, all the males were European and only the males were involved in the agreement.) Testamentary disposition of property appears not to have

¹⁷⁴ Mackay, *supra* note 52, at 50.

¹⁷⁵ *Id.* at 50.

been used. The wife succeeded the husband, both as family head and heir, and on her death, the children shared equally.

As on Pitcairn, alcohol played an important and destructive role in Tristan's early history. One of the settlers, Burnell, was selected by Glass and Nankival to proceed, via a passing ship, to Cape Town to sell Tristan's produce of potatoes, seal skins, and sea-elephant oil, and to spend the proceeds on badly needed domestic supplies. Instead, Burnell spent the money in taverns. Rather than face his colleagues, he simply did not return to Tristan. His departure left only two adult males on the island. Shortly thereafter, two former sailors who had visited Tristan during the days of the British garrison arrived. They were decided to take up life on the island and returned to England for their pay and to purchase farm equipment which they hoped to use on the island. Before they managed to buy the equipment they had lost their money in English pubs.

Following a serious mutiny (which had involved flogging), six crewmen of the ship *Blendon Hall*, fearing trial upon reaching the Cape, jumped ship at Tristan in May of 1821. They were joined by Peggy, a half-caste Portugese maid accompanying one of the ship's passengers. Peggy, it seems, had fallen in love with Stephen White, one of the ring-leaders of the mutiny on the *Blendon Hall*. The arrival of the *Blendon Hall* settlers, who, as one commentator puts it, were "not all in sympathy with the early utopian ideal of industrious equality,"¹⁷⁶ resulted in a new legal regime under which all of the land and stock were made the joint property of the two remaining founders, Glass and Nankival. The newcomers were asked to pay rent for the use of equipment, while the produce of the island was to be equally divided "as long as the people continue to work at the same."¹⁷⁷

William Glass left the island and upon his return found that many of the male inhabitants, including co-founder Nankivel, had left, leaving Glass as the last of the original settlers. There were now only six adults on the island. A gang of runaways landed in 1823 and in 1826 another escapee arrived and was permitted to stay, to the later regret of the hamlet, as he continued his mischief for the ten years he remained on the island. Mutineer White and his bride Peggy left the same year, apparently having been model citizens, despite a twisted past prior to their arrival. Peggy's departure left Mrs. Glass the only woman on the island. Mr. and Mrs. Glass, seven of their children, and five single men, shared a communal cottage.

¹⁷⁶ *Id.* at 60.

¹⁷⁷ Quoted by Mackay, *id.*

The single men asked the captain of a passing ship to bring each of them a wife from St. Helena, and offered, and paid, the captain 20 bushels of potatoes for each of the expected wives. The call for volunteer wives went out on St. Helena and four young women of mixed Malayan and African blood, descendants of East India Company plantation slaves, and an African widow with four mixed-race daughters, came to Tristan in response. Apparently, only one of the marital unions was successful, the women being described as "quarrelsome and slovenly."¹⁷⁸ The one marriage that worked resulted in 12 children, many of whose descendants remain on the island today.

The continued arrival of undesirable visitors finally persuaded William Glass to institute a "no runaways" policy but in 1839, yet another American deserter landed and married a daughter of one of the African women from St. Helena. He remained without welcome and in virtual isolation, even by Tristan standards, for eleven years. In an eerie reprise of Quintal on Pitcairn, driven by ostracism and a harpy wife, he threw himself into the sea where he was almost totally eaten by sharks.

XI.

Fictional characters, banning a sequel, have no future. What happened to the boys of the island of the *Lord of the Flies* after their rescue, or to what society they returned, is without history. On Pitcairn and Tristan da Cunha, however, history does not come to an end; the story continues to unfold.

The development of rules by the 19th century Pitcairn Island settlers was shaped by powerful personalities, religious conviction, and the occasional helping-hand of a passing ship's captain. Unlike *Lord of the Flies* in which we saw social entropy, mayhem and murder, Pitcairn's early incidents of violence dissipated and what evolved was a pious calm. The new state of affairs can be attributed, at least initially, to the work of Alexander Smith, known by 1808 as John Adams, an original mutineer with a dubious history on the island, and the only male adult on the island on its reemergence in 1808. His success can hardly be doubted. A ship's captain reported in 1814 that, "[t]he pious manner in which all those born on the island have been reared, the correct sense of religion which has been instilled into their young minds by this old man, he's given him a pre-eminence over the whole of them, to whom they look up as a father of one and the whole family."¹⁷⁹

¹⁷⁸ *Id.* at 70. But at least not homicidal as in Pitcairn.

¹⁷⁹ Letter of Sr. Thomas Stains, captain of the *HMS Briton*, quoted in Barrow, *supra* note 139, at 247-248.

Adams assured his visitors that no instances of debauchery or immoral conduct occurred on the island.¹⁸⁰ No serious quarrels or disputes or incidents of dishonest dealing were reported, and eleven years were to elapse before Captain Bechey on the *Blossom* visited Pitcairn. In 1823, however, a passing whaler dropped off a settler who was to play an important role in the reconstitution of island society. His name was John Buffet, the first non-*Bounty*, non-Polynesian, settler.

Early 19th century Pitcairn has been called "a place of homespun law" where, "vast areas of human evil could safely be omitted by lawmakers until at least the early 1830's since no expression of evil was to be found on Pitcairn during John Adams' patriarchate."¹⁸¹ The island's early laws produced by indigenous hands (rather than by colonial fiat) have been likened to "rules drawn up by a group of school boys founding a tree-house secret society,"¹⁸² a curious analogy to schoolboy behavior on the fictional island of the *Lord of the Flies*. Pitcairn law required school attendance, set rules for marriage¹⁸³ and baptism, and partitioned land to the families of the original settlers. Land was available to newcomers only by purchase or marriage.

In 1828, George H. Nobbs arrived on Pitcairn and the sole proprietorship of Adams was now a troika of Adams, Buffet and Nobbs. Buffet, after his arrival on Pitcairn in 1823 had taught school and Nobbs' usurpation of some of the teaching introduced a new disharmony. On his death bed Adams urged the family heads to appoint a chief but, for a time, they did not take his advice. John Adams' death in 1829 left the tiny community on Pitcairn without a strong leader for the first time in 30 years. Edward Young, a mutineer's son took over unofficial leadership, and Buffet and Nobbs effected a reconciliation.

The population of Pitcairn was nearly ninety when John Adams died. Prior to his death, he expressed concern that the community was outgrowing the island's capacity. While there is little evidence the islanders wished to leave, in 1831, a ship arrived for the purpose of moving them to Tahiti. The ship seems to have been chartered as a result of missionary pressure on the Governor of South Wales. Within a week of its arrival, all 87 inhabitants had agreed to depart. Their arrival on Tahiti must have been an odd scene. The very licentious behavior that had so attracted the mutineers now shocked the Pitcairners, all but three of whom were part Tahitian. Within weeks fever struck the

¹⁸⁰ Barrow, *supra* note 139, at 255.

¹⁸¹ Ball, *supra* note 139, at 317-318.

¹⁸² *Id.* at 317. Ball also refers to this as common law in its purest form.

¹⁸³ Age 20 for males, 18 for females.

newcomers and twelve died, including Thursday October Christian, son of Fletcher Christian. The move of the islanders to Tahiti, apparently an experiment motivated by the notion that the presence of pious Pitcairners would be a good Christian influence on the ribald Tahitians, lasted only five months. Led by John Buffet, a band of demoralized survivors returned to Pitcairn, where in 1832 they were joined by Joshua Hill, an egomaniacal and paranoid figure reminiscent of Jonathan Lambert on Tristan da Cunha.¹⁸⁴

As early as 1828 George Nobbs had unilaterally proposed harsh penalties for murder and adultery, crimes both unknown on Pitcairn at the time.¹⁸⁵ But it was Hill, in 1832, who sought to impose harsh, dictatorial and xenophobic rule on a peaceful, nearly crime-free community. Within weeks of his arrival on Pitcairn Hill, he was visiting island families, "proclaiming to the women that he would soon become a little king among them."¹⁸⁶ On his own authority, Hill, apparently provoked by the arrival of Thomas Paines' *The Rights of Man and the Age of Reason*, censored what few books existed, confiscated land of the children of Englishmen, banned alcohol and sought to exclude "foreigners" such as Nobbs and Buffet, from the island. And he had built, of all things, a jail.¹⁸⁷

Within two years Nobbs and Buffet had been harassed into exile and Joshua Hill was in command. With Nobbs and Buffet departure, Hill "indulged his zest for the paraphernalia of power by appointing elders, subelders, and 'cadets.' The government of Pitcairn never regained such pomp and circumstance after Hill's departure."¹⁸⁸ The dynamics of the takeover remain uncertain but it may have been associated with alcohol which had once again become a problem on Pitcairn. Hill founded a temperance society which banned alcohol and destroyed the stills on the island. One commentator has suggested that after years of benign leadership the islanders simply had no experience dealing with liars.¹⁸⁹

Joshua Hill was thoroughly lacking in judicial temperament. He held trials without witnesses, resorted to flogging as punishment for minor or non-existent offenses, and, in a burst of irrationality that led

¹⁸⁴ See text at note 190, *infra*.

¹⁸⁵ Murray, *supra* note 50, at 97.

¹⁸⁶ Nicholson, *supra* note 139, at 130.

¹⁸⁷ Murray, *supra* note 50, at 105. Hill's changes in land ownership rules also cost Nobbs and Buffet their land which they had acquired through marriage to islanders. Silverman, *supra* note 32, at 178.

¹⁸⁸ Silverman, *supra* note 32, at 179. Hill's willingness to run wild regardless of existing law is compared by Silverman to Hitler.

¹⁸⁹ Nicholson, *supra* note 139, at 131.

to his expulsion from Pitcairn, sentenced the twelve-year old daughter of Arthur Quintal to death for stealing yams.¹⁹⁰ In the latter part of 1834, Buffet and Nobbs returned to Pitcairn, and by 1837 Hill's reign was over. After a year of isolation and humiliation, Hill was removed from the island by a passing ship.¹⁹¹ The islanders experience with Joshua Hill lead them to replace their consensus way of governing with a more formal legal system.

The islanders had a history of asking the captains of passing British ships for aid in resolving disputes. In 1838, Captain Elliott of the *HMS Fly* obliged them with a remarkably progressive code of law. The islanders' desire for a legal regime resulted not only from their memory of Joshua Hill, but also from their need for protection from the escapades of lawless whalers. The island population now numbered about 100.

The new laws provided that a Union Jack could be flown as a symbol of British protection although Pitcairn would not officially become a British colony until 1887. Captain Elliot's laws provided for the election of a magistrate, native-born, by a free vote of all native-born inhabitants or five year residents over age 18. Thus, if otherwise qualified, females on Pitcairn could vote. (It was 91 years before British women and 82 years from this date before American women attained suffrage.) The magistrate was to settle all differences which might arise and unresolved disputes were to be held over for the captain of the next arriving man-of-war.¹⁹²

Captain Elliot also drafted ten regulations to govern island life, which are "unique in the laws of the world."¹⁹³

¹⁹⁰ See Nicholson, *supra* note 139, at 137; Clark, *supra* note 139, at 126. Joshua Hill's antics on Pitcairn were the inspiration for the satirical story "The Great Revolution on Pitcairn" penned by Mark Twain in 1903. See Charles Neider (ed.), COMPLETE HUMOROUS SKETCHES AND TALES OF MARK TWAIN 388-398 (Doubleday and Co., 1961).

¹⁹¹ For a complete and vivid account of the end of the Hill era, see Trevor Lummis, PITCAIRN ISLAND, LIFE AND DEATH IN EDEN (Ashgate, 1997).

¹⁹² There were new laws in a code of 1850 regarding illicit sexual relations, illegitimacy, theft, wifebeating and the like. Whether these were in response to need or reflected a "these ought to be a law" mentality with a small parliament with nothing to do is unclear. Shapiro, *supra* note 139, at 204.

¹⁹³ But, as Umberto Eco has said, "From prohibitions you can tell what people normally do." It's a way of drawing a picture of daily life." Umberto Eco, FOUCAULT'S PENDULUM 72 (Ballantine, 1990).

NO. 1— LAWS AND REGULATIONS OF PITCAIRN'S ISLAND

The Magistrate is to convene the public on occasions of complaints being made to him; and, on hearing both sides of the question, commit it to a jury.

He is to see all fines levied, and all public works executed; and every one must treat him with respect.

He is not to assume any power or authority on his own responsibility, or without the consent of the majority of the people.

A public journal shall be kept by the Magistrate, and shall from time to time be read; so that no one shall plead ignorance of the law for any crime he may commit. The journal shall be submitted to the inspection of those captains of British men-of-war, which occasionally touch at the island.

NO. 2 – LAWS FOR DOGS

If any one's dog is found chasing a goat, the owner of that dog shall pay a fine of one dollar and a half; one dollar to the owner of the goat or goats, and the other half to the informer.

If any dog kills or otherwise injures a goat, the owner of the dog so offending must pay the damages; but should suspicion rest on no particular dog, the owners of dogs generally must pay the damage. The foregoing law is of no effect when the goat or goats are upon cultivated ground.

Persons who have fowls or hogs in the bush may take dogs to hunt them, but should the dogs commit damage during the hunt, the person taking the dogs to hunt must pay the damage.

NO. 3 – LAW FOR CATS

If any person under the age of ten years shall kill a cat, he or she shall receive corporal punishment. If any one, between the ages of ten and fifteen, kills a cat, he or she shall pay a fine of twenty-five dollars; half the fine to be given to the informer, the other half to the public. All masters of families convicted of killing a cat shall be fined fifty dollars; half of the fine to be given to the informer, the other half to the public.

N.B. Every person, from the age of fifteen upwards, shall pay a fine similar to masters of families.

NO. 4 – LAWS FOR HOGS

If a pig does any damage, the person who sustains the damage may take the pig so trespassing, no matter whether he sees the pig committing damage, or another person sees the pig committing damage. If any person or persons, sees a pig, or pigs, committing damage, and neglect to inform the person sustaining the damage, the person guilty of such neglect must pay the damage.

NO. 5 – LAW REGARDING THE SCHOOL

There must be a school kept, to which all parents shall be obliged to send their children, who must previously be able to repeat the alphabet, and be of the age of from six to sixteen.

Mr. Nobbs shall be placed at the head of the School, assisted by such persons as shall be named by the Chief Magistrate.

The school hours shall be from seven o'clock in the morning until noon, on all days except Saturdays and Sundays, casualties and sickness excepted.

One shilling, or an equivalent as marked below, shall be paid for each child per month, by the parents, whether the child attends School or not.

In case Mr Nobbs does not attend, the Assistant appointed by the Chief Magistrate shall receive the salary in proportion to the time Mr Nobbs is away.

		s	d
One Barrel of Yams	valued at	8	0
One Barrel of Sweet Potatoes	"	8	0
One Barrel of Irish Potatoes	"	12	0
Three good Bunches of Plantains	"	4	0
One Day's Labour	"	2	0

The Chief Magistrate is to see the labour is well performed; and good which may be given for money, shall be delivered, either at the marketplace, or at the house of Mr Nobbs, as he may direct.

NO. 6 – MISCELLANEOUS

If any person wants to cultivate any lands, he is to give notice of it to the public; and any person wanting any wood is to go on the aforesaid land and get it. If any person cuts more wood than is sufficient to build his house, the wood that remains after his house is finished is to be given to the next person who may want it to build a house. This extends only to the *mero* and *borou* timber.

Any person who may want any trees to break off the wind from his plantations or houses, is to make it known; and no one is allowed to cut them down, even if they be upon his own land.

At any meeting which may take place, there shall be no bringing up things that are past to criminate others, with a view to prevent justice with the case before the Magistrate. Any one doing so shall be punished by such a fine as a jury may think proper to award.

The Magistrate is to appoint churchwardens, four in number, beginning on the first of every month.

Any person detected in shooting, or in any way killing white birds (unless it be for the sick) shall, for each bird that is killed, pay a dollar.

NO. 7 – LAWS FOR WOOD

If any person goes to cut logs, to enclose a piece of ground, or any other purpose, he is not to cut any fit for building a dwelling-house. The Magistrate is to appoint four men to inspect the logs after they are brought home; and should any be found serviceable for building dwelling-houses, they are to be taken from him and given to the next person who builds a house.

The third year from the time a person commences cutting wood he is to pick a share of thatch for covering dwelling-houses.

If the wood is left longer than the time specified, it is to be taken from him and given to the next person who builds a house.

Any person cutting logs, must not cut green ones until no more dry ones can be found. Any person without a pig-sty and wanting one, is allowed to cut green logs to make it with, if dry logs are not to be found.

No person is allowed to cut down any trees for logs on which there are young ones growing, which may become serviceable for building in future.

Any person having a large enclosure round his pig-sty, cutting down any tree on which there is any good logs, is not allowed to take the logs, but he is to leave it for the benefit of those who have no enclosure. He is also bound to inform those who have no enclosure where the logs are to be found; but if they do not cut them at the end of two weeks, any one may be allowed to cut them, and keep them for such service as they please. No one may cut green logs to repair his large enclosure, save what he may find on trees which have been cut and left above two weeks.

NO. 8 – LAWS RESPECTING LANDMARKS

On the first day of January, after the Magistrate is elected, he shall assemble all those who should be deemed necessary; and with them he is to visit all landmarks that are upon the island, and replace those that are lost. Should anything occur to prevent its accomplishment in the time specified (the 1st of January), the Magistrate is bound to see it done the first opportunity.

NO. 9 – LAWS FOR TRADING WITH SHIPS

No person or persons shall be allowed to get spirits of any sort from any vessel, or sell it to strangers or any person upon the island. Any one found guilty of so doing shall be punished by fine, or such other punishment as a jury shall determine on. No intoxicating liquor whatever shall be allowed to be taken on shore, unless it be for medical purposes. Any person found guilty of transgressing this law, shall be severely punished by a jury.

No females are allowed to go on board of a foreign vessel, of any size or description, without the permission of the Magistrate; and in case the Magistrate does not go on board himself, he is to appoint four men to look after the females.

NO. 10 – LAW FOR THE PUBLIC ANVIL

Any person taking the public anvil and public sledge-hammer from the blacksmith's shop is to take it back after he has done with it; and in case the anvil and sledge-hammer should get lost by his neglecting to take it back, he is to get another anvil and sledge-hammer, and pay a fine of four shillings.

The impact of these laws on day-to-day life on Pitcairn is uncertain. Pitcairn was (and is) a place of severely limited resources: wood was scarce and the next nearest source a dangerous voyage away; cats were valued because they kill rats; excessive contact with whalers was a source of constant trouble; pigs could damage valuable crops and needed to be regulated; and the anvil, salvaged from the *Bounty*, was a precious communal resource. By 1850 the number of laws had grown considerably, the first efforts at legislation were now unwieldy, and there were no lawyers to which anyone might resort to help deal with grievances. Silverman's observation is certainly correct:

Custom and consensus, as in larger communities, were generally more effective than the attempt to mold conduct by prescribing it in writing. It is difficult to assess how much of the written law was operative, but

the record suggests that ad hoc considerations, rather than judicial principles, frequently controlled controversial questions.²¹²

The experimental years on Pitcairn, 1839-1855, passed in relative harmony. Murry reported that "Some little misunderstandings occasionally arise as to boundaries but these as well as such other matters of dispute as now and then occur, are generally soon settled by the chief magistrate and the two councillors."²¹³ In 1854, the Chief Magistrate was the grandson of the mutineer and community founder, John Adams. A few decisions were appealed to captains of calling British ships but even the appeals seemed to have been free of acrimony. Captain Morshead recalled in December of 1853 that:

It has long been their custom to leave any cases at issue for the decision of a captain of a man-of-war as a final appeal. Only one was left for me to decide; it had previously been before the magistrate, and submitted to a jury, and on my confirming the opinion of their own tribunal, they all shook hands.²¹⁴

By mid-1853, George Nobbs had returned to Pitcairn from England where he had become a priest.²¹⁵ The population of the island now stood at 172, and had roughly the same population density as present day Kaua'i, Hawaii. But fearing that the population was outgrowing the island's capacity, the islanders began to solicit British assistance in relocating to Norfolk Island, a former British penal colony, which lay some 60° or 3700 miles west, north and west of the north tip of New Zealand, across the date-line, and a world away from Pitcairn. In the summer of 1855 the *H.M.S. Juno* under the command of Captain Fremantle explained the opportunities on Norfolk to the entire Pitcairn population, most of whom voted to move. Remembering the failed migration to Tahiti 24 years earlier, George Adams and 33 elected not to go. But in allegiance to their majoritarian tradition, all 187 residents,

²¹² Silverman, *supra* note 32, at 181-182.

²¹³ Thomas Murray, *PITCAIRN, THE ISLAND, THE PEOPLE AND THE PASTOR* 149 (London: Society for the Propagation of Christian Knowledge, 1853). A jury of seven was utilized when no decision could be reached by the magistrate, or the magistrate and the councillors. Murray notes that "[t]he office of magistrate is not coveted . . ." *Id.* at 152.

²¹⁴ Reported by Murray, *id.* at 195.

²¹⁵ In another of the curious coincidences that permeate this tale, George Nobbs, on his second return to Pitcairn penned a hymn he called "The Coral Isles", about three years before Ballantyne wrote the novel of almost the same name, which in turn provided partial inspiration as well as the character's names, to Golding's *Lord of the Flies*. The text of Nobbs' hymn can be found in Murray, *id.* at 357.

92 male and 95 female, in 23 family groups, departed Pitcairn in May of 1856.²¹⁶

With a seeming naiveté about outsiders' capacity to disassemble—which had made the Pitcairners vulnerable to the paranoid antics of Joshua Hill only 20 years before—and the double dealing of Sir William Denison, Governor General of New South Wales, the Norfolk resettlement was doomed from the beginning. The original resettlement proposal called for the entire 10,000 acres of Norfolk, 5,000 times the size of Pitcairn, to be allocated among the settlers, leaving no room for any outsiders who might arrive. There was to be 500 acres set aside for public purposes, 200 acres for churches and schools. With the expanse of land available and the fact that they would not be moving into an alien culture, may have made the move to Norfolk Island tempting. Since Norfolk had been the site of a penal colony, it had an existing infrastructure. As desirable as the location may have been, and the decision to move made, Denison began to backtrack, suggesting, unbeknownst to the Pitcairners, that the land allotment rules be revised.

On June 8, 1856, the settlers who left Pitcairn—one born en route—arrived on Norfolk with all of their moveable possessions. Only two weeks passed before Denison's treachery was revealed in a letter from Captain Fremantle of the *H.M.S. Juno* to the Chief Magistrate, now resident on Norfolk. The whole of the coastline, jetties and roads were reserved, as were various buildings, seven hundred acres of land, and all distribution of land was to be subject to the Governor General's approval.²¹⁷ Under this arrangement the Pitcairner's succeeded in acquiring title to only about one-fourth of the island. "From owning the whole of Pitcairn for whatever use they cared to put it, on Norfolk they had become in a way only tenants of the British Government."²¹⁸

When Denison visited Norfolk in 1859, he confiscated the documents setting forth the 1856 agreement, apparently unhappy with the equal suffrage of the Pitcairn women, and a government he derisively called, a "petticoat government." Sixteen members of the Young family who had made the move to Norfolk did not wait for the Governor General's deceit and arrogance to be fully known before departing, in 1858, for Pitcairn. Over the next several years they were joined by other disenchanting refugees and the Pitcairn saga began anew.

²¹⁶ Nicholson, *supra* note 139, at 194-197.

²¹⁷ The letters setting forth the new arrangements are reproduced in Nicholson, *supra* note 139, at 201-202.

²¹⁸ *Id.* at 204.

When the Pitcairn islanders returned from Norfolk, they found that their homes had been lived in, some of them dismantled, and a message from Captain J. N. Knowles whose ship from San Francisco had been lost 70 miles from Pitcairn. While the rest of his crew waited on another empty island, the Captain and six men set off on a small boat which had been wrecked at Pitcairn. The new Pitcairn castaways used timbers from the Pitcairn houses to build a boat they named "John Adams" and sailed to safety. Twenty two years later the same Captain Knowles returned bringing letters from a fast-growing Seventh Day Adventist Church in the United States. John Tay, an Adventist missionary, and the first missionary to visit Pitcairn, landed on the island, and within weeks, all of the islanders had converted, ushering in a new era on Pitcairn, and a new set of rules to govern the behavior of the island community.

XII.

The year 1840 was the apogee of American whaling in the South Atlantic and numerous whaling ship crews visited Tristan da Cunha in the 1830s and 1840s and carried on a brisk trade with the islanders. Tristan, like Pitcairn, did not escape the attention of missionaries. Father William Taylor arrived in 1851 when the Tristan community consisted of nine families and 64 children. In sharp contrast to Pitcairn, where almost the entire population was native-born, the adults on Tristan had come from the United States, England, Ireland, Holland, Denmark, the Cape, St. Helena, and many had been born on Tristan.²¹⁹ The following year, Reverend Taylor reported to the Captain of the *H.M.S. Herald* that the island had had only one "crime," a joking theft of a pig from a wedding feast. The council of elders had ordered the pig returned in the presence of the entire Tristan community, "with shame to the offender and a warning to others."²²⁰

As whaling diminished, there was less problem with the influx of sailors and by 1856, in a reversal of the situation in Tristan's early days, the island had more than a dozen young women, unmarried and without prospects. The island population was now about seventy.

²¹⁹ Mackay, *supra* note 52, at 76-78; Rogers, *supra* note 52, at 27-28. The second clergyman did not arrive on Tristan da Cunha until 1880. He was Rev. E. Dodgson who stayed until 1884. Rev. Dodgson's brother was Charles Ludwidge Dodgson, an author whose pseudonym was taken from the latinization of his given name Carolus Ludovicus. As Lewis Carroll he wrote *Alice's Adventures in Wonderland* (1865) and *Through the Looking Glass* (1872).

²²⁰ Mackay, *supra* note 52, at 80-81.

About this time the Governor of the Cape Colony, though a ship's captain, appointed the only remaining signatory of the 1821 constitution, Alexander Cotton, as headman. Though venerable, Cotton was illiterate and ignorant, a dubious choice at a critical juncture. In March of 1857, 45 persons, more than half the island's population, and Reverend Taylor left the island. Eight of the unmarried women were included in the party. The large Glass family had left previously, leaving a population of twenty-eight, in four households. Livestock and property became less communal as the four families began acting more independently. Captain Pullen of the *H.M.S. Cyclops* reported in 1857, "I cannot say that I have a favourable opinion of these islanders, for they do not seem so united as you would expect."²²¹ The Captain also noted that from a moral perspective the whalers' influence had been negative and alcohol was a major problem on the island.

In yet another curious parallel with Pitcairn, the Tristan group was assumed to be British although the British garrison had been gone for some fifty years and no one had staked a claim on the island. American whaling, ending after the American Civil War, had dramatically reduced the ships stopping at Tristan. A captured Union cruiser flying the Confederate flag called in 1862 and landed 40 prisoners without providing for them.

Alexander Cotton died in 1865 and the headman's position was now filled by Peter Green. No steps were taken to formalize British sovereignty, and there was still no system of written laws, and apparently the islanders found the need for none. A constitution for Tristan was drafted by the Law Officers of the Crown in 1876, but it was not implemented because the islanders "took alarm at the prospect and their preferences were respected."²²² Peter Green and Andrew Hagan maintained a low-key rivalry for the leadership of Tristan, a rivalry complicated by intermarriage between the two families. Hagan "apparently felt that he had inherited the Glass authority along with the Glass property."²²³

A turning point in the island's development as a free-standing community occurred in 1885. In the previous 15 years there had been at least nine shipwrecks off the Tristan coast and the adult males on Tristan, numbering roughly twenty, had rescued and cared for nearly

²²¹ Pullen quoted in Mackay, *supra* note 52, at 87. Apart from the demise of whaling, the isolation of Tristan da Cunha was exacerbated by the completion of the Suez Canal in 1869, as far fewer ships rounded the Cape en route to the Indian Ocean. Curiously, the completion of the Panama Canal in 1914 eased the isolation of Pitcairn as it now lay on the route between Panama and New Zealand.

²²² Rogers, *supra* note 52, at Appendix III.

²²³ Mackay, *supra* note 52, at 117-118.

200 persons from the dangerous seas. Now, however passing ships were rare and the island's potato crop had failed. When a ship was finally sighted, 15 men boarded a lifeboat loaded with what little the islanders had to trade and put out into rough seas. The ship did not stop or allow the Tristan party to board. The 15 were never found.²²⁴

Tristan da Cunha was now an island of widows; there remained four married couples, the male partners of which were the only adult men. The population, 92 in number, were nothing if not tough. In 1907 they unanimously voted down a colonial office proposal to resettle on the Cape. The following year a ship from the Cape arrived with a much needed infusion of new, or nearly new, blood. Three men, Joe and Bob Glass, and one named Hagan, who had been born on Tristan but had left for the Cape fifteen years before, returned. Two of them brought with them white wives from South Africa, and they and their progeny would be the beginning of a new Catholic presence on Tristan. The three families had ten children with them, and were accompanied by a single male, also a Hagan. The newcomers were not universally welcomed; they had brought illness, infected the islanders, placed strain on island resources, and ignited arguments over ownership of houses and land which had been abandoned.

A year before the arrival of the Glass and Hagan families, a strange character named Keytel had visited Tristan and promoted a scheme to trade in guano. The guano trade didn't take place and Keytel left, only to return in 1908 on the ship carrying the Glass and Hagan families. Keytel gamely tried to introduce an entrepreneurial spirit to Tristan suggesting various schemes but succeeded only in creating conflict. As Mrs. Banow put it, "[t]here are mischief, divisions, and quarrels."²²⁵

Keytel called a meeting of all of the adult males, except for Bob Glass with whom he did not get along, and offered to hire them for three years. Misunderstandings over the use of written contracts, suspicion of outsiders, and the perception that the influx of outsiders was leading to moral decline doomed Keytel's schemes. Bob Glass appointed himself headman, the Banows left, and World War I cut off Tristan da Cunha entirely for three years. At this point in time the island disappeared from world attention until 1922, when a group of missionaries arrived.

²²⁴ Speculation on their fate may be found in Mackay, *id.* at 120-121.

²²⁵ Quoted by Mackay, *supra* note 52, at 168.

XIII.

The Pitcairn islanders, from the days of John Adams until the arrival of Seventh Day Adventist missionary John Tay, had been subject to devout, if disorganized, religious practices. Whether the Pitcairn legal system, perfunctory as it was, actually functioned to control behavior is not known. But the rapid and seemingly unanimous conversion to the Seventh Day Adventist faith in 1887 indicates a receptivity to an orderly, clear, and strict religion under which the islanders would govern themselves, rather than by way of a fully developed system of laws. Given the profound and lasting impact of the Seventh Day Adventists on Pitcairn culture, a brief examination of its tenants is in order.²²⁶

As in other Christian faiths, the Ten Commandments are central to Adventism believers.²²⁷ They require dress to be modest, neat and simple. The ingestion of substances thought to be harmful—narcotics, tobacco, alcohol—is forbidden. Foods which the Bible claims to be unclean, such as pork, are proscribed²²⁸ (and the pigs were to be driven from the island to reduce temptation). Adventism forbids consumption of seafood without scales,²²⁹ which plays off limits the bounty in the waters around Pitcairn, crayfish, “giant and succulent,” and “the sort of seafood a French chef would weep over.”²³⁰ Today, on Pitcairn, crayfish are used as fish bait. In contrast, on Tristan, crawfish and lobster fishing, processing and freezing, are the largest source of non-government employment, and the industry, though small by world standards, is thriving.

Adventist interpretation of the Fourth Commandment places the Sabbath on Saturday. In 1788, prior to the mutiny on the *Bounty*, Captain Bligh had made an error regarding the location of the international date-line, which the mutineers acted upon while at Pitcairn. It

²²⁶ These are abstracted from the Seventh Day Adventist publication, “What We Believe” which may be found at <www.adventist.org/beliefs/>.

²²⁷ Even to some Christians who purport to be, and indeed may be, devout, it occasionally comes as a surprise that the Ten Commandments appear twice in the Old Testament. The first recitation is in Exodus 20:1-17. The second is in Deuteronomy 5., and indeed, the word deuteronomy, from the Greek deuteronomion, means a copy of the law.

²²⁸ And the swine, though he divideth the hoof; he is unclean to you. Leviticus 11:7.

²²⁹ Whatsoever hath no fins nor scales in the waters, that shall be an abomination unto you. Leviticus 11:12

²³⁰ Birkett, *supra* note 27, at 1-15. Crawfish and lobster were also a prime source of food for Alexander Selkirk, whose marooning on Mas a Tiera was the basis for Robinson Crusoe. See note 22, *supra*.

was not until 1814 that the Pitcairners learned that they were a day off from the rest of the world. Thus, during the days of religious revival under John Adams the islanders had been worshiping on Saturday thinking it was Sunday. The point could hardly have been lost on the Adventist missionaries, or for that matter, on those who converted.²³¹

The relationship between Adventist belief and secular law is illustrated by the case of Harry Albert Christian, born on Pitcairn in March of 1872. At age 22, Harry began a liaison with a Pitcairn girl named Julia Warren and they had a daughter, Eleanor, born in 1895. The romance ended and Harry's wish to marry another woman was thwarted by an island magistrate's ruling that Harry could not marry while the daughter was alive. In the first murder on Pitcairn since the early days of the mutineers, Harry cut the throats of both Julia and Eleanor. There has not been a murder on Pitcairn since.²³²

The killing by Harry Christian of Eleanor and Julia was quickly solved and an official from Suva, in the Fiji Islands which then governed Pitcairn, was sent to conduct a trial. The Seventh Day Adventist Church on Pitcairn gave what spiritual comfort it could to Harry, who was removed to Suva to be hanged. Two Adventist ministers at Suva visited him in jail each day and were with him immediately before his execution. They made no attempt to influence the judgment or sentence.²³³

XIV.

Reverend Henry Rogers, 42, and his 19 year old bride Rose Annie²³⁴ landed on Tristan da Cunha in 1922. What they, as well as passing ships' captains found, was a disconcerting lack of unity and cooperation among the islanders. Commander Wild recalled that, "the people greatly

²³¹ Bligh's error had a second curious consequence. Just nine months after Fletcher Christian and his party arrived on Pitcairn, Christian's wife gave birth to a son who they named Thursday October Christian after, they thought, the day of the week upon which he was born. The error wasn't discovered until 24 years later, and by then Thursday himself had a son whom he had named Thursday, Jr., Thursday Senior changed his name to Friday, but he too was confused by the dateline problem, as he was actually born on Wednesday.

²³² There was, however, a murder by a Pitcairn woman on Norfolk Island in 1896, when a woman threw her illegitimate baby down a well.

²³³ Personal correspondence from Dr. Herbert Ford, Director of the Pitcairn Island Study Center at Pacific Union College in Angwin, California. Dr. Ford, while at Suva, examined the letters from Harry Christian to his family and church in which he acknowledged his guilt and asked for the spiritual forgiveness of his parents and the members of the Pitcairn Seventh Day Adventist Church.

²³⁴ Mrs. Roger's account of her Tristan adventure is *The Lonely Island* (Geo. Allen & Irwin Ltd. 1926).

needed copper nails for their boats, and he offered them a seven pound bag, 'our all which we could ill spare.' However, no one man would burden himself with the bag on behalf of the community. It was finally left on board."²³⁵ Captain Wild claimed to be surprised the islanders were not wild and uncivilized owing to their prolonged isolation, although he did characterize them as "grown-up children." But theft was rare and promiscuity uncommon, although children born to island women fathered by shipwrecked sailors were not unknown, nor particularly frowned upon. Dr. Mackin on board the *Quest* reported that displays of open affection, even between married couples, were thought by the islanders to be unseemly.

In matters of religion, Tristan da Cunha was eclectic, with the Church of England, Presbyterian, Dutch Lutheran, and Roman Catholic, all present. The church-state divide was breached in 1932 when a Rev. Partridge was appointed His Majesty's Commissioner and Magistrate as well as chaplain. A council of elders was appointed but matriarchal power remained strong. Crime remained virtually unknown although MacKay reports one incident. The headwoman of the island lost her patience with the community's laziest housewife, whose cottage was dirty, so she mobilized some other island women to "invade and clean it." The housewife swore so profanely that the headwoman took the matter to the council which ordered the miscreant confined for one day in stocks devised for the purpose and she was banned from church for three weeks.²³⁶

The formal legal status of Tristan da Cunha was finally resolved on January 12, 1938 when George VI proclaimed the islands of Tristan da Cunha, Inaccessible, Nightengale, and Gough as dependencies of its colony of St. Helena. There was little in the way of government apparatus; personal animosity was said never to get past "people not speaking to each other for a time," with common matters decided by the men after church services. This casual, personal approach seems to have "compensate[d] fully for the lack of external organization."²³⁷ In 1940 there was no real law, public administration or authority beyond that of custom enforced by common consent; no law and no crime. As a Mr. Booty put it:

Seemly morality appeared to be the island religion, rather than devout piety. Custom was the ultimate court of appeal" "In a sense, many of the islanders were amoral, but their behavior accorded with the

²³⁵ Visit of the *RYS Quest* on May 20, 1922, recounted by Mackay, *supra* note 52, 184.

²³⁶ Mackay, *supra* note 52, at 203-204.

²³⁷ Erling Christopherson, *TRISTAN DA CUNHA* (London, Cassel Pub., 1940).

highest morality. Honesty was the common policy because deception was hard to conceal. Promiscuity was rare for the same reason. . . . In questions of conduct the individual succumbed to general opinion.²³⁸

World War II had little impact on life on Tristan although a small Royal Navy detachment was stationed there. The crawfish industry began in earnest in 1949 and the Tristan da Cunha Development Company built facilities and kept a small staff including families on the island. The British Colonial Office appointed a resident administrator and in 1952 a Council was formally elected: a body of 5 women and 10 men, along with the Headman and Headwoman, Administrator, Chaplin, and two Development Company representatives. The voting age was 18, suffrage universal. By 1956 the population was nearly 300, regular wages were being earned, postage stamps sold to collectors for substantial profit, the school was expanded, but the society was changing. Mackay says,

Now too the old facade of equality could not be so staunchly maintained. When everyone was struggling along with fish and potatoes, stone and thatch, moccasins and knitting, there was only a difference of degree between "rich" and "poor," between thrifty and shiftless. But when there were jobs and money, the store bought articles shone proud and conspicuous in the cottages of the more enterprising. Snobbery had more usable fetishes than skin-colour and tidiness.²³⁹

But there was still no crime, no jail, and little law which impacted island daily life. Public opinion ruled and the local people maintained a polite but distant relation to outsiders. And then everything changed. On October 9, 1961, the volcano which had given birth to Tristan da Cunha erupted forcing the evacuation of 257 of the 264 inhabitants.

But the homing instinct was no less strong in the Atlantic than it had been in the Pacific with the Pitcairners and their two emigrations. By 1963 nearly two hundred evacuees from Tristan had returned and what followed was two decades of tinkering with the governing structure, little of which seemed to have much impact on the day-to-day behavior of the islanders. A new constitution for St. Helena and her dependencies was adopted in 1967 and the first elections under the new constitution were held the next year. An Island Council was established in 1969 under which the Administrator was to be advised by three nominated and eight elected members. The years of tinkering ended in 1985 when the position of Chief Islander was made an elective office. Yet

²³⁸ Quoted by Mackay, *supra* note 52, at 226. Mackay added, "Standards replaced laws, written or oral. Public opinion, focused as under a burning-glass, dominated everyone's conduct."

²³⁹ McKay, *supra* note 52, at 236.

another new constitution for St. Helena was enacted in 1985, but it too had a modest impact on Tristan life, except for, perhaps, the creation of a Magistrate's Court for the island.

In 1932 Tristan Gane wrote of Tristan "The community of Tristan da Cunha may be defined as a simple republic bound by its customs enforced by common consent."²⁴⁰ Despite an avalanche of law and considerable economic progress, this seems still the case. Tristan da Cunha works.

Today about 300 people with eight family names call Tristan da Cunha home. It has shops, a supermarket, water, electricity, a small hospital and a school. Serious crime and unemployment are unknown.

XV.

The twentieth century was less kind to Pitcairn. A cumbersome parliamentary system was abolished in 1904 and the position of Chief Magistrate reintroduced. For nearly forty years the position was filled by a great grandson of mutineer McCoy, James Russell McCoy and he is credited with giving the community a needed sense of direction and purpose. Pitcairn's laws underwent revisions in 1940, 1953, 1964 and 1966, and 1970, none with any significant impact on the islanders' behavior. In 1971, with the independence of Fiji, authority over the island was vested in the British High Commissioner for New Zealand, who is also the Governor of Pitcairn.²⁴¹ Pitcairn Island today probably has more law per capita than any place on earth. There is an Island Council, an Island Magistrate, and Island Court, a Land and Estates Court, and even a Subordinate Court and a Supreme Court, although the later two mercifully are inoperative. There is a Social Welfare Benefits Ordinance, extensive criminal law, land tenure laws, laws on

²⁴⁰ Gane, *supra* note 52, at 111.

²⁴¹ The United Nation's Declaration of Granting Independence of Colonia Countries and Peoples' apparently gives Pitcairn the right to secede from great Britain if it should so choose. The U.N. has cautioned Great Britain to "continue to respect the very individual lifestyle that the people of the territory have chosen and to preserve, promote and protect it." Murray, *supra* note 50, at 100.

In 1968 The Pitcairn Island Council declared that it, "has no present wish to seek to change the nature of the relationship between the Government and the people of Pitcairn and the people of the United Kingdom, but if, at any time, change should be desirable, the Council has full confidence that this can be and will be negotiated by free agreement between those whose sole concern it is."

Pitcairn mentality is summed up by the last six words of the Council's statement, and the Government of the United Kingdom goes unmentioned. There are no reports of indigenous revolutionary forces amok on Pitcairn.

agriculture, forests and fishing, marriage, adoption, wills and successions, a Dental and Medical Practitioners Ordinance, a Trade Unions and Trade Disputes Ordinance, and English common law and custom to fill in any gaps.²⁴² The population is about 30.

The Pitcairn Administrator in New Zealand concocted a scheme to encourage the repatriation from Norfolk Island to Pitcairn of some of the descendants, numbering nearly 2000, of Pitcairners who had moved to Norfolk in 1856. Jobs and a plot of land were offered as inducements but response was poor.

Today there are no employment prospects on Pitcairn other than government jobs reserved for islanders. There are no banks and a co-operative store is open for a few hours each week. Exotic goods such as flour, eggs, butter and meat must be ordered several months in advance from New Zealand. Despite extensive law on the subject and even a specialized court, farm plots are still held in family ownership based on Fletcher Christian's original disastrous division. A communalism born of necessity and custom endures. Fish caught are divided equally among the families as fishing is too dangerous to be an individual enterprise. If a ship were to donate sandpaper it would be cut up so each carver on the island would share equally.²⁴³

In 1989 the Pitcairn Islands Administration in New Zealand concluded that Pitcairn needed a jail and a three cell facility was built. There were no locks on the doors and it has never been used except for storage. From all accounts Pitcairn is crime free but Birkett raised a curious question:

I imagined how a court case would be conducted on Pitcairn. What if someone was murdered? Stabbed? Allowed to lie where they had fallen? What if someone pushed me off the cliff Down Rope? Even if the crime was committed in front of a crowd, who would bear witness against another Pitcairner? Who would stand up and accuse? Who would defend, cross-examine and judge? Perhaps the Pitcairn Islands Administration in New Zealand could bring in someone from outside, to conduct an impartial inquiry and establish the facts. But who would refuse the tale that I tripped and fell? Accidents were common on Pitcairn.²⁴⁴

A community as small as Pitcairn is today—eight households and under thirty full time residents—may operate by way of unique dynamics

²⁴² The laws in force on Pitcairn are collected in Michael A. Ntuny (ed.), *SOUTH PACIFIC ISLANDS LEGAL SYSTEMS* (University of Hawaii Press, 1993)(Chap. 9).

²⁴³ These and like examples were reported by Birkett, *supra* note 27, in 1997.

²⁴⁴ *Id.* at 282.

and also be subject to a social science version of the Heisenberg uncertainty principle,²⁴⁵ by which the mere act of observation affects that which is being observed. Perhaps when a visitor is present the official political authority seems to be in charge, while the most important person at other, unobserved times is the spiritual leader, or the man who can keep the generator operational. Perhaps not only the fact of observation, but also the characteristics of the observer, influence what is disclosed and then described. In any event membership in such a small club, with shared beliefs, history, and shared concerns must instill a sense of belonging absent in more complex societies.

In her 1997 book Birkett quoted an island resident as saying "alcohol is destroying our island—turning children against parents,"²⁴⁶ and reported card-playing, Carlsberg drinking and Baywatch videos as popular evening pastimes for some Pitcairners. Even so, the participants attempted to reconcile faith with action by quoting Proverbs 31:6. There are competing translations and the context is important,²⁴⁷ but the need to justify at all is interesting. In any event, the behavior, if it exists, seems more melancholy than aggressive, and perhaps reflects a feeling that the future of the Pitcairn community is in doubt. Not from violence as in the past, but from an inability to move forward. A final quote from Birkett, if true, says it best: "As Dennis spoke, I realized why Pitcairners' English sounded so stilted. They never use the future tense."²⁴⁸

²⁴⁵ Named for the German physicist Werner Heisenberg who announced it as characteristic of quantum mechanics in 1927. See Brian Greene, *THE ELEGANT UNIVERSE* (Vintage Books, 1999).

²⁴⁶ Birkett, *supra* note 27, at 170.

²⁴⁷ The King James Version says "Give strong drink unto him that is ready to perish, and wine unto those that be of heavy hearts." The New International Bible translates the passage, "Give beer to those who are perishing, wine to those who are in anguish let them drink and forget their poverty and remember their misery no more." Carlsberg is not specified.

The two preceding verses, 31:4 and 31:5 say, however, "It is not for kings, O Lemuel, it is not for kings to drink wine; nor for princes strong drink: Lest they drink and forget the law, and pervert the judgment of any of the afflicted." The category into which imbibing Pitcairners' place themselves is unnerving.

²⁴⁸ Birkett, *supra* note 27, at 113.