



Title: The Case of *Zong*: Profits and Loss

Level: 11th grade
ENGLISH-HISTORY-VISUAL ARTS (UNIT: 3 lessons)

OVERVIEW

Students will examine and defend the perspectives involved in the notorious eighteenth-century, “Zong Affair”. It was a legal dispute not about the humanity of the enslaved Africans but about insurance liabilities. They will reflect on the social implications of such a case.

Common Core Reading Standards

Text Types and Purposes 11.1 Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

Common Core Speaking and Listening Standards

Comprehension and Collaboration 11.1 a-c Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others’ ideas and expressing their own clearly and persuasively.

Comprehension and Collaboration 11.3 Evaluate a speaker’s point of view reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

Common Core Reading Standards for Literacy in History/Social Studies

Integration of Knowledge and Ideas 11.9 Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

CST Standards

English Writing Strategies Standard 1.1 Demonstrate an understanding of the elements of discourse (e.g., purpose, speaker, audience, form) when completing narrative, expository, persuasive, or descriptive writing assignments.

English Listening and Speaking Strategies 1.4 Use rhetorical questions, parallel structure, concrete images, figurative language, characterization, irony, and dialogue to achieve clarity, force, and aesthetic effect.

English Listening and Speaking Strategies 1.13 Analyze the four basic types of persuasive speech (i.e., propositions of fact, value, problem, or policy) and understand the similarities and differences in their patterns of organization and the use of persuasive language, reasoning, and proof.

OBJECTIVES (SWBAT)

1. Express the conflicting perspectives of insurers, enslaved Africans and European slave ship owners that were presented in the court cases of 1791 and 1793.

MATERIALS:

- Pen/pencil
- Introductory clips of *Amistad* and/or dramatic reading of a letter Granville Sharp wrote to William Baker regarding the case of *Zong*
- Summary of the case of *Zong* (p. 6-8)
- Images of slave ship and Door of No Return
- Reading guide for the case of *Zong* (p. 9)
- Quick Guide to mock trial handout (#2 with asterisk at the end of the lesson)
- Support for defense (Olaudah Equiano excerpt) and plaintiff (jettison clause) (p.5)
- Glossary worksheet (p.4)
- Evaluation form for mock trial (see #4 additional resources)

PROCEDURE I:

Lesson 1

1. Introduce the Middle Passage using videos or provided images.
2. Students will work as a class to define legal terms using the provided glossary as a guide (see p. 4 for Glossary).
3. Teacher will introduce the case of *Zong*, a historic case about insurance fraud in the transportation of enslaved Africans.

Lesson 2

1. Distribute a summary of the case of *Zong** (p. 6-8). Multiple readings suggested for optimal comprehension.

2. Fill out the case of *Zong* Reading Guide (p.9).

*students should be informed that accounts of the case and its historical impact vary.

3. Go over responses to the Reading Guide as a class.

EVALUATION: Using historical background, write a clear position statement for both the insurers and the insured. State what you believe to be the greatest moral offense in the case?

Lesson 3

1. Inform students that they will conduct a mock trial, based on the details of the case of *Zong*. Additional guide to mock trial for instructors http://19thcircuitcourt.state.il.us/services/pages/mock_trials.aspx#guide. Modify as needed.

2. Distribute mock trial guide to students and use guide to assign roles.* <http://www2.maxwell.syr.edu/plegal/crit3/a3.html>.

3. Conduct mock trial. Teacher will preside over the court as the judge.

* Once roles have been chosen, give the plaintiff a copy of the jettison clause. Give a witness for the defense a copy of Equiano's excerpt. Both sides need information about who could testify in court in eighteenth century England. **Teacher:** The movie *Belle* (2013, Directed by Amma Asante), is an excellent portrayal of the case judgment.

PROCEDURE: PART II

4. Assign a follow up project investigating the status of human rights in 2014. Although enslaving people is illegal internationally, what are the biggest threats to human rights today? Encourage students to research issues and to find and share ways to get involved in human rights defense work.

Glossary for students:

Acquittal: A legal determination that a person who has been charged with a crime is innocent.

***Bailiff:** A person who executes court orders. Executive court officer.

***Counsel/barrister:** An attorney or lawyer.

***Court clerk: An official who keeps court records and administers oaths during a trial.**

***Court reporter:** A person who is responsible for writing everything said/done during a trial.

***Defendant: An individual or institution that has been sued in a court.**

***Defense attorney or public defender:** Attorney who represents the accused party (defendant).

***Foreperson/foreman:** The chair and spokesperson for a jury.

Grand Jury: A body that can conduct investigations or make accusations for criminal charges.

***Judge:** An appointed public official who can decide cases in court.

***Litigation:** The act of bringing a lawsuit.

***Plaintiff:** Also known as a claimant or complainant: the party that brings charges up.

***Prosecutor:** The one who presents the case of the party accused of committing a crime.

***Trial Jury:** A body assembled to make a decision about a case that informs the judge's decision.

***Witness:** Someone who is thought to have relevant first-hand information in a trial.

***Underwriter:** An insurance firm.

***Appeal:** A request for a higher court to review a decision made by a lower court.

Cross-examination: The questioning of a witness by the lawyer for the opposing side.

Direct-examination: The first questioning in a trial of a witness by the lawyer who called that witness.

***Indictment:** An accusation of a crime, made against a person by a grand jury upon the request of a prosecutor.

Information: An accusation of a crime, made against a person by the prosecutor.

Mistrial: A trial that becomes invalid, is essentially canceled, because of a mistake in procedure.

***Motion:** How a lawyer asks the judge to make a decision.

***Objection:** The opposing side finds fault with the question being asked the witness.

***Overruled:** The judge, following an objection, decides the questions may continue.

Sentence: The punishment given to a person who has been convicted of a crime.

***Sustained:** The judge, following an objection, agrees that the line of questioning should not continue.

Verdict: A verdict of guilty or not guilty is handed down by the jury.

***Your Honor:** The way a judge is addressed in a courtroom.

*pertinent to the case of *Zong*

What did an eighteenth-century English courtroom look like?

English criminal trials from the late seventeenth to the early twentieth centuries were very different from those of today. Trials were quick, lawyers were rarely present, and prosecutors, judges, and jurors exercised considerable discretion in how they interpreted the law. There were some changes to trial procedures during the eighteenth century, and change quickened significantly during the 1820s. Several nineteenth-century reforms improved conditions for the defence, but defendants still operated under severe disadvantages.

Cited from <http://www.oldbaileyonline.org/static/Trial-procedures.jsp>

Summing up the verdict reached in the first trial, Mansfield declared that the jury:

“had no doubt (though it shocks one very much) that the Case of Slaves was the same as if Horses had been thrown over board ... The Question was, whether there was not an Absolute Necessity for throwing them over board to save the rest, [and] the Jury were of opinion there was ... ^{[51][52]}” - from Wikipedia.com on the *Zong* massacre

As the judge decides whether the jettison clause is applicable to the plaintiff’s claim, s/he will also decide if Equiano’s description of the conditions of a slave ship is relevant to the case or not.

Support for the Plaintiff The Jettison Clause

The jettison clause states: “The insurer takes upon him the risk of the loss, capture, and death of slaves, or any other unavoidable accident to them: but natural death is always understood to be excepted: by natural death is meant, not only when it happens by disease or sickness, but also when the captive destroys himself through despair, which often happens: but when the slaves are killed, or thrown into the sea in order to quell an insurrection on their part, then the insurers must answer.”

Support for the humanity of Africans

An excerpt from Olaudah Equiano’s autobiography describing the middle passage.

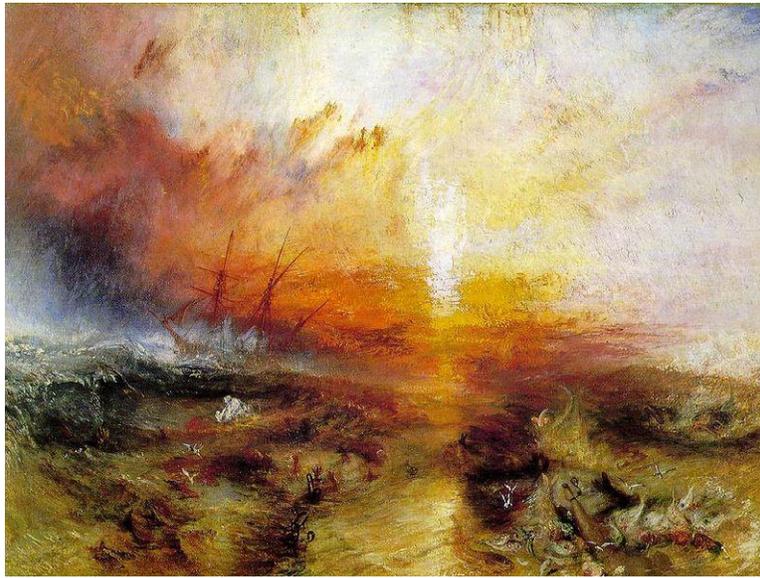
At last, when the ship we were in, had got in all her cargo, they made ready with many fearful noises, and we were all put under deck, so that we could not see how they managed the vessel. ...The stench of the hold while we were on the coast was so intolerably loathsome....The closeness of the place, and the heat of the climate, added to the number in the ship, which was so crowded that each had scarcely room to turn himself, almost suffocated us. This produced copious perspirations, so that the air soon became unfit for respiration, from a variety of loathsome smells, and brought on a sickness among the slaves, of which many died -- thus falling victims to the improvident avarice, as I may call it, of their purchasers.

from *The Interesting Narrative of the life of Olaudah Equiano* (1789)

Aboard the Zong: Remembering a Massacre

July 5, 2012

Article by Andy Pearson. Edited by Liz Goodwin. Additional Research by Jack Barnes.



J. M. W Turner (1840)

On the 6th September 1781, The Zong, a Liverpool-owned British slave ship, set sail under the guidance of Captain Luke Collingwood, both the first and last time he had ever taken command of a ship. Captain Collingwood was accompanied at the start of his journey by 442 captured Africans and 17 crew members. He had packed the ship with large numbers of slaves in order to maximize profits for both himself and the owners of the ship. By maximizing numbers, Collingwood had hoped to still make a large profit on completion of the voyage, given the fact that a significant proportion of slaves (usually around a third) would die in their journey across the Atlantic

It was the 29th of November 1781 and the Zong was on its way to Jamaica from Africa from which it had departed over two months earlier. By this stage however, 60 slaves had already died along with seven crew members and sickness was spreading. Conditions under deck were filthy and ridden with disease, the excessively cramped conditions and common malnourishment only exacerbated the conditions further. Disease was able to spread easily and often fatally both on and underneath the deck. Left with the possibility that most of the slaves and crew members may not reach Jamaica alive, thus resulting in, at best, a small profit for Captain Collingwood, he decided to take evasive action. Sick slaves were unshackled and simply tossed overboard; as many as 133 victims, as well as 10 committing defiant acts of suicide, are believed to have suffered this fate.. As the Zong had insurance for any slaves lost at sea, but not on land, Captain Collingwood had hoped to gain £30 per head for each of the slaves he threw into the sea. It was a callous, brutal decision purely motivated by financial gain despite Collingwood's claims that the decision a lack of water on board the ship motivated the decision. First Mate Kelsall, however,

California African-American Museum: Education Department

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speaking as a witness in court, said there was not a water shortage and that Jamaica was not far away. Indeed, the ship arrived in Jamaica three weeks later on December 22nd and, sure enough, it was later revealed that the ship had around 420 gallons of water on board. Due to poor navigation, the trip ended up taking 108 days, had it taken 60 days, which was around average, the slaves would have arrived comfortably before the day of the massacre.



A replica of the Zong at Tower Bridge during the 200th anniversary of abolition in 2007

The Zong massacre was a horrific event driven by commercial profit but when the issue was taken to court, Captain Collingwood and his crew were not defending accusations of murder; instead, they were with the ship-owners for a ruling on the insurance pay out. Although insurance payouts had been common practice, this was the first known instance of a Captain deliberately killing huge numbers of slaves to profit from insurance. The original court case found in favour of the ship owners and the crew, forcing the insurance company to pay out. As a result, the insurers launched an appeal and were successful. In the appeal, Lord Chief Justice Mansfield stated that his reason for the decision was that the poor management of the ship and abundant water supplies put the fault with the crew.

In spite of this, many abolitionists were outraged at this massacre and demanded that the Zong's crew face criminal charges for their brutality. Granville Sharp who had been told of the massacre, sought justice and increased awareness of the slaves treatment but his attempts were halted by the law that had defined slaves as property. As Lord Chief Justice Mansfield bluntly put it, "the case of the slaves was the same as if horses or cattle had been thrown overboard." Similarly, Solicitor General John Lee was somewhat bemused by calls for a criminal prosecution, saying that throwing slaves overboard was like throwing wood. Everybody involved in the Zong massacre, or Zong affair as it was commonly known at the time, avoided any sort of criminal charge or prosecution but Sharp still managed to spread an anti-slavery message, publically speaking about the massacre and asking bishops from all over the country for their support.

Even though the Zong massacre did not provoke an immediate change in law, work of campaigners like Sharp along with authors such as Thomas Clarkson and James Ramsay, who wrote essays on the slave trade in 1785 and 1784 respectively, stimulated growing public support

for the abolition of the slave trade. Olaudah Equiano was perhaps one of the most successful at exposing the horror of the Zong by including it in his autobiography entitled 'The Interesting Narrative of the Life of Olaudah Equiano.' The growth in awareness made the massacre somewhat of a national talking point, people who were disgusted by what they heard and read began taking a strong stance on the issue where they may have otherwise been disinterested. The Society for Effecting the Abolition of the Slave Trade was subsequently created in 1787 in order to represent the growing public support and to raise further awareness via the printing of pamphlets etc. The society included influential members such as Granville Sharp and Thomas Clarkson. Twenty years later parliament responded to the growing anti-slave trade attitudes by passing the Slave Trade Act 1807, banning all slave trade in the British Empire. However, some ships continued with the illegal trade and often threw slaves overboard as if they were caught by the Royal Navy with slaves on-board then their vessels would be impounded. Nonetheless, the Zong massacre ended up saving the lives and freedom of many Africans, despite the instances of illegal trading, by acting as a catalyst for growing public support for the abolition of slavery that in turn sped up the passing of the Slave Trade Act 1807.

Facts

- 1) Britain banned the slave trade in 1807, imposing large fines for any slave found on a British ship.
- 2) The total number of Africans to have been made slaves in the Atlantic slave trade is thought to be near 10,000,000.
- 3) Captain Luke Collingwood had been a ship's surgeon before becoming a captain.
- 4) The Atlantic slave trade came into fruition in the 16th century, in order to fulfil the demands for cheap and plentiful labor needed on the plantations in the 'New World'.

Cited from: <http://newhistories.group.shef.ac.uk/wordpress/wordpress/?p=3715>

The Case of *Zong* Reading Guide

Directions: Answer the following questions as you read.

Who owned the ship?

How many enslaved Africans were thrown overboard?

What was the ship's destination?

What was the justification for throwing the enslaved passengers overboard? Was it valid?

What was the basis of the first legal case on March 16, 1783? What was the outcome?

What was the outcome of the second case?

When and where did the British seize the Dutch *Zorg* (referred to as the *Zong* by British)?

Who was the captain of the ship?

How many enslaved Africans were on the ship when it sailed from West Africa?

How many captive Africans were still alive before the crew decided to throw 132 overboard?

How many enslaved Africans were alive and posted for sale when the ship finally reached Jamaica? What important document was supposedly lost by the time they docked?

What were three conditions that would allow a ship owner to claim insurance compensation for enslaved Africans?

What role did the *Zong* affair play in the abolitionist movement? How was Granville Sharp involved?

Additional resources and suggestions for extended learning:

1. More glossary definitions <http://www.ncwd.uscourts.gov/KidsCourt/MockTrials6-12.aspx> see **Student's Glossary of Terms** at the bottom of the webpage.
2. Quick guide to mock trial: <http://www2.maxwell.syr.edu/plegal/crit3/a3.html>
3. Mock trial evaluation form www.behs.besd.net/buslaw/resources/MOCKEVAL.DOC
4. After a verdict is reached, conduct interviews with audience members of the mock trial.
5. For primary sources examine common law statutes and the international context of the *Zong* court cases: <http://www.pdavis.nl/SlaverBackground.htm> or <http://www.mirandakaufmann.com/somerset.html>.
6. The aftermath of the *Zong* affair <http://www.blackpast.org/?q=gah/zong-massacre-1781>.
7. Research a legal parallel in the United States. In the *North Carolina v. Mann* (1830) decision the Supreme Court rules that masters cannot be punished for committing violence against enslaved people <http://plaza.ufl.edu/edale/Mann.htm>
8. View J. M. W Turner's piece originally known as "Slavers Throwing overboard the Dead and Dying—Typhoon coming on" commonly known as "Slave Ship" (1840) to compare an artistic portrayal of the event to the legal proceedings.
9. Write a creative short story or to create an artwork telling the story of the one African some historians believed climbed back on board the *Zong* after s/he was thrown overboard. A resource on writing historical fiction: <http://www.writersdigest.com/editor-blogs/guide-to-literary-agents/5-tips-for-writing-historical-fiction>
10. Read sections on the middle passage and the *Zong* in Olaudah Equiano's *The Interesting Narrative of the Life of Olaudah Equiano or Gustavus Vassa, the African* 4 pg. pdf can be found at: <http://www.historytools.org/sources/equiano.pdf>
11. View underwater sculpture, *Viccisitudes*, a tribute to those who passed on in the Middle Passage by Jason deCaires Taylor. Share reflections and consider creating their own memorials or tributes to those who died during the middle passage.
12. Analyze John Riddle's *Profit and Loss* and create assemblage pieces reflecting on the impact of the Middle Passage on people of African origin and descent. Link to the image can be found through our website <http://trio.caamuseum.org/image.asp?media=\\caamapp1\trioimages\Riddle\Profit+and+Loss+copy.jpg>