



Commanding Men: Masculinities and the Convict System

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Numerous studies have appeared that have documented and analysed Australia's 'convict experience' and 'convict society'.¹ Somewhat less, however, has been written and published about convictism as a gendered social, political and cultural order.² This state of affairs would be justification enough for the discussion to follow. But there is a more significant reason, namely that Australia's convict system exhibited a range of commanding, competing and subordinate masculinities in an especially concentrated form. Implied in what follows is a critique of certain approaches in the historiography of convictism which, in their efforts either to downplay the excesses of convict regimes, or to transcend accounts that have constructed criminal-centred narratives of the convict past, have moved too far in other directions.³ While we do not wish to return to, or rehabilitate, a 'criminal class' thesis here we insist that the convict system as a whole, and in all its permutations, rested on official and unofficial presumptions that convicts were 'always ready to do wrong, to rebel, and then to deceive'.⁴ Such presumptions were fundamental to what we have defined elsewhere as 'penal labour',⁵ and the laws made expressly to deal with real or alleged convict wrongdoing.⁶

The first part of this article sets out some relevant historical contexts within which such gendered relations of power developed; and some analytic and conceptual frameworks that help to explain the phenomena under review. In line with the overriding theme of this collection, we concentrate on the masculinist dimensions of this complex configuration within an expansionary British empire and its Australian, convict-based creation. One crucial link in these processes was the State — itself a predominantly masculinist institution in personnel and orientation⁷ — which, throughout the convict era, demonstrated a spectrum of contested policies and practices in relation to convict men and women. The major consequence was a common human paradox: the cessation of what many believed was a social evil (transportation) but one which left a legacy of broken human beings who lived beyond it.

The second and major section of this chapter takes up these matters, and others, in more detail. In particular we examine modes of punishment and control carried out on convicts; and certain strategies and responses the latter used to survive in the system. We explore the major means to enforce discipline on convict men, i.e. flogging, chiefly because this method threw into cruel relief a range of masculinities and their effects. The imposition of dominant male rule resulted in enforced compliance and obedience, and some resistance to authority. But, more often than not, such commanding masculinities produced a vulnerable, indeed feminised masculinity in the convict male body (both in its individual and collective senses). For convict women, on the other hand, punishments such as head-shaving aimed to remove from these women one of their most unsettling and feminine bodily possessions, their hair. These tactics conflated the masculine and the feminine into

a marginalised mass whose collective bodies could be exploited in similar ways as 'slave convicts'.⁸ Moreover, as Seidler points out, this was a demonstration of a rationalist masculinity — the denial that people had individual bodies but were rather manifestations of matter, 'as part of the empirical world'.⁹ Of course we are not suggesting that such practices submerged gender difference; rather they disclosed how agents of the ruling male order — governors, magistrates, commandants, employers, state officials and supervisors — attempted to shape the subordinate gender order to suit their purposes.

These purposes, however, in this politics of the body came under increasing scrutiny and opposition from two directions. The first emerged from within official ranks themselves in both the convict colonies and the imperial government, especially during the 1830s, with the so-called 'humanitarians' whose anti-slavery and anti-transportation views gained increasing credence.¹⁰ These men, for example William Ullathorne, who gave evidence in 1838 to the Select Committee on Transportation, posed a reformist, if moralistic, and arguably gentler masculinity against the harsher masculinities redolent of the British military classes who founded the convict colonies and comprised a major part in colonial relations of ruling. Hall suggests that this more compassionate approach which informed English middle-class sensibilities and was supportive of 'the weak and the dependent — women, children, slaves and animals' — constituted another kind of 'true manliness'.¹¹ The second challenge came from convict ranks. More overt demonstrations of this included numerous attempts, sometimes successful, to kill particularly hated or brutal overseers; the occasional rising or mutiny; rioting (by both men and women); disorderly and unruly behaviour; and absconding.¹² But a more hidden and silent expression of subversive protest was exhibited in tattoos — an individualised, self-inflicted punishment that offered both an ironic comment (if unintended) about officially-imposed, generalised punishments (flogging especially), and an identifying mark of social, cultural, male and class solidarity against the penal order. Here, at least symbolically, tough expressions of working-class masculinity matched the hard codes of middle-class 'gentry masculinity',¹³ whose features are elaborated below.

Masculinities: Contexts and Concepts

In a number of respects, it is surprising that there have been so few histories of masculinities and even gender relations in Australia, particularly for the convict period 1788-1868. In the first place, 132,308 men and 24,690 women transportees had reached Australia's 'fatal shores' during this time.¹⁴ In other words, almost 88 per cent of the convicts were men, outnumbering female convicts by over five to one. Furthermore, the bureaucracy which sorted and ordered them through space and time — naval, military and civil — was also composed almost exclusively of men, apart from a handful of matrons and other female superintendents. Although the wives and female offspring of soldiers, officers, administrations and convicts, an ongoing presence of Aboriginal women as well as, after 1830, an increasing flow of free female settlers boosted the number of colonial women overall, the patriarchal and masculinist tenor of convict society resonated deeply. In the first colonial census conducted in New South Wales in 1828, 63 per cent were convicts and ex-convicts, and some four-fifths of the white population were men. Demographer Gordon

Carmicheal comments:

The fact that the early non-Aboriginal population was mainly male ... provides an inauspicious beginning for gender relations ... The sheer excess of men and the corollary that many would be unable to lead normal family existences ensured that the colonies would be daunting places for women.¹⁵

And, it might be added the highly patriarchal and hierarchical convict societies so composed were 'daunting places' for many men as well. Australian masculinism originally grew within a military, penal, colonial and colonizing matrix and thus fostered discipline, inequality, deference and brutality. As the proportion of female transportees declined in the 1810s and an emphasis upon the intensification and dispersal of punishment and labour increased with the Bigge reforms of the 1820s, the masculinist profile of the convict colonies grew proportionately alongside that of the punitive. To begin with, a general militarization of penal discipline developed hand in glove with an incremental rise in convict dread.¹⁶ Consequently, emphasis upon obedience to authority overtook the individual advantages of skilled labour among the male convict conglomerate; and, as the growth of secondary punishment centres — Port Macquarie, Moreton Bay, Norfolk Island, Port Arthur, and so on — resulted, the spread of authoritarian terror within the new society dovetailed neatly with increasingly destructive frontier processes of territorial encroachment and aggression.

Enough has been stated already to indicate that any thoroughgoing analysis of masculinities here must be located in other contexts as well as those noted earlier, together with some consideration of concepts relevant to the discussion. Probably the most pertinent of such contexts was the British connection, in a number of senses. First there were the social, cultural and historical settings that produced and reproduced the masculinist order. Secondly there were certain crucial aspects of contemporary masculinities themselves that simultaneously defined masculine being-in-the-world, and which justified masculine hierarchies.

Among the most decisive of the latter, and which developed into institutional forms, were patriarchy (the rule of the fathers and male rule of the family); fraternity (or the rule of 'adult brothers' as a political order); and the hegemony of rational, masculine thought.¹⁷ The ideologies and practices embedded in these forms and levels of male dominance assumed and accentuated a binary divide between certain, publicly heterosexual men who claimed for themselves all kinds of civil rights, and a range of 'others' — most notably women and homosexuals but also non-British peoples. Indeed, the consolidation of patriarchal hegemony among, for example, British middle-class gentry and entrepreneurial families in this period partly rested on deriding the 'effeminacy' of other nations and cultures, especially the French.¹⁸

This typification of 'effeminacy' points to several features that coalesced into what Connell has defined as 'hegemonic masculinity' and one of its offshoots, 'gentry masculinity'. Central to hegemonic masculinity is the somewhat desperate desire for men 'to prove they are not girls';¹⁹ and, as indicated elsewhere, the domination of other heterosexual men and the subordination of homosexuals. Surrounding this practice, in the structural context of empire, moreover, was 'the fantasized fiction of imperialism as masculine triumph over feminised colony'²⁰ — a wider project that involved all colonising peoples, including convicts, in the usurpation and dispossession of indigenes.

Gentry masculinity, as the term 'gentry' indicates, derives from a section of the British landed classes.²¹ The male gentry provided the core of local administration (magistrates, JPs); staffed the military apparatus; and provided significant numbers of army and navy officers. They dispensed 'official violence' as landowners and local justices, and exercised this power over their largely agricultural workforce through 'evictions, imprisonment, the lash, transportation and hangings'.²² They were thus the main social grouping responsible for capturing, prosecuting and exiling convicts to Australia. Furthermore, in a number of respects the male gentry exhibited characteristics widely regarded as quintessentially masculine: the resort to force in order to discipline and control others; the inclination to fight and go to war; a loathing of perceived 'foppish' or 'effeminate' behaviour in men; the clear division of genders; the desire to act rather than contemplate action; and a profound mistrust of 'idleness' and speculative thought.²³ In addition, and particularly from the end of Governor Macquarie's term in New South Wales (1810-1819), prominent members of the colonial gentry, notably John Macarthur, had convinced the British government to reinvent 'convict society' as an 'imagined community', where men such as himself would represent the dominant fraternity in charge of capitalist-orientated landed estates extracting agricultural and related labour from a bonded workforce supplied by the State.²⁴

Mention of 'fraternity' discloses another, fundamental aspect of male authority in what Pateman calls the 'sexual contract'. According to this, 'fatherly power' is only one dimension of patriarchy. In order to become fathers, there have to be mothers — therefore the sex-right or conjugal right *precedes* the right of fatherhood. In other words, the father is the parent of society and thus the one able to generate political and civil rights. At the same time, or rather once the rule of the sovereign (or the 'political father') comes under attack from other men, justifications must be found to overthrow, or at least curb, the sovereign's power. The major solution for political and social rule from the eighteenth century was the 'fraternity', a 'pooled masculinity able to sustain civilization' — a male collective that is stronger than the patriarchal father or sovereign.²⁵ In this process, as noted before, and as part of the wider economic revolution inherent to industrialising capitalism, there was an increasing separation of workplace, or place of business, from household where the former activities became 'men's business' while the latter became 'women's business'.²⁶ In reality this division was not as clear as this. Nevertheless the social and political constructions of masculinities and femininities both sharpened the foci of gender difference and delineated different masculinities more overtly. Finally, the revolution in Western ideas epitomised by the Enlightenment and Reason consigned women and other, supposedly inferior human beings and cultures to 'unreason' — who therefore needed the firm hand of masculine control.²⁷

Taken together, these elements enable us to obtain some purchase on the political and social struggles going on between and within dominant and non-dominant sexualities and genders in 'convict society'. Among the former, as suggested previously, contested masculinities, reformist and punitive, contended for hegemony and, in combination with class and political agendas (epitomised by pro-and anti-transportation coalitions), resulted in the phasing out of forced migration to New South Wales — the major convict colony — by 1840. In one important sense, the humanitarians' success here drew on criticisms of penal coercion, mainly whipping, on the grounds that it was emasculating. As John Barnes, a surgeon at Macquarie

Harbour in Van Diemen's Land during the 1820s observed, male convicts 'considered it a most *unmanly* kind of punishment' (emphasis added).²⁸

Concurrently, on the other hand, both defenders and opponents of transportation upheld the overriding discourses and practices of hegemonic masculinity, in the senses described earlier — especially in their denunciations of homosexual behaviour among male convicts. One of the 'horrors' of transportation, to use the title of Ullathorne's 1838 denunciatory pamphlet on the convict system, was the 'moral pollution' of sexual relations between convict men, and between convict men and convict boys.²⁹ Thus, even within male convict lifeworlds hierarchical, if ironic, masculinities seemed ubiquitous: the convicts whom official hegemonic men like Ullathorne denounced for their homosexual practices, themselves had a hegemonic position *vis-à-vis* boys and probably others deemed 'effeminate'. In this they were demonstrating a normative masculinity even though contemporary patriarchal culture defined the manifestation of homosexuality as a *lack* of masculinity.³⁰ Whether any of this reflected choices about overt or even covert homosexuality is a moot point. Moreover, as Wotherspoon notes, 'many people may commit homosexual acts ... but this does not make them "homosexuals"'.³¹ More likely were more oppressive and restrictive scenarios: the rape of boys at Sydney's Carters' Barracks; men crammed up to sixteen to a cell; labourers in road gangs squeezed into portable boxes at night — situations that, logically, could not but result in creating and institutionalising the very homosexuality that discomfited authority so much.³²

Before we examine more closely the interactions of masculinities in convict settings and certain features of convictism, some other matters should be noted. Perhaps most of all we need to remind ourselves about the military culture enveloping colonial and convict experiences.³³ One example, noted above, was that the 'effeminacy' imputed to the French had its origins in comparisons with the English over fighting prowess. These conflicts, culminating in an 'unprecedented period of twenty-three years of struggle against revolutionary France and Napoleonic Europe', underscored such belligerent tendencies, fostering a British State that was on a war footing from the mid-eighteenth century until the first two decades of the nineteenth. Arguably, Britain was in its most militaristic mood at this time; with its political rulers and social leaders, like the magistracy, reacting vigorously to any kind of disorder, and especially crimes against property.³⁴ Australia's foundation as a penal colony was a direct product of these conditions. In addition, as noted above, from around 1820 British penal policy (which was translated to Australia) 'assumed an increasingly military, authoritarian and anti-philanthropic character'. Bigge, in one of his recommendations, 'urged that non-commissioned officers and privates ...' be sent from England to supervise convict labour.³⁵ Furthermore, there was the presence of military and non-military surgeons, somewhat neglected figures in the historiography of convictism. Naval surgeons had considerable and direct authority over convict transportees — a 'despotic power' as one contemporary critic put it.³⁶ They and other surgeons made judgements about how much punishment convicts could tolerate; and, in terms of Western masculine values, epitomised the rationalism that was beginning to challenge and supplant religious and ethical world-views as authoritative and legitimate discourses.³⁷

Ruling, Compliance and Resistance in the Gender Order

Arguably, the forcefulness of the dominant male groupings, in the various senses just described, found its reflection in the collaboration, deference or resistance of the relatively powerless. On the one hand were — as most convicts saw them — the so-called 'bureaucrats of torture ... committed heart and soul to the task in hand, a task whose name was power, domination of the flesh and the spirit, an excess of uninhibited self-expansion'.³⁸ On the other, a male majority cast as labour units across the lottery of convict assignment, increasingly under the threat of further exile, the heavy exactions of labour and the selective sting of the lash. Undoubtedly, there was still place for promotion, mobility and agency among the ranks of the dominated within this daunting system — even if that agency marked merely the desperate bravado of the convict rebel/saboteur or the usually thwarted gestures of the malingerer and absconder. Advance and promotion, by comparison, came as reward for strict obedience, which meant in turn cooperation and ultimately collaboration with the exigencies of the system, by convict floggers, constables and overseers, and through processes of indulgence, mitigation of sentences, pardons, tickets-of-leave, emancipation and the like, sometimes also earned by petitioning, or more commonly by negotiation with particular skills for better treatment.

Convictism thus embraced a range of competing masculinities, often in dramatic interaction with each other and each with its own sense of place within its milieu. This drama can often be most acutely observed at the secondary punishment centres. John Skottowe Parker served as a Superintendent of Agriculture at three such depots, beginning at Port Macquarie in 1823, moving then onto Norfolk Island in 1825 and finally to Moreton Bay in the late 1820s. Casting back over his bureaucratic career in 1840, he recalled his fraught experiences, 'exposed to many privations and hardships', as well as a life which had 'several times been attempted' by recalcitrant convicts. During a prisoners' mutiny on Norfolk Island he claimed he had lost nearly all of his personal property and was fired upon 'many times'. In a rare, reflective outburst from a state functionary, Parker admitted, 'I have been an isolated member cut off from society, surrounded by the very worst of my species, compelled to freeze in my breast all those finer feelings of humanity ...' in order to operate within an authoritarian milieu.³⁹ Despite these protestations, however, such men of penal authority might readily be connected with gentry masculinity.

The penal administrator's frozen breast or 'mask of stone' may be juxtaposed with the compromised soul of the collaborator, the vulnerability and fear at the heart of the enduring convict — or 'the silent server' as Tamsin O'Connor terms him — and the 'fire in the belly' of the convict resister. O'Connor paints a scene of punishment 'field days' at Moreton Bay under Captain Logan taken from an account in the *Sydney Monitor* (August 1830) which brings these contrasting masculinities into proximity and interaction. Here 'skulkers' and recalcitrants were selected by the Commandant and his overseers from field gangs for ritual punishment, 'fifty or a hundred lashes a piece', on either 'itinerant' or 'parade' field days and flogged before an assemblage of their fellows, while soldiers and constables kept watch. The central intention was 'to educate by beating'. As O'Connor observes:

The affair was orchestrated from the top, those singled out ... were chosen by the convict overseers and, looking on, bayonets at the ready, were the soldiers ... with each stroke ... the rest of the assembled convicts were being taught that defiance could provoke a swift response ... At the field day we see standing by each gang the overseers and constables — the collaborators par excellence. All around, heads down, the vast majority — the silent servers. And of course at the very centre of the proceedings are those on the triangles — the resisters.

In this theatre of the damned, we thereby see 'the three-fold convict response', as well as the play of power relations unfolding — the 'spectacle of retributive and exemplary punishment' in order to dispel protest — albeit temporarily — and thereby to intensify the efficacy of coercion.⁴⁰

Convictism as a system of coercion centred primarily upon processes of exile and labour. It was reinforced by means of re-transportation — or renewed exile — and the intensification of work. Public executions, treadmills, solitary cells, branding, iron collars, heavy leg irons, withdrawal of privileges, extension of sentences and the like added further punitive refinements. Although there has been considerable historical debate upon the number of convicts whipped or the number of lashes inflicted, flogging, in effect, fell like a scarlet filigree across the garment of penal coercion. Alexander Harris was told by an ex-convict during the 1820s, 'Flogging in this country is such a common thing that nobody thinks anything of it. I have seen young children practising on a tree, as children in England play at horses'.⁴¹

By the 1830s, convictism was being thematically associated with slavery, not only because of its reliance upon bonded labour, but also because use of 'the cat' seemed to overshadow both institutions: William Ullathorne, a Catholic priest and anti-transportation activist, told the House of Commons Select Committee on Transportation in 1838 that convict assignment equated with slavery, due to its debasing effects upon the soul. '... [T]he transported convict becomes a slave', he stated. In his pamphlet *The Horrors of Transportation*, Ullathorne wrote specifically of 'slave convicts' and equated convict overseers with 'white slave drivers'. Quoting Governor Arthur of Van Diemen's Land, he added, 'The convict is subject to the caprice of the family to which he is assigned, fed, worked and housed like any other slave, and still more, like a horse'. Subject to such patriarchal relations, the convicts' lot resembled classic slave systems like plantation estates in the American South even more closely.⁴² Moreover, with the convict's behaviour regulated constantly by threat of the lash, Ullathorne observed, 'the flogged man is a worthless man ... the effect of the scourge is exceedingly bad ... and there is a feeling of degradation about him'.⁴³ From the Bathurst Court House, in the late 1820s, Alexander Harris reported:

I had to go past the triangles, where they had been flogging incessantly for hours. The scourger's foot had worn a deep hole in the ground by the violence with which he whirled himself round on it to strike the quivering and wealed back, out of which stuck the sinews, white, ragged and swollen ... I know of several poor creatures who had been entirely crippled for life by these merciless floggings.⁴⁴

Thomas Brookes, a convict at Port Jackson, Newcastle and Moreton Bay, calculated receiving eight separate whippings, totalling 1,025 strokes, upon his body. 'They were not comfortable to take', he commented, '... my back had been cut and

chopped, until it was scarcely ever well'. The intense pain of a scourging produced 'a boiling sensation', Brookes commented, 'as if being scorched with a red hot iron'. As an afterthought, he added, '... we felt we were slaves'.⁴⁵

Clearly the ways in which masters, commandants, supervisors and overseers disciplined male convicts varied considerably whether the latter were under assignment; whether they were harnessed together in gaol gangs; whether they were able to secure some form of private, paid employment; or whether they were transported further to one of the secondary punishment centres. And a range of other circumstances, in time, place, the nature of employment itself and the employment relations that infused them, must be added to the 'convict experience'. Nevertheless, use of the lash was ubiquitous. More importantly, it served to distinguish several features about the peculiar character of flogging and its impact on masculine interactions.

To begin with it was a form of chastisement designed to deliver a severe and relatively quick lesson to convict workers deemed to be working unsatisfactorily, or for 'disobedience of orders to their masters'; or for absconding. In other words, at least in theory, it was not intended to cancel out the convict as a productive or useful employee — even though such punishment occasionally caused serious injury, or even death. At the same time, floggings were not chaotic male assaults, spontaneous beatings or randomized events. In most instances, they were orchestrated, even formal rituals, carried out by commanding men upon other men, which observed certain repetitive procedures, orders and regulations — a calibrated process of administering pain. Here they resembled the scenic punishments carried out on the quarter-decks of British warships — a resemblance even more striking when floggers wielded the 'naval cat' on offending convict backs. The point is not so much that floggings in the British Navy exceeded those given to male convicts as some historians have argued; but that British naval discipline at sea was transferred to Australian *land* and those compelled to remain upon it. Such systematic assaults, moreover, may be likened to crude surgical operations where an 'unofficial' surgeon, the scourger, partially dissected the convict male body's flesh in the presence of the officially qualified surgeon who was there to assess the effects of this 'operation'. At this point, a number of surveilling gazes and practices combined to produce an overarching structure of superordinate masculine relations of power: the State's monopoly over the means of violence; patriarchal and fraternal hierarchies; and, as noted earlier, the medicalisation of suffering.

Secondly, the form and duration of a flogging — the tied victim, the scourger in absolute control, the rhythmic application of the blows — had profound consequences on a convict's sense of masculinity. As Klaus Theweleit observes:

Initially, the victim is still capable of resistance; he screams and jerks wildly. By the end, he is left apathetic and bleeding, absolutely silenced, or softly whimpering. The attack is directed towards his skin and his flesh: his skin is made to split, his flesh to twitch convulsively ...⁴⁶

Flogging thereby imposes, or intends to impose, a sense of submission, surrender and vulnerability — traits associated conventionally with feminized behaviour. To an extent, it is somewhat analogous to rape. As Robert Hughes points out:

Next to homosexual rape, flogging was the most humiliating invasion of the body that could befall a prisoner. Nothing in an ordinary man's experience compared to the rituals of the cat: to be stripped and tied to a triangle, like an owlskin nailed to a barn door; to hear, through battering pain, the quartermaster-sergeant slowly calling out the strokes; this was to be drowned in powerlessness.⁴⁷

In reducing the subject to a condition of helplessness and impotence, by such assaults upon both psyche and musculature, a sense of humiliation and emasculation was violently imposed, while the authority figure, directing the punishment, grew concomitantly in power, like a Leviathan.

The 1838 Select Committee on Transportation heard much evidence concerning the degree of emotional vulnerability, weakness and debasement which flogging produced. Accounts of individual flagellations revealed how men bellowed and writhed in agony with every blow, crying like children, praying pitifully to be taken down and begging for water. Often the screaming and struggling began with the first or second lash, gradually subsiding into lassitude and insensibility as the measured blows continued.⁴⁸ In the earlier convict period, punishments of up to 1,000 lashes might be given, and sentences of several hundred blows were common. Following the Bigge reports, floggings were predominantly in the range of 25 to 100 lashes, though multiple sentences upon a single individual could be inflicted by magistrates. Punishments at secondary punishment centres were far less restrained. A convict named Davies at Sarah Island in Van Diemen's Land reported:

The Cats and the way they were made and used were the most Dreadful things that can be thought of. They had 9 tails or rather thongs, each four feet long ... and each tail had on it seven Overhand Knots ... some with wire ends, some with waxed ends ... [the victim] was immediately sent to work, his back like Bullock's Liver and most likely his shoes full of Blood ...⁴⁹

Although floggings were not officially to be administered publicly after 1820, they were nevertheless carried out as exemplary exercises before captive convict audiences — road and chain gangs, groups of assigned servants, and the populations of secondary punishment centres throughout the 1830s and beyond.⁵⁰ The dramatic spectacle of disempowerment and emasculation attached to such ritual beatings was further enhanced before the eyes of an 'assembled audience of potential victims'. As Theweleit describes a similar enactment before a Nazi concentration camp audience in the 1940s, '... with every stroke of the whip, the bundle of bound flesh at the whipping post diminishes, and the fear of the onlookers increases; but the commandant grows larger and more whole with every movement'.⁵¹

Of course, despite these basic experiential parameters, masculinity could still display itself as fluid and individual even within such a highly repressive system. It did not always conform and flow in the structural direction demanded. Cases do occasionally occur of scourgers refusing to flog, yet such reactions were rare. Most scourgers, overseers or constables — themselves arising out of the convict ranks — had already chosen individual mobility above the collectivism of the disempowered and were strongly committed to, or even took pleasure in, their enhanced authority and power. Known by the rest of the convicts as 'rogues' or 'a herd of tyrants', such collaborators needed to be segregated for their own safety from the convict

ranks and were often the target of resentment and attack. For instance, at Moreton Bay, Chief Constable James McIntosh, held in high regard by his Commandant for his personal apprehension of some forty runaways, was equally condemned by the Commandant's convict clerk, William Ross, as one of the most tyrannical men in New South Wales, who seemed 'to delight in human blood'. While at Moreton Bay, three attempts were made on his life — once by a prisoner and twice by Aborigines — and he had been severely injured as a result.⁵² The Select Committee on Transportation in 1838 heard that the most common form of reactive violence in New South Wales was 'the beating of overseers'.⁵³

At the receiving end of the lash, one might also occasionally encounter the stoical sufferer, or hardened offender, who refused to cooperate with the ongoing ritual of emasculation which accompanied the rhythmic escalation of pain. By refusing to writhe, to cry out or scream in anguish, these men in effect subverted the process by which power was siphoned from the punished to the inflictor and channelled upwards to those who commanded him. Instead, their unflinching response to each 'dose' of fifty lashes was conveyed to their watching fellows as an act of stoical heroism and subversion. Whereas the man who screamed in anguish was labelled 'a crawler', the one who exhibited an indomitable spirit by standing in silence as the blows fell was called an 'iron man'.⁵⁴ In short, a sense of masculine integrity was here retained and even conveyed back into the cowed convict ranks rather than being projected upward to reinforce the structural hierarchy of power. The lacerated backs of such multiple offenders thus became not so much marks of their degradation, but rather badges of their courage and status. Most ironically, their vulnerable flesh was ultimately fortified by a calloused shield of scar tissue, anaesthetising their senses further from the agony of subsequent floggings.

Yet such moments of resistance upon the triangles were rare. For the most part, floggings conveyed a sense of desperation, vulnerability and inward rage, as an indelible inscription of authority was laid upon the convict body. Screams largely drowned out the silences. The agonies inflicted, commented Thomas Brookes, turned punished men into demons who, in their frustration, often then turned upon each other with great savagery. He commented of life at Moreton Bay:

... the "bloody whip" was spoken of with a kind of facetious melancholy, which resembled the merriment of hell ... The language was disgusting. Oaths and expletives were broadcast in conversations ... An immoral taint seemed to be cast upon all, and the place was fast verging into a Pandemonium.⁵⁵

Thus, rather than promoting *esprit de corps* among convicts, such self-diminishing punishments could lead more directly to a mood of aggression, hopelessness, alienation and disintegration within their ranks. Fighting against one another often became easier than combating the system.

Yet, more prosaically and less heroically, many convict bodies bore other inscriptions, preserving a liminal sense of individuality which even the oppressiveness of the system could not obliterate. Convict tattoos were, indeed, small expressions of selfhood when compared with the paramount expression of surveillance conveyed by the system. Yet they were nevertheless statements indelibly implanted upon the surface of otherwise constrained bodies which no amount of authoritarian intervention could effectively remove. If the permanent imprint of the lash upon obscenely

scarred backs was in essence the system's tattoo upon unwilling convict frames, then the self-chosen tattoo, as a form of skin-art — sometimes created, prior to conviction, by a tattooer and sometimes crudely self-imprinted, using knives, compasses and ink — were convicts' answering texts, which embodied both a link with a lost world outside that of the transportee and with a proclaimed and partially retained private existence, where a memory of significant relationships was encoded. As James Bradley and Hamish Maxwell-Stewart, in examining a range of tattoos officially recorded upon the bodies of 308 male Scottish convicts, have stated:

The tattooed body of the convict is one that was intentionally marked, not by the lash, or the branding iron, but through voluntary surrender to the tattooer's needle. The tattooed body is generated by the social, cultural and self identities of the transportees.⁵⁶

Though a small number of convict women were tattooed, just as a small number of such women were whipped (especially in the early convict era), tattooing appears to have been predominantly a male pursuit. Some 26% of the Scottish convicts transported from 1840 to 1853 were tattooed; and David Kent has recently discovered, in examining the indents of a dozen convict transports in the early 1830s, that 17.2% of the Irish male convicts and 33.7% of the English convicts were similarly decorated.⁵⁷ Just as flogging, as a routine disciplinary practice, passed on through naval and military ranks to facilitate the control of convict civilians, so too European tattooing as a practice was culturally promulgated, substantially via the cultural lead of sailors and soldiers, and passed on to other male workers, both skilled and unskilled, in largely urban settings. Convict tattoos, Bradley and Maxwell-Stewart report, represented life events like birth and death, personal histories and relationships with wives, lovers, children and parents, and cultural responses to work, religion and leisure — 'in short, the everyday preoccupations of ordinary folk'. The tattoo, in effect, could serve as a painfully scored cultural window for mental escape from an exiled and intolerable existence back to a pre-convicted place and time. Plaintive phrases like 'Oh My Mother', cryptic strings of initials:

... a zebra with the word 'Zebra' written underneath; scenes from the fall of man and crucifixion, a bird in a cage ... a woman resting her hand on a tomb in mourning; boxing matches and a cockfight; ... flowerpots; a man sitting on a cask of rum ... several highlanders with or without weaponry ... cutters, brigs, schooners and barques ...⁵⁸

are among a wide pictorial range recorded, imprinting irreversibly a 'convict voice' into the very skin of the convict person. As Bradley and Hamish-Stewart conclude:

A tattoo originally celebrating a relationship consummated in freedom takes on an entirely different construction following sentencing, transportation and separation ... something to be used 'for the verification of some idea you wanted to keep alive'. The tattooed body ... is ... a constant and ever-present keepsake of the trauma of separation ... But [it] ... also offers the prospect of resistance, a culturally embodied slap in the face to authority.⁵⁹

Yet paradoxically, it must be remembered, tattoos were equally a vital aid to surveillance, for they provided an almost infallible means of identification in this area before finger-printing and therefore a foil against escape and resistance. Hence, the fastidious official preservation of their descriptions in the convict records. Thus, dependent upon our reading of their context, we can equally view a tattoo as a means of controlling bodies as a sign of their subversiveness.

Tattoos were arguably the only adornment worn by male convicts, usually hidden — beneath the monotony of their prison drab. The principle adornment of women convicts was similarly affixed to their flesh, but it could be removed, albeit temporarily, as a form of punishment. Convict women's hair, partially hidden beneath their caps, was conventionally their 'crowning glory' and a prized emblem of their femininity. Its official removal by head-shaving was thus the most hated and humiliating of punishments. Head-shaving, in effect, was the female equivalent of male flogging and was guaranteed to lead to displays of rage, struggle and sometimes riot. Threats to shave female heads *en masse*, or the actual act of head-shaving upon a given number, led to substantial riots at Parramatta in 1827, 1831⁶⁰ and 1833, at Hobart in 1827 and 1842, at Moreton Bay in 1836 and Launceston in 1841. Foster Fyans, the Moreton Bay Commandant between 1835 and 1837, recalled in his memoirs:

the loss of hair ... was held in the greatest dread and abhorrence, often causing disorder and riot, cursing, tumbling and flinging before the constabulary could carry out the sentence when any other punishment could be carried out without a murmur.⁶¹

In a sense the male convict's struggle at the commencement of a flogging paralleled a female's violent resistance at the beginning of a head-shaving, before each subsided into a state of submission to punishment. Yet whereas, for the male, the humiliating spectacle lay in the flogging process itself, the shaven woman's principal humiliation came afterwards and lasted far longer. (Head-shaving, too, was not physically painful like flogging, but it fully shared the latter's profound psychological damage.) There is some value here in Joy Damousi's observation that the flogging of men led to emasculation and thus a degrading sense of feminization; while the head-shaving of women also stole their femininity from them and introduced an aspect of masculinity — a cropped head — to their appearance. Enforced gender inversion thus became a peculiar and bizarre refinement of the penal process.

Yet the shared dehumanization of both men and women explicit in these punitive responses probably requires as much emphasis. The 'tangled web of criss-crossed knotted scars'⁶² upon a male convict's body were as much an ongoing reminder of the mighty force of state power as the 'cropped & capless heads of the women'.⁶³ This did not so much 'masculinize' a woman as enforce a transgressive appearance in gender terms and thus render her potentially a figure of male ridicule. In short, in the presiding order of hierarchical male gazes, she was converted from being a possible object of sexual desire to becoming an object of rejection, taunting and scorn. As O'Connor comments:

While the scissors [and razor] were wielded within the confines of the [female] factory, the punishment was intended to take full effect when the women fell under the gaze of the male convicts and soldiers ... Significantly it was a gaze that at all other times the authorities strenuously tried to break.⁶⁴

As example of this process, O'Connor returns us to Moreton Bay on a particular Sunday in 1829, under the oppressive regime of Commandant Patrick Logan. For, just as the *Sydney Monitor* reported the mortification of men at the 'improving grounds' on field punishment days under Logan, so too it recounted a parallel mortification of the women. The female convicts of Moreton Bay were this Sunday all marched into church, seemingly to provide, by their debased spectacle, the lesson of the day:

Their heads were shaven, iron collars were put about their necks & with chains attached reaching from collar to collar ... men's irons were put about their legs and they were made to go to church without caps on so that their bald heads might be exhibited to the troops and convicts. Thus, the house of God was converted into a place of punishment ...⁶⁵

Male derision and raillery thus became an important psychological part of the women's punishment. Floggings were watched in 'collective, disciplined silence' by comparison; but jest and sarcasm were openly solicited from males to apportion further humiliation upon the disgraced women, thus distancing men further from any sense of solidarity with them. Class and status commonality across the genders was thus disparaged and further thwarted by this smirking and caricatured spectacle of gender sameness. Ironically, in the Moreton Bay example, the women were being punished for resisting the onset of field labour, the same form of work punishment which daily oppressed the men. The effect of female public disgrace, in short, served to reinforce a sense of gender difference and alienation in order to discourage any realization of the experience of shared oppression *across* the genders.⁶⁶

Convict men's and women's sexuality both brought them together physically and kept them apart in terms of competing gender interests and cultural outlooks. Significantly, contemporary bureaucratic and philanthropic concerns, reflected unthinkingly in the writings of many later historians, concentrated on the one hand upon the heterosexual 'profligacy' of the females and the homosexual 'deviancy' of the males. 'Prostitution' and 'sodomy' were depicted as the twin moral curses which condemned convict transportation into mainland oblivion. By comparison, lesbianism among the women and the heterosexual behaviour of males (however lascivious) were subjects left largely unrecorded — either ignored almost totally in the former case or simply taken for granted as normative in the latter. Women convicts were transported basically to counter in some degree the extreme imbalance between the sexes. Marriage and female domestic service under largely male control were expected to reform both men and women and thus to moralize convict society overall.

Women's presence therefore was expected ultimately to be a civilizing one — to confront the feared spread of male convict sodomy, drunkenness and tumult. When that sexual presence did not result in all female criminals smoothly becoming wives and mothers, those 'would-be civilizers' who became, or remained, concubines, prostitutes or promiscuous single women 'were designated corrupters and incarcerated accordingly'.⁶⁷ Men, cast into the close, isolated company of other men for periods of considerable duration and thus adopting homosexual practices for sexual relief, were equally seen as damned and reprobate. Here, of course, the plot once more thickens, for convict homosexual behaviour was complex. For

instance, it might be displayed by convict men already inclined towards same-sex practices; by men who adopted such practices conveniently due to the temporary unavailability of women; and by others who were simply forced by their fellows to engage in acts they personally found unacceptable or abhorrent. This latter, as we have seen, was sometimes the case with youths and young boys. Patterns of domination and convenience thus confound any sense of detecting a consensual gay subculture within male convict society; and the same could probably be claimed for any lesbian subculture among confined convict women.

Sentence to transportation was ideologically regarded as a means towards transforming working-class male criminals into reformed masculine types — men who conformed to the ruling, early nineteenth century bourgeois ideals of earnestness, respectability and manly integrity according to the reformist masculinism described earlier. The exile, punishment and pain endured, however, often failed to produce such sanguine results. Governor Richard Bourke, in a candid communication with James Morisset, the martinet commandant of Norfolk Island, confessed in 1832 that treatment at the penal stations was 'tending more to harden the heart of the criminal and render him reckless of life' than to accomplish his reform. 'Something it is said must be wrong in a system which apparently produces greater crime than that which it was framed to punish', he admitted. Yet so thorough a product of authoritarianism and an exemplar of a harsh military masculinity was Bourke that he was incapable of visualizing beyond convictism's confines. For his letter to Morisset goes on to recommend 'incessant' and 'severe labour', as well as the infliction of more lashes per flogging session (rather than rationing them across intermittent periods), 'as the means under providence most likely to effect the reformation of the criminal'.⁶⁸

Others like William Ullathorne, Alexander Maconochie and William Molesworth would more logically argue that any accretion of terror was incapable of producing humane reform; and that debilitating labour and continual punitive treatment must normally result in nervous exhaustion and moral debasement. Those struggling to revamp or to end the convict system no doubt adopted the most critical — and sometimes jaundiced — views about its possibilities.

Clearly that system was capable, by virtue of indulgences and advancement for those who chose to concur and collaborate within it, of producing emancipists who subsequently became law-abiding, productive colonists. The same might apply to those who enjoyed winning, through the lottery of assignment, a decent and even-handed master, or who possessed special skills with which to bargain. Yet those who stumbled beneath the system's brutalities were often reduced to shadows of men. A new chum colonist, J.C. Byrne, who travelled from Sydney to Brisbane in the mid-1840s during the aftermath of mainland transportation, encountered over and over again the melancholy detritus of penal rule. 'The appearance of a convict of the lower class, or one that has been such, is unmistakable', he wrote:

A peculiarity of visage, different from all other men, is recognizable; whilst their countenances are of a dark brown hue, parched and dried up, muscles and all, as if they had been baked in one mass.⁶⁹

What Byrne found most disconcerting as a free migrant passing among these arrestingly aberrant men, was their attempt to communicate their stories in the songs they 'chaunted ... all over the colony, in second-rate places of entertainment' — songs which were 'drawled out in a peculiar tone, with little attempt at air or variation, and still less poetical ability', but which bespoke abrasively of 'suffering, hardships and hair-breadth escapes' and described harsh punishments in the coal-mines, road gangs or penal settlements. 'In no-one's hearing are these beings ashamed to indulge in their songs', Byrne complained, '... and little do they care, if their masters hear details that at times freeze the blood with horror and shock the listener'.⁷⁰ Byrne wrote graphically of convict voices which were afterwards to be muffled and stilled by a wilful social amnesia. But if we are ever to appreciate the entire spectrum of masculine interactions under the aegis of convictism, we must continually strain our ears towards these 'chaunts', droning and bawling at us across the centuries, over the mountains of well-preserved reports and official statistics, and above the reproving, imperious voices of the commanding men who equivocated upon the hapless convicts' respective fates.

Endnotes

- 1 C.M.H. Clark, 'The Origins of the Convicts Transported to Eastern Australia, 1787-1852', *Historical Studies*, vol. 7, no. 26 (May) 1956 and vol. 7, no. 27 (November) 1956; M. Dunn, 'Early Australia: Wage Labour or Slave Society?', in *Essays in the Political Economy of Australian Capitalism*, vol. 1, E.L. Wheelwright and Ken Buckley (eds), Sydney, 1975, pp. 33-46; Margaret Hazzard, *Punishment Short of Death: A History of the Penal Settlement at Norfolk Island*, Melbourne, 1984; J.B. Hirst, *Convict Society and its Enemies: A History of Early New South Wales*, Sydney, 1983; Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia*, London, 1987; David Neal, *The Rule of Law in a Penal Colony*, Cambridge, 1991; Stephen Nicholas (ed.), *Convict Workers: Reinterpreting Australia's Past*, Cambridge, 1988; L.L. Robson, *The Convict Settlers of Australia: An Enquiry into the Origin and Character of the Convicts Transported to New South Wales*, Carlton, 1965; George Rudé, *Protest and Punishment: The Story of the Social and Political Protesters Transported to Australia, 1788-1868*, Melbourne, 1978; Michael Sturma, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales*, St. Lucia, Qld, 1983.
- 2 M. Aveling, 'Bending the Bars: Convict Women and the State', in *Gender Relations in Australia: Domination and Negotiation*, Kay Saunders and Raymond Evans (eds), Sydney, 1992, pp. 144-57; M. Dixon, *The Real Matilda: Women and Identity in Australia 1788 to 1975*, Harmondsworth, 1976, chapters 2 and 4; Jan Kociumbas, *The Oxford History of Australia: Possessions 1770-1860*, Melbourne, 1992, chapters 1 and 2; Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia*, Cambridge, 1996; Anne Summers, *Damned Whores and God's Police: The Colonization of Women in Australia*, Harmondsworth, 1975, pp. 267-90. While most of these have women as the major focus rather than relations between both genders, all assume, in Oxley's words (p. 241), that 'most realities are gendered'.
- 3 See Raymond Evans and William Thorpe, 'Power, Punishment and Penal Labour: *Convict Workers* and Moreton Bay', *Australian Historical Studies*, vol. 25, no. 98, April 1992, pp. 91-103 which takes certain essays in Nicholas *op. cit.* to task on this point. For a vigorous riposte to this critique and others, see Stephen Nicholas, 'Beyond *Convict Workers*? Unanswered Questions about Convict Economy and Society', in *Beyond Convict Workers*, Barrie Dyster (ed.), Department of Economic History, University of New South Wales, 1996, pp. 3-20. See also Neal, *op. cit.*, chapter 2 and endnote 3, pp. 207-8 where he states that while revisionists such as Nicholas and Hirst have provided a 'valuable corrective' to accounts based on the 'brute force' of convict regimes, 'they over-correct by draining almost all the blood from the story'.
- 4 W. Ullathorne, *The Horrors of Transportation Briefly Unfolded to the People*, Dublin, 1838, p. 9.
- 5 Evans and Thorpe, *op. cit.*, pp. 109-10.

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- 6 Ullathorne, *op. cit.*, p. 9.
- 7 Connell, *op. cit.*, p. 73; Rosemary Pringle and Sophie Watson, 'Fathers, Brothers, Mates: The Fraternal State in Australia', in *Playing the State: Australian Feminist Interventions*, Sophie Watson (ed.), Sydney, 1990, p. 231; Lynne Segal, *Slow Motion: Changing Masculinities, Changing Men*, London, 1990, p. 97.
- 8 Ullathorne, *op. cit.*, p. 12; Dunn, *op. cit.*, p. 39 uses the term 'convict slaves'.
- 9 Victor J. Seidler, *Rediscovering Masculinity: Reason, Language and Sexuality*, London, 1989, p. 130.
- 10 Report from the Select Committee on Transportation; Together with the Minutes of Evidence, Appendix and Index, British Parliamentary Papers: Reports from Select Committees of Transportation with Minutes of Evidence, Proceedings, Appendices and Indices, vol. 3, Shannon, 1968.
- 11 Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*, London, 1987, p. 25.
- 12 Report from the Select Committee on Transportation, *op. cit.*, p. 21, pp. 37-9; Ullathorne, *op. cit.*, p. 9; Evans, Thorpe, *op. cit.*, pp. 110-11; R.W. Connell and T.H. Irving, *Class Structure in Australian History: Documents, Narrative and Argument*, Melbourne, 1980, p. 32; Hazzard, *op. cit.*, pp. 133-7; Neal, *op. cit.*, pp. 144-5.
- 13 Connell, *op. cit.*, p. 190.
- 14 Oxley, *op. cit.*, p. 3.
- 15 Gordon Carmichael, 'So Many Children: Colonial and Post-Colonial Demographic Patterns', in Saunders and Evans *op. cit.*, p. 107.
- 16 Evans and Thorpe, *op. cit.*, p. 101.
- 17 Carole Pateman, *The Sexual Contract*, Cambridge, 1988, pp. 78-9, 97-8, 102.
- 18 Davidoff and Hall, *op. cit.*, p. 19.
- 19 Seidler, *op. cit.*, p. 18.
- 20 Catherine Hall, 'Imperial Man: Edward Eyre in Australasia and the West Indies 1833-66', in *The Expansion of England: Race, Ethnicity and Cultural History*, Bill Schwarz (ed.), London, 1966, p. 136.
- 21 Davidoff and Hall, *op. cit.*, pp. 19-20
- 22 Connell, *op. cit.*, pp. 190-1.
- 23 Davidoff and Hall, *op. cit.*, pp. 17, 21, 27-8.
- 24 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, 1983, pp. 15-16. Here we draw more on Anderson's conception of 'community' as part of the nation as a 'deep, horizontal comradeship' or 'fraternity'; Evans and Thorpe, *op. cit.*, fn. 31, p. 102.
- 25 Pateman, *op. cit.*, pp. 87-8, 102.
- 26 Davidoff and Hall, *op. cit.*, pp. 27-32.
- 27 *Ibid.*, pp. 227-28; Seidler, *op. cit.*, p. 128; Pateman, *op. cit.*, p. 100.
- 28 Report from the Select Committee on Transportation, *op. cit.*, p. 38.
- 29 *Ibid.*, pp. 15-6, 19, 21-2, 25-6.
- 30 Seidler, *op. cit.*, p. 13; Connell, *op. cit.*, p. 40.
- 31 Garry Wotherspoon, 'City of the Plain': *History of a Gay Subculture*, Sydney, 1991, p. 16.
- 32 Report from the Select Committee on Transportation, *op. cit.*, pp. 16, 21, 25.
- 33 Connell, Irving, *op. cit.*, pp. 32-3; Evans, Thorpe, *op. cit.*, pp. 101-2; Bill Thorpe and Raymond Evans, 'Freedom and Unfreedom at Moreton Bay: The Structures and Relations of Secondary Punishment', in Dyster, *op. cit.*, pp. 75-7; Jeffrey Grey, *A Military History of Australia*, Cambridge, 1990, pp. 9-18.
- 34 Hughes, *op. cit.*, pp. 28-9; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*, London, 1989, pp. 174-5.
- 35 Evans and Thorpe, *op. cit.*, p. 101.
- 36 Report from the Select Committee on Transportation, *op. cit.*, p. 16.
- 37 Bryan, S. Turner, *Medical Power and Social Knowledge*, London, 1987, p. 157; See the testimony of the military assistant-surgeon, John Barnes, who did not think flogging affected the physical health of convicts. Report from the Select Committee on Transportation, *op. cit.*, p. 38; Hughes, *op. cit.*, p. 22 on doctors' 'considered opinions' about the harmlessness of factory conditions on workers in early industrial England.

- 38 K. Theweleit, *Male Fantasies*, vol. II, Cambridge, 1989, p. 304.
- 39 J.S. Parker, Sydney to Colonial Secretary, 13 January 1840, New South Wales Colonial Secretary Records, NSW State Archives, Moreton Bay special bundle, no. 11 (microfilm).
- 40 Theweleit, *op. cit.*, pp. 295, 303; T. O'Connor, "These were not particular times"; The Limits of Resistance at the Penal Settlement of Moreton Bay' unpublished mss., p. 9.
- 41 A. Harris, *Settlers and Convicts, or Recollections of Sixteen Years Labour in the Australian Backwoods*, Melbourne, 1864, p. 11.
- 42 Philip McMichael, *Settlers and the Agrarian Question: Capitalism in Colonial Australia*, Cambridge, 1984, p. 133; Kay Saunders, *Workers in Bondage: The Origins and Bases of Unfree Labour in Queensland 1824-1916*, St. Lucia, Qld, 1982, pp. 2-4; Neal, *op. cit.*, pp. 12, 29-30, 34-8; Evans and Thorpe, *op. cit.*, p. 109; Hirst, *op. cit.*, pp. 21-2, 28-32; Peter Kolchin, *Unfree Labour: American Slavery and Russian Serfdom*, Cambridge, Mass., 1987, pp. 59-60, 82-4, 127-40; Hilary Beckles, 'The Colours of Property: Brown, White and Black Chattels and their Responses on the Caribbean Frontier', *Slavery and Abolition*, vol. 15, no. 2, August 1994, pp. 38-40; Beverley Earnshaw, 'The Lame, the Blind, the Mad, the Malingerers: Sick and Disabled Convicts within the Colonial Community', *Journal of the Royal Australian Historical Society*, vol. 81, pt. I, June 1995, p. 37; Hughes *op. cit.*, pp. 282-5; Nicholas, *op. cit.*, pp. 4, 11, 111-3. E.L.A. Connors, 'The "Birth of the Prison" and the Death of Convictism. The Operation of the Law in Pre-separation Queensland, 1839 to 1859', PhD Thesis, University of Queensland, 1990. Most of these works, to a greater or lesser degree, compare slavery with convictism. We would be the first to agree that the convict system, as it operated in Australia, was not homologous with slavery. For one thing, there were too many variations in both. For that reason, among others, we have preferred to conceptualise convict workers as penal labourers, rather than slaves, although it is clear that structurally and experientially, convict histories under private assignment and state regulation had close affinities with contemporary slave labour patterns. One crucial difference (although this is debatable) is that convict workers were, on the whole, treated more harshly than slaves on southern American plantations — mainly because slaveholders did not want to disable their valuable workforce unduly by excessive flogging.
- 43 Ullathorne, *op. cit.*, Report from the Select Committee on Transportation, *op. cit.*, pp. 14-37.
- 44 Harris, *op. cit.*, p. 12.
- 45 'Jack Bushman', 'Passages from the Life of a "Lifer"', *Moreton Bay Courier*, 9 and 16 April 1859, quoted in Evans, Thorpe, 'Power, Punishment and Penal Labour', *op. cit.*, pp. 98-9, 109.
- 46 Theweleit, *op. cit.*, p. 299.
- 47 Hughes, *op. cit.*, p. 429.
- 48 Ullathorne, *op. cit.*, p. 20.
- 49 Davies, 'Memoir of Macquarie Harbour', quoted in Hughes, *op. cit.*, p. 377.
- 50 D. Neal, 'Free Society, Penal Colony, Slave Colony, Prison?', *Historical Studies*, vol. 22, 1987, p. 497.
- 51 Theweleit, *op. cit.*, p. 302.
- 52 J. Clunie, Moreton Bay to Colonial Secretary, 12 January 1833, NSW State Archives, Moreton Bay special bundle, 8 (microfilm); W. Ross, *The Fell Tyrant or the Suffering Convict*, London, 1836, p. 23.
- 53 Report from the Select Committee on Transportation, 3 August 1838, *op. cit.*, p. 21.
- 54 Hughes, *op. cit.*, p. 429.
- 55 'Jack Bushman', 'Passages from the Life of a "Lifer"', *Moreton Bay Courier*, 30 April 1859.
- 56 J. Bradley and H. Maxwell-Stewart, 'Embodied Explorations: Investigating Convict Tattoos and the Transportation System', unpublished paper, p. 2.
- 57 D. Kent, 'Decorative Bodies: The Significance of Convicts' Tattoos', *Fatal Shores*, James Jupp (ed.), *Journal of Australian Studies*, no. 53, 1997, pp. 78-88.
- 58 Bradley, Maxwell-Stewart, *op. cit.*, pp. 1, 10-11.
- 59 *Ibid.*, pp. 13-14.
- 60 Aveling, *op. cit.*, pp. 206-7.
- 61 F. Fyans, *Memoirs Recorded at Geelong, Victoria*, P. Brown (ed.), Geelong, 1986, p. 139.
- 62 Hughes, *op. cit.*, p. 428; T. O'Connor, "To Work the Fair Ones Orderly and Well and on the Toll of the Bell": The Management of Female Convicts at the Penal Station of Moreton Bay', unpublished paper, 1994, p. 7.
- 63 J. Damousi, 'Convict Masculinities', unpublished paper, pp. 4 and 12.

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- 64 O'Connor, "To Work the Fair Ones" ...', p. 8.
- 65 *Monitor*, 14 August 1830 quoted in O'Connor, *ibid.*
- 66 *Ibid.*, p. 8.
- 67 *Ibid.*, p. 2.
- 68 R. Bourke, Sydney to J. Morisset, Norfolk Island, 12 March 1832, NSW State Archives, Moreton Bay special bundle, no. 11.
- 69 J.C. Byrne, *Twelve Years' Wandering in the British Colonies from 1835 to 1847*, vol. 1, London, 1848, pp. 240-1.
- 70 *Ibid.*