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# Russel Ward and the Convict Legend

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In *The Australian Legend*, Russel Ward wrote that 'the convict influence on Australian society was very much more important than has usually been supposed'. Here, he was evoking an understanding that the unusual and ignominious origins of Australian society had, for many years, plagued our history and our sense of ourselves, and this had been manifested in a tendency to ignore convict heritage, to excuse it, or to downplay its true and vital significance to the development of Australian identities and institutions. Ward claimed to be breaking from tradition by proposing and demonstrating that convictism was *central* to the development of Australian society and culture. As he said, the fact that Australia was 'for nearly the first half-century of its existence ... primarily, an extensive gaol ... is basic to any understanding of social mores in the early period when an Australian tradition was forming'.<sup>1</sup>

Even in 1958, as some of Australia's finest historians were producing or preparing scholarly accounts of Australia's convict past, and as popular anxieties surrounding our convict heritage were easing, Ward's foregrounding of the convict legacy was, in his own view at least, audacious and insubordinate. And yet, as with many aspects of his thesis, Ward's views on convict heritage were striking not so much because they were original or outrageous, but because they were cleverly articulated, and resonated powerfully with ideas and impressions that were long-held and deep-seated. Here, I examine how Ward interpreted Australia's convict heritage, tracing the lineage of his ideas to describe how he borrowed and differed from earlier writers. The discussion contributes to our understanding of how Australians have debated and dealt with the lingering legacies of the convict past, but also considers what Ward's treatment of this subject tells us about his own ideas and influences, and his place as an historian and radical-nationalist.

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<sup>1</sup> R. Ward, *The Australian Legend*, Melbourne, 1966 [1958], p. 15.

*The Australian Legend* opens with Alexis de Tocqueville's famed remark that all nations 'bear some marks of their origin, and the circumstances which accompanied their birth and contributed to their rise, affect the whole term of their being'.<sup>2</sup> Ward follows this by quoting Mary Gilmore's 'Old Botany Bay' (1918): 'Shame on the mouth / That would deny / The knotted hands / That set us high'. The two quotations, and their juxtaposition, encapsulate a key idea underpinning Ward's thesis – that the particular and peculiar origins of European Australia bred something distinctive and formative in the national character, and that the proclivity to refute or suppress this fact has skewed our understandings of Australian values and how Australians perceive themselves.

Ward believed that the 'bush ethos' which came of age late in the nineteenth century, originated much earlier with those convicts and emancipists who dominated the rural workforce before 1851. These, our 'Founding Fathers', were the progenitors of what Ward (borrowing from Anthony Trollope) called the 'nomad tribe', and by weight of numbers and influence their values permeated early colonial society, so that the fundamentals of the ethos were well entrenched by the time convict transportation was abolished in the mid-nineteenth century. That is, a 'distinctive national feeling' predated the tumultuous experiences of the goldrushes and the massive influx of gold-seeking immigrants of the 1850s. This in itself was an important negation of an old orthodoxy that marked the gold era of the 1850s as the formative experience of nineteenth-century Australia. The era was perceivably definitive not only in laying the platform for Australia's social and political democracy and planting the seeds of its national consciousness, but also in washing away the convict remnants and fostering, in G.V. Portus' words (which Ward cites), a 'change in the quality of the [Australian] population'.<sup>3</sup>

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<sup>2</sup> He named Australia as one of two 'settlements' boasting markedly dishonourable origins. The other was 'St. Domingo ... founded by buccaneers'. A. de Tocqueville, *Democracy in America*, B. Frohnen (ed.), Washington, 2002, [London 1889], p. 24.

<sup>3</sup> G. V. Portus, 'The Gold Discoveries 1850-1860', in E. Scott (ed.), *Cambridge History of the British Empire*, Vol. 7, Cambridge, 1933, cited in Ward, *The Australian Legend*, p. 112.

The idea of the goldrushes as a watershed and a regenerative phenomenon (Vance Palmer described it as a 'theory of rebirth')<sup>4</sup> was instantly evident in the mid-1850s, when it seemed that the 'convict pioneers' had 'become lost in the army of free colonists' (notwithstanding the disturbing influx of Vandemonians onto the Victorian goldfields).<sup>5</sup> The 'immense immigration', another contemporary commentator noted, 'utterly "swamped" the old residents, many of whom fled, terror-stricken, at the aspect which society had suddenly assumed'.<sup>6</sup> It crystallised in the reflections of later generations, for whom it seemed plausible to suggest that the 'traces of the convict element' had 'become very slight in the national character', because the 'criminals ... left no children' and their numbers had been 'swallowed up' by a 'population of an excellent type'.<sup>7</sup> The statistician Sir Timothy Coghlan calculated in 1918 that the 'original element had disappeared' by the 1870s, with convict descendants accounting for only 1.5% of the existing population.<sup>8</sup> It was therefore not just the social and cultural legacies, but the genetic inheritance, that had been perceivably obliterated. (Miles Franklin and Dymphna Cusack would later note wryly that 'Judging by the few descendants from convicts in Australia to-day, most of the eighty-two thousand who came here must have been barren').<sup>9</sup>

Some early-twentieth-century historians, however, were less certain that the legacies of the convict period – whether cultural or genetic – had been so decisively expunged. George Arnold Wood's 1921 lecture to the Royal Australian Historical Society (widely regarded as a turning point in the discussion of convict heritage)

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<sup>4</sup> V. Palmer, *The Legend of the Nineties*, Melbourne, 1963 [1954], p. 31.

<sup>5</sup> S. Mossman, *Australia Visited and Revisited: A Narrative of Recent Travels and Old Experiences in Victoria and New South Wales*, London, 1853, p. 228. According to one observer as many as 9,000 'vermin' (he did not distinguish between emancipists and absconders) had arrived by 1855. W. Howitt, *Land, labour and gold; or, Two years in Victoria: with visits to Sydney and Van Diemen's Land*, Vol. 2, London, 1855, pp. 7-8.

<sup>6</sup> S. Sidney, 'The Three Colonies of Australia', *London Quarterly Review*, Vol. 107, January 1860, p. 15.

<sup>7</sup> C. W. Wilke, *Problems of Greater Britain*, London, 1890, pp. 189-90.

<sup>8</sup> T. A. Coghlan, *Labour and Industry in Australia*, Vol. 1, Melbourne, 1969 [1918], p. 562. See also A. L. Haskell, *Australia*, London, 1945, p. 35, confidently claiming that 'only about 1 per cent of the Australians are descended from convicts'.

<sup>9</sup> M. Franklin and D. Cusack, *Pioneers on Parade*, Sydney, 1939, p. 210.

began by declaring it 'evident that the descendants of convicts must form a large proportion' of Australia's current population. Importantly, he argued that this fact 'should give rise to a feeling of exultation' rather than remorse, given that their descendants had turned out so well. Indeed, the convicts' shared sense of suffering and misfortune had generated a measure of equality and humility, as well as a resistance to 'aristocratic insolences', that equated to a belief in 'common humanity', wherein lay the seeds of true democracy.<sup>10</sup> Keith Hancock, in 1930, was not 'readily persuaded that they [the gold-rushes] mark a complete break with the past', sensing instead 'a vague unmeasured inheritance from those early days', though he could not identify 'with precision the effects of this wretched beginning on the later history of Australia'. Hancock nonetheless celebrated the gold-diggers as the 'Pilgrim fathers, the first authentic Australians, the founders of their self-respecting, independent, strenuous national life'.<sup>11</sup> Later, when Ward was writing his PhD on 'The Ethos and Influence of the Australian Pastoral Worker', Max Crawford's *Australia* (1952), in a chapter on 'The Australian Legend', suggested that "'mateship" ... the most widely discussed element in our tradition', seemed to have 'appeared early' among 'ex-convict bush workers'. Yet Crawford (who later examined Ward's PhD thesis) shied away from positing mateship as a distinct legacy of convict heritage. Rather it was 'nourished throughout our colonial history by circumstances and necessity'.<sup>12</sup>

In the early 1950s, the genesis of those 'typical' Australian characteristics, and the possibility that they originated pre-1850, were also considered in a number of works of literary historiography that appear to have had a substantial impact on Ward's thesis. Arthur Phillips, writing on 'The Democratic Theme' in *Overland*, observed that 'the spirit of Mateship' and other 'currents of freedom and fellowship' were established early in the convict period,

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<sup>10</sup> G. A. Wood, 'Convicts', *Royal Australian Historical Society: Journal and Proceedings*, Vol. 8, No. 4, 1922, p. 177; D. A. Roberts, "'More sinned against than sinning": George Arnold Wood and the noble convict', in D. Gare and D. Ritter (eds), *Making Australian History: Perspectives on the Past since 1788*, Melbourne, 2008, pp. 122-30.

<sup>11</sup> W. K. Hancock, *Australia*, Sydney, 1945 [London 1930], pp. 35-7, 43-4.

<sup>12</sup> R. M. Crawford, *Australia*, London, 1952, p. 152.

and he prefigured Ward by suggesting that 'The immigrants of the Gold Rushes probably learned as much from the established tradition of the country as they contributed to it'.<sup>13</sup> Vance Palmer's *The Legend of the Nineties* (1954) went further in suggesting that some '[s]ocial habits' normally associated with a later period 'were already crystallizing in the thirties and forties, especially up-country, where pioneering conditions were beginning to impose a special way of life'. Palmer noted 'a national type appearing' as early as the 1820s, while 'democracy, nationalism, and even trade-unionism had their beginnings before the gold-rush', though again the 1850s seemed far more formative in bringing 'a quickening political element to Australian life'.<sup>14</sup> Ward, feeling that Palmer had nonetheless 'underestimate[d] the extent to which the essential germ of this popular tradition had sprung up before the gold rush',<sup>15</sup> set himself the task of articulating what those 'social habits' might have consisted of, and how they survived the 1850s. The theme emerged as a major tenet of his thesis, and was the subject of three academic articles before the publication of *The Australian Legend*.<sup>16</sup> How, then, did Ward articulate the convict contribution to an Australian ethos, and how did he account for its survival and persistence?

On one level, Ward posits some distinctive traits of an Australian ethos as a direct consequence of the convict system. Egalitarianism and mateship, for example, 'perhaps the most marked of all convict traits', supposedly arose out of the special camaraderie and confederacy of the criminal class – what Ward called the 'freemasonry of felony' – a class solidarity born of subjugation, resentment and resistance. This involved special alliances and networks, and specific rituals and codes of behavior, generated by

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<sup>13</sup> A. A. Phillips, 'The Democratic Theme', in *The Australian Tradition*, Melbourne, 1958, pp. 50-1.

<sup>14</sup> Palmer, *op. cit.*, pp. 33, 24, 40.

<sup>15</sup> R. Ward, review of V. Palmer, *Legend of the Nineties*, *Historical Studies*, Vol. 6, No. 23, November 1954, p. 353-4.

<sup>16</sup> R. Ward, 'Collectivist Notions of a Nomad Tribe', *Historical Studies: Australia and New Zealand*, Vol. 6, No. 24, May 1955, pp. 459-73; 'Social Roots of Australian Nationalism', *Australian Journal of Politics and History*, Vol. 1, No. 2, May 1956, pp. 179-95; 'Felons and Folksongs', *Meanjin*, Vol. 25, No. 66, September 1956, pp. 282-300.

interdependence for the sake of mutual aid and self-preservation. Naturally it entailed disrespect for authority and a proclivity to support and sympathise with those who flouted and rebelled against the law – traits that were owed especially to Irish convicts, and embodied in the colonial bushrangers, the first of whom were convicts. Convicts fostered a distinctive dislike of being 'talked down to', a suspicion of 'swells' and 'new chums', and a feeling that this was 'the prisoners' country', all of which were pivotal and influential in the 'growth of Australian sentiment'. These traits flourished amongst an overwhelmingly male convict population lodged in a remote and alien bush, and were further fostered by emancipists seeking equality and acceptance in the face of the entrenched condescension and opposition of powerful élites. Similarly, anti-clericalism arose from the convict's perception that Anglican ministers were 'part of the government machinery of repression', especially through their role as magistrates.<sup>17</sup> Other traits such as ingenuity, adaptability and endurance can also be easily imagined to have been endemic to the convict experience – particularly as they were fertilised by frontier conditions, as Ward understood them.

And yet on another level, these and other distinctly Australian traits are *not* specifically or uniquely convict, but rather belong to a broader underclass condition, shared by convicts, free-born colonials, and pauper emigrants alike. Convicts, Ward notes, were not the only ones who were 'singularly unimpressed by the self-proclaimed superiority of the colonial "gentry"'.<sup>18</sup> Citing Palmer, he notes that there was little difference between convicts and pauper emigrants, other than 'a lighter regard for property or a fainter capacity for self-control in the presence of a landlord'.<sup>19</sup> To an extent, this anticipated the thrust of more recent research which, albeit using a quite different, mostly quantitative methodology, has normalised the convict experience by diminishing the gulf between convicts and free immigrants, positing them both within a milieu of working-class

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<sup>17</sup> Ward, *The Australian Legend*, pp. 90-1.

<sup>18</sup> *Ibid.*, p. 40.

<sup>19</sup> *Ibid.*, p. 22; Palmer, *op. cit.*, p. 32.

migration.<sup>20</sup> Essentially, nothing separated convicts and pauper immigrants other than the mode of their arrival.

So, in some ways Ward construes the convict experience as central to the formation of a distinctive Australian ethos, while in other respects it is only important in so much as convicts formed a notable percentage of the rural working class, frontier/pioneer population. Ward's thesis, essentially, is that the Australian ethos drew upon the habits and outlook of the socially inferior majority, rather than the powerful, ruling minority. It was the lower orders, evicted or otherwise separated forever from their homeland, who turned away from Britain and an idealised past to embrace the challenges of a new environment and the realities of the here and now. As convicts represent the quintessential underclass of colonial Australia (excepting Aborigines of course), their experience is highly amenable – but not necessarily central – to this premise. There is, here, a gloss and imprecision that is characteristic of Ward's thesis. The threads of the Australian ethos run through the experience of the convict, the Celt, the Currency lad, the bushranger, the digger, and the shearer, to the extent that these groups are somewhat interchangeable – or as Ward says, their identities 'coalesced' in the new environment beyond the Great Dividing Range. This type of incautious over-simplification reflected the stateliness of his work – part of its artful innocence, to paraphrase John Rickard.<sup>21</sup> Such 'sweeping generalizations' (Ward was conscious of the loftiness of his claims) were crucial to the broad appeal of *The Australian Legend*, but also opened it to such extensive criticism and revision.<sup>22</sup>

What united the disparate but somewhat indistinct elements of the colonial underclass, however, was the experience and effects of acclimatisation. It was the encounter with the strange and unique Australian environment that moulded a particular 'old-hand-outback tradition', disrupting the imported order and summoning various

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<sup>20</sup> Most explicitly in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's Past*, Melbourne, 1988; D. Oxley, *Convict Maids: The Forced Migration of Women to Australia*, Melbourne, 1996.

<sup>21</sup> J. Rickard, 'National Character and the "Typical Australian": An Alternative to Russel Ward', *Journal of Australian Studies*, No. 4, June 1979, p. 13.

<sup>22</sup> Ward, 'Collectivist Notions of a Nomad Tribe', p. 460.



traits and characteristics that ultimately distinguished the newcomers from the Old World. Here, of course, Ward applies and addresses one of the key and most pervasive themes of Australian literature: 'the spirit of the "noble bushman"'. Ward draws on Frederick Jackson Turner's 'frontier thesis' as a framework for both understanding and exemplifying the 'underlying forces' that have caused new societies to locate their defining values on the fringes of early settlement.<sup>23</sup> This type of environmental determinism, as far as it had been applied to convicts, was usually seen as particularly salutary, leading, as Marion Phillips wrote in 1909, 'to the rehabilitation in a new environment of those who had fallen out of the social struggle'.<sup>24</sup> Ward too stressed the reformatory aspects of transportation, suggesting that 'convicts and old hands were morally improved, if not entirely made over to the Lord, by up-country conditions', though he was careful not to attribute this 'metamorphosis' merely to the 'virtuous emanations from the southern sun or from the aromatic leaves of the gum-trees', pointing instead 'to much more mundane and material reasons' such as the opportunities for and nature of bush work, loneliness and interdependence, and the lack of women.<sup>25</sup> The extraordinary privations of life and work in the Australian bush – so challenging that the bulk of its early workforce comprised men who were *not* there by choice – wrought characteristics that were, in reality and mythology, crucial to the Australian experience (though in Australia they bred a collectivism that contrasts to the individualism of Turner's frontier American).<sup>26</sup>

But it is because the convict bushmen were the first to experience and adapt to the Australian environment that they became the progenitors of the Australian ethos. Those who followed – such as the 'new-chum diggers' – were, in their need to adapt to conditions outside the cities, necessarily 'subjected to an intensive

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<sup>23</sup> Ward, *The Australian Legend*, p. 254; F. J. Turner, *The Frontier in American History*, New York, 1996 [1920].

<sup>24</sup> M. Phillips, *A Colonial Autocracy: New South Wales under Governor Macquarie*, Sydney, 1909, p. 332.

<sup>25</sup> Ward, *The Australian Legend*, pp. 33, 82. This is explored principally in Ch. 4, 'Up the Country'.

<sup>26</sup> *Ibid.*, pp. 238-59.

course of "colonization", administered by old Australians and the very conditions of bush life which had already helped to mould the outlook of the old hand'. It was in this manner that 'the leaven (or virus) of Pre-Gold Rush "Australianism"' survived the swamping of goldrush immigration, and though it was 'temporarily and superficially overlaid' (Ward explores the vital way it was affected by the goldrushes), it would reassert itself among the itinerant bushworkers of the late-nineteenth century.<sup>27</sup>

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Foregrounding the convict influence on Australian culture and identity was part of Ward's radicalism, tying him to a long intellectual and literary tradition of radical-nationalism, critical of conservative Anglo-cultural traditions and encouraging of a sense of Australian distinctiveness. In the contemporary Cold War cultural politics of Menzies' Australia, positing Australian heritage as belonging to the lower and coarser orders of Australian society, past and present, set Ward in the opposing camp to conservative intellectuals like James McAuley, who in the first *Quadrant* editorial in 1956, decried "'Australianity'" as an anti-intellectual criteria' and railed against 'the ugly nineteenth-century vice of cultural nationalism'.<sup>28</sup> Ward's salvo was to argue that the true nationalist ideology was inherently home-grown – that it was collectivist, socially egalitarian, lowbrow, and defined, as least in part, in contradistinction to Britishness. It belonged to the indigenised bush workers, rather the Anglo-Australian élite, and its embryo was with those who were expelled by the British aristocracy and judiciary – the outcasts of British society, who had become the outcasts of Australian history.

In the 1950s this elevation of convicts, bushrangers and Irish peasants was undoubtedly discomfiting for some. As the *Bulletin's* reviewer (presumably Douglas Stewart) noted, 'Those who dislike being descended from convicts' would find the book 'somewhat disconcerting, for it is Ward's theory that we all do: not physically,

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<sup>27</sup> Ward, *The Australian Legend*, pp. 114, 140.

<sup>28</sup> J. McAuley, 'Comment: By Way of Prologue', *Quadrant*, Vol. 1, 1956, p. 3.

but spiritually'.<sup>29</sup> It was ostensibly a stark rebuttal of the prevailing sensitivities and mentality of those whom Percy Stephensen in 1938 called 'the English garrison', or those (mostly academics) responsible for 'grafting a thoroughly British-coloured interpretation of Australian history' who were, in Stephensen's view, primarily responsible for perpetuating the stigma of convictism.<sup>30</sup> And yet there was no especial outcry over Ward's evocation of the convict heritage, or his idea that its influence on Australian society and character was strong and formative. Certainly, the professional, academic response to Ward's work did *not* evince any particular outrage or offence at the convict theme. Charles S. Blackton, reviewing for the *Journal of Modern History*, came closest by opining that Ward's emphasis on convict heritage was 'bold', though that was all he said of it.<sup>31</sup> Sidney Baker drew particular attention to Ward's claims regarding the convict influence on Australian society, but did not detail or critique them.<sup>32</sup> John Greenway, reviewing for the *Journal of American Folklore*, barely thought Ward's convict angle worth mentioning.<sup>33</sup> Other reviewers ignored it entirely.<sup>34</sup>

The reflections of other reviewers, however, while not commenting extensively on Ward's use of the convict theme, identified inconsistencies and problems with it, sometimes in ways that prefigured future scholarship on convict history. Max Hartwell (recently returned to Nuffield College after a stint as Professor at the University of New South Wales) recognised the romanticism and

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<sup>29</sup> 'Convicts and Bushmen', *Bulletin*, Vol. 79, No. 4117, 7 January 1959, p. 2.

<sup>30</sup> P. R. Stephensen, *A Brief Survey Of Australian History: Our Story In Fifteen Decades*, [1938], <<http://home.alphalink.com.au/~radnat/stephensen/prs1.html>> np, accessed 1 October 2008. On Stephensen, see C. Munroe, *Wild Man of Letters: The Story of P. R. Stephensen*, Melbourne, 1984.

<sup>31</sup> C. S. Blackton, review of R. Ward, *The Australian Legend*, in *Journal of Modern History*, Vol. 32, No. 1, March 1960, p. 72.

<sup>32</sup> S. J. Baker, 'The Australian Character in the Making', *Sydney Morning Herald*, 3 January 1959, p. 11.

<sup>33</sup> J. Greenway, review of R. Ward, *The Australian Legend*, in *The Journal of American Folklore*, Vol. 72, No. 286, October-December 1959, pp. 364-5.

<sup>34</sup> For example, B. E. Mansfield, review of R. Ward, *The Australian Legend*, in *Royal Australian Historical Society Journal*, Vol. 46, Pt. 2, 1960, pp. 117-8; R. Carpenter, 'The Great Australian Myth', *Observer*, 21 February 1959, p. 121.

bias of Ward's treatment of convicts.<sup>35</sup> A. G. L. Shaw, who in 1950-51 researched the British background of convict transportation with the assistance of a Nuffield British Commonwealth Traveling Scholarship in Social Science, knew enough about the era to remark that the convict experience was essentially an urban, not a rural one.<sup>36</sup> Norman Harper, one of Australia's leading Americanists, with an abiding interest in Turner's frontier thesis, wondered whether mateship and other supposed convict characteristics were really a product of adaptation to Australia's physical and social environment, or rather imported aspects of British working-class culture and the 'underground activities' of trade unionism.<sup>37</sup> Similarly, a bibliographer, Walter Stone, wondered if an Australian ethos owed more to 'the characteristics and outlook which were prevalent in the gin-parlours and thieves' kitchens of London or Dublin' (though Ward did in fact acknowledge the British working-class origins of the Australian ethos).<sup>38</sup> A few years later, Michael Roe asked how Ward's emphasis on the convicts' role in defining Australia's working-class culture could be reconciled with the massive working-class support for the abolition of convict transportation in the mid-nineteenth century.<sup>39</sup>

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- <sup>35</sup> R. M. Hartwell, review of R. Ward, *The Australian Legend*, in *English Historical Review*, Vol. 76, No. 300, July 1961, pp. 503-4.
- <sup>36</sup> A. G. L. Shaw, review of R. Ward, *The Australian Legend*, in *The Economic History Review*, Vol. 12, No. 2, 1959, pp. 345-6.
- <sup>37</sup> N. Harper, review of R. Ward, *The Australian Legend* and H. C. Allen, *Bush and Backwoods*, in *Historical Studies*, Vol. 9, No. 35, November 1960, p. 322. Harper was a veteran teacher of American history at the University of Melbourne and a founder of the Australia and New Zealand Association for American Studies. D. Goodman and D. Merwick, 'American History at Melbourne: A Conversation', in S. Macintyre (ed.), *Life of the Past: The Discipline of History at the University of Melbourne, 1855-2005*, Melbourne, 2006, pp. 279-84.
- <sup>38</sup> W. Stone, 'The Botany Bay in Our System', *Nation*, 11 April 1959, p. 21; Ward, *The Australian Legend*, pp. 83, 86; 'Felons and Folksongs', p. 288. This point was further developed in a special volume on 'The Australian Legend Re-Visited' to mark the twentieth anniversary of Ward's book. M. B. and C. B. Schedvin, 'The nomadic tribes of urban Britain: a prelude to Botany Bay', *Historical Studies*, Vol. 18, No. 71, October 1978, pp. 254-76.
- <sup>39</sup> M. Roe, 'The Australian Legend: An Exchange', *Meanjin Quarterly*, Vol. 21, No. 3, September 1962, p. 364.

It is important not to exaggerate the audacity of Ward's emphasis on, and elevation of, convict heritage — as Ward did himself to some extent. Although Tom Griffiths, and recently Babette Smith, have spoken about 'Past Silences' and the seemingly neurotic suppression of Australia's convict heritage,<sup>40</sup> in the 1950s convict history was no longer a forbidden subject. Indeed, at no point in Australia's history had the matter ever been successfully or completely suppressed. Rather, it had always given rise to contrasting and usually confused ideas — a 'problem', Ward later noted, that had caused a peculiar 'megrim' and 'schizophrenia'.<sup>41</sup> But certainly there had been 'patterns of suppression and silence',<sup>42</sup> and a tendency, broadly reflected in official history and the etiquette of the élite, to expunge the topic from public discourse and the national narrative. Concomitantly, the attempt to articulate a convict heritage has long been a defining characteristic of Australian nationalism, although the tendency to construe that heritage as gratifying and valuable is a relatively recent development. It was colonial opposition to convict transportation in the 1840s and 1850s that galvanised an embryonic trans-colonial nationalism, casting colonial interests against 'the inheritance of wealthy shame which Great Britain holds out to her'.<sup>43</sup> A generation later, around the time of the NSW Centenary, when civic leaders were concealing the convict theme, it was embraced passionately by J. F. Archibald's *Bulletin* which tied it explicitly to a raucous and rapid Anglophobia, positing the system as Britain's despicable gift to the Australian colonies.<sup>44</sup>

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<sup>40</sup> T. Griffiths, *Hunters and Collectors: The Antiquarian Imagination in Australia*, Melbourne, 1996, pp. 115-8; B. Smith, *Australia's Birthstain: the startling legacy of the convict era*, Sydney, 2008.

<sup>41</sup> R. Ward, *Uses of History*, Armidale (NSW), 1968, p. 7

<sup>42</sup> Griffiths, *op.cit.*, p. 115

<sup>43</sup> Henry Parkes, citing his own 1852 anti-transportation speech in H. Parkes, *Fifty Years in the Making of Australian History*, London, 1892, p. 21. For discussion, see C. S. Blackton, 'Earl Grey and Australia's First National Movement, 1846-1852', *Pacific Historical Review*, Vol. 10, No. 3, September 1941, pp. 297-309, and 'The Dawn of Australian National Feeling, 1850-1856', *Pacific Historical Review*, Vol. 24, No. 2, May 1955, pp. 121-38.

<sup>44</sup> For example, 'The day we were lagged', *Bulletin*, 21 January 1888.

The distinction between the conservative Anglo-centred and radical-nationalist views of convict heritage was starkest during the interwar years. Indeed, in a period marked and polarised by both an ascendant conservatism and a resurgent radical-nationalism, convict heritage became something of a cornerstone of cultural division. It was then, perhaps, that historical amnesia was at its height – when the guardians of official civic history such as the Royal Australian Historical Society could be scandalised by George Arnold Wood's suggestion that the convicts were but 'Village Hampdens', hapless and hungry victims of economic and legal tyranny orchestrated by Britain's decadent aristocrats and corrupt magistrates. Wood's representation of convicts as reluctant pioneers who in Australia found redemption and built a happy, wholesome, democratic nation, soon became something of a nationalist convention – assuming (probably more than Wood intended) anti-imperial connotations. The divisions were brought to the fore during the highly politicised 1938 Sesquicentenary, after the organisers determined to suppress the convict theme in official events and souvenir programs, leading scholars to condemn the 'priggishness or obscurantism which led people to stupidly deny, or neglect, what were admitted facts'.<sup>45</sup> It inspired a generation of Australian writers including Miles Franklin (named after her ancestor, Edward Miles, a first fleet convict), Dymphna Cusack (who credited Wood with exciting her 'great admiration for our convict ancestors'),<sup>46</sup> Flora Eldershaw, Marjorie Barnard and Mary Gilmore, who belligerently conscripted convicts into the service of national pride by portraying them as our quintessential nation-builders and the creators of a 'gallant tradition that ... enabled individuals to wring full and useful lives out of defeat'.<sup>47</sup>

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<sup>45</sup> S. Roberts, *Sydney Morning Herald*, 8 December 1937, p. 16. See also numerous items and letters to the editor on this subject between 9 and 25 December 1937. For discussion, see J. Thomas, '1938: Past and Present in an Elaborate Anniversary', *Australian Historical Studies*, Vol. 23, No. 91, October 1988, pp. 77-89.

<sup>46</sup> P. Brunton, 'Introduction' in *The Diaries of Miles Franklin*, Sydney, 2004, p. 1; N. Freehill and D. Cusack, *Dymphna*, Melbourne, 1975, p. 46.

<sup>47</sup> D. Cusack, 'Mary Reiby', in F. Eldershaw (ed.), *The Peaceful Army: A Memorial to the Pioneer Women of Australia, 1788-1938*, Sydney, 1938, p. 57; Roberts, "'More sinned against than sinning'", pp. 122-30.

Between these extremes, there were others engaged in articulating a convict legacy, finding quite different perspectives. Percy Stephensen, whose own brand of extreme nationalism somewhat echoed that of Archibald's *Bulletin* (though he would have denied that vehemently) saw convictism as an English crime perpetrated on the Australian people – 'an imported English institution' which 'Australia quickly abolished'. While Australians were entitled to forget the ignominy in favour of the achievements of the past, they remained forever besieged by the stigma because of the 'Englishman's statement of a preconceived hypothesis of Australia', perpetuated by 'Pommy' writers such as Marcus Clark and the 'British Garrison' of 'English Professors' such as Ernest Scott, all of them 'identified with the nation who sent the convicts and floggers here' in the first place.<sup>48</sup> Concurrently, the cantankerous and cynical Brian Penton, in his novels and political pamphlets, wrote scathingly of convicts as vicious creatures whose violent passions and greed were unleashed on Australian soil; *not* egalitarian and anti-authoritarian at all, but a spineless, subservient race of money-hungry grubs. Twenty years before Ward waxed lyrical about the seeds of the Australian legend, Penton had effectively devastated it, in a manner that prefigured Ward's harshest critic, Humphrey McQueen (see article by Bongiorno in this Volume).<sup>49</sup>

Ward's own reflections on convict heritage, some twenty years later, must be seen in the context of these opposing streams of cultural discourse – what Stephensen, with characteristic oversimplification, called 'the imported and the indigenous cultures'.<sup>50</sup> While Ward was also able to redeem convicts and attribute to them the genesis of certain home-grown traditions, he did however distance himself from the overt idealism and apologetic sentimentality of these earlier reflections on convictism. Certainly the times were tough, Ward says, and there were social and legal evils

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<sup>48</sup> P. R. Stephensen, *The Foundations of Culture in Australia: An Essay Towards National Self-Respect*, Gordon (NSW), 1936, pp. 49, 59, 63; *A Brief Survey Of Australian History*, np.

<sup>49</sup> B. Penton, *The Landtakers*, Sydney, 1934; *Think - or be damned*, Sydney, 1941; H. McQueen, *A New Britannia: an argument concerning the social origins of Australian radicalism and nationalism*, Ringwood (Vic), 1970.

<sup>50</sup> Stephensen, *The Foundations of Culture In Australia*, p. 58.

that tended to manufacture criminals, but historians should not suppose 'that the transports were filled with virtuous men and women'.<sup>51</sup> Such remarks were in the flavour of Hancock's comments in *Australia* (1930) that 'spirited poachers and political prisoners' were 'but a small leaven in the lump', (an explicit refutation of Wood's argument).<sup>52</sup> Similarly, Palmer thought it 'unlikely that many of the convicts were spirited poachers or fiery political rebels, as the romanticists suggest',<sup>53</sup> while Max Crawford, a former student of Wood, noted that such 'emphasis on the savagery of the penal code and the supposed predominance of trivial offenders' merely reflected an '[a]nxiety to disprove any suggestion of an enduring taint'.<sup>54</sup>

By the 1950s, however, serious historians were increasingly disposed to counter this type of idealism with a more brutal realism. In fact, the 1950s saw the first real emergence of meaningful and sustained historical scholarship on convict heritage, which by and large had previously been the province of fictional and non-academic writers. The result was a turning point in considerations of the convict past – and, perhaps, the opening of a breach between academic scholarship and popular perceptions which, as far as they can be gauged, were inclined to accept the more apologetic version of Wood and the 1930s nationalist writers. The counterview was first developed by A.G.L. Shaw, then a Senior Lecturer in History at the University of Sydney. Shaw's views would be detailed some years later in *Convicts and the Colonies* (1966), but at the time Ward was completing his thesis they were prefigured in a 1953 *Sydney Morning Herald* article, 'Convicts and their Crimes' (which Ward cites in Chapter 1 of *Legend*).<sup>55</sup> Here, Shaw outlined the basic tenets of an argument against 'the prevailing opinion of the "innocence" of the transportees', concluding that '[t]hese were people of whom England

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51 Ward, *The Australian Legend*, p. 22.

52 Hancock, *op. cit.*, p. 34.

53 Palmer, *op. cit.*, p. 31.

54 Crawford, *op. cit.*, pp. 44-5.

55 A. G. L. Shaw, 'Convicts and their Crimes', in *Sydney Morning Herald*, 27 June 1953, p. 7.



was well rid, and of whom Australia has no reason to be sentimentally proud'.<sup>56</sup>

The same view was being expounded more forcefully by Manning Clark, newly appointed to a chair of history at Canberra University College, whose avowed mission was to unsettle 'the great comforters' of Australian history, especially the nostalgic illusions of the 'radical tradition' which 'distorts and warps our idea of the past'.<sup>57</sup> In a lecture on 'Rewriting Australian History' delivered in Canberra in 1954, which Ward attended (he found it 'an unforgettable, even an electric, experience'),<sup>58</sup> Clark identified, as a key example of this distorting mythology, the prevailing 'picture of transportation ... designed to comfort such diverse groups as the humanitarians, the Australian nationalists, the radicals, and the old Australian families with a skeleton in the cupboard'.<sup>59</sup> Clark tackled the myths of convict history in two landmark essays on 'The Origins of the Convicts' in *Historical Studies* in 1956.<sup>60</sup> In what was the most detailed and systematic analysis to date of the character and composition of the convict population, Clark dissected each tenet of the 'traditional view' to rebut 'any flight of fancy which changes the status of the convict from a criminal to a national hero'. Political rebels and the persecuted hungry were a minority among the mass of 'liars, drunkards and cheats ... strangers to loyalty [and] parasites preying on society'. '[C]loser examination', said Clark, 'suggests we drop this romantic "Village Hampden" concentration altogether'.<sup>61</sup>

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<sup>56</sup> Shaw, 'Convicts and their Crimes', p. 7.

<sup>57</sup> M. Clark, 'Rewriting Australian History', in *Occasional Writings and Speeches*, Melbourne, 1980, pp. 3, 15 (originally published in T. A. G. Hungerford (ed.), *Australian Signpost*, Melbourne, 1956, pp. 130-43). For discussion see S. Macintyre, 'The Radical and the Mystic: Brian Fitzpatrick, Manning Clark and Australian History', in S. Macintyre and S. Fitzpatrick (eds), *Against the Grain: Brian Fitzpatrick and Manning Clark*, Melbourne, 2007, pp. 12-3.

<sup>58</sup> R. Ward, 'Well Ward ...?', in C. Bridge (ed.), *Manning Clark: Essays on his Place in History*, Carlton (Vic), 1994, p. 15.

<sup>59</sup> Clark, 'Rewriting Australian History', p. 9.

<sup>60</sup> C. M. H. Clark, 'The Origins of the Convicts Transported to eastern Australia, 1787-1852', *Historical Studies: Australia and New Zealand*, Vol. 7, No. 26, May 1956, pp. 121-35, and Vol. 7, No. 27, November 1956, pp. 314-27.

<sup>61</sup> Clark, 'The Origins of the Convicts', Pt. 2, p. 320.

Interestingly, Clark also reflected on the legacy of convictism on Australia and the Australian character, in ways that paralleled Ward and demonstrated the extent to which both, and others such as Palmer and Phillips, were wrestling with common ideas and assumptions. Like Ward, Clark also found in convicts 'many of the features of the later Australian larrikin', including 'his cheekiness, his irreverence, his swagger'. The 'loyalty of thieves', which in Britain was melded with 'the fear of punishment', was in Australia reconstituted by 'the need to work together in the Australian bush ... by an awareness of the value of association to offset physical dangers and the great Australian loneliness'.<sup>62</sup> The convicts may have been 'professional criminals', in Clark's view, nonetheless 'the habits and values of the criminals' were responsible for 'the germ of some of the great themes in our history', including 'the attitude to work as well as the curious paradox of the warm embrace for members of the same group but a snarl for the rest of the world'.<sup>63</sup> 'In fact' continued Clark, 'if one dropped the habit of dismissing the whole convict question after due censure of the English governing classes and some quiver of horror at the vices of convicts, one would have time to acknowledge their contribution'.<sup>64</sup>

This contribution, of course, is exactly what Ward set out to elucidate. In doing so, he gave some weight to both the 'censure of the English governing classes' and the 'horror at the vices of convicts' — that is, he acknowledged various views that had circulated in public discourse, as well as those advanced in emerging scholarship. His measured qualification of the convict character in *The Australian Legend* was clearly an acknowledgement of the new scholarship, by which he distanced himself from the 'poets, publicists and other feckless dreamers'.<sup>65</sup> Similarly, he acknowledged the darker sides of mateship (racism, exclusionism), and his emphasis on the reformative powers of the bush experience was tempered by noting how '[p]ioneering conditions accentuated' certain 'dissolute habits' such as

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<sup>62</sup> *Ibid.*, p. 316.

<sup>63</sup> Clark, 'Rewriting Australian History', p. 10

<sup>64</sup> *Ibid.*

<sup>65</sup> Ward, *The Australian Legend*, p. 1.

swearing and alcoholism, as much as they fostered group solidarity and self-regard.<sup>66</sup>

It seems telling that Ward did not cite Clark's detailed and austere revisionist view of the convict character. It may reveal something about Ward's view of Clark; that perhaps he was suspicious of Clark's aggressive denunciation of radical-nationalist orthodoxies. It probably tells us more about Ward's own perception of himself and his work; as if he did not, at that stage, regard himself as solidly belonging to the discipline, as it was then being defined by its star practitioner. Ward's work, reflecting his background in English literature and interest in the character and impact of Australian literature (inspired, in part, by his dismay at the denigration of Australia literature among students and academics),<sup>67</sup> owes its thoughts and tone more to Palmer and Phillips, than to Clark's empiricism and positivism. Certainly there were differences in their methodology, manifest for example in the type of sources they employed. Where Clark used statistics and official records 'from above', Ward worked with folk sources such as ballads and poetry – those expressions of encounter and belonging that, in Palmer's words, gave the country its 'spiritual core'.<sup>68</sup> On the convict theme, Clark's empirical, microscopic examination contrasts markedly with Ward's sheen and magisterial scope. Such concentrated studies of particular aspects of colonial history later became a key instrument for refuting Ward's thesis.

Ultimately, the conventional concerns that had long shaped discussion of convict heritage, which also were Clark's key interest, are not a primary aspect of *The Australian Legend*. Indeed, what distinguishes Ward from other writers up to that point is that he turned away from the customary discussion of convict character and morality. As he said (and repeated numerous times), 'the century-long preoccupation with the question of whether the convicts were, or were not, the sort of people one would like to have had for

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<sup>66</sup> *Ibid.*, p. 35.

<sup>67</sup> R. Pascoe, *The Manufacture of Australian History*, Melbourne, 1979, p. 51. See also Ward's comments in 'Felons and Folksongs', p. 283.

<sup>68</sup> Palmer, *op. cit.*, p. 169.

grandparents, has diverted attention from another matter not less interesting and important'.<sup>69</sup> Apart from the occasional and restrained remark, Ward departed from the old obsession with whether convicts were victims or villains in order to understand how they reacted to the Australian environment and how that reaction shaped an outlook that permeated Australian social traditions and, much later, its literary traditions.

Ten years later, Ward again noted that the old obsession with convict morality had distracted historians from a more enlightening 'puzzle'. By then, however, that puzzle for Ward had changed somewhat, becoming a question of how the progeny of such 'vicious hardened criminals' had become so law-abiding and industrious.<sup>70</sup> There was in fact a noticeable hardening in Ward's attitudes to the convict character in his later writing, evident as early as his 1962 co-authored article on 'the First Generation of Native-born Australians' and in his 1965 monograph, *Australia*.<sup>71</sup> Indeed, despite claiming the question was a mere distraction, some of Ward's later pronouncements gave more weight to the question of convict character and morality. In order to substantiate the importance of 'Currency Reform', it seemed necessary to condemn the fathers of the children as 'drunken and demoralized habitual criminals' and their mothers as 'equally drunken and demoralized prostitutes'.<sup>72</sup>

The change may be owed, in part, to his acknowledgement of Clark, and the absorption of works by Shaw and Lloyd Robson (Clark's student), which emerged in the 1960s, consolidating a new orthodoxy in scholarship on convict heritage.<sup>73</sup> As Ward's career and

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<sup>69</sup> Ward, *The Australian Legend*, p. 32; 'Felons and Folksongs', p. 282.

<sup>70</sup> Ward, *Uses of History*, pp. 9-10

<sup>71</sup> K. MacNab and R. Ward, 'The Nature and Nature of the First Generation of Native-born Australians', *Historical Studies: Australia and New Zealand*, Vol. 10, No. 39, 1962, p. 290; R. Ward, *Australia*, rev. ed., Sydney, 1967 [1965].

<sup>72</sup> Ward, *Australia*, p. 40.

<sup>73</sup> A. G. L. Shaw, *Convicts and the Colonies: a study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, London, 1966; L. L. Robson, *The Convict Settlers of Australia*, Melbourne, 1965. Shaw, and particularly Robson, pursued the quantitative interpretation of convict indents pioneered by Clark, prefiguring the methodology of the contributors to S. Nicholas (ed.) *op. cit.*, though reaching quite different conclusions.

reputation as an historian flourished, he became perhaps more sensitive to the prevailing concerns and trends of the discipline. As *The Australian Legend* came to be regarded as a seminal text (twenty years later, John Molony, described it as having 'achieved its own legendary status'),<sup>74</sup> it concomitantly came under closer scrutiny and attack – the increasing engagement of historians with convict history, for example, gradually produced more intricate and nuanced understandings. While joining the chorus of those condemning the convict character, Ward continued to defend his central notion that a 'distinctive national feeling' predated the goldrushes, resolving the inconsistency by shifting his emphasis towards the importance of the first colonial-born generations, exploring their 'moral improvement' under Australian conditions and their development of a sense of belonging and indigeneity as opposed to the Britishness of the 'well-to-do immigrants and other cultivated persons'. The developments and phenomena of the early colonial era, which Ward had once associated largely with convicts, came increasingly to be focused on the 'currency people'.

Ward's contribution to the study of convict history and its influence on the national heritage seems somewhat different when measured against popular literary traditions on the one hand, and historiographical precedents (especially from academics) on the other. The former had long been active in articulating a convict heritage, through fiction especially but also in literary criticism and cultural commentary. Academics have had less to say on convict history beyond the descriptive and the empirical, and had certainly had been less successful than other writers in grappling with that 'vague unmeasured inheritance' that Hancock had sensed but failed to define.<sup>75</sup> Ward's innovation was to further the shared concerns of both, by combining archival-based historical scholarship with those currents of collective memory generated and preserved through family stories, ballads and popular oral traditions.

Ward's discussion of the convict legacy reveals many of the key elements and qualities of his thesis. In particular, Ward tapped into

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<sup>74</sup> J. N. Molony, 'The Characteristics that shaped us', *Age*, 9 December 1978, p. 27.

<sup>75</sup> Hancock, *op. cit.*, p. 36.

an older nationalist tradition of interpreting convict history as a mark and measure of Australia's distinctiveness but notably, he attempted to distance himself from the sentimental excesses and obsessions with character and morality that had been the hallmark of radical-nationalist literature in the 1930s. All the same, this effort did not rescue his thesis from a certain nostalgic and syrupy view of the convict era. If Ward shared with his predecessors and contemporaries of the Old Left intelligentsia a certain nostalgia and optimism for Australianness that appears glossy and overly-celebratory against the cynicism of later historians, his place in the lineage of radical-nationalist historiography is ambiguous nevertheless, because his work was unconventional in a number of respects, including his use of sources 'from below' and his appeal to a broad readership ready to accept a reasoned but not entirely glowing account of convict history.<sup>76</sup>

And yet, while Ward's work was notable for elevating the convict theme, and for the manner in which it argues how and why the convict experience was so formative, ultimately *The Australian Legend* was not primarily intended as a defining intervention in the field of convict history. Rather, the most important developments in this field were produced in subsequent years. Ward himself swayed with the breeze somewhat, and it is a mark of the gloss and imprecision of his work, and of the primacy of the broader themes, that he was able to perpetuate the main thrust of his arguments while effectively jettisoning the role of convicts.

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Russel Ward wrote *The Australian Legend* at a time when Australian attitudes towards convict heritage were becoming liberalised. He stood on the cusp of a great awakening – an enthusiastic engagement with convict heritage spurred by the rise of family history, improved academic scholarship, increased access to source

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<sup>76</sup> A. Wells, 'The Old Left Intelligentsia: 1930-1960', in B. Head and J. Walter (eds), *Intellectual Movements and Australian Society*, Melbourne, 1988, pp. 214-34; F. Bongiorno, 'Reconsidering Radical-Nationalist History: The case of Russel Ward and *The Australian Legend*', unpublished seminar paper, Institute of Historical Research, London, 21 April 2008.

materials, and by the ascendancy of a new Australian nationalism in which convict heritage could be aired as truly distinctive. Since then, Australian historians have continually revisited and wrestled with the meanings and ramifications of the convict past, while among the broader public there remains a pervasive understanding that the convict experience was somehow pivotal to the formation of Australian institutions and identity. We know, for example, that convict heritage comprises an element of 'popular taste', a 'convict chic' readily embraced by 'middle Australia', and that younger, left-leaning, working-class Australians are disposed to claim convict ancestry as an assertion of their identity and authenticity as white Australians in an increasingly multi-cultural and globalised society.<sup>77</sup>

Certainly, those national traits which many Australians imagine to be unique and self-defining, such as mateship and egalitarianism, resourcefulness and anti-authoritarianism, are still easily grafted on to reflections on the convict era. Perhaps in our popular collective memory the idealistic and sentimental views of convict history have prevailed over the more forthright and factual. Nevertheless, if its influence is seen as being, if not wholly positive, than at least formative and fascinating, it is no surprise that Ward's views on convict heritage continue to strike a chord. Part of Ward's brilliance, and part of the continuing appeal of *The Australian Legend*, lies in the fact that the ideas he articulated were not only endearing, but enduring.

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<sup>77</sup> B. Tranter and J. Donoghue, 'Convict ancestry: a neglected aspect of Australian identity', *Nations and Nationalism*, Vol. 9, No. 4, October 2003, pp. 555-77.