

## 1 Introduction

### ‘Empire of Hell’

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You Prisoners of New South Wales,  
 Who frequent Watch houses and Gaols  
 A Story To you I will Tell  
 ‘Tis of a Convicts Tour to Hell<sup>1</sup> (Francis MacNamara, 1839)

Empire of hell! When will thy cup of abominations be full?<sup>2</sup>  
 (John Mitchel, 1849)

In 1854, the Young Irishman John Mitchel (1815–1875), published a sensational account of his five years in the world-straddling British penal archipelago.<sup>3</sup> Arrested for publication of seditious material in *The United Irishman*, he was detained at Newgate Prison, tried, found guilty under the Treason Felony Act of 1848, and sentenced to fourteen years transportation.<sup>4</sup> Mitchel was then ‘kidnapped’, as he put it, and sent to Spike Island in Cork Harbour from whence he travelled by the war steamer *Scourge* to the British convict establishment at Bermuda. After two years, he was transferred again to Cape Colony in southern Africa where the convict transport *Neptune* spent five months at Simon’s Bay, south of Cape Town, before it was forced to turn aside by a powerful anti-convict (and anti-Irish) protest and head to Australia instead. As he sailed towards the Cape he listened to the singing of his fellow Irish prisoners and was inspired to excoriate the imperial regime that had sent them into collective exile, ‘and then I curse, oh! how fervently, the British empire. Empire of hell! When will thy cup of abominations be full?’<sup>5</sup> Unfortunately for him, Mitchel’s trip through hell was not yet over.

<sup>1</sup> Francis MacNamara, ‘A Convict’s Tour to Hell’, 23 October 1839, SLNSW C967: 2.

<sup>2</sup> John Mitchel, *Jail Journal, Or Five Years in British Prisons* (New York: The ‘Citizen’, 1854), p. 187. Entry for 12 September 1849.

<sup>3</sup> Ibid. The *Jail Journal* was serialized from 14 January 1854 to 19 August 1854 in Mitchel’s New York journal, *The Citizen*, and subsequently published in book form.

<sup>4</sup> For a transcript of the trial in Dublin under Baron Lefroy, see John George Hodges, *Report of the Trial of John Mitchel for Felony . . . Dublin, May, 1848* (Dublin: Thom, 1848).

<sup>5</sup> Mitchel, *Jail Journal*, p. 187. Entry for 12 September 1849.

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After eleven months on board the *Neptune*, Mitchel and his fellow transportees reached Van Diemen's Land, the heart of the British penal darkness, on 7 May 1850. Here every prisoner except Mitchel was granted a conditional pardon.<sup>6</sup> While he had some sympathy for his fellow convicts in Bermuda, Mitchel viewed the end products of the British 'reformatory discipline' he encountered in Van Diemen's Land with undisguised horror as 'perfect fiends' who scarcely deserved to live: 'What a blessing to these creatures, and to mankind, both in the northern hemisphere and the southern, if they had been hanged.'<sup>7</sup> Both in the Cape of Good Hope and in Van Diemen's Land he gave enthusiastic support to the anti-transportation movement and the 'efforts of decent colonists to throw off the curse and shame of convictism'.<sup>8</sup> Even before he had made good his escape, Mitchel heard the news that convict transportation to Van Diemen's Land had been abolished. Applauding the plucky colonists who had helped secure this victory, Mitchel made his way to the United States where he renewed his commitment to the armed struggle against British rule in Ireland and the cause of Liberty everywhere – though not for African slaves. Never less than consistent in his opposition to imperial claims to authority, Mitchel would go on to adopt the Confederate cause in the American Civil War and dedicate his supple intelligence to spinning arguments in support of slavery.<sup>9</sup>

An important part of Mitchel's radical opposition to British rule was his refusal to accept that liberal humanitarian projects, such as the abolition of slavery or penal reform, could compensate for the reality of imperial power. While opposition to the imperial project is generally seen to have begun much later, during the Boer War, Mitchel's views anticipate later critics of empire, particularly the Fabians.<sup>10</sup> Mitchel's views were expressed in both the *Jail Journal* and *The Last Conquest of Ireland (Perhaps)* which appeared in 1860. The latter took Mitchel's vendetta against the imperial British to new rhetorical heights, 'The Almighty, indeed, sent the potato blight, but the English created the Famine.'<sup>11</sup>

<sup>6</sup> Ibid., 231. Entry for 13 February 1850.

<sup>7</sup> Ibid., 256. Entry for 30 April 1850.

<sup>8</sup> Ibid., 284. Entry for 18 October 1850.

<sup>9</sup> Nini Rodgers, *Ireland, Slavery and Anti-Slavery: 1612–1865* (Houndmills: Palgrave Macmillan, 2007), pp. 293–305.

<sup>10</sup> Gregory Claeys, *Imperial Sceptics: British Critics of Empire 1850–1920* (Cambridge: Cambridge University Press, 2010), p. 151. For the Fenian attack on the liberal empire see also Theodore Koditschek, *Liberalism, Imperialism and the Historical Imagination: Nineteenth-Century Visions of a Greater Britain* (Cambridge: Cambridge University Press), p. 181.

<sup>11</sup> John Mitchel, *The Last Conquest of Ireland (Perhaps)* (Glasgow: Cameron & Ferguson, 1876). For the quotation, see the 'Author's Edition' (Glasgow: Washourne, 1882),

For Mitchel, the countless victims of the famine and the convict fiends of Van Diemen's Land were products of the same demonic power, the British Empire.

Popular opinion has tended to agree with Mitchel that convict transportation was an unmitigated evil, with religious agents complicit in perpetuating its administrative failures and humanitarian abuses. This introductory chapter will address three issues: the role of religion in the penal reform movement that began in the eighteenth century; the history of British and Irish convict transportation in the British empire from 1788; and the tempestuous historiography of British and Irish convict transportation and the anti-transportation movement. It will outline the thesis of this book, which traces the intellectual and religious elements of arguments about convict transportation from John Howard to John West.

### Reform and Religion

It is time for a complete rethink of the place of religion in the history of convict transportation. *Empire of Hell* provides this. It poses the radical argument that religious reform was fundamental, not incidental, to convict colonization in the British empire. If this was an 'empire of hell', it was a hell illuminated by Christian reformers from across the denominational and political spectrum. It takes seriously the motivation of those who supported religious reforms to transportation and seeks to understand why they were eclipsed by the end of the transportation era. In the 'age of reform', the reform of criminals was a complex idea with deep religious roots. Parliament debated whether the object of punishment was to be retributive, preventative or reformatory and sought to reform the law by making it more consistent, rational and efficient. Religious authorities sustained a much higher, inner and transformative view of reformation than the pragmatic civil authorities, or indeed the convicts themselves. Both the latter understood reformation in terms of passive acceptance of authority under sentence, avoidance of reoffending and integrating successfully in colonial society. Hence the paradox that Evangelical clergy denounced convict morality even while acknowledging the rising wealth and social standing of emancipists and the usefulness of their own convict servants.<sup>12</sup> It was only in response to horror stories from the penal colonies that Christian and secular humanitarians came

p. 219. For context see Rodgers, *Ireland, Slavery and Anti-Slavery: 1612–1865*, p. 293 and Christine Kinealy, *A Death-Dealing Famine: The Great Hunger in Ireland* (London: Pluto Press, 1997), p. 29.

<sup>12</sup> See Chapter 2.

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together to demand an end to transportation, in part because it was deemed to corrupt rather than reform the criminal.

The idea that criminals could and should be reformed through work and prayer was a key notion for both utilitarian and Christian idealists at the end of the eighteenth century. However, the focus of the reformers was on the prison system and on the individual criminal – not the practice of transportation. John Howard (1726–1790), a lay Dissenter, was the religious face of the movement, and was instrumental in publicizing the deplorable conditions for prisoners throughout Britain and, later, Europe.<sup>13</sup> He produced his own designs for gaols and penitentiaries and stressed that while hygiene and discipline should have paramount importance, there should be separation of different classes of prisoner, and access to religious services and books: 'A CHAPEL is necessary to a Gaol. I have chosen for it [on the accompanying plan] what seems to me a proper situation. It should have a gallery for debtors or women; and the rest may be separated below. Bibles and prayer-books should be chained at convenient distances on each side: those who tear or otherwise damage them should be punished.'<sup>14</sup> Like most utilitarian reformers, Howard believed prisoners should receive their just punishment, but no more than they deserved, and he had no strong objections to transportation.

The secular, utilitarian face of penal reform was supplied by Jeremy Bentham (1748–1832).<sup>15</sup> While Bentham was singularly unsuccessful in securing the reform on which he had set his heart – and a good deal of his own money – namely the construction of the 'Panopticon', his energy, idiosyncratic and striking writing, and persistence, ensured that he had influence well beyond those who directly responded to his ideas.<sup>16</sup> Bentham believed that there was no rational, moral or economic basis for supporting transportation to a distant location where there was no certainty of oversight which could alone ensure consistent punishment for bad behaviour or reward for good. He wrote two pamphlets which set out his position, both expressed in the form of letters to Lord Pelham in 1802. Ten years later he republished them under the title, *Panopticon versus New South Wales*.<sup>17</sup> Bentham summarized the deficiencies of

<sup>13</sup> John Howard, *The State of the Prisons in England and Wales, with Preliminary Observations, and an Account of Some Foreign Prisons* (Warrington: William Eyres, 1777); John Howard, *An Account of the Principal Lazarettos in Europe* (Warrington: William Eyres, 1789).

<sup>14</sup> Howard, *State of the Prisons*, p. 48.

<sup>15</sup> John Gascoigne, *The Enlightenment and the Origins of European Australia* (Cambridge: Cambridge University Press, 2002), p. 124.

<sup>16</sup> *Ibid.*, 125.

<sup>17</sup> Jeremy Bentham, *Panopticon versus New South Wales* (London: Robert Baldwin, 1812). For Bentham's unpublished letter on the hulks, see Jeremy Bentham, *Writings on*

transportation when compared with the reformatory in his unmistakable telegraphese: ‘Colonizing-transportation-system: characteristic feature of it, radical incapacity of being combined with any efficient system of inspection. Penitentiary system: characteristic feature of it, in its original state, frequent and regular inspection; in its extraordinary and improved state, that principle of management carried to such a degree of perfection as till then had never been reached, even by imagination, much less by practice.’<sup>18</sup> He was particularly cutting in his condemnation of the suggestion that the inclusion of religious training and oversight by convict chaplains could in any way compare with the rigour of architectural oversight. Chaplains, chapels and good books might be provided, but there was a catch: ‘Would the books be read? The chapels visited? The chaplains heard?’<sup>19</sup> Bentham was unfortunate in that his conviction that a well-designed penitentiary with effective oversight would inevitably lead to moral reformation was not put to the test in his lifetime. He died frustrated that the penitentiary of his dreams had not been built. Instead, British and Irish convicts were transported and the make-do arrangements and cruelties that plagued the British convict system continued much as before. Change, however, was on the way.

As Howard demonstrated, the rise of the Enlightened prison in the eighteenth century opened the door to more activist, Christian utilitarianism. At home and in the empire, the early nineteenth century saw an explosion in missionary and other religious organizations dedicated to philanthropic, educational and medical causes, catering to all the corporal and spiritual works of mercy, including work with prisoners and religious instruction. The expansion of the settler British empire facilitated Protestant colonial missionary societies, such as the Anglican SPG and SPCK or the Scottish SSPCK which provided religious instruction to colonists, and the expansion of Catholic religious orders who worked mainly with the Irish diaspora.<sup>20</sup> In 1831, the Sisters of Mercy were founded by Catherine McCauley in Dublin to focus entirely on charitable work; they would come to play a particularly important role in the British settler colonies.<sup>21</sup> The first religious women to come to the penal colony of New South Wales were from another charitable order, the

*Australia V, Third Letter to Lord Pelham*, eds. Tim Causer and Philip Schofield (London: The Bentham Project, 2018).

<sup>18</sup> Ibid., 175. <sup>19</sup> Ibid.

<sup>20</sup> For religious missions to British emigrants and settlers, Joe Hardwick, *An Anglican British World: The Church of England and the Settler Empire, c.1790–1860* (Manchester: Manchester University Press, 2014); Rowan Strong, *Victorian Christianity and Emigrant Voyages to British Colonies c.1840–c.1914* (Oxford: Oxford University Press, 2017); Hilary M. Carey, *God’s Empire* (Cambridge: Cambridge University Press, 2011).

<sup>21</sup> Colin Barr and Rose Luminiello, ‘“The Leader of the Virgin Choirs of Erin”: St Brigid’s Missionary College, 1883–1914’, in Timothy McMahon, Michael Denie and Paul

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Sisters of Charity (founded in 1816), four of whom arrived in 1838 at the request of Bishop John Bede Polding (1794–1877) to work with convict women in the Parramatta Female Factory.<sup>22</sup> Collaboration rather than hostility between church and state would be the norm for the emerging philanthropic state of Victorian Britain and its settler empire.

Before this, the Christian monopoly on charitable support for those on the margins of society was challenged by enlightened thinkers who insisted that prisons, hospitals and lunatic asylums should perform a utilitarian function, whether to protect, heal, reform or contain miscreants, and deter crime. For secular utilitarian penal reformers, transportation was regarded as a humane, if often inefficient substitute for execution of criminals. The Italian jurist, Cesare Beccaria (1738–1794), whose most celebrated study, *Dei delitti e delle pene* (Concerning Crimes and Punishments) (1764), was published in English in 1767, presented humanitarian arguments against the 'useless profusion of punishments, which has never made men better', including the death penalty and torture.<sup>23</sup> He denounced the compliant hypocrisy of a church who failed to check unjust authority: 'every noble a tyrant over the people, and the ministers of the gospel of Christ bathing their hands in blood in the name of the God of all mercy'.<sup>24</sup> Yet Beccaria was thoroughly in favour of the practice of transportation as an alternative to execution, which he regarded as a waste of the valuable resource of the prisoner's labour. He noted that thieves were seldom executed in England since transportation to the [American] colonies was substituted for it and this was also the policy in the Russian Empire. Not only was this a thrifty practice, Beccaria argued that it was reformatory for convicts sent both to Siberia and the American colonies, noting: 'It has not been discovered that crimes multiply in consequence of this humanity.' In 1837, the Rev. John Dunmore Lang (1799–1978) would cite this passage approvingly when arguing in favour of the continuation of transportation and the creation of new penal colonies against the arguments of Archbishop Richard Whately.<sup>25</sup> On transportation, Howard tended to agree with Beccaria. He does not seem to have felt any particular objection to transportation as a punishment – he

Townsend (eds.), *Ireland in an Imperial World* (London: Palgrave Macmillan, 2017), 155–178.

<sup>22</sup> M. Bernadette Shand, '150th Anniversary of the Arrival of the Sisters of Charity in Australia 1838–1988', *Journal of the Royal History Society of Queensland* 13.9 (1989): 331–347.

<sup>23</sup> Cesar Bonesana Beccaria, *An Essay on Crimes and Punishments . . . with a Commentary by Mons. de Voltaire*, trans. Edward D. Ingraham (London: Almon, 1767), p. 102.

<sup>24</sup> *Ibid.*, 20.

<sup>25</sup> John Dunmore Lang, *Transportation and Colonization* (London: Valpy, 1837), p. 41.

had of course seen much worse, both in the lazerettos of Europe and the prisons of Britain. However, he did object to the sentencing of young boys who may not have any chance to return at the end of their sentences:

It is not contrary to justice and humanity to send convicts who are not sentenced for life, to a settlement so remote that there is no probability of their return? And a still greater hardship to those who are sent after they have been four or five years and upwards in confinement, as some were in the last fleet to Botany Bay?<sup>26</sup>

In Enlightened discussions of transportation, both religious and secular penal reformers regarded it as a favour to criminals, an alternative to death and not high on the list of appeals to their humanity.

In their resort to infernal metaphors, modern historians and writers on the prison are reflecting the language used by contemporaries to refer to real sites in the British penal system. In the early nineteenth century, it was common slang to refer to the hulks as the ‘floating hell’,<sup>27</sup> or sometimes the ‘floating academy’ or ‘Campbell’s academy’,<sup>28</sup> a wry reference to Duncan Campbell (1726–1803), the wealthy trader with interests in plantations, slaves, convicts and tobacco, who initially had a monopoly on transporting convicts to north America. From 1776 to 1801 Campbell was the overseer of the Thames prison hulks and selected 200 or so convicts for the ill-fated convict colony in East Africa and, with marginally better results, for the first three fleets which sailed for Botany Bay.<sup>29</sup> In popular discourse, convict transports were described as ‘hell ships’,<sup>30</sup> Norfolk Island as the ‘Ocean Hell’,<sup>31</sup> prisons and penal stations as ‘hell holes’.<sup>32</sup> Fictional narratives were even more likely to depict convict experiences in terms borrowed from the demonic and dystopian otherworld. The attempted escape through the Devil’s Blow Hole by Rufus Dawes is one of the most exciting episodes in Marcus Clarke’s classic anti-transportation novel highlighting the horrors of the convict

<sup>26</sup> Howard, *Lazarettos*, p. 219.

<sup>27</sup> A Member of the Whip Club (ed.), *Lexicon Balatronicum* (London: C. Chappel, 1811), n.p.

<sup>28</sup> Eric Partridge, *A Dictionary of Slang and Unconventional English* 8th edn, edited by Paul Beale (London: Routledge, 1984), p. 408.

<sup>29</sup> Dan Byrnes, “Emptying the Hulks”: Duncan Campbell and the First Three Fleets to Australia’, *Push from the Bush*, 24 (1987), 2–23.

<sup>30</sup> Ruán O’Donnell, ‘Hellship: Captain Richard Brooks and the Voyage of the Atlas’, in Tadhg Foley and Fiona Bateman (eds.), *Irish-Australian Studies* (Sydney: Crossing Press, 2000), 164–174.

<sup>31</sup> J. F. Mortlock, *Experiences of a Convict, Transported for Twenty-One Years*, eds. G. A. Wilkes and A. G. Mitchell (Sydney: Sydney University Press, 1965), p. 67. Alternately, Norfolk Island might be referred to as a ‘desecrated Paradise’, *Ibid.*, p. 71.

<sup>32</sup> Brian J. Bailey, *Hellholes: An Account of History’s Most Notorious Prisons* (London: Orion, 1995).



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system in Van Diemen's Land.<sup>33</sup> The gothic allure of Van Diemen's Land ensured good sales for Mitchel's *Jail Journal*, despite the relative comfort in which he served out his truncated sentence of transportation and his total avoidance of the punitive conditions, hard labour and physical punishment meted out to non-political prisoners.<sup>34</sup>

For liberals in the nineteenth century, and for modern citizens of British settler societies, penal landscapes have continued mythic resonance as they represent the past from which contemporaries have escaped to become modern. This is not to deny that transportation could be and often was both terrifying and horrific. All convicts were subject to penal discipline under which the infliction of legally sanctioned violence was an ever-present threat.<sup>35</sup> But the task of untangling myth from reality is complicated by the fact that the horrors of transportation were enhanced, for different reasons, by both advocates and reformers of the system. At the height of the anti-transportation debate, the language of vice, disease and sexual disfunction was used to evoke disgust, galvanize public opinion and change official policies.<sup>36</sup> Historians have been significantly divided on the question of punishment, with older schools of thought more likely to stress the terror and violence of the system designed to constrain the criminal class, while revisionists demur that punishment was constrained and effective, reflecting military rather than demonic norms.<sup>37</sup> More recently, even the sites of secondary punishment in places such as Norfolk Island, Macquarie Harbour, Moreton Bay and Maria Island, intended for the most recalcitrant repeat offenders, have been the subject of re-assessments, rescuing them from injudicious assumptions

<sup>33</sup> Marcus Andrew Hislop Clarke, *For the Term of His Natural Life* (London: Richard Bentley and Son, 1874). The novel was published in the *Australian Journal* between 1870 and 1872. Its footnotes included references to scholarly descriptions of the Devil's Blowhole.

<sup>34</sup> Seán McConville, *Irish Political Prisoners, 1848–1922: Theatres of War* (London: Routledge, 2003), pp. 49–52.

<sup>35</sup> D. J. Neal, *The Rule of Law in a Penal Colony: Law and Power in Early New South Wales* (Melbourne: Cambridge University Press, 1991), pp. 49–53.

<sup>36</sup> For images of disease, bestiality and degeneration in the language of the anti-transportation movement as well as paranoia about homosexual vice, see Tim Causer, 'Anti-Transportation, "Unnatural Crime" and the "Horrors" of Norfolk Island', *Journal of Australian Colonial History*, 14 (2012), 230–240; Kirsty Reid, *Gender, Crime and Empire* (Manchester: Manchester University Press, 2007), pp. 211–212; Kirsten McKenzie, *Scandal in the Colonies* (Carlton: Melbourne University Press, 2004), pp. 146–149.

<sup>37</sup> For revisionist views of punishment, see Stephen Nicholas (ed.), *Convict Workers* (Cambridge: Cambridge University Press, 1988). Against the view that convicts were impoverished minor villains, their criminality is stressed by A. G. L. Shaw, *Convicts and the Colonies* (London: Faber, 1966), p. 146.



of exceptional brutality.<sup>38</sup> While the scholarly jury has yet to pass its verdict, the popular imagination continues to be driven by a prurient, and largely ahistorical, fascination with what has been called ‘convict Gothic’ including the inverted landscape of hell with its sexual deviance, lurid tortures, narrow escapes and salutary lessons.<sup>39</sup>

‘Convict Gothic’ is hardly new or confined to Australian prisoner narratives; indeed it has a venerable theological and literary genealogy. Precedents include both classical and Christian depictions of journeys to the underworld, Dante’s *Inferno* or Milton’s depiction of Satan as lord of an ‘Infernal Empire’ in *Paradise Lost*.<sup>40</sup> That such elevated parallels are not far-fetched is clear from the wickedly satirical evocation of Dante’s *Inferno* in ‘The Convict’s Tour to Hell’ by Frank the Poet (Francis MacNamara c.1810–1861).<sup>41</sup> MacNamara’s remarkable facility to compose extempore verse was demonstrated at his own trial and, possibly, in a meeting with a young William Bernard Ullathorne (1806–1889), who describes an encounter with a ‘poor Irish troubadour’, dressed in rags, who ‘poured out a stream of hexameter verses’ at a meeting in the street.<sup>42</sup> Of all those who have used the metaphor of hell to visualize the convict experience, few have done so with such panache.<sup>43</sup> Following the conventions of a mock-heroic journey to the underworld, Frank the Poet dies and travels across the Styx, where Charon refuses to take any fee before sending him on to Limbo, where Pius VII (r. 1800–1823) rejects him on the ground that Limbo was intended for popes and priests

<sup>38</sup> For Moreton Bay: Tamsin O’Connor, ‘A Zone of Silence: Queensland’s Convicts and the Historiography of Moreton Bay’, in Ian Duffield and James Bradley (eds.), *Representing Convicts* (London: Leicester University Press, 1997); Norfolk Island: Margaret Hazzard, *Punishment Short of Death* (Melbourne: Hyland House, 1984); Macquarie Harbour: Hamish Maxwell-Stewart, *Closing Hell’s Gates* (Sydney: Allen & Unwin, 2008).

<sup>39</sup> Ken Gelder, ‘Australian Gothic’, in David Punter (ed.), *A New Companion to the Gothic* (Oxford: Wiley Blackwell, 2012), 379–392.

<sup>40</sup> John Milton, *Paradise Lost*, eds. William Kerrigan, James Rumrich, and Stephen M. Fallon (New York: Random House, 2011), p. 337.

<sup>41</sup> Bob Reece, ‘Frank the Poet’, in Bob Reece (ed.), *Exiles from Erin: Convict Lives in Ireland and Australia* (Basingstoke: Macmillan, 1991), 151–183. John Meredith and Rex Whalan, *Frank the Poet* (Melbourne: Red Rooster, 1979). For a sceptical reassessment of the MacNamara legacy, Jeff Brownrigg, ‘The Legend of Frank the Poet: Convict Heritage Recovered or Created?’, *Journal of Australian Colonial History*, 18 (2016), 1–22. The ‘Convict’s Tour to Hell’ is one of four poems associated with the time MacNamara served with the Australian Agricultural Company.

<sup>42</sup> William Bernard Ullathorne, *From Cabin-Boy to Archbishop* (London: Burns Oates, 1941), p. 65. If MacNamara, this meeting with the unnamed poet cannot have occurred in 1830 as described by Ullathorne, since MacNamara did not arrive in the colony until 1832.

<sup>43</sup> The outstanding recitation by Australian actor, Peter O’Shaughnessy (1923–2013), is available on YouTube [www.youtube.com/watch?v=7y\\_z8vFigG8](http://www.youtube.com/watch?v=7y_z8vFigG8).

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(a place they invented), then Purgatory, then all the way down to Hell where he devises elaborate tortures for all the enemies and authority figures at the penal stations of his acquaintance. As the poem makes clear, MacNamara had an excellent literary and theological education and a clear theodicy in which the poor – and especially poor convict poets – go to heaven and the torturers of the convict system get to burn. Without a glimmer of remorse, he calls down a general anathema on all dukes and mayors, noble judges, traitors, hangmen, gaolers and flagellators, commandants, constables and spies, culminating with Governor Darling. While it is impossible not to enjoy MacNamara's wit (which cost him hundreds of lashes) or Mitchel's venomous pen, it leaves untouched the very hard question of the 'convict voice' and just what the system meant to the vast majority who endured it and who were neither poets nor political hacks.<sup>44</sup> Before returning to the religious critique of the 'empire of hell', it will be useful to briefly sketch the character of the system, its scale and global reach.

### British Penal Transportation

Throughout Great Britain and Ireland, prisoners had been exiled as a punishment since the Middle Ages, but it was not until the Transportation Act (1717) that it became a central feature of British law. Working out the numbers of those transported is challenging, one calculation suggests that 204,000 men and 36,000 women left the British Isles as convicts between 1661 and 1870.<sup>45</sup> We know considerably less about the flows of Indian Ocean convicts and transfers between colonies because of limitations in the evidence. In a painstaking piece of historical detective work, Clare Anderson has calculated that 308,000 convicts were transported around the British Empire between 1615 and 1939, including 109,000 (29 per cent) to sites in Asia (see Table 1.1).<sup>46</sup> While Anderson

<sup>44</sup> Hamish Maxwell-Stewart, 'The Search for the Convict Voice', *Tasmanian Historical Studies*, 6.1 (2001), 75–89.

<sup>45</sup> Hamish Maxwell-Stewart, 'Convict Transportation from Britain and Ireland 1615–1870', *History Compass*, 8.11 (2010), 1226. For a map of British penal settlements with operational dates, 1815–1945, see *Ibid.*, 1222. His full list of British convict sites includes: 'most American colonies, the Caribbean islands of Barbados, Jamaica, Montserrat, Nevis and St Kitts; the slave factories of Goree and Cape Coast Castle in West Africa; the Australian colonies of New South Wales, Van Diemen's Land and Western Australia; the Indian Ocean Island of Mauritius; Bencoolen, Penang, the Tenasserim Provinces (Burma) and the Strait Settlements (Singapore) in South East Asia as well as Bermuda and Gibraltar'.

<sup>46</sup> Clare Anderson, 'Transnational Histories of Penal Transportation: Punishment, Labour and Governance in the British Imperial World, 1788–1939', *Australian Historical Studies*, 47.3 (2016), 381–397.