PART ONE

REVISING THE PAST

Chapter One

Unshackling the Past

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Introduction

During the first quarter of a century of white settlement in Australia, the economy and society was the creation of convict workers transported from Britain and Ireland. No other period of Australian history evokes such strong images in the popular mind than the convict years. Collectively, Australians perceive their past in terms of a fatal shore, the convict stain and the shame of Botany Bay: the sombre shadows of Australia's history reveal the silhouettes of the gallows and the triangle. To a remarkable extent these images have been created from the detailed academic work on the convict period by Australian historians. For more than a generation, the received interpretation of our past has emphasised male convicts as hardened and professional criminals, females as prostitutes and convictism as a brutal and inefficient system of forced labour. This book offers a new and dramatic reinterpretation of the convict system.

As economic historians, trained in economics and quantitative techniques, we ask new and different questions about the early economic and social development of New South Wales. Our methodology is empirical and comparative. Data on 19,711 convicts transported to New South Wales between 1817 and 1840 form the quantitative basis for our analysis of the convict system. Our sample represents about one-third of the post-1817 convict inflow into New South Wales and nearly one-quarter of the total convict arrivals. From Britain, the English comprised roughly 60 per cent of the sample, the Scots 5 per cent and the Welsh less than one per cent. The Irish accounted for most of the remaining arrivals (34 per cent), leaving about one per cent of the transportees from outside the United Kingdom.[1] In Australia, the British and Irish convicts and ex-convicts made up the overwhelming proportion of the total labour force (71 per cent in 1840) compared with the free immigrants (24 per cent) and the colonial born (5 per cent).[2]

Like much contemporary social history, we seek to interpret the past from the 'bottom up'. Unfortunately, the convicts, who had a high level of literacy, have been made inarticulate by the passage of time. First-hand written records of their experiences in Australia are rare. But the statistical record of their servitude based on our sample provides a wealth of personal information on their occupation, age, sex, education, height, birthplace and crimes. This extant data allows us to reinterpret our convict past. The result is a quantitative history of forced labour in New South Wales which combines the insights of the historian with the formal theory and quantitative technique of the economist. We have not sought to write narrow economic history, but a sweeping analysis of convictism which challenges the traditional interpretations of

social and labour history. This broad approach leads us to reject the curious insularity of much Australian history which treats transportation and convictism as peculiarly Australian. Convictism in New South Wales is compared both with the experience of free workers in Britain and with other forms of coerced labour, including Indian and Melanesian bonded workers, American slaves, and other convicts.

A mythology created: the historiography of Australian convictism

It is now 30 years since Manning Clark suggested that the nationalist interpretation of the convict settlers as 'innocent and manly' unfortunates fighting for freedom and social justice grossly distorted Australia's past.[3] Clark argued that those transported to New South Wales could not be typified as poor rural workers pushed into poaching by enclosure and economic exigency; still less were they Chartists or Whiteboys, Captain Swings or Tolpuddle Martyrs, imprisoned for their political convictions. They were not helpless victims of a repressive and cruel British society, but persistent thieves engaged in a life of crime.

This revisionist characterisation of the convicts which has come to dominate Australian history has gained support from statistical analyses of the convict indents. This quantification has presented what appears to be an objective group portrait of the some 160,000 transported convicts. From the work of Lloyd Robson and A.G.L. Shaw we know that some 80 per cent of the transportees were men; their mean age was 26; 51 per cent were sentenced to seven years' imprisonment; 81 per cent of the men and 83 per cent of the women were convicted of offences against property, overwhelmingly theft; most were single; two-thirds were Protestants, and one-third Roman Catholic.[4]

However, the 'new' revisionism is not merely a collection of statistics. It offers an interpretation, not just enumeration. And the basis of that interpretation is that those transported as convict labour were, not to put too fine a point on it, hardened criminals. They came from a unique subgroup in Britain, the professional criminal class. This interpretation has become the accepted paradigm for Australian historians. For example, in 1983 John Hirst wrote that Shaw's work 'finally established the large professional criminal element among the convicts' and, more recently, Robert Hughes argued that the innocence of convicts as a class was 'first exposed to criticism by Manning Clark in the 1950s and finally demolished with statistical analysis by L.L. Robson in 1965'.[5] On taking up his appointment to Australia's first chair in Australian history, Brian Fletcher declared in mid-1987 that 'The convicts sent to Australia really were criminals . . . [not] basically decent people forced into a life of crime by adverse economic conditions'.[6]

What, then, underpins these assertions? Clark distinguished the criminal classes from the urban working class, from which they largely came, by a 'certain character and upbringing', by a 'psychological aberration' which made them 'permanent outcasts of society'.[7] Shaw thought that those transported had 'sprung from the dregs of society, and had been trained to crime from the cradle'.[8] Lloyd Robson sought the criminal class in 'indifferent or non-existent parental control' and the 'professional class of thieves who taught children, not always their own but waifs and strays, how to pick pockets'.[9] B. and M. Schedvin identified a criminal subculture which emphasised easy money, idleness and self-indulgences — values traced to 'parental neglect and indifference accompanied by lack of discipline'.[10] There was a subculture of crime in Britain, and in

London most of all, according to Hughes, from which 'many Britons made their living, wholly or in part'.[11] Following Clark, Shaw, and Robson, other Australian historians — including M. Weidenhofer, L. Evans, P. Nicholls, D. Horne and H. McQueen — have described the convicts as 'outcast people', habitual criminals, ne'er-do-wells and part of the criminal branch.[12]

Since the bulk of the convicts were professional criminals quite distinct from the urban working class from which they came, Humphrey McQueen argued that what Australia gained from the convicts was a 'deformed stratification which had itself been vomited up by the maelstrom which was delineating class in Britain'.[13] For McQueen, the value system of the convicts was essentially lumpenproletariat, combining hatred of authority with individual acquisitiveness. According to Hughes, 'mateship, fatalism, contempt for do-gooders and God-botherers, harsh humour, opportunism, survivors' disdain for introspection, and an attitude to authority in which private resentment mingled with ostensible recognition were the meagre baggage of values the convicts brought with them to Australia'.[14]

Little of this interpretation stems from quantitative examination of the convict indents. Rather, the careful elaboration of the nineteenth century notion that there existed a criminal class actually determined Clark, Shaw, and Robson's statistical analyses rather than evolved from it. Criminal offences are painstakingly categorised and counted; indications of working class background, particularly recorded occupational skills, are virtually ignored. Where the statistics do not fit the 'criminal class' hypothesis they are given short shrift. For example, even though Clark found that the transported criminals had surprisingly high levels of literacy, he argued that the criminal class was characterised by mental imbecility, low cunning and ignorance.[15] The fact that the percentage of town workers, by which Clark appears to mean skilled urban tradespeople, was higher than the percentage of labourers and agricultural labourers combined, is ignored.[16]

In his 37–page analysis of 'Who are the Convicts?', A.G.L. Shaw barely mentions their occupational backgrounds.[17] And the most thorough and careful quantitative study by Lloyd Robson displays a near total disregard for the statistical evidence on occupations. The subject is mentioned only in passing in the text, and of 64 tables located in the Appendix, a mere two purport to examine occupations, although half the categories presented could be defined more accurately as industries. There can be little doubt that Robson dismissed the occupational statistics he collected as of little worth. He quotes with approval the surgeon-superintendent on the transport *Recovery* in 1819, Peter Cunningham, who claimed that 'labourer' was entered in the indents under trade to disguise the convicts' true calling, that of thief.[18] Having discounted the occupational data and searched inconclusively for professional criminals among the detailed listing of offences in the indents, historians have based their case for a criminal class on the fragmentary evidence in the court records in London and, far more importantly, upon the colourful descriptions of middle class English 'moral entrepreneurs', such as Henry Mayhew and Charles Dickens. Robson thought '*Oliver Twist* is only partly a work of fiction, and the illegitimate and orphaned child, as well as the Noah Claypoles, fell a ready prey to the Fagins of the metropolis'. Hughes quotes Mayhew extensively (although with more caution than Robson showed towards Dickens) as evidence of London's criminal underworld.[19]

If this perception of the nature of transported convicts has now become accepted, so

too has that of the labour system in which they were forced to work. Much of the analysis of the convict system in Australia rests on two assumptions by historians: that the organisation of forced convict labour differed significantly from free labour, and that convictism was inefficient. Both assumptions have received unanimous assent; neither assumption has been explicitly tested.

For historians, the road gang has typified both the work organisation of public labour and its inefficency. The gangs have been depicted as instruments of punishment, rather than as a way of organising useful work. Because the convicts were shirkers doing the 'government stroke', they performed just enough work to keep the flogger at bay. Without monetary incentives, Hughes believed that only the whip could motivate convicts to work.[20] According to Clark, the convicts had an innate aversion to labour. The result was that convicts had to be terrorised at work.[21] R.W. Connell and T.H. Irving agreed, equating the convict system with brute force.[22] John Hirst has suggested that the urban convicts, hardened, desperate and profligate professional thieves, unused to regular hours, regular employment or hard manual labour, were difficult to motivate without physical punishment.[23] The lash, and the careful counting of beatings — 332,810 in 1835 or a quarter of a million in 1837 — still dominates much of the current historiography.[24] Hughes reminds us that even 25 strokes was a draconic torture, able to skin a man's back; worse still was the psychological damage of the whip which effectively demoralised the workforce.[25] It is true that during the last few years Australian historians have begun a major re-evaluation of the convict system. However, while John Hirst, Alan Atkinson, Portia Robinson, and Norma Townsend have shown that the convict system was less arbitrary and more just than popularly believed, convictism is still portrayed as a brutal and inefficient system, reliant on the whip.[26]

The allegation that assignment of convicts was a 'giant lottery' has been presented as further confirmation of the inefficiency of forced convict labour. The persistent complaints by private masters that few skilled mechanics were assigned to rural employment, and that those convict workers who were assigned to rural jobs were indifferently trained in their trades, gave rise to the lottery thesis in the *Bigge Report*.[27] Without any empirical test of the lottery hypothesis, the claim that assignment was largely a matter of chance has been repeated by Driscoll, Hughes, Evans and Nicholls, Weidenhofer, and Hirst.[28] A recent study of assignment in the 1830s by S.G. Foster found 'certain elements remained much the same during the 50 or so years of the system's operation, most notably the arbitrary allocation of individual convicts which is often described, from the convicts' point of view, as a "giant lottery"'.[29] Historians have also taken up the complaints by the private masters that convict labour was not much good. Hughes has argued that poor quality convicts were dumped on the settlers, saddling the average settler with an unskilled urban convict 'who could not tell a hoe from a shovel'. The skilled mechanics were no better; they were always in short supply and rarely of high quality.[30] According to Manning Clark, what few skills the convicts brought with them to Australia were neither recognised nor useful.[31] Assignment was inefficient, and the state, which worked in the interests of a favoured individual, group or class, shared much of the blame.

A mythology destroyed: new hypotheses on Australian convictism

Australian historians, reacting to the early nationalistic romanticisation of convicts as

founding fathers, have created a world of Artful Dodgers and Fagins, of Sawney-Hunters and Dead Lurkers, and then identified them as members of a distinct class. In Benjamin Franklin's evocative phrase applied to British criminals transported to America, Australia's convicts have been dismissed by historians as 'human serpents'. In contrast, this book analyses the convicts as 'human capital', assessing the quality of the workers' occupational skills, education and physical fitness. The picture which emerges shares little in common with the traditional interpretation.

Our extensive analysis of the convict data, and our empirical and comparative methodology, lead us to the following new hypotheses and major revisions of the current historiography.

The convicts transported to Australia were part of a global system of forced migration

Australian historians generally have viewed transportation of convicts as an exceptional feature of their history. Historians of immigration have analysed the international movement of labour during the nineteenth century in terms of free choice. Both are wrong. The British and Irish convicts sent to Australia were part of a larger international and intercontintental flow of forced migration including Indian, French, Spanish and Russian convicts, and 'bonded' Indian and Melanesian contract labour. After 1820 a quarter of a million convicts were shipped across the world's oceans to colonise Australia, New Caledonia, Singapore and French Guiana, and to meet labour demand in Gibraltar, Bermuda, Penang, Malacca and Mauritius. If the forced migration of Russians to Siberia is included, the figure swells to 2 1/4 million, and the addition of the bonded Indians and Pacific Islanders doubles the number to 5 million. Transportation, like the recruiting of slaves and the contracting of bonded workers, was complementary to the international migration of free European peoples before 1914. Convictism was a labour system existing in many countries of the world in the nineteenth century.

The convicts transported to Australia were ordinary British and Irish working class men and women. They were not professional and habitual criminals, recruited from a distinct class and trained to crime from the cradle

Our analysis of the character of the male convicts transported to New South Wales, and Deborah Oxley's assessment of their female counterparts, does not indicate that they were habitual or professional criminals. Most were first offenders found guilty of petty theft. Most had been employed as free workers in the British or Irish labour markets prior to their conviction. For many, their crimes were work related: they had stolen tools or material from their employers, or possessions from their masters. Most were young working men and women who had been found guilty of larceny or receiving stolen goods.

That Australian historians have clung so tenaciously to the Victorian notion of a distinct and separate criminal class is surprising. Historians of Victorian crime in England — such as David Philips, David Jones and George Rude — have rejected the idea of a dangerous class, born and bred to a life of crime and operating as organised

gangs.[32] What was noticeable about crime was its casualness and lack of planning. Not only were those transported to New South Wales not part of a criminal class, the fact is that there existed no such class in Victorian Britain from which to select the transportees.

The convict settlers were Australia's first immigrants

Today the Department of Immigration awards points on the basis of age in order to select the most productive immigrants to Australia. While the department prefers 16 to 35 year olds, only 47 per cent of immigrants fit into that category. In contrast more than 80 per cent of convict arrivals in New South Wales were aged 16 to 25 years. The convicts also displayed a better age distribution than the colony's first free migrants. At most, 60 per cent of the assisted and 70 per cent of the unassisted immigrants to the eastern colonies between 1829 and 1851 arrived in the 16 to 35 years age group while over 80 per cent of the convicts fell into that age category. Australia's alternative labour supply, the free transatlantic migrants who arrived in American ports between 1820 and 1840, had 30 per cent of their inflow under 15 years or over 40 years while the equivalent figure for convicts was only 10 per cent.

Unlike free settlers, the convict immigrants arrived without the young and the old, avoiding the burden of dependent service provisions, such as schools, trade training and old-age care, for two generations. Most convict migrants were men. Free migration before 1850 was 'folk migration', with most migrants to North America travelling as family units. Australia's inflow of overwhelmingly single male convicts created an exceptionally high labour participation rate in which over 65 per cent of the total population were members of the male workforce. The age-sex structure of the convicts provided a unique workforce upon which to build economic growth.

The convicts' pre-transportation experience of migration allowed them to adjust more easily to Australia

Many of those transported to New South Wales were experienced migrants. At least 38 per cent of the British and Irish convicts had moved county within the British Isles prior to finding themselves shipped to the other side of the world; 12 per cent of the Irish had moved to Britain. Our statistical analysis shows that those who had moved within the United Kingdom were the best educated and skilled. The traditional historical stereotype of convicts as a wandering criminal class, a species of travelling thief in search of criminal opportunity is rejected. For many of those uprooted and enchained, imprisonment and transportation may have been a trauma; migration was not.

Immigration of convicts was 'effective'

Today's immigration policy tries to ensure 'migration effectiveness', displaying concern over migrants who, by returning to their homeland, reduce the level of net immigration. The lower the level of net immigration the greater the cost of maintaining

Australia's immigrant workforce. Between 1982 and 1987 net immigration was only 67 per cent of immigrant arrivals; in contrast, over 95 per cent of the convicts never saw Britain or Ireland again.

The convicts brought useful skills to Australia

The proportion of convicts in the skilled, semi-skilled and unskilled occupational categories was roughly the same as the percentages of each skill class for the English workforce in 1841. Our statistical tests confirmed that the convicts came from the same occupational population as the free workers in England. The convicts were the English working classes transported, bringing a cross-section of useful skills. There was an urban skill bias in the convict inflow. But the wide range of skills possessed by transported convicts was well suited to building a new colony. Early New South Wales should not be too readily treated as rural-orientated. The standard of living, tastes of the settlers and the isolation of the colony created a strong demand for consumer and producer goods requiring non-rural occupational skills which the convict workers were able to provide. The building skills which the convicts brought with them were particularly valuable. Even in the crucial area of rural job requirements, the proportion of skilled convict farm workers was almost identical to that in the 1841 English census. While some job restructuring was required to adapt convict skills to rural employment needs, retraining generally involved unskilled urban convicts learning unskilled rural jobs. Free unskilled migrants would have to have made the same adjustments to Australian colonial society as the unskilled convicts.

The English convicts were better educated than the working population left at home

Three-quarters of the English convicts who arrived in New South Wales could read and/or write, a significantly higher percentage than the average for all English workers (58 per cent) who could sign the marriage register. Economists who have viewed education as a process of human capital formation found that a 40 per cent literacy rate seemed the threshold level for economic development. Australia's convicts easily attained the threshold education level needed for sustained economic growth. Their literacy level was higher than that found in many parts of the underdeveloped world today.

The convicts were physically fit and productive

Only healthy convicts were selected for embarkation on the long, four-month voyage to Australia. Low mortality on the transports meant that most convicts arrived fit and well. The convicts were productive workers, as measured indirectly by their height. Contrary to prevailing historiography, those transported to New South Wales were not of very short stature as compared with their British contemporaries. Rather they were as tall as those workers left at home. It is recognised today that height reflects accurately the accumulated past nutritional experience of each individual over all their growing years. Nutrition is a direct input into guaranteeing a high level of labour productivity. Since the convicts were as physically robust as other members of the British working class, they were potentially as productive as workers in Great Britain.

Most transported females were not prostitutes, but ordinary working class women possessing immediately useful skills

While male convicts have been assessed for the significance (or insignificance) of their crimes, the female convicts have been stereotyped as useless whores. Prostitution was not a crime. What fragmentary evidence there is on prostitution among the women convicts suggests that no more than 20 per cent of the females practised prostitution prior to transportation. To be condemned by A.G.L. Shaw as 'singularly unattractive' or dismissed by Lloyd Robson as having 'little to recommend them', shows scant regard for the statistical data on the female convicts' occupations and literacy.[33] Deborah Oxley shows that the female convicts brought to Australia immediately useful skills, especially as general servants, laundresses, kitchenhands, needleworkers and housemaids, which (unlike many of the skills of male transportees) required no adapting to the Australian environment. According to the current evidence, the female convicts were undervalued and underemployed in New South Wales. We suggest that the skills of the female convicts were squandered, denying the young colony the full potential of a valuable productive resource. The detrimental impact on economic development was lessened by the fact that only 11 per cent of the transported workers were women.

An English labour aristocracy with a unique system of values was transported to Australia

An elite hierarchy of skilled workers accounting for between 6 per cent and 14 per cent of all transported convicts was transported. These English labour aristocrats retained their jobs, values and self-perceptions as elite workers in New South Wales. We know they became members of the Trade Union Benefit Society, the printer's union and the Sydney Mechanics School of Arts. Not only was a labour elite transported, but they retained their values and identity in New South Wales, both at work and through the traditional institutions of their class.

The labour market was efficient, and the allocation of convict labour was not a lottery

The efficiency of the labour market is judged by how well it matches the 'right' workers to the 'right' jobs. Comparing the occupation of each convict in the United Kingdom with that in the 1828 muster, Nicholas found that skilled urban, rural and construction workers were largely matched to the same types of jobs in New South Wales as they had held at home. This was true of assignment by the state as well as allocation through the labour market. There was no lottery in the allocation of convict labour.

Domestic workers and unskilled urban workers brought skills less well suited to the needs of the colony. These workers bore the brunt of job restructuring, assigned to unfamiliar employment in agriculture or the public service. Significantly, as these convicts gained their freedom, they chose to utilise their old skills learned at home. However, Australia was fortunate in being able to assign men to jobs such as building roads and clearing land during their period of forced labour, which they rejected once

they gained their freedom. Of equal importance, the state chose for these jobs the men whose United Kingdom skills were least useful to Australian job requirements. The state was an efficient agent for the allocation of convict labour.

The organisation of public labour was efficient, corresponding to the way similar work was organised in the free labour system

Skilled convict tradesmen (tailors, shoemakers, carpenters, wheelwrights and blacksmiths) were organised into workshop-factories in the lumber and dockyards while the workers engaged in building, land clearing, ploughing and thrashing were organised into gangs. These forms of work organisation corresponded to those found in free labour Britain. Using an economic theory of gangs, Nicholas shows that the assignment, supervision and incentive attributes attached to particular work structures were maximised in the way convict labour was organised in New South Wales.

Incentives and rewards were an integral part of the extraction of work from public labour

Care-intensive work, especially that requiring skill, was motivated largely by rewards, while effort-intensive work, such as clearing scrub and road building was susceptible to being driven through fear of pain. Work which was difficult to measure tended to be tasked, and relied on a system of rewards including extra rations and clothing, indulgences (such as tea, tobacco and rum), preferred work, apprenticeship training and time to work on one's own account. A structure of rewards and tasks rather than the whip was the standard device for extracting work from convicts in government service.

The lash was used judiciously in colonial Australia, and there is little evidence of a society terrorised by corporal punishment

Selecting 1835, the peak year for floggings, the probability of being beaten every year during a five-year sentence was 0.001, and roughly two-thirds of all convicts received one or no floggings during their period of servitude. The official statistics on corporal punishment disprove the popular picture of convictism as a society where workers were demoralised physically and psychologically by the whip. Physical violence in Australia was no greater than that in the British army or navy, and less than that for American slaves. Physical violence against child workers and apprentices was a daily occurrence in early nineteenth century Britain.

The standard ration provided convicts with a higher level of energy and nutrition than currently recommended Australian levels

The standard ration delivered an average 4005 calories per day, which was greater than that recommended today by the Australian National Health and Medical Research Council for 18 to 35 year-old men. It was also greater than the British Department of Health's recommended levels for very active 18 to 34 year-old men. The convict diet was sufficient to sustain a worker performing continuous moderate grade work for the entire work week or some combination of heavy and light work. In nutritional content,