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Female Convicts: Victims or Agents?

ABSTRACT

This paper addresses and examines the historiographical debate on the situation of female convicts. In particular, it asserts that convict women were not necessarily victimised by the transportation system, with prisoners able to manipulate the conditions of the colony to assert a significant degree of agency. In the factory system, female prisoners often collectively rebelled to improve their circumstances. Similarly, women in assigned service practised individual acts of rebellion, empowered by the recognition that the scarcity of labour endowed them with substantial bargaining power. Furthermore, investigation of the sexual nature of their imprisonment demonstrates convict women encountered sexual expectations similar to those they would have experienced as working class women in Britain, with prisoners perhaps perceiving their sexuality as another means to develop their economic or social agency.

BIOGRAPHY

Alana Jayne Piper is an undergraduate student currently studying for her BA/BeD, majoring in history and English literature at the University of Queensland. She is particularly interested in gender studies, European and colonial history. After completing her degree Alana plans to undertake honours in history. Alana has also been published in the journal of the Queensland History Teachers Association, The History Teacher.
FEMALE CONVICTS: VICTIMS OR AGENTS?

Almost twenty-five thousand female convicts were transported to the Australian colonies from 1788 until the end of transportation in the 1860s, confronting conditions and circumstances unique to their gender and status as prison labourers. Oppressed by the harsh system produced from rigid social values that excessively censured women and criminals, it appears today that colonial society and the transportation system victimised female convicts. However, examination of the expectations of nineteenth century working class women and the stories of individual transportees reveals that female convicts were not necessarily rendered powerless, and were often capable of exerting a considerable degree of agency. This contention is sustained by the responses of these women to the conditions they encountered in the colony and the examples of women rebelling, individually and collectively, against the system.

Australian scholars ignored female convicts for many years, a disregard possibly prompted by the fallacious belief such women were depraved, abandoned prostitutes, symbols of a shameful period in Australia’s history. Feminist historians reclaimed these female forbears in the 1970s and 1980s, particularly through the work of Miriam Dixson and Anne Summers. However, their texts overwhelmingly focused on the victimisation of female convicts through sexual exploitation, maintaining that the government’s importation of women for the express purpose of sexual companionship constituted systematic sexual abuse that robbed women of any agency. Discounting the demonstrated ability of female convicts to manipulate and engage in sexual and marital relationships for their own benefit, the ‘women in Dixson’s colonial story emerged as the victims of victims, an outcast group which provided an outlet for male hostilities bred of male servitude’, while, ‘Summers too portrayed a dismal status for women at the mercy of the imperial whoremaster’. Perhaps most distressing for contemporary researchers was the practice of removing children from the care of unmarried convict mothers at around the age of three, with some researchers emphasising the enormity of this deprivation. Nevertheless, to examine the situation in context, the infants of female prisoners in most modern countries are removed from their care once weaned, and the convicts were allowed to visit their children about once a month.

History has also condemned the female factories, designed for the punishment of recalcitrant women and to house convicts awaiting assigned service, as brutal and macabre. Despite such depictions, some accounts from female convicts indicate they preferred the factory to assigned service, enjoying the camaraderie of smoking, singing, drinking and playing cards with the other women, while obtaining additional food and rations from the turnkey. The different punishments devised for women after female flogging was outlawed in 1817, especially head-shaving, have also been perceived as more psychologically cruel than the physical violence practised on men. Yet scrutiny of official texts reveals the government’s perpetual struggle to find punishments females responded to, lamenting that nothing seemed capable of repressing the women, negating the contention such treatment universally reduced women to victims.

The victimisation of women during the sentencing process has reasonably been established by historical study, with a gender bias encouraging magistrates to pronounce more harshly for females, both because contemporary social discourse found female crime more abhorrent and because of pressure to increase numbers of women receiving sentences of transportation to reconcile the disparity between the sexes in the colony. However, despite their inability to resist the discrimination they encountered during sentencing, once in Australia female convicts considered themselves capable of exercising control over their circumstances, and often demonstrated their ability to do so.

There are numerous instances of women rebelling, individually and collectively, against the conditions of their imprisonment. The inability of the harsh colonial system to subdue the spirits of female prisoners is apparent in several incidents, such as that which transpired at the Launceston factory-prison, where almost two hundred women united to free Catherine Owen, cruelly sentenced to two months solitary confinement. After rescuing Owen from her cell one hundred and eighty-five women, in an amazing show of solidarity, barricaded themselves into the Mess Room, fighting off police with spindles from their spinning wheels and bricks wrenched from the floor. Eventually fifty special constables had to be ordered to subdue the women, and the instigators of the plot were sentenced to hard labour. However, the incident, which continued for two days, indicates that female convicts felt sufficiently empowered to protest perceived injustices.
Another display occurred at the Parramatta Factory in October 1827, when the women rioted to protest the lack of provisions. Forcing the prison-gate, they rushed into town, proceeding to local shops to demand food. Many of the bakers, sympathetic to the women, provided them with loaves, which they consumed on the streets. Another group of women cried ‘starvation’ as they dislodged beef from the stall of the butcher. Nineteen of the approximately one hundred women who entered the town escaped; the rest were rounded up by the soldiery and returned to the factory. This incident not only illustrates the ability of women to disrupt the system’s attempts to maltreat them, but also their power to change conditions they deemed unfair, with public outrage over the incident prompting some improvement in rationing. A similar episode occurred in May 1839 when two hundred female convicts gained possession of their prison building while protesting the leavening of their bread with barley meal. Women also united to protest conditions with more subtle means, particularly by refusal to work. Despite the ability of administrators to eventually regain control of such situations and punish ringleaders, these incidents showed that convict women would not countenance the abuse of their civil liberties and were capable of uniting in protest.

For the two-thirds to four-fifths of female prisoners who were employed in assigned service, the system allowed individual women to practice resistance, engendering a high degree of liberty. Female prisoners were empowered by the recognition that the scarcity of labour endowed them with substantial agency and bargaining power. As Kirsty Reid explains:

> In labour markets characterized by high levels of demand, the workplace power of servants was greatly increased...Female convicts, despite the constraints of assignment, exhibited a similar ability to up and leave employers. Unlike free servants, the convict was not restrained by fear of unemployment...Moreover, the persistently high level of demand for female labour...throughout this period created conditions conducive to this and other forms of workplace protest.

According to Principal Superintendent Spode, female convicts were well-aware that repeated displays of contempt for authority would make employers more amenable to their demands on a number of substantive issues, remarking that ‘they all feel that they are working under compulsion, which renders it almost continual warfare between their employers and themselves’.

Female convicts were particularly vehement in their attempts to negotiate better rations and provisions from their employers. Sarah Jones refused to prepare supper for her family until they had provided her with shoes, while Mary Fears told her employer that ‘she would not stop’ until she was allowed more than two ounces of tea per week. Many servants refused to work unless provided with a ration of rum and cigarettes, and it gradually became common practice for employers to ‘buy’ the co-operation of their workers by issuing extra rations and submiting, within reason, to the women’s demands.

Contrary to the belief female convicts were permanently incarcerated in their employer’s house, compelled to do their bidding day and night, female servants often forced their masters to negotiate the length of their working day and limit of their workload. Women evidently had clear conceptions of their own and their employer’s time and refused to be imposed upon, like Mary Ann Jubb, who declined to clean out a room because her mistress had set her the task ‘after my day’s work was done’, or the similar case of Mary Ann Pitt, who threatened to box the ears of her master’s son when he came to call her early, declaring ‘she would not get up for anyone sooner than her regular time’. Many also bargained for an allocation of free time, taking unauthorised absences if such respites were not granted, like Rachel Leach and Elizabeth Winn who informed their master they would not work ‘unless they had leave to go out’. Other convict women denied free time revolted by offering social entertainments on their employer’s premises, with servants banding together to raid their employers’ supply of alcohol, like Elizabeth Doyle and her co-workers who consumed a significant amount of their employer’s gin in one such escapade. In return for co-operative work some employers issued passes enabling convicts to go out without police interference, while others simply turned a blind eye to absenteeism, with most convict women managing to attend card-games, the races, dances or to visit ‘disorderly houses’. Convict women also limited workloads by feigning illness, shirking or exaggerating the time taken to perform certain tasks. Others were more direct, with Mary MacDonald threatening to withdraw her labour if acceptable work limits were not set, whereas Martha Bellamy succeeded in persuading her master to employ additional help after temporarily leaving his service. Others promised to provide a reasonable level of service in exchange for a situation relatively free from supervision.
Another way female convicts increased their liberty was by establishing proprietary rights over certain rooms in the house. Domain over the kitchen was particularly important, with many mistresses complaining they were too intimidated to venture there for fear of verbal abuse. This room provided convict women with a private retreat, allowing them access to food and household supplies, and a space where they could entertain or pursue leisure activities, while the kitchen door allowed convenient access to visitors and suitors, or a surreptitious route into town. Women were thus able to negotiate their own conditions of labour and had considerable power to disrupt their workplace through refusal to work, neglect of duty or general insolence. Between 1820 and 1839 in Van Diemen’s Land alone there were 323 reported cases of absence without leave, 313 cases of drunkenness and 224 charges of insolence and impertinence, while 132 women were charged for disobedience of orders and a further 109 for neglect of duty, and these were only instances where actual charges were laid.

This led to a climate in which colonial employers were willing to settle workplace disputes internally, knowing inflexibility over these issues would invariably result in the loss of their servants’ labour. Constable Brice noted that ‘there are persons who do not care what their servants do if they have done a little work for them’. More rigid employers soon learnt convict women had little interest in remaining in service where attempts to negotiate failed, with Bridget Monaghan declaring that her fellow female convicts ‘would sooner be in the factory, unless they can get a place where they have plenty of liberty’.

Furthermore, investigation of convict women’s responses to the unique conditions of their imprisonment, particularly its sexual nature, demonstrates women were not necessarily victimised, encountering sexual expectations similar to those encountered by other working class women and using their sexuality to improve their circumstances. For instance, convict women who married received tickets-of-leave, effectively exchanging the state’s authority for that of their husband. Although this practice perpetuated patriarchy, it also enabled women to release themselves from public labour, which male convicts could not. Married women thus escaped the harsh labour that characterised the settlement’s early years, and their survival rate was much higher than that of the men. Although the female marriage market often demeaningly resembled slave displays, women were empowered to refuse such offers of marriage, although most seem to have judged it more prudent to accept. By 1804 more than two-thirds of convict women were married. As Sian Rees suggests:

> if a woman had judged her man correctly and he turned out to be a humane keeper and steady provider, her life in the colony would be more comfortable than if she remained single. To see them only as a lump contingent of comfort women handed out to the men denies them any individuality….If the women for whom scraps of information still exist are typical of the rest, there was a vital stream of personal choice flowing beneath the formation of breeding pairs in the colony.

Similarly, the existence of many informal unions amongst the convicts does not necessarily suggest women were victimised by the male prisoners, with many such de facto relationships occurring amongst the working classes of Britain. Mistresses who calculatingly secured the affections of a wealthy professional or marine received generous settlements, enabling them to secure their passage home or set themselves up in the new colony.

The pervasiveness of prostitution in the colony is hardly surprising considering between one in four and one in five transportees had a previous history as prostitutes. However, rather than victimising women, prostitution allowed female convicts to obtain a significant degree of independence from the colonial system, using the money to buy food, luxury items or privileges that substantially lessened the severity of their sentences, the fee for prostitution being considerably higher than that received in
Britain, given the lack of women in the colony. Records also indicate many women were sexually active from their own inclinations, perhaps using sex to establish their continued independence from the strictness of colonial society. Assigned servants were often criticised for their fraternisation with male staff and other proximate men, despite orders from employers to discontinue such associations. Sarah Elam’s master declared he could not ‘keep her from the men’s hut’ while a similarly defiant mood characterised Elisabeth Phillips’ response when told that ‘she should not frequent the men’s huts’. She told her master, ‘If I prevented her I might get another woman tomorrow for she would not stop. She then went into the house, got her bundle of clothing and went off towards the Bush’.

The persistence of attempts by convicts to socialise together undermines the representation by historians, like Dixson, of the unceremonious abuse of the women by male convicts. On the other hand, it is apparent prisoners sometimes responded directly and violently to abuse, as illustrated by the attack on Surgeon-Superintendent James Hall in December 1823. Hall, evidently notorious for his paternalistic and sexually suggestive treatment of the women in his care, received little sympathy from officers following the attack by a group of convict women, with Governor Brisbane refusing to allow him to settle in New South Wales, the incident creating doubts about his moral character. The responses of women to the sexual nature of their imprisonment establishes that, coming from a society which already emphasised their sexual role, they did not necessarily perceive it as victimising, but manipulated these conditions to gain material advantages and flout the authorities by demonstrating their continued right to control their bodies.

Doubtlessly the almost twenty-five thousand female convicts transported to Australia endured trials and tribulations that are today difficult to comprehend. However, analysis of the backgrounds of these women and their individual stories supports the contention that they were capable of exerting a considerable degree of agency, both in their efforts to rebel, individually and collectively, against the system and in their responses to and perceptions of the sexual nature of their imprisonment. Furthermore, after their emancipation many female convicts could expect to exert greater agency than their contemporaries in Britain, empowered by more favourable economic conditions for women. Further studies might attempt to determine how the lives of former female convicts compared with that of the free settler women. Scrutiny of their lives and choices reveals convict women often refused to be victimised by the harsh system which attempted to oppress them, demonstrating instead an indomitable spirit and independent voice that echoes through the pages of history.

REFERENCES

2 Ibid, 7.
4 Oxley, Convict Maids, 8.
5 Joy Damousi, Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia (United Kingdom: Cambridge University Press, 1997), 114.
6 Ibid, 119.
7 Tony Rayner, Female Factory, Female Convicts (Dover: Esperance Press, 2004), 4.
8 Damousi, Depraved and Disorderly, 90-91.
10 Rayner, Female Factory, Female Convict, 27.
11 Damousi, Depraved and Disorderly, 82.
12 Ibid., 80.
13 Ibid.
14 Ibid., 83.
15 Oxley, Convict Maids, 108.

Ibid., 107.

Ibid., 111.

Ibid.

Ibid., 113.

Ibid., 116.

Oxley, Convict Maids, 114.

Ibid., 112.

Reid, Contumacious, Ungovernable and Incorrigible, 114.

Ibid., 113.

Ibid.

Ibid.

Ibid., 109.

Ibid, 117.

Aveling, Imagining New South Wales as a Gendered Society, 1783-1821, 6-7.

Damousi, Depraved and Disorderly, 52 - 53.

Aveling, Imagining New South Wales as a Gendered Society, 1783-1821, 8.


Martin Cotty and Erik Eklund. Australia to 1901 (Croyden: Tertiary Press, 2003), 149-150.

Rees, The Floating Brothel, 216.

Oxley, Convict Maids, 241.

Damousi, Depraved and Disorderly, 66.

Reid, Contumacious, Ungovernable and Incorrigible, 114.

Rayner, Female Factory, 2.

Reid, Contumacious, Ungovernable and Incorrigible, 114.

Damousi, Depraved and Disorderly, 69.

Ibid, 27.

Rayner, Female Factory, 2.