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Editorial

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“Highwaymen Who Have Been Heroes”: Military
Highway Robbers of Eighteenth-Century London
Mitchell Naughton

The Northern Territory Emergency Response: A
Case Study of the Ignoble Savagery of Whiteness
Jillian Gardner

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Editorial

2019 has brought with it a number of challenges which the *Eras* journal editorial team has tackled head on. The growing pressure for postgraduates to publish their research in high-impact journals of international standing, while reflective of the increasing influence of high-quality postgraduate research, has forced postgraduate journals to reassess their purpose and strategy. Despite such challenges, the editorial team remains committed to ensuring that *Eras* continues to be a valuable outlet for postgraduates to disseminate their research, engage in dialogue with the academic community, gain experience with the peer-review process, and build their academic track record amidst an increasingly competitive landscape. To that end, the team have been engaging in a number of endeavours throughout the year. We have engaged in advertising the journal to currently enrolled Honours students who will be commencing their postgraduate careers in future years. We have also been working with the Australian Historical Association (AHA) towards including *Eras* in the AHA's journal evaluation list. In the year to come, the board will also be working towards registering *Eras* in the Directory of Open Access Journals. We believe that such endeavours will have a positive outcome on the future direction of *Eras*.

As such, I am very proud to present the publication of Edition 21 of *Eras*, and would like to thank all the authors, of both the articles and book reviews, who contributed to this edition. I would also like to sincerely thank all of the peer-reviewers involved for their generous contribution of time and expertise, without which this edition would not be possible. We are delighted to include in Edition 21 two articles. Mitchell Naughton's paper "*Highwaymen Who Have Been Heroes*": *Military Highway Robbers of Eighteenth-Century London* is a thoroughly informative study of military men in eighteenth-century Britain who stood trial for the crime of highway robbery. Using archival material from the Old Bailey Criminal Records, Naughton explores both the background of the men who committed such crimes, as well as the nature of the crimes they committed. In so doing, he challenges a number of scholarly perceptions concerning criminal veterans, and the crime of highway robbery. Jillian Gardner's article *The Northern Territory Emergency Response: A Case Study of the Ignoble Savagery of Whiteness* explores the persistence and effects of a particular construction of 'Aboriginality' promoted by the language of the media and politics. Gardner focuses on the Northern Territory Emergency Response, also known as the 'Intervention', as a case study in order to demonstrate the endurance of structural violence and the 'deeply colonising' elements of settler colonialism. By drawing on a variety of disciplinary literatures, Gardner provides an important and topical analysis of the inherent White 'ferality' of settler colonialism and the nation state. Both articles will be of great interest not only to the specialist reader, but also to the general reader interested in dipping their toes into the academic waters of each articles' respective disciplinary field.

We are also delighted to include in Edition 21 five wonderfully informative book reviews from a variegated array of disciplines. Hannah Viney's review of Mary Hoban's *An Unconventional Wife: The Life of Julia Sorell Arnold* reflects on the important responsibility of historians and biographers alike to uncover the stories of seemingly 'ordinary', 'difficult', or 'forgotten' women of the past

from the archives. Moving into the world of contemporary global politics, Martin O'Donnell's review of *War and Political Theory* provides an insightful commentary and critique of author Brian Orend's analysis of 'just war' theory, which, in addition to the theories of 'pacifism' and 'realism', is the book's core focus. In a thematically related review, Samaya Borom discusses the intersection of religion, power, and politics, and the influence of political theology and philosophy upon constructions of political discourse as explored in Saul Newman's *Political Theology: A Critical Introduction*. Drawing a bridge between politics and history, Stephanie Jury highlights the contributions to scholarship made by a number of 'stand-out' essays in her review of *Languages of Power in Italy (1300–1600)*, an edited collection that explores the role which language – spoken, written, and visual – played in the discourse of power in late-medieval Italy. Finally, highly relevant to the growing recognition of and sensitivity to the LGBTQI+ community is Rachel Lansell's review of Clayton J. Whisnant's *Queer Identities and Politics in Germany: A History, 1880–1945*, in which Rachel provides a succinct overview of the book's contribution to queer histories, as well as a critique of Whisnant's 'sidelining' of trans histories. We hope that the reader finds these reviews both informative and enjoyable.

Finally, just as a pot proves the existence of a potter, so too does the publication of a new edition prove the existence of an editorial board, and I am proud to boast that I have had the pleasure of working with a truly excellent team of board members this year, each deserving of individual thanks. Sarah Chandlee (Assistant Editor-in-Chief) has been an invaluable member of the team, assisting me in decision making processes, handling the review of articles, and selflessly taking on secretarial duties additional to her role. Jennifer Lord (Book Reviews Editor) has independently and thoroughly handled all the reviews from start to finish with a high level of professionalism, and her attention to detail can only be described as meticulous. Matthew Topp (Technical Editor) has dealt with the transition of our website to a new platform with patience and persistence, and has beautifully updated and re-designed elements of our new website – be sure to look out for our new 'Editorial Board' page! Those who have been following us on Twitter will have noticed our increased Social Media presence – this is in no small part due to the excellent efforts of Gary Dickson (Social Media & Communications Editor), who has taken on his role with excitement and executed it with expertise. Joshua Hatherley (General Board Member) has proactively and positively assisted in all aspects of the journal's most fundamental tasks – reviewing, sourcing peer-reviewers, copy-editing – and has been a valuable representative of the philosophical discipline amongst a predominantly 'historical' editorial board. And last, but by no means least, Bernard Keo (General Board Member), who previously held the position of Editor-in-Chief in 2018, has graciously provided me and the entire team with much needed guidance as I transitioned into my role, and continued doing so throughout the year – his perpetual dedication to the journal is greatly appreciated. A special mention also goes to Lana Stephens (former Secretary), who although vacated her position earlier in the year, was responsible for our beautifully designed Call for Papers, which was also utilised for the cover of this issue. I will now personally sign off on what is my first and last year serving on the editorial board, and am grateful for the skills which this experience has given me. I look forward to seeing *Eras* grow in future years.

Emily Fero-Korassy

Editor-in-Chief

“Highwaymen Who Have Been Heroes”

Military Highway Robbers of Eighteenth-Century London

Mitchell Naughton

(Monash University)

Abstract: *This article will examine members of the armed forces in eighteenth-century Britain who stood trial for committing the crime of highway robbery in or around the city of London. It will examine who these men were and how they committed their crimes. Using 165 cases found in the Old Bailey Criminal Records between 1699 and 1793, it shows how this was a crime that was different from civilian highway robbery and therefore does not conform to much of our knowledge about the crime and criminal veterans during this period, such as the effect of demobilisation and standard methods of highway robbery. Whilst trial records show sharp rises in crime rates after periods of conflict as troops returned home to unemployment, military highway robbery was more likely to be committed during wartime rather than periods of demobilisation. Using the Old Bailey Session papers and the Ordinary Accounts, the lives of these men are also examined. Rather than being Londoners as has been suggested, many of the 201 prisoners tried for this crime were non-local and a majority belonged to the Foot Guards. Many committed their crimes in uniform, with just over half being in active service at the time of their crime. It also shows how soldiers developed their own unique methods of robbery, such as threatening a false sodomy charge rather than using physical violence.*

Keywords: *Highway Robbery, Military, Eighteenth-Century, Crime*

On the 15th of November 1761 Berkshire Wagoner Thomas Poulton was driving the Bath Wagon through Hounslow Heath on his way back from London.¹ It was a foggy night, though the moon provided a decent amount of light as Poulton made his way through an area of Hounslow known as Butchers Grove.² As he was driving along, a young man dressed in a blue surtout, a handkerchief around his face and no boots, rode up to Poulton and, aiming a pistol at his chest, demanded the wagoner's money.³ Whilst an early morning case of highway robbery upon the notorious Hounslow Heath was nothing too unusual, what makes this particular case interesting is that the highwayman, twenty-two year old Thomas Aston, was a Private in the 4th regiment of Dragoons, who under that blue surtout was wearing his regimental uniform and was at that very moment charged with guarding the Bristol Mail on its way to London.⁴ Two years later, MP Horace Walpole wrote how London was in panic over solidier perpetrated robberies, writing how "we swarm with highwaymen who have been heroes".⁵

This article will examine eighteenth-century British highwaymen who were also part of the British Military, either as a soldier or as part of the Navy. It will explore which members of the eighteenth-century British Military stood trial for highway robbery and how they committed their crimes. It will show how this crime was one that was different from civilian highway robbery and does not conform to much of the knowledge that has been written about that crime and criminal veterans. This will be done in two main sections. The first will explore the criminals who stood trial for this crime, such as their places of birth and occupations, and will show how many of these men do not fit our current understanding of a civilian highwayman. The second section will explore the crime itself, including the methods used and the level of violence utilised, again showing certain distinct places and methods used by soldiers during their robberies.

Highway robbery in the eighteenth century was legally defined as the act of stealing from someone's person whilst on or near the King's highway, an act usually accompanied by the use of violence.⁶ This use of violence, as well as its ability to disrupt the movement of goods, money and people through England, meant highway robbery was treated with the harshest hand of the law. If a robbery near a highway

¹ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.2, 08 May 2017), December 1761, trial of Thomas Aston (t17611209-24). *Old Bailey Proceedings Online* will hereafter be referred to as OBP.

² OBP, December 1761, trial of Thomas Aston (t17611209-24).

³ "Middlesex Sessions: Sessions Papers - Justices' Working Documents, November 1761", *London Lives, 1690-1800*, LMSMPS505030005, (www.londonlives.org, version 1.1, 08 May 2017), London Metropolitan Archives, City of London.

⁴ "Middlesex Sessions: Sessions Papers - Justices' Working Documents, 1761", *LL*, LMSMPS505030005.

⁵ Frank McLynn, *Crime and Punishment in Eighteenth Century England* (UK: Routledge, 1989), 79.

⁶ Clive Emsley, Tim Hitchcock, and Robert Shoemaker, "Crime and Justice - Crimes Tried at the Old Bailey," *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.0, 04 September 2019); for an example OBP, January 1740, trial of William Snowd, Joseph Wells (t17400116-46).

involved violence or the threat of violence, the accused would almost certainly receive a death sentence.

During this period, there were two main types of highwaymen: those who were mounted and those who robbed on foot. The urban footpad, or street robber, were those who robbed on foot and were considered more dangerous than the rural mounted highwayman.⁷ Both, however, were seen as problems in urban and rural areas.⁸ In comparison, the mounted “Knights of the road” were not only seen as less dangerous but also enjoyed a popular appeal that footpads did not. An example is the famed James Maclean, known as the “Gentleman Highwayman”, who robbed in beautiful clothes and received up to 3,000 visitors whilst awaiting execution at Newgate.⁹

This article utilises trial records kept by the Old Bailey Criminal court from 1674 to 1913, recently digitised by Clive Emsley, Tim Hitchcock, and Robert Shoemaker. The Old Bailey Proceedings are used to examine records of the crimes explored, such as the time and location of the crime as well as witness statements and verdicts. The Old Bailey Session papers, usually written by a clerk of the Justice of the Peace, are used to both corroborate this information and examine statements from the victim and the accused not included in the main trial.¹⁰ Finally, the Old Bailey Ordinary’s Accounts, written by the Ordinary of Newgate, are used to explore the backgrounds of the prosecuted criminals. These were records of conversations between the Ordinary and the prisoner whilst awaiting the gallows and usually take the form of the prisoner explaining to the chaplain the life that led them to commit this crime.¹¹ As such, they contain the prisoner’s place of birth, regiment and service period, education, and profession, as well as their reason for committing these crimes, which according to Robert Shoemaker was often presented without much editorial interference.¹² These sources need to be examined as a whole as they each contain their own inherent problems. The trial records and the session papers were written for the purpose of either defending or prosecuting the defendant, and as such many details fail to make it to the court room. The Ordinary’s Accounts are also written for profit, being sold in book form for public consumption. These “confessions and dying words” of convicted prisoners could earn an Ordinary up to 200 pounds a year, with 400 editions published

⁷ J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford: Clarendon Press, 1986), 150; McLynn, *Crime and Punishment*, 5-6.

⁸ Robert Shoemaker, “The Street Robber and the Gentleman Highwayman: Changing Representations and Perceptions of Robbery in London, 1690–1800,” *Cultural and Social History* 3, no.4 (October 2006): 386.

⁹ J.J Tobias, *Crime and Police in England 1700-1900* (Dublin: Gill and Macmillan, 1979), 18.

¹⁰ Tim Hitchcock, Sharon Howard, and Robert Shoemaker, “Sessions Papers: Justices’ Working Documents (PS),” *London Lives, 1690-1800* (www.londonlives.org, version, 1.1, 8 May 2017). <https://www.londonlives.org/static/PS.jsp>

¹¹ Clive Emsley, Tim Hitchcock, and Robert Shoemaker, “Ordinary of Newgate’s Accounts,” *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 6.0, 8 May 2017). <https://www.oldbaileyonline.org/static/Ordinarys-accounts.jsp>

¹² Shoemaker, “The Street Robber and the Gentleman Highwayman,” 393.

across the century. Sold at an affordable price, these Accounts thrived off a public interest in criminals during the earlier parts of the century. As such they not only focus on more exciting cases but would also aim to be moral guides for the public.¹³ They have also come under scrutiny for their historical accuracy, however those who have examined these files, such as Peter Linebaugh and Clive Emsley, agree that details about the place and date of birth, occupation, religion, and account of crimes committed are all reliable.¹⁴

This article builds on the works of military historians David Chandler, Alan Guy, and Stanley Carpenter, who explore the role of the British armed forces during this period.¹⁵ Carpenter explores the class distinctions that existed in the military during this century, where soldiers were separated into either Officers who could afford a commission or as soldiers without commission, who were the larger group.¹⁶ Many of these non-commissioned soldiers were enlisted against their will, with some being tricked into the army whilst drunk and others being sentenced to serve by a judge as punishment for a crime.¹⁷ Chandler examines these recruitment tactics, including those where the soldier would be kidnapped and sold into service. Matthew Guy explores the low pay, poor working conditions, and the seasonal nature of their employment. Whilst these works do not examine soldiers who committed crimes, this article draws on their work in exploring the reasons why soldiers may have turned to highway robbery.

This article also builds on the works of historians of crime such as J.M Beattie, Peter King, Frank McLynn, Nicholas Rogers, and Robert Shoemaker. Shoemaker explores the differences between mounted and footpad robbery, and states how the latter was perceived to be the more violent of the two.¹⁸ Rogers in his work *Mayhem: Post-War Crime and Violence in Britain, 1748–53* raises a theory that soldier-perpetrated crime rose after periods of conflict as demobilisation would cause large-scale unemployment among the armed forces.¹⁹ Both Beattie and King have explored the effects of both

¹³ Emsley, Hitchcock, and Shoemaker, "Ordinary of Newgate's Accounts".

¹⁴ Emsley, Hitchcock, and Shoemaker "Ordinary of Newgate's Accounts"; Peter Linebaugh, "The Ordinary of Newgate and his Account," in *Crime in England 1550-1800*, ed. J. S. Cockburn (London: Princeton University Press, 1977), 268.

¹⁵ David Chandler, "The Great Captain General 1702–1714," in *The Oxford Illustrated History of the British Army*, ed. David Chandler and Ian Beckett (Oxford: Oxford University Press, 1994), 67–92; Alan J Guy, "The Army of the Georges 173-1783," in *The Oxford Illustrated History of the British Army*, ed. David Chandler and Ian Beckett (Oxford: Oxford University Press, 1994), 92–112; Stanley D.M Carpenter, "The British Army," in *A Companion to Eighteenth-Century Britain*, ed. H.T. Dickinson (UK: Blackwell Publishers, 2002), 473–480.

¹⁶ Carpenter, "The British Army," 475–6.

¹⁷ OBP, *Ordinary of Newgate's Account*, January 1747 (OA17470121); McLynn, *Crime and Punishment*, 321.

¹⁸ Robert Shoemaker, "The Street Robber and the Gentleman Highwayman," 382.

¹⁹ Nicholas Rogers, *Mayhem: Post-War Crime and Violence in Britain, 1748-53* (New Haven: Yale University Press, 2013), 5.

demobilisation on crime and related moral panic through to 1820.²⁰ King has argued that mobilisation, rather than demobilisation, had a larger effect on crime as young men were taken into the armed forces.²¹ McLynn on the other hand states that it is unsurprising that soldiers who had already been underpaid or even “balked of the rewards for their service and compensation for their wounds, increasingly turned to crime”.²² *The Gentleman's Magazine* in 1763 seems to back up this claim, with an article titled “An address to the public in favour of disbanded soldiers”. In this article, the magazine remarked sarcastically how a soldier returning from war, not having received his “scanty pittance” either must “return to a vocation to which he has forgot” or, upon finding that his job has been given to someone else, must therefore

sue for hard labour, or he may starve. If human nature cannot submit to that, cannot he lie down in a ditch and die? If this disbanded brave man should vainly think that he has some right to share in the wealth of his country which he has defended, secured or increased, he may seize a small portion of it by force - and be hanged.²³

In order to properly explore who these men were and how they were committing these crimes, I will be examining all 165 cases of highway robbery that were brought to trial between the years of 1699 and 1793 that are recorded in the Old Bailey Proceedings. I will also be examining all 201 defendants that were described by themselves, the scribe, or the Ordinary of Newgate as a soldier or a military sailor. These dates were chosen as they begin with the first recorded case of military highway robbery after the treaty of Ryswick which ended the Nine Years' War, and end with the last case before Great Britain entered the French Revolutionary wars in 1793.

There are some issues inherent in this topic, as many crimes were not reported to the authorities or the perpetrators were never caught, and many crimes against property during this period were never brought to trial. These cases therefore do not exist in the trial records. However, as shown by historians like Peter King, those crimes that were brought to trial are still useful in examining criminal trends during this period.²⁴ Some men would also not refer to themselves as soldiers after they were discharged and many of the records have been lost over the years. However, through the use of the Ordinary's accounts, those men who do not label themselves soldiers during their trial can still be found if they faced capital punishment. This research only focused on areas that came under the jurisdiction of the Old Bailey Criminal court, however it was in this

²⁰ Peter King, *Crime Justice and Discretion 1740-1820* (Oxford: Oxford University Press, 2000), 164–5; Beattie, *Crime and the Courts in England*, 218.

²¹ Peter King, “War as a Judicial Resource. Press Gangs and Prosecution Rates, 1740–1830,” in *Law, Crime & English Society: 1660–1840*, ed. Norma Landau (Cambridge: Cambridge University Press, 2002), 105.

²² McLynn, *Crime and Punishment*, 324.

²³ Edward Cave, *The Gentleman's Magazine*, Vol. 33 (1763), 119.

²⁴ King, *Crime Justice and Discretion*, 11 & 154.

area where the effects of periods of demobilisation would be felt strongest.²⁵ All the soldiers examined are also male, as women were not allowed in the British Military during this period, with even their presence as wives or merchants severely restricted in active regiments.²⁶

The Criminal

The average civilian highwayman during the eighteenth century has been described as a “young, working class, male Londoner” and highway robbery itself is generally considered by most historians to be a young man’s crime.²⁷ There are 868 cases of highway robbery, both military and civilian, tried at the Old Bailey where the defendants age is known. Of this, 72% of cases were committed by people under 25 years of age, with 12% committed by people between 25 and 29. Whilst these ages are echoed in trials of soldiers and sailors, there are some differences. Out of the 67 cases where the defendant’s age is recorded, 31, or 46%, of those cases were committed by men who were under 25. Defendants aged between 25 and 29 make up almost 30% of those accused. In total, those under 29 represent 75% of cases of military highway robbery. There were 14 cases of men between the ages of 30 and 39 (21%) and only 3 cases of those who were above the age of 40 (4%). These figures echo ages of civilian highwaymen tried during this period, with young men making the majority of cases, but do show that there may have been a higher proportion of older highwaymen tried compared to civilian cases. The prevalence of younger men may be because the military itself was made up of a large amount of young men, with many of the younger highwaymen documented appearing to have joined the military when they became 18, usually because they did not have many other options. The military gave them shelter, food, clothing, and an income which for many young men was all that mattered.²⁸

The other point made about highwaymen during this century is that they were likely Londoners.²⁹ This, however, does not seem to be the case for those in the armed forces. Out of the 70 prisoners whose birth place is recorded, only 18 of these men stated that they were born in either London or its outer areas. This makes sense for both soldiers and sailors, as both roles naturally moved about from where their unit was formed. Many sailors reported living or spending time in places such as the Caribbean or America or even Europe and the Mediterranean.³⁰ Soldiers also naturally moved about, with many of the men recently having arrived home from fighting

²⁵ King, *Crime Justice and Discretion*, 166.

²⁶ Guy, “The Army of the Georges 1714-1783,” 95.

²⁷ William R. Paxton, “Fear and Fortune: Robbery in London in the Late Eighteenth Century” (PhD thesis, Virginia Polytechnic Institute and State University, 2013), 70.

²⁸ For example, see Thomas Good in OBP, *Ordinary of Newgate’s Account*, February 1750 (OA17500207).

²⁹ Paxton, “Fear and Fortune,” 70.

³⁰ See John Sawney OBP, *Ordinary of Newgate’s Account*, May 1740 (OA17400507).

abroad.³¹ Both types of military service also recruited from around the entire country, meaning that while a soldier may have joined a unit in Scotland or been recruited by travelling recruiters in the south, their unit often returned to the capital for various reasons and duties. This can be seen with highwayman Daniel Macquin, who was born in Perth, Scotland and had no education and was never trained in a trade. After saving money carrying packs, Macquin set himself up in the linen trade until, when that came to ruin, he enlisted as a soldier as a final resort. He joined the army in Scotland a year after the Jacobite rebellion and had been with them six years before he committed his final robbery. He had only been stationed in London for a year.³² Another is James Aldridge, who was born in Lancashire, and at 18 found himself without parents, home or trade, so enlisted in a newly raised regiment in Newcastle upon Tyne, also during the Jacobite rebellion. Aldridge then joined the 3rd regiment of Guards and was sent to Flanders before returning to a station in London about 5 months before committing the crime that sent him to the gallows.³³ This means that many of these soldiers did not have long to get to know the London area before they committed their crimes, which may explain why they stayed so close to their barracks. Non-Londoners may also have been more likely to face formal prosecution than London born criminals, who could deal with complaints informally.

Another important factor in these men's lives is quite obviously their military service. As mentioned earlier, spikes in the crime rate during the eighteenth century have been linked with troop demobilisation after periods of war, as tens of thousands of young men returned home and struggled to find employment.³⁴ This is not a new concept, with many eighteenth-century sources coming to the same conclusion. Horace Walpole remarked in January 1750, just after the Austrian War of Succession, that "you will hear little news from England, but of robberies" as "soldiers and sailors have all taken to the road, or rather to the street".³⁵ The large number of returned troops after this particular war, according to Philip Rawlings brought about huge public panic at the time as it was seen to be the direct cause of the rise in crime.³⁶ One of the earliest mentions of the military highwaymen in this century is from the anonymous pamphlet *Hanging Not Punishment Enough*. Written in 1701 after the Treaty of Ryswick, the pamphlet puts the blame for a crime wave occurring at the time directly on discharged soldiers:

³¹ OBP, December 1749, trial of James Aldridge (t17491209-3); OBP, *Ordinary of Newgate's Account*, February 1750 (OA17500207).

³² OBP, June 1752, trial of Daniel Macquin (t17520625-13); OBP, *Ordinary of Newgate's Account*, July 1752 (OA17520713).

³³ OBP, December 1749, trial of James Aldridge (t17491209-3); OBP, *Ordinary of Newgate's Account*, February 1750 (OA17500207).

³⁴ Rogers, *Mayhem*, 5.

³⁵ Horace Walpole, *The Letters of Horace Walpole*, ed. by J.Wright, (London, 1840), 314.

³⁶ Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century* (London: Routledge, 1992), 24.

We need not go far for Reasons of the great numbers and increase of these Vermin: for tho' no times have been without them, yet we may now reasonably believe, that after so many Thousands of Soldiers disbanded, and Mariners discharged, many of them are driven upon necessity, and having been used to an idle way of living, care not to work, and many (I fear) cannot, if they would ³⁷

Later a letter in the *General Evening Post* stated how “disbanded soldiers, every boy knows make excellent highwaymen” and poet Tobias Smollett remarked how “all the gaols in England were filled with the refuse of the army and navy, which having been dismissed at the peace [of 1748], and either averse to labour, or excluded from employment, had naturally preyed upon the commonwealth”.³⁸ Beattie claims that the increase in publicity of crimes during these periods of public panic meant that people were more likely to report crimes committed by soldiers and sailors, thereby continuing the cycle.³⁹ Clive Emsley states that it was actually assumed at the time that many soldiers would become footpads or mounted highwaymen when discharged, mostly because of their tendency to assume the title of Captain when robbing.⁴⁰

One of the main arguments of McLynn and others therefore is that when these troops returning home faced unemployment after their regiments were demobilised, many of them turned to crime.⁴¹ However, whilst the unemployment of military veterans was absolutely a factor in the crime waves of the eighteenth century, as can be seen from the sources of the time, and whilst it is true that many of the men looked at for this study were unemployed or recently discharged when their crime took place, half of these soldiers were in fact on active military duty at the time of their crimes. Out of the 201 soldiers documented, 102 of them were described during their trial or to the Ordinary of Newgate as either currently in a regiment or as currently serving as a soldier or sailor. This does not mean that they were on guard or on duty when committing the crime, but that they were employed by the military at that time. Out of the remaining 99 men, 26 of them stated that they were currently out of the military, either because their regiment had been disbanded, they had been discharged, or that they had deserted. The remaining cases lack the information to say whether they were active at the time or not, they were simply described as soldiers or sailors. This shows that at least half of those soldiers and sailors standing trial for this crime were in active service at the time of their crimes, which suggests that half of those brought to trial were not committing this crime due to lack of employment after demobilisation. Therefore, whilst many other crimes during this period were committed by

³⁷ *Hanging Not Punishment Enough* (1701; reprinted by Basil Montagu, 1812), 24.

³⁸ *General Evening Post*, May 17, 1748 - May 19, 1748; Issue 2286; Tobias Smollett, *The History of England from the Revolution to the Death of George II* (1814), 294.

³⁹ Beattie, *Crime and the Courts in England*, 220.

⁴⁰ Clive Emsley, “Crime during and after Military Service,” *Oxford Handbooks Online*, 2014. <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935383.001.0001/oxfordhb-9780199935383-e-013>.

⁴¹ McLynn, *Crime and Punishment*, 320.

unemployed, demobilised troops, military highway robbery was a crime that was committed by mostly active and serving members of the military rather than demobilised troops who had no employment.

This is further pronounced when the dates of troop demobilisation are taken into account. McLynn points out in his work that “crime peaked especially in the immediate post-war years when troops were demobilized.”⁴² He then states how this peak in crime can be clearly seen in the years of troop demobilisation following the end of the Nine years war with France, 1698–1700, The War of Austrian Succession, 1747–51, the Seven Years War with France, 1763–65 and finally the American War of Independence, 1782–84.⁴³ When comparing these dates to the 165 cases of military highway robbery, the result is that there were 14 trials for highway robbery where the crime was committed in the demobilisation period between 1747–51, 9 between 1763 and 1765, and 9 cases between 1782 and 1784.

Whilst there were certainly spikes in prosecuted robberies committed during periods of demobilisation, they were still fewer in number than during the conflicts they followed. There were 5 cases of military highway robbery following the Seven Years’ War with France, however during the war itself there were 20 cases, as shown in Figure A. This is the same for the War of the Austrian Succession, with 14 cases during the demobilisation period compared to 16 during the war and the American War of Independence where there were 9 cases during demobilisation but 25 cases during wartime. Whilst it’s true that the periods of war tended to last longer than the crime spikes following, even during 2 years in the middle of the American War, 1778 to 1780, there were still 10 cases compared to the 9 in the crime spike following.

McLynn also states that “one of the few certain propositions that can be advanced about eighteenth-century crime is that, at least until the 1790s, its levels rose in peacetime and declined in wartime”.⁴⁴ As can be seen in Figure A, this was only the case for the period of peace just before the Seven Years War (1756–63). Each of the other major wars, the Austrian War of Succession (1740–48) and the American War (1775–83) brought an increase in crime compared to the peace they followed. The largest year for wartime robberies was 1780, the year of the Gordon Riots, however the majority of robberies occurred before the riots broke out, whilst the largest year of robberies overall was 1789. This shows that military highway robbery was a crime that mostly increased during wartime and, whilst quickly increasing in frequency during periods of demobilisation, was never in higher numbers than the conflicts themselves. It is also interesting that during these spikes, the number of military robberies was still quite low compared to civilian highway robbery. Whilst there were 6 trials of soldiers and sailors for highway robbery during the demobilisation period in the year 1750, there were 58 prosecuted cases of highway robbery that year that did not involve such men. This suggests that despite the panic that discharged soldiers were committing

⁴² McLynn, *Crime and Punishment*, 320.

⁴³ McLynn, *Crime and Punishment*, 320.

⁴⁴ McLynn, *Crime and Punishment*, 320.

this crime in these periods, as shown by Shoemaker, those prosecuted were more likely to be civilians.⁴⁵

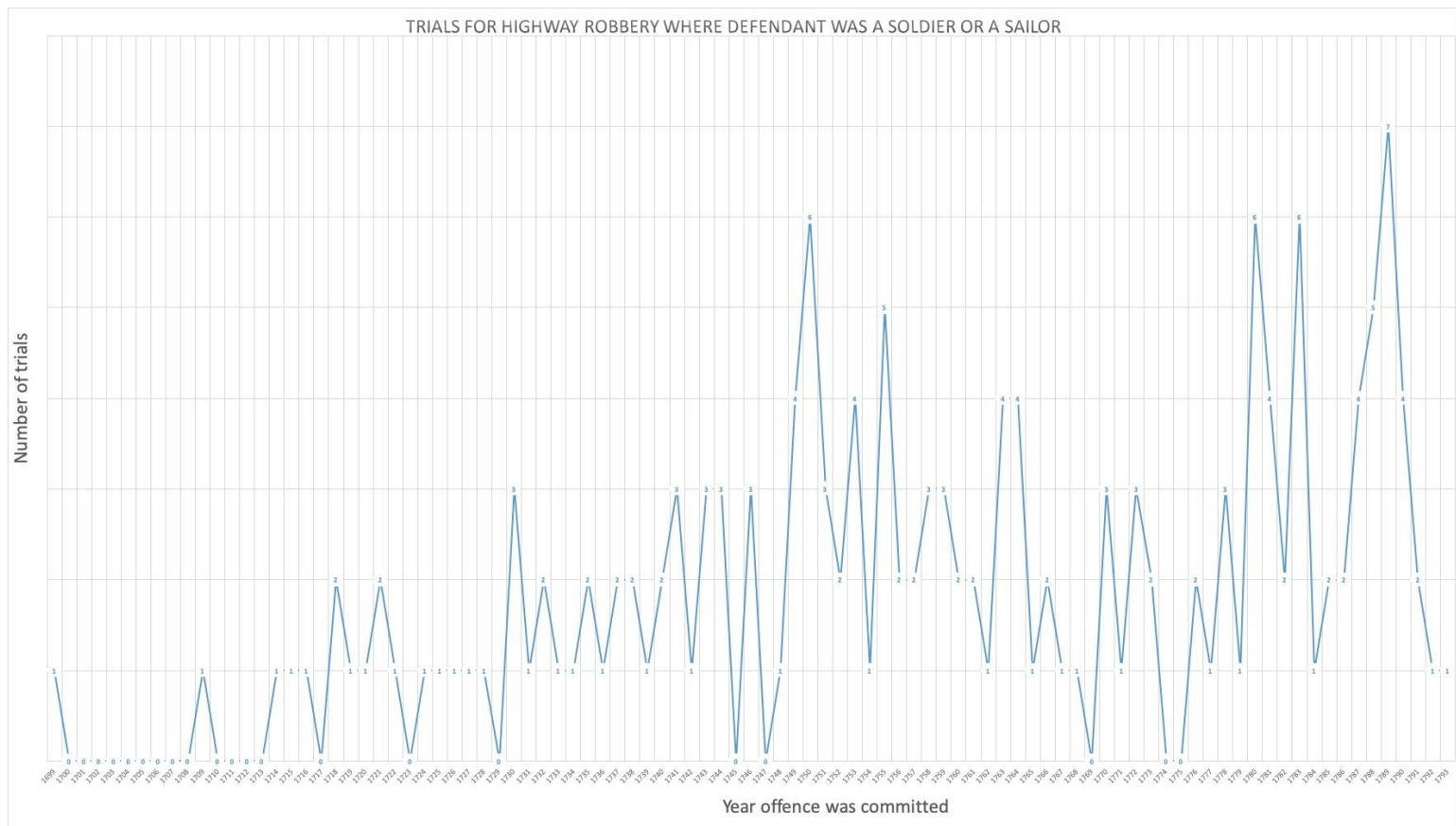


Figure A: Trials for Highway Robbery where the defendant was a soldier or sailor

When discussing military highwaymen, it is impossible not to explore the soldier's place in the armed forces. In this century, regiments were the basic organisational unit of Britain's armed forces and could often be broken down into smaller units of companies or platoons and there were over a hundred of these regiments during this period. There were also three separate regiments, known as the regiments of Foot Guards, who were the Monarch's household bodyguard.⁴⁶ These were the 1st, 2nd, and 3rd regiments of Foot Guards, sometimes referred to interchangeably, for example, as the 1st regiment of Foot or the 1st regiment of Guards.⁴⁷ In the Old Bailey court records, there are 84 prisoners whose regiment is identifiable. Out of these 84 cases, 62 of those are clearly shown to be from the Monarch's personal guards, the Foot Guards. There are another 14 cases where the accused is simply stated to be in the "Guards" or the "Foot Guards" which would bring the number up to 76 cases out of 84. Whilst there are 8 cases where the defendants are from other regiments, such as the 74th regiment or the Middlesex militia, the three Foot Guard regiments outnumber all others. What makes this even more unusual is that these members of the Foot Guards,

⁴⁵ Shoemaker, "The Street Robber and the Gentleman Highwayman," 385.

⁴⁶ Carpenter, "The British Army," 474.

⁴⁷ For example of this, see OBP, May 1780, trial of Thomas Humphreys, Thomas Johns (t17800510-33).

whilst being recruited from the same areas as all other regiments, were given better training and more money than other regiments, were said to be more motivated and to have a higher level of discipline because they were the personal guards of the Monarch.⁴⁸ Those recruited into the Guards were also much taller than other regiments as a requirement and were known to be quite strong, with many being employed on the docks due to their strength.⁴⁹ However, the regiments seem to have had a negative reputation in this period, with a lawyer in 1786 stating how giving a highwayman money was the “encouragement to all these scoundrels of the guards”.⁵⁰ There were also numerous reports in newspapers of members of the Foot Guards robbing in St James and Hyde Parks.⁵¹ This prevalence of the Foot Guards in the Old Bailey records could be because of both proximity and jurisdiction. Crimes committed in these areas all came under the jurisdiction of the Old Bailey. The location of these soldiers however, being near the palace in various barracks, meant they had easy access to victims and major roads, whether on duty or not. This also explains why many of the crimes happened in the parks around the palace, such as St. James, Green, and Hyde Park for example, where many of these Guards were either stationed or on duty at the time.⁵² The reasons why these men of the Guards turned to crime is not fully known but the Ordinary’s Accounts suggest that, even though they were paid more than other regiments, money was a large recurring reason given for turning to crime. This is especially apparent in cases like that of James Templeman of the Guards who, when asked by his victim why he was robbing him, responded that “you know soldiers pay is very small, they cannot live by it, and we must have money somehow”.⁵³

The Crime

On the night of the 30th of June 1779, Harpsichordist Jacob Rotherker was making his way from the town of Hayes to his house in Carnaby Market, London. At about eleven at night, as Rotherker was walking along, two soldiers walked up to him and asked for the time. After answering that it was probably near midnight, one of the soldiers grabbed Rotherker by the arms as the other drew his bayonet, aimed it at Rotherker’s breast and demanded the man’s money. Rotherker pleaded with the men – Thomas Kelly and Andrew Gray – saying that he was a poor musician with no more than ten shillings on his person. The soldiers however were determined for no less than half a guinea and tore off Rotherker’s breeches in an attempt to find more coins, striking him on the head with the bayonet and knocking him down in the process. When Rotherker begged for a few coins for a beer when he reached London, he was struck again but

⁴⁸ Ian Fletcher, Younghusband, William, *Wellington's Foot Guards* (UK: Osprey Publishing, 1994), 13.

⁴⁹ Nick Mansfield, *Soldiers as Workers: Class, Employment, Conflict and the Nineteenth-Century Military* (Liverpool: Liverpool University Press, 2015), 121.

⁵⁰ OBP, April 1786, trial of Jonathan Harwood (t17860426-11).

⁵¹ *London Chronicle* May 2, 1789 - May 5, 1789, Issue 5083; *London Chronicle*, October 15, 1782 - October 17, 1782, Issue 4038.

⁵² OBP, December 1790, trial of George Platt, Philip Roberts (t17901208-35).

⁵³ OBP, December 1790, trial of James Templeman, George Platt (t17901208-28).

was given back a shilling nonetheless. The two soldiers then ran off into the night, warning Rotherker that if he should make a sound or call for help as they escaped, they would turn back and kill him.⁵⁴

This case of *Rotherker v. Kelly and Gray* is a very typical case of highway robbery that a soldier may commit during the eighteenth century in and around London, and will be used to examine how military highwaymen committed their crimes in this period, such as the use of violence, the place and time the crimes occurred, and the methods of robbery used.

As they committed their crime on foot, Gray and Kelly would be known as footpads. As footpads did not use a horse and therefore had no means of quick escape if pursued by their victims, they have been seen as more likely to injure and kill to stop a post-crime pursuit.⁵⁵ The mounted highwayman however had a quick means of escape from the scene of the crime which meant they could afford to leave their victims unhurt.

When examining the records at the Old Bailey criminal court in London, it becomes obvious that the footpad form of highway robbery was the most prevalent form committed by soldiers during this period, being used in 184 of the 201 prosecuted cases. This makes sense in an urban area where the use of horses in robberies would be difficult.

Military footpads would usually rob in one of two ways, depending on where the crime took place. The first method was to approach their victim and render them immobile through the use of violence – a tackle or a punch, for example – and then rob the unfortunate victim. This is the type of method that can be seen being used in the *Rotherker* case. Kelly and Gray approached Rotherker on foot, demanded his money, knocked him down with a bayonet when it wasn't handed over immediately and then began searching him for money only after he was down and wounded.⁵⁶ Occasionally however violence was not used and the footpad would simply draw their weapon and threaten the victim with violence, however it had the same effect in the end, with the victim rendered helpless and then robbed. This type of method was usually used in the central parts of London, such as Tavistock Street, Chick Lane, or Oxford Road.⁵⁷ The use of this method seems to be linked to more spontaneous crimes, as it happened when the soldier observed a weakness of some form like a lone or drunken victim and was the method most often employed by those soldiers who were on duty.⁵⁸ This again can be seen with Rotherker who not only was walking alone in the middle of the night, but who also was foreign and spoke little English. This meant that he had great trouble gaining help to catch the criminals as he struggled to tell people what

⁵⁴ OBP, June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).

⁵⁵ McLynn, *Crime and Punishment*, 5-6.

⁵⁶ OBP, June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).

⁵⁷ See OBP, January 1759, trial of Charles Drudge (t17590117-19); October 1744, trial of James Page (t17441017-28); December 1742, trial of David Todd (t17421208-24).

⁵⁸ For example, OBP, July 1778, trial of Henry Scott (t17780715-64).

had happened when he eventually reached London.⁵⁹ The other common method was to wait on the side of a road, usually outside the main city, and stop travellers that were coming in and out of town. The soldier would usually then direct the victim into a nearby field where they would steal their belongings.⁶⁰ Leading the victim into a field before robbing them would have been done to avoid the chance of another passer-by getting involved or trying to aid the victim. This not only happened to victims on foot but also those on horseback, as the soldier would simply grab the reigns of the horse and direct the victim into the field, as happened to John Partridge in 1733.⁶¹ These crimes seem to be more premeditated, as the soldiers are usually described by witnesses or accomplices to be waiting on the roadside in order to find victims travelling on the road.

A major element of the Rotherker case was the use of violence by the two highwaymen. By slashing Rotherker with a bayonet, Kelly and Grey immediately fit the idea of the footpad being the violent highwayman.⁶² As shown by Shoemaker, this perception was publicised by newspapers covering such robberies throughout the century.⁶³ This can be seen again when they threatened Rotherker with death if he called for help when they made their escape.⁶⁴ Members of the military using violence during highway robbery was quite common during this period, with 105 out of the 184 cases of footpad robbery examined using physical violence in some way during their crime, for example knocking their victim down or beating them. McLynn has suggested soldiers utilised violence in their crimes as they usually had spent long periods at war before they committed robbery. Apart from low pay, low job prospects, and high levels of demobilisation, many of these men brought back with them wartime attitudes and experiences, whether in active service or not. As McLynn states, at worst these men had been brutalised by their experience and at best acquired a new self confidence in their martial abilities.⁶⁵ Most of them had witnessed incredibly violent campaigns, such as highwaymen John Wilkens, George Thomas, John Short, and Thomas Bird who all had taken part in the Battle of Fodenoy in 1745, each in one of the three household guard regiments, some of which had lost up to half of their number in that battle. Each of these men committed their crimes in 1746, a year after they returned home.⁶⁶ Not only was there no provision made for these soldiers to return to civilian life, but many had brought back with them notions that the use of violence to settle disputes was

⁵⁹ OBP, June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).

⁶⁰ For example, OBP, January 1755, trial of John Armstrong John, otherwise Thomas Welch (t17550116-33).

⁶¹ OBP, October 1733, trial of John Weedon, Joseph Cox, John Buttler (t17331010-22).

⁶² Shoemaker, "The Street Robber and the Gentleman Highwayman," 386.

⁶³ Shoemaker, "The Street Robber and the Gentleman Highwayman," 384.

⁶⁴ OBP, June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).

⁶⁵ McLynn, *Crime and Punishment*, 322.

⁶⁶ OBP, *Ordinary of Newgate's Accounts*, January 1747 (OA17470121); OBP, *Ordinary of Newgate's Account*, August 1746 (OA17460801); Julian Paget, *Second to None: The History of the Coldstream Guards 1650-2000* (Barnsley: Pen and Sword, 2000), 21.

acceptable.⁶⁷ According to Stephan Conway, others had returned from overseas campaigns having brought home the idea of 'plunder culture'. This is the idea that the gains they earned from crimes such as highway robbery were owed to them because of their service, and taking such things by force was recompense for the dangers and hardships they had faced.⁶⁸ General John Wentworth for example, in 1745, worried that this plunder culture mixed with soldiers low pay meant that his men would plunder the country-side as they moved across Northern England.⁶⁹ Nicholas Rogers has also noted how many sailors struggled to return to civilian life whilst much of their pay was withheld from them.⁷⁰

Military footpads could also be lethal, with 3 of the cases examined ending with the highwayman murdering their victim and 8 cases where an attempt to do so was made. There were benefits for a footpad who murdered their victim, as the nature of criminal trials during this period were that the prosecution was responsible for not only bringing the case forward to the authorities, but in many circumstances capturing the defendant and finding the appropriate evidence to be used against them.⁷¹ This would obviously be less likely in cases where the victim had died at the footpad's hands, as there would be no one to either report the robbery or, especially in the examples like the Rotherker case, witness the crime. This very small number of homicides during these reported crimes demonstrates that the large majority of military highwaymen, whilst resorting to violence, did not try to murder their victims, putting them at odds with the perception at the time of the murderous footpad.

Whilst the majority of these cases of footpad robbery by soldiers did use physical violence in some way, there were 77 cases of footpad robbery where only the threat of violence or harm was used. For most of these cases, the footpad would approach the victim and unsheathe their weapon, usually a pistol or sword and then threaten the victim if they did not immediately give over their money. As many of these soldiers would have had access to weapons, this threat of violence may have been taken more seriously. Kelly and Grey began their crime in this manner, aiming a bayonet at Rotherker and demanding the man's money, resorting to violence only when money was not given over straight away.⁷² Even this approach had its dangers however as victims would often fight back. Edward Barcock in 1738 found himself outmatched when his victim, Stephan Boughton, was not intimidated by the unarmed Barcock's bare fists and instead pulled out a sword of his own and began fighting back.⁷³

Whilst mounted highwaymen were known as the less violent of the two forms, like footpads, these mounted criminals also had set methods when committing their crimes. According to the trial records, most of the documented mounted highwaymen

⁶⁷ Beattie, *Crime and the Courts in England*, 226; McLynn, *Crime and Punishment*, 326.

⁶⁸ Conway, "British Soldiers at Home," 140.

⁶⁹ Conway, "British Soldiers at Home," 140.

⁷⁰ Rogers, "Mayhem," 51.

⁷¹ Clive Emsley, *Crime and Society in England* (London: Pearson Education Limited, 2005), 183.

⁷² OBP, June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).

⁷³ OBP, September 1738, trial of Edward Barcock (t17380906-11).

would wait by the roadside until a carriage or a traveller came by, at which point the soldier would stop the carriage, point a gun in through the window and demand the traveller's goods and money. In fact the only soldier not to do this was Edward Dunfield in 1749 who rode next to his victim, who was traveling alone on foot, and struck up a conversation with his victim before demanding the man's money. Dunfield even bought his victim food and a drink at the Inn just down the road after, playing the part of the 'Knight of the Road'.⁷⁴ However, these mounted military highwaymen were in the minority of the cases that appeared at court during this period, with only 9 out of the 201 cases having a soldier mounted on a horse at any point in the robbery. Out of these 9 cases, whilst they all involved the threat of violence, only one involved the use of violence, and this appears to be accidental.⁷⁵ Only 1 of the 9 were members of the infantry, with the other 8 all being from either cavalry units or sailors.⁷⁶ The presence of cavalrymen is not too surprising, as these crimes needed skill and experience on horseback in order to ride and control a horse during a robbery, which usually happened at night, sometimes involved gunfire and quickly fleeing the scene safely, which means the highwayman who used the horse would need to have some experience to be successful.

There were however some cases, all of footpad robbery, where there was no violence used and the threat was not of a physical nature. These cases revolved around the use of blackmail, specifically over a sodomy charge. Because of the seriousness of a sodomy charge to a person's life and reputation, whether found guilty or not, a few highwaymen began using the threat of a sodomy charge instead of physical violence to get their victims to comply. This interesting circumstance of a highwayman threatening someone else with the gallows can be seen in a number of robberies committed by soldiers, like James Brown who in 1763 approached Ralph Hodson at around 10PM on the street, grabbed him by the penis and threatened to convict him as a sodomite and "hang him" if he did not turn over all his goods.⁷⁷ In total there are 14 cases that are recorded in the Old Bailey records between 1699 and 1793 where a highwaymen, both military and civilian, used the threat of a sodomy charge as a weapon against their victims during the crime.⁷⁸ Of these 14 cases, 9 were committed by members of the military, showing that this was predominantly a military tactic when committed during a robbery on the highway. The other five's records in the Ordinary's accounts, where many of the others stated their occupation as soldiers, are however missing from the archive, so it is unknown what their occupation was. However, this

⁷⁴ OBP, October 1749, trial of Edward Dunfield (t17491011-24).

⁷⁵ OBP, February 1730, trial of Ferdinando Shrimpton Robert Drummond, alias Godfrey, alias Bell (t17300228-70). Shrimpton fired his pistol at the victim to scare him and then rode over commanding the man to dismount and hand over his money, not realising that the victim had already fallen off his horse dead.

⁷⁶ OBP, October 1694, trial of John Weaver (t16941010-18).

⁷⁷ OBP, September 1763, trial of James Brown, otherwise James Smith (t17630914-52).

⁷⁸ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 17 April 2011), Searched for all offences where the transcription matches "sodomy" or "sodomite" and offence category is Highway Robbery, between 1693 and 1793.

does show that the majority of this form of highway robbery was committed by soldiers, all of the 9 being from the army specifically. This evidence is also noted by Randolph Trumbach in his work "Blackmail for Sodomy in Eighteenth-Century London" where he states how "soldiers appeared more frequently as blackmailers than any other group of men".⁷⁹ Trumbach shows how it was the associated scandal that drove many victims to pay such blackmailer, with some victims preferring death rather than face trial.⁸⁰ The associated scandal may be a reason these highwaymen used this tactic, as well as their location as according to Rictor Norton, St. James Park was used as a "popular gay cruising ground, where soldiers from the nearby barracks allowed themselves to be picked up".⁸¹ Trumbach notes how these soldiers would often be solicited around London during war time, especially if they were in uniform, which would have given them more knowledge of this specific crime than other people.⁸² Twenty-one year old soldier Rowley Hanson was apparently as "common as the night" in St. James Park, and was so often given gifts from men who he went into by walks and taverns with that he was soon able to "go pretty smart when out in his regimentals" to the extent that the other soldiers in his regiment soon knew that something was going on as he had poor relatives. These gifts were Hanson's main form of income apart from his soldiers pay and the robbery that landed him in prison.⁸³ James and Thomas Brown, both soldiers, were reported in their trial for highway robbery to have blackmailed around 500 men in St. James Park alone.⁸⁴ These soldiers themselves would have known well the fear a sodomy charge could conjure in men from all occupations, with some in the military receiving brutal punishments if caught, such as sailors Martin Billin and James Bryan, who both received a thousand lashes each for a sodomy charge that was only "in part prov'd" (*sic*).⁸⁵ This may explain why it was used mainly by members of the military and why it was seen as being an effective weapon against a potential victim.

There were also certain places and times where military highway robbery was more likely to take place. In regards to location, many of these men were committing their crimes very close to military barracks, such as St. James or Hyde Park, or nearby Green Park.⁸⁶ This may have been because many of these soldiers were not from London, as explored earlier. This may have meant that they did not know London well, and so robbed in the area in which they would have the most experience. Simon Smith,

⁷⁹ Randolph Trumbach, "Blackmail for Sodomy in Eighteenth-Century London," *Historical Reflections / Réflexions Historiques* 33, no. 1 (2007): 31.

⁸⁰ Trumbach, "Blackmail for Sodomy," 26.

⁸¹ Rictor Norton, "Homosexuality - Mother Clap's Molly-House & Deputy Marshall Hitchin," *The Georgian Underworld*. <http://rictornorton.co.uk/gu16.htm>

⁸² Trumbach, "Blackmail for Sodomy," 31–32.

⁸³ OBP, *Ordinary of Newgate's Account*, November 1755 (OA17551112).

⁸⁴ OBP, September 1763, trial of James Brown, otherwise James Smith (t17630914-52).

⁸⁵ Arthur N. Gilbert, "Buggery and the British Navy, 1700-1861", *Journal of Social History* 10, no. 1 (Autumn 1976): 74.

⁸⁶ For examples, see OBP, October 1789, trial of Joseph Webb (t17891028-54); OBP, April 1789, trial of James Webb (t17890422-107).

an Irishman of the Second regiment of guards in 1753 demonstrates this, as he robbed on the Strand, fleeing into the nearby Savoy Barracks when his victim pursued, even yelling back “catch me if you can” as he approached the barracks.⁸⁷

The predominance of robberies in the vicinity of barracks can be seen in regards to the robbing of Rotherker. The area where Kelly and Grey robbed and assaulted Rotherker was 200 yards from the Queen’s regiment in Hyde Park, where these men, both belonging to the 18th regiment, were camped at the time of the robbery.⁸⁸ As well as committing crimes near their barracks, many of these men seemed to have committed these crimes whilst on duty as well.⁸⁹ These duties usually took the form of either patrolling around London on foot or else being stationed in their sentry boxes, both of which meant that their robberies were more likely to be of the footpad variety rather than mounted. An example would be soldier Henry Scott who whilst on duty in his sentry box one day, held up John Higgins saying that if he did not give over his goods without “any resistance, he would pull out his bayonet and murder (*sic*)” him.⁹⁰ Scott’s crime took place in 1778 whilst he was on duty in Green Park, close to multiple barracks around Hyde and St James parks.⁹¹ Thomas Peach was another soldier who committed his crime whilst on duty, robbing Ann Matthews of her bundle of linen whilst guarding her across St. James Park.⁹² Peach used his position as a soldier to gain Matthew’s trust in order to take her bundle, which eventually happened right in front of the Queen’s palace.⁹³ It was this proximity to the barracks, such as in the case of Scott, which often led these footpad soldiers to being caught and charged, as a victim would simply go to the nearest barracks and give the description of the men that just robbed them.⁹⁴ Again this is reflected in the Rotherker case, with Rotherker finding two other soldiers down the road from Hyde Park camp to help him catch the aforementioned highwaymen. It was also this regiment in Hyde Park where the prosecution went to find evidence to prosecute the soldiers, as it was the closest regiment to the crime.⁹⁵ This assumption was made easier by the fact that many of these soldiers committed their crimes in full regimental uniform, to the point where a few victims could describe the regiment the criminal belonged to, as happened with Benjamin Search in 1757, whose victim Thomas Scott could tell Search was in the 2nd regiment of guards by the “trimming of [his] clothes”.⁹⁶ These men probably robbed in uniform as it would have

⁸⁷ OBP, June 1753, trial of Simon Smith (t17530607-3).

⁸⁸ OBP, June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).

⁸⁹ OBP, July 1778, trial of Henry Scott (t17780715-64).

⁹⁰ OBP, July 1778, trial of Henry Scott (t17780715-64).

⁹¹ Richard Horwood, *Plan of the cities of London and Westminster the Borough of Southwark, and parts adjoining shewing every house*, 1792-99, engraving, accessed July 15, 2017, <http://www.bl.uk/onlinegallery/onlineex/crace/p/007zzz000000005u00173000.html>

⁹² OBP, January 1781, trial of Thomas Peach (t17810110-4).

⁹³ OBP, January 1781, trial of Thomas Peach (t17810110-4).

⁹⁴ OBP, July 1778, trial of Henry Scott (t17780715-64).

⁹⁵ OBP, June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).

⁹⁶ OBP, April 1757, trial of Benjamin Search, John Green, Samuel Garrett and John Edwards (t17570420-44).

been difficult for a soldier, who naturally would move around both the country and the globe, to own and carry multiple sets of clothing. What this meant though is that the perception of an epidemic of violent criminal veterans would have been strengthened by the actions of these men, who by robbing in uniform made their crimes more visible and distinguishable. It is also possible that, by robbing in a uniform that could be tracked to a specific regiment, these men made the job of the victim easier in tracking them down and bringing charges against them. This could account for the prevalence of recognisable regiments like the House Guards in the trial records, especially if committed during periods of public anxiety over military perpetrated crimes.

Conclusion

Military highway robbery in the eighteenth century was a unique crime compared to its civilian counterpart and other crimes committed by the armed forces. The military highway robber was a non-local, most likely having been brought to London from the outer areas of Britain, or even overseas, through his military duties. These men had little local knowledge, which meant many robbed near their barracks and in uniform, unique traits that often led to their capture.

The crime is also unique when compared to other types of military perpetrated crimes. One of the surest statements of eighteenth-century crime, according to Frank McLynn, is that crime rose in peacetime and declined in war, with spikes in the crime rate at the end of each war caused by unemployed, demobilised soldiers turning to crime.⁹⁷ However, by examining the dates of individual robberies set out in the trial records as well as the testimonies in the Ordinary's Accounts, it is clear that this was not always the case with military highway robbery. Whilst there were certainly spikes in the number of trials for this crime following each major conflict, these spikes always had a smaller number of crimes that went to trial than the wars themselves. In addition, only the Seven Years' War saw a decrease in this crime during the conflict, with other major conflicts increasing the rate of prosecuted offenses. During these periods of demobilisation, the trial records show that it was mostly civilians rather than soldiers who were being tried for highway robbery.

Whilst other crimes may have been committed by unemployed soldiers struggling to find an income once out of the military, those soldiers who turned to highway robbery were usually actively employed by the military when they committed their crimes. As well as being actively employed, the majority of the soldiers tried for committing highway robbery were from the Monarch's personal house guard, either the 1st, 2nd, or 3rd Foot Guards. These were men who were physically taller, stronger, and better trained than the local populace. They were also mostly young men who were often armed.

The second section of this article focused on the actual crimes themselves. Military highwaymen committed their robberies in the same two forms as civilian highwaymen,

⁹⁷ McLynn, *Crime and Punishment*, 320.

as either footpads or on horseback. However, whilst the civilian footpad was infamous for their use of extreme violence, almost half of the military highwaymen discussed in this study utilised the threat of violence rather than violence itself, a method helped by their larger physical size and weaponry. Those men who robbed on horseback however did indeed follow the civilian style and very rarely used any violence at all. These mounted highwaymen however were in the minority of the cases examined, with the vast majority of these men using the footpad form of the crime. There were also methods of robbery that were used more frequently by military highwayman than civilian ones, mainly threatening a victim with a sodomy charge if they didn't peacefully give over their goods. These robberies would either take place inside or on the outskirts of London usually near a barracks, with more spontaneous crimes happening within urban areas and premeditated crimes happening on the city's outskirts.

The military highwayman was a distinctive, feared criminal, who utilised their training and position to prey on both the rich and the poor. From pamphlets in 1701 blaming a rise in crime on soldiers disbanded from the military and navy to Horace Walpole's claim that England was in an internal state of war due to the soldiers turning to highway robbery, committing the most "wanton cruelties", these were men who were often underpaid, well-armed, and may have had little loyalty to the local population.⁹⁸ Even though only a small number of men were sent to trial for this crime, the figure of the military highwayman, well-armed and dangerous, was one that haunted the people of eighteenth-century London.

⁹⁸ *Hanging Not Punishment Enough*, p. 24; Horace Walpole, *Letters of Horace Walpole, Earl of Orford, to Sir Horace Mann: His Britannic Majesty's Resident at the Court of Florence, from 1760 to 1785*, vol 2 (Philadelphia: Lea and Blanchard, 1844), 259.

Bibliography

Primary Sources – Archival

Horwood, Richard. *Plan of the cities of London and Westminster the Borough of Southwark, and parts adjoining shewing every house*, 1792-99, engraving. Accessed July 15, 2017. British Library. <http://www.bl.uk/onlinegallery/onlineex/crace/p/007zzz000000005u00173000.html>

“Middlesex Sessions: Sessions Papers - Justices' Working Documents, November 1761”, *London Lives, 1690-1800*, LMSMPS505030005, (www.londonlives.org, version 1.1, 08 May 2017), London Metropolitan Archives, City of London.

OBP, April 1757, trial of Benjamin Search John Green Samuel Garrett John Edwards (t17570420-44).

———, April 1786, trial of Jonathan Harwood (t17860426-11).

———, April 1789, trial of James Webb (t17890422-107).

———, December 1742, trial of David Todd (t17421208-24).

———, December 1749, trial of James Aldridge (t17491209-3).

———, December 1790, trial of James Templeman, George Platt (t17901208-28).

———, December 1761, trial of Thomas Aston (t17611209-24).

———, December 1790, trial of George Platt, Philip Roberts (t17901208-35).

———, February 1730, trial of Ferdinando Shrimpton, Robert Drummond, alias Godfrey, alias Bell (t17300228-70).

———, January 1740, trial of William Snowd, Joseph Wells (t17400116-46).

———, January 1755, trial of John Armstrong John, otherwise Thomas Welch (t17550116-33).

———, January 1759, trial of Charles Drudge (t17590117-19).

———, January 1781, trial of Thomas Peach (t17810110-4).

———, July 1778, trial of Henry Scott (t17780715-64).

———, June 1752, trial of Daniel Macquin (t17520625-13).

———, June 1753, trial of Simon Smith (t17530607-3).

- , June 1780, trial of Thomas Kelly, Andrew Gray (t17800628-32).
- , May 1780, trial of Thomas Humphreys, Thomas Johns (t17800510-33).
- , October 1694, trial of John Weaver (t16941010-18).
- , October 1733, trial of John Weedon, Joseph Cox, John Buttler (t17331010-22).
- , October 1744, trial of James Page (t17441017-28).
- , October 1749, trial of Edward Dunfield (t17491011-24).
- , October 1789, trial of Joseph Webb (t17891028-54).
- , *Ordinary of Newgate's Account*, August 1746 (OA17460801).
- , *Ordinary of Newgate's Account*, February 1750 (OA17500207).
- , *Ordinary of Newgate's Account*, January 1747 (OA17470121).
- , *Ordinary of Newgate's Account*, July 1752 (OA17520713).
- , *Ordinary of Newgate's Account*, May 1740 (OA17400507).
- , *Ordinary of Newgate's Account*, November 1755 (OA17551112).
- , September 1738, trial of Edward Barcock (t17380906-11).
- , September 1763, trial of James Brown, otherwise James Smith (t17630914-52).

Primary Sources – Printed

Cave, Edward. *The Gentleman's Magazine*, Volume 33, 1763.

General Evening Post, May 17, 1748 - May 19, 1748, Issue 2286.

London Chronicle, May 2, 1789 - May 5, 1789, Issue 5083.

———, October 15, 1782 - October 17, 1782, Issue 4038.

Montagu, Basil, 1770-1851. *Hanging Not Punishment Enough*. London: Longman, Hurst, Rees, Orme, and Brown, 1812.

Smollett, T. 1721-1771. *The History of England from the Revolution to the Death of George the Second*. London: Longman, Green, Longman, Roberts, and Green, 1864.

Walpole, Horace. *Letters of Horace Walpole, Earl of Orford, to Sir Horace Mann: His Britannic Majesty's Resident at the Court of Florence, from 1760 to 1785*. Vol 2. Philadelphia: Lea and Blanchard, 1844.

———. *The Letters of Horace Walpole*, edited by J. Wright. London, 1840.

Secondary Sources

Beattie, J. M. *Crime and the Courts in England, 1660-1800*. Oxford: Clarendon Press, 1986.

Carpenter, Stanley D.M. "The British Army." In *A Companion to Eighteenth-Century Britain*, edited by H.T. Dickinson, 473–480. UK: Blackwell Publishers, 2002.

Chandler, David. "The Great Captain General 1702–1714." In *The Oxford Illustrated History of the British Army*, edited by David Chandler and Ian Beckett, 67–92. Oxford: Oxford University Press, 1994.

Chandler, David, and Ian Beckett, eds. *The Oxford Illustrated History of the British Army*. Oxford: Oxford University Press, 1994.

Conway, Stephen. "British Soldiers at Home: The Civilian Experience in Wartime, 1740–1783." In *Civilians and War in Europe 1618–1815*, edited by Charters Erica, Rosenhaft Eve, and Smith Hannah, 129–144. Liverpool: Liverpool University Press, 2012.

Dickinson H.T. *A Companion to Eighteenth-Century Britain*. UK: Blackwell Publishers, 2002.

Emsley, Clive, Tim Hitchcock, and Robert Shoemaker. "Ordinary of Newgate's Accounts." Old Bailey Proceedings Online (www.oldbaileyonline.org, version 6.0, 8 May 2017). <https://www.oldbaileyonline.org/static/Ordinarys-accounts.jsp>

Emsley, Clive. "Crime during and after Military Service." Oxford Handbooks Online. 2014.
<http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935383.001.0001/oxfordhb-9780199935383-e-013>.

———. *Crime and Society in England*. UK: Pearson Education Limited, 2005.

- Fletcher, Ian, and William Youngusband. *Wellington's Foot Guards*. UK: Osprey Publishing, 1994.
- Gilbert, Arthur N. "Buggery and the British Navy, 1700–1861." *Journal of Social History* 10, no. 1 (Autumn 1976): 72–98.
- Guy, Alan J. "The Army of the Georges 1714-1783." In *The Oxford Illustrated History of the British Army*, edited by David Chandler and Ian Beckett, 92–112. Oxford: Oxford University Press, 1994.
- Hitchcock, Tim, Sharon Howard, and Robert Shoemaker. "Sessions Papers: Justices' Working Documents (PS)." London Lives, 1690–1800 (www.londonlives.org, version, 1.1, 8 May 2017). <https://www.londonlives.org/static/PS.jsp>
- King, Peter. *Crime, Justice, and Discretion 1740–1820*. Oxford: Oxford University Press, 2000.
- . "War as a Judicial Resource. Press Gangs and Prosecution Rates, 1740–1830." In *Law, Crime & English Society: 1660–1840*, edited by Norma Landau, 97–117. Cambridge: Cambridge University Press, 2002.
- Linebaugh, Peter. "The Ordinary of Newgate and his Account." In *Crime in England 1550-1800*, edited by J.S. Cockburn, 246–70. London: Princeton University Press, 1977.
- Mansfield, Nick. *Soldiers as Workers: Class, Employment, Conflict and the Nineteenth-Century Military*. Liverpool: Liverpool University Press, 2015.
- McLynn, Frank. *Crime and Punishment in Eighteenth Century England*. Oxfordshire, UK: Routledge, 1989.
- Norton, Rictor. "Homosexuality - Mother Clap's Molly-House & Deputy Marshall Hitchin". The Georgian Underworld. <http://rictornorton.co.uk/gu16.htm>
- Paget, Julian. *Second to None: The History of the Coldstream Guards 1650-2000*. Barnsley, UK: Pen and Sword, 2000.
- Paxton, William R. "Fear and Fortune: Robbery in London in the Late Eighteenth Century." PhD thesis, Virginia Polytechnic Institute and State University, 2013.
- Rawlings, Philip. *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth-Century*. London: Routledge, 1992.
- Rogers, Nicholas. *Mayhem: Post-War Crime and Violence in Britain, 1748-53*. New Haven: Yale University Press, 2013.

- Shoemaker, Robert. "The Street Robber and the Gentleman Highwayman: Changing Representations and Perceptions of Robbery in London, 1690–1800." *Cultural and Social History* 3, no.4. (October 2006): 381–405.
- Trumbach, Randolph. "Blackmail for Sodomy in Eighteenth-Century London." *Historical Reflections / Réflexions Historiques* 33, no. 1 (2007): 23–39.
- Tobias, J.J. *Crime and Police in England 1700-1900*. Dublin: Gill and Macmillian, 1979.

The Northern Territory Emergency Response: A Case Study of the Ignoble Savagery of Whiteness

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Abstract: *This paper examines how structural violence has been operationalised through settler colonialism: the sort of violence enacted through the official language of the media and politics that has persisted long after the direct violence of the frontier has ended. Using the Northern Territory Emergency Response, known as the Intervention, as a case study to examine the persistence of a particular construction of 'the Aboriginal', as a binary opposite of Whiteness has enabled a particular construction of Aboriginality as one of deficit, savage, and in need of settler control.*

The comprehensive policy approach and restrictive measures of the Intervention, such as mandatory health checks and the extinguishment of the Racial Discrimination Act, highlight the deeply colonising aspects of enduring settler colonialism. Deep colonising refers to the impacts of policies and state institutions where practices are structurally embedded, continuing the work of colonisation. The Intervention is an example of White 'ferality', in light of failed attempts, on the part of the settler colonial state, to 'domesticate' Indigenous Australians. Numerous policies and media reports have ensured that these constructed identities continue. This paper argues that it is through the actions of the state that the colonial presence attempts to conceal its own ferality, an exercise of necessity in settler colonial nations built on invasion and subsequent dispossession. The settler state deflects its deeply colonising presence onto Indigenous Australians through the restrictive and comprehensive measures of events such as the Intervention. This paper argues that through the history of settler colonialism and the nation state's failed attempts to domesticate Indigenous Australians, it is Whiteness that has proven itself to be feral; namely introduced and invasive.

Keywords: *settler colonialism, image-making, Northern Territory Intervention, Aboriginality, Whiteness, structural violence*

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Introduction

This article is an exposition of the discursive elements of settler colonialism and image-making. It argues that the combination of the deeply colonising aspects of structural and cultural violence influences and shapes the positionality of Aboriginality and Whiteness.¹ So too settler colonialism and its image-making reinforce a violence of neglect, the 'normalcy' of Whiteness, and the refashioning of Aboriginality as the other.² Representations of normalcy in government policy and the media have resulted in the silencing of Indigenous Australians. Through these structures of Whiteness the myth of noble savagery has long been perpetuated, in the process denying the diversity and dynamism of Indigeneity as an identity.³ The analysis presented in this article focuses on the ways that the myth of noble savagery is propagated through the deep colonising of settler society and in particular the Northern Territory Emergency Response, also referred to as the Intervention.⁴ Labelled the "national emergency" we had to have, the Intervention was a federal action in which Indigenous Australians were cast as heavily in need of management by a paternalistic state.⁵ In turn, I critically unpack themes of ferality in Indigenous and non-Indigenous relations and the refashioning of otherness and Aboriginality through the self-fashioning of Whiteness.

Identity Construction

The self-fashioning and refashioning of identities has a role to play in the enduring nature of discourse on settler colonialism. Michael Dodson uses history and reflections on colonisation as a means of highlighting the constructed nature of images and identities and to describe the fabrication of images that occurs when the self is defined

¹ Galtung's work on structural violence highlights the violence and foundations of settler colonialism, manifesting itself in poor health, educational disadvantage, and high incarceration rates for Indigenous Australians. While cultural violence refers to aspects of culture that legitimise more direct forms of violence. Johan Galtung, "Cultural Violence," *Journal of Peace Research* 27, no. 3 (1990): 291–305.

² Whiteness functions as an identity marker establishing expectations and aspirations for all that is 'normal', refer to Aileen Moreton-Robinson, "Patriarchal Whiteness, Self-Determination and Indigenous Women: The Invisibility of Structural Privilege and the Visibility of Oppression," in *Unfinished Constitutional Business? Rethinking Indigenous Self-Determination*, ed. Barbara A. Hocking (Canberra: Aboriginal Studies Press, 2005), 61–73.

³ Binoy Kampmark, "Ignoble and Noble Savages: Separatist Identities and the Northern Territory Emergency Response," *Antipodes* 26, no. 2 (2012): 299–235.

⁴ Deep colonising refers to the impacts of policies and State institutions that continue the work of colonisation such as the *Aboriginal Land Rights (NT) Act* 1976. John Bradley and Kathryn Seton, "Self-Determination or "Deep Colonising": Land Claims, Colonial Authority and Indigenous Representation," in *Unfinished Constitutional Business? Rethinking Indigenous Self-Determination*, ed. Barbara A. Hocking (ACT: Aboriginal Studies Press, 2005), 33 refer to this legislation as an "artifact[s] of a colonial system" since Indigenous people are placed in the position of having to operate from a position of oppositional binaries.

⁵ Kerry McCallum and Holly Reid, "Little Children and Big Men: Campaigning Journalism and Indigenous Policy," *Australian Journalism Review* 34, no. 2 (2012): 71 & 78.

through the constructed identity of the 'other'.⁶ Dodson writes that Aboriginality has been defined and contained in settler society from the beginnings of Europeans arriving in Australia:

clothed, one foot up, vigilant, with boomerang at the ready. Later, after we had fallen from grace, we appeared bent, distorted, overweight, inebriated, with bottle in hand. And more recently, we appear ochred, spiritual, and playing the didjeridu behind the heroic travels of a black Landcruiser.⁷

In the context of this article the fabrication of images is taken to mean the self-fashioning of Whiteness through the refashioning of Aboriginality. By looking at the processes of colonisation, Dodson draws the readers' attention to how meanings and identities are produced and reproduced, and in effect used to mould and fashion particular identities. The colonisation of Australia brought with it a heightened awareness of fashioning as a means of manipulating human identity, or as Dodson states, Aboriginal and Torres Strait Islanders "have been the object of a continual flow of commentary and classification".⁸ Dodson's methodologies offer an insight into how Whiteness has cast itself through the construction of Aboriginality as the other. Aboriginality, as a constructed and manipulated discourse, could not have existed before the arrival of the Europeans in 1788. Prior to that there was nothing to refashion. It seems logical therefore to employ Dodson's argument in the context of Indigenous and White Australian relations, and in particular, the Intervention.

Domestication and Fertility

In the context of this article, and in the examination of media reports in the lead up to the Intervention, it is clear that the identities of persons of Indigenous heritage have been and continue to be refashioned through external forces. In order to advance this proposition, I engage with the notions of domestication and the self-fashioning of Whiteness through the refashioning of Aboriginality, resulting in the projection of fertility onto Indigenous Australians.⁹ David Trigger refers to the notion of fertility in regards to feral and introduced species in flora and fauna. In the case of this article, I argue that Whiteness is a truer representation of fertility in settler society.¹⁰ The state operates with the intent to control Indigenous identities, through the manipulation of

⁶ Michael Dodson, "The Wentworth Lecture The End in the Beginning: Re(de)fining Aboriginality," *Australian Aboriginal Studies*, no. 1 (1994): 2–13.

⁷ Dodson, "The End in the Beginning: Re(de)fining Aboriginality," 3.

⁸ Dodson, "The End in the Beginning: Re(de)fining Aboriginality," 2.

⁹ Ghassan Hage, *White Nation: Fantasies of White Supremacy in a Multicultural Society* (Sydney: Pluto Press, 1998).

¹⁰ David Trigger, "Indigeneity, Fertility, and What 'Belongs' in the Australian Bush: Aboriginal Responses to 'Introduced' Animals and Plants in a Settler-Descendant Society," *Journal of the Royal Anthropological Institute* 14, (2008): 628–646.

discourse. Through actions of the state such as restrictive and wide-ranging legislation, the colonial presence attempts to conceal its own ferality, an exercise of necessity in settler colonial nations built on invasion and subsequent dispossession.

As the state reasserted control over Indigenous Australians through the Intervention, Indigenous males were cast as both wild and uncontrollable, claims allegedly supported by their inability to control their alcohol consumption, their use of pornography, or their sexual desires. Irene Watson writes that during this period Aboriginal women were portrayed as victims in need of rescuing “from violent black males”.¹¹ The projection of wild and uncontrollable attributes onto Indigenous men speaks to Hage’s assessment of domestication.¹² By identifying the undesirable characteristics of Indigenous peoples, coercive efforts are then made to erase such characteristics and supplant them with ‘normal’ practices and values. The Intervention thus highlights the ongoing and unsuccessful attempts by the state to assimilate or domesticate Indigeneity into a form of subdued Whiteness, highlighting attempts by the settler state “to reorder and remake space”.¹³ The failed attempts to domesticate Indigenous Australians through coercive legislation highlights the feral nature of Whiteness, as an identity that is constructed, introduced, and invasive. The deflection of ferality onto Indigenous people is a settler colonial strategy of ‘prescriptive forgetting’ or ‘structural amnesia’ “from a deficit of information” reflecting the inability to remember white Australia’s violent past.¹⁴ Reynolds takes this point further, noting how white Australia has been “brought up on stories of heroic pioneers and inoffensive or ineffectual Aborigines”. This foundational myth has played a key role in the othering of Indigenous Australians.¹⁵ Connerton determines prescriptive forgetting to be acts endorsed by the state believed to be in the interests of all and therefore acknowledged publicly.¹⁶ By dismissing the role that settler colonialism has played in the perpetuation of savagery and projection of ferality onto Indigenous Australians, prescriptive forgetting has become a national habit. Stanner refers to this as “a cult of forgetfulness practiced on a national scale”.¹⁷ By continuing to deny the structural and cultural violence of Australia the projection of ferality onto Indigenous Australians continues unabated. Structural amnesia refers to the retelling of events that are socially appropriate and important, and to the rhetoric of normality and that, which contravenes normality. This shows the role that image-makers have played in the perpetuation of constructed identities – the rhetoric of deficit surrounding the Intervention is testament

¹¹ Irene Watson, “In the Northern Territory Intervention: What is Saved or Rescued and At What Cost?” *Cultural Studies Review* 15, no. 2 (2009): 45–60.

¹² Hage, *White Nation*, 114–115.

¹³ Deirdre Howard-Wagner, “Reclaiming the Northern Territory as a Settler-Colonial Space,” *Arena Journal* 37/38 (2012): 224.

¹⁴ Paul Connerton, “Seven Types of Forgetting,” *Memory Studies* 1, no. 1 (2008): 64.

¹⁵ Henry Reynolds, *Why Weren’t We Told* (Victoria: Viking; Victoria: Penguin Books, 1999), 141.

¹⁶ Connerton, “Seven Types of Forgetting,” 61.

¹⁷ W. E. H. Stanner, *The Dreaming and Other Essays: With an Introduction by Robert Manne* (Victoria: Black Inc Agenda, 2009), 189.

to this and has a long history in Australia.¹⁸ This is significant in a settler colonial context as structural amnesia frames and selects accounts of stories, public histories, and discourse.

Background to the Intervention and Structural Violence

The constructed and manipulated discourse surrounding Aboriginality can be seen at work through events prior to and during the 2007 Intervention. As a means of containing and disrupting Aboriginality, Mal Brough, Minister for Families, Communities, and Indigenous Affairs, and his supporters advocated “normal values in normal suburbs” as justification for restrictive measures.¹⁹ The binary position created by the label ‘normal’ placed Indigenous communities in the category of ‘abnormal’, reinforcing differences between Whiteness and Aboriginality.²⁰ Wolfe refers to structural genocide, that is, the policies and government actions that have entrenched violence and segregation in settler colonial society to such an extent that differences between Indigenous and non-Indigenous Australians appear ‘normal’.²¹ Wolfe states that:

focusing on structural genocide also enables us to appreciate some of the concrete empirical relationships between spatial removal, mass killings and biocultural assimilation.²²

The mentality of assimilation and domestication is reactivated through the policies and principles of the Intervention. Hinkson refers to the neo-assimilationism of the Intervention “while appearing to grant some recognition of cultural difference, the Intervention allows no real cultural meaning to such ideas”.²³ This can be seen in the extinguishment of the permit system and suspension of the Racial Discrimination Act, drawing attention to the power of settler colonial discourse in race relations.²⁴ This is an example of the refashioning of the other to maintain the position of Whiteness in a settler society. What is conveyed by this discourse is a continuing form of colonialism whereby “Aboriginality is represented as savage and in need of settler-imposed

¹⁸ Bain Attwood, *Telling the Truth About Aboriginal History* (Sydney: Allen & Unwin, 2005).

¹⁹ Alison Vivian, “Some Human Rights Are Worth More Than Others: The Northern Territory Intervention and the Alice Springs Town Camps” *Alternative Law Journal* 35, no. 1 (2010): 14.

²⁰ Cate Thill, “Courageous Listening, Responsibility for the Other and the Northern Territory Intervention,” *Continuum: Journal of Media and Cultural Studies* 23, no. 4 (2009): 537–548.

²¹ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 403.

²² Wolfe, “Settler Colonialism,” 403.

²³ John Hinkson, “Why Settler Colonialism?” *Arena Journal* 37-38 (2012): 13.

²⁴ Watson, “What is Saved or Rescued and At What Cost?” 45-60.

control”.²⁵ Russell declares, “settler colonial discourses, both popular and academic, described, constrained and defined the Aborigines”.²⁶ The importance of historical records in constructing and perpetuating the imagery of nation states highlights the self-fashioning role of Whiteness. Mechanisms of authority such as media representations and policy development mean that Whiteness is positioned as the seat of knowledge, of both Aboriginality and Whiteness.

Dodson’s assertion that “representations of Aboriginality are not simply isolated phenomena which can be eliminated. They are both weapons and symptoms of the oppressive relationship that exists between indigenous peoples and colonising states” clearly points to the fashioning of identities.²⁷ By referencing “weapons and symptoms” Dodson is referring to the interconnected nature of the fashioning of identities and the perceptions and images that we, as members of society, have become accustomed to viewing as normal and matter of fact. The identities of Whiteness and Aboriginality are in effect loaded with the structurally violent discourse of colonial conquest. Dodson highlights the interconnected nature of thought processes, history and storytelling. It is a reminder of the potency of image-making and discourse as tools of settler colonialism. A reminder of why this sort of fashioning was so essential in the case of the Intervention is found in a discussion of ferality. The reiteration of constructed identities links back to the questions that underscore this research, namely, what role do image-makers play in the construction of Aboriginality and Whiteness? And what role does structural violence play in the construction and perpetuation of Aboriginality and Whiteness? The key to answering these questions lies in the position of ferality in relation to Whiteness and the need to deflect and therefore normalise settler colonial presence.

The Intervention is an example of direct government action that projected the image of ferality and openly sought to reshape ‘personal behaviour’ through restrictive and draconian measures. Such measures amount to state-sanctioned surveillance and included the quarantining of welfare payments and mandatory health checks for Indigenous children.²⁸ The need to control and contain personal behaviour and the cultural identities of Indigenous communities was asserted throughout the Intervention. Cowlshaw writes that cultural identity is “consciously created, [and] manufactured” and therefore constructed by the actions of settler society.²⁹ This statement can be inverted, in an exercise of reflection on the cultural identity enshrined by settler colonial policies. The state has attempted to domesticate Indigeneity through

²⁵ Alissa Macoun, “Aboriginality and the Northern Territory Intervention”, *Australian Journal of Political Science* 46, no. 3 (2011): 519.

²⁶ Lynette Russell, *Savage Imaginings: Historical and Contemporary Constructions of Australian Aboriginalities* (Melbourne: Australian Scholarly Publishing, 2001), 3.

²⁷ Dodson, “The End in the Beginning: Re(de)fining Aboriginality,” 6.

²⁸ Gillian Cowlshaw, “Culture and the Absurd: The Means and Meanings of Aboriginal Identity in the Time of Cultural Revivalism,” *Journal of the Royal Anthropological Institute* 18 (2012): 397.

²⁹ Cowlshaw, “Culture and the Absurd: The Means and Meanings of Aboriginal Identity in the Time of Cultural Revivalism,” 398.

a long history of control and misrepresentation. Emphasising deficit and dysfunction legislation and media representations have conspired to marginalise, isolate, and contain Aboriginality.³⁰ There is an element of reflexivity in the self-fashioning of identities, by attempting to limit the space in which the other can operate and contribute to political, social, and economic life, the settler is self-fashioned as the ultimate authority in society.

Media Reports and the Framing of Aboriginality and Whiteness

Media reporting during the initial phase of the Intervention actively fortified stereotypes of remote community life and Indigenous people as “different, other, unable to control their own sexuality, and implicit in this: unable to control their destinies”.³¹ This can also be traced to a fear of black heterosexuality and sexuality on the frontier, drawing our attention to sites “where power imbalances of gender and race correspond”.³² Hage’s work references the process by which taming and change are strategies used to domesticate the ‘savage’.³³ This reference to domestication speaks to the lack of agency attributed to Indigenous Australians as Whiteness is posited as the authority, capable of designating otherness and erasing Aboriginality.³⁴ That this erasure is desirable and in the best interests of Indigenous people is the cornerstone of settler colonialism. The limited network of Indigenous representation in the media has enabled the settler state to minimise dissent, in effect constraining and domesticating Aboriginality. Hage’s notion of domestication provides a language with which to break down settler colonial discourse. Through the domestication of Aboriginality the state has worked to contain and control Indigeneity. This has occurred by way of limiting the platform and space that the other is able to effectively engage with the settler state or the repeated assertion that the ways of the other are terminally ill and problematic.

Although *The Australian* has played a key role in the reporting of Indigenous affairs, the language used during the period of the Intervention focused on “stereotypical representations” of dysfunction, despair, and violence.³⁵ *The Australian* delivered articles that depicted one angle of the discourse following the release of *The Little Children Are Sacred* report in 2007, a detailed account of findings into child sexual abuse in Indigenous communities in the Northern Territory.³⁶ There are various frames

³⁰ Marcia Langton, “Aboriginal Art and Film: The Politics of Representation,” *Race and Class* 35 (1994): 89–106.

³¹ Susan Angel, “Radio Writes Back: Challenging Media Stereotypes of Race and Identity,” *Pacific Journalism Review* 14, no. 2 (2008): 1.

³² Victoria Haskins and John Maynard, “Sex, Race and Power: Aboriginal Men and White Women in Australian History,” *Australian Historical Studies* 126 (2005): 191.

³³ Hage, *White Nation*, 114–115, 136–137.

³⁴ Aileen Moreton-Robinson, *Patriarchal Whiteness*, 61–73.

³⁵ McCallum and Reid, “Little Children and Big Men,” 73.

³⁶ Rex Wild and Pat Anderson, Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, “Ampe Akelyernemane Meke Mekarle ‘Little Children are Sacred’”,

through which concerns might have been articulated, including 'individual responsibility', 'failed social policy', or 'mutual obligation'. Each of these would have powerfully altered the image of Aboriginality and Whiteness that was portrayed to the public.³⁷

The Australian took the approach of individual responsibility, suggesting that the report failed to hold individuals to account for their actions. Headlines such as "Crusade to save Aboriginal kids: Howard declares a 'national emergency'" had the effect of limiting public discussion by distancing remote Indigenous communities from mainstream society.³⁸ They also inferred a sense that the time for talking was over, and that the problem had become so profound that only military intervention would suffice. By framing debates in such a way, public perceptions and the language of deficit were employed, thus tapping into long held assumptions about Indigeneity and savagery. As a result, any possibility of empathy or sophisticated discussion as to the situation and any causes or long-term effects of settler colonialism and widespread dispossession were removed.

Research conducted as part of The Media and Indigenous Policy Project aimed to better understand the ways in which Indigenous Australians are represented in the media.³⁹ So too the research sought to understand and appreciate the role that mainstream journalists play in this reporting. Participants spoke of the difficulty of traveling to remote Indigenous communities, the expense tied to this, and the limited budgets of many news agencies. Nicholas Rothwell from *The Australian* noted that poor news coverage, particularly in regards to Indigenous education, reflected the "general collapse and degradation of journalism" in the Northern Territory, with local sources reduced to the ABC and the *NT News*.⁴⁰ The project also found that journalists were tied to the whims of the Office of the Chief Minister, with quick turnaround press releases and tight deadlines making it difficult for reporters to conduct thorough research. The Media and Indigenous Policy Project focused solely on white mainstream media outlets and reporters, as on the whole it is through such channels, or filters, that the nation is made privy to the knowledge or imagery of remote Indigenous community life.⁴¹

The Australian used a narrow selection of Indigenous voices, including Noel Pearson, to represent the views of Indigenous Australians in regards to the Intervention. Pearson is an Indigenous Australian, conservative lawyer, academic, and political commentator for *The Australian* who is closely aligned with the Liberal Party. This emphasis on a singular and selective Indigenous perspective worked to shrink the

Northern Territory Government of Australia, (2007), http://inquirysaac.nt.gov.au/pdf/report_by_sections/bipacsa_final_report-spant_1.

³⁷ McCallum and Reid, "Little Children and Big Men," 73.

³⁸ McCallum and Reid, "Little Children and Big Men," 78.

³⁹ Lisa Waller, "It Comes With the Territory: 'Remote' Indigenous Reporting for Mainstream Audiences," *Australian Journalism Monographs* 14 (2013):1–42.

⁴⁰ Waller, "It Comes With the Territory," 7.

⁴¹ Waller, "It Comes With the Territory," 101.

debate; “the strong resistance” that many Indigenous Australians felt towards the Intervention was contained and silenced.⁴² By narrowing the perspective through which others could understand this complicated issue, the public’s perception of the Intervention was severely constrained. The power and legitimacy of *The Australian*, according to Manne, lies in the ability for the paper to decide who should speak at the expense of other Indigenous voices, in effect amounting to “a kind of distortion”.⁴³ Although the use of an Indigenous voice gave credibility to the newspaper and its reporting, by defining the range of opposition voices to such small margins, it emphasised the role of Whiteness over an orchestrated account of events from both sides.

The limited representation of Indigenous Australians speaks to the paternalism of settler colonialism, as those in a position of authority limit the platforms for Indigenous participation.⁴⁴ *The Australian* took a very active role in the promotion of Pearson’s views, stating “thankfully, Aboriginal leaders such as Mr Pearson truly care about the fate of Aboriginal people and want to see them prosper”.⁴⁵ This statement worked to confine opposition to the Intervention, linking all others who disagreed with the comprehensive measures as uncaring or irresponsible, isolating the views of those critical of the Intervention through the paternalistic rhetoric of deep colonising. McCallum and Reid have labelled this process “univocalism” and emphasise that this process “contributed to distorting the picture and suggesting widespread Indigenous support” for the Intervention.⁴⁶

In reality, there were other Indigenous voices, both on the conservative and progressive side, such as Marcia Langton, Bess Price, and Larissa Behrendt, with diverging views on the Intervention. Bess Price stated her support for the Intervention on ABC’s *7.30 Report* exclaiming “our people’s lifestyle needed changing”⁴⁷ while Marion Scrymgour believed the Intervention was “a muddled, ideologically driven crusade”.⁴⁸ By limiting and containing the discourse and dialogue surrounding the Intervention the government was able to justify measures directed against Indigenous communities that in effect accelerated the “colonising practices” of the settler state.⁴⁹

⁴² McCallum and Reid, “Little Children and Big Men,” 80.

⁴³ Waller, “It Comes With the Territory,” 19.

⁴⁴ Odette Kelada, “White Nation Fantasy and the Northern Territory ‘Intervention’,” *ACRAWSA e-journal* 4, no. 1 (2008).

⁴⁵ McCallum and Reid, “Little Children and Big Men,” 80.

⁴⁶ McCallum and Reid, “Little Children and Big Men,” 80.

⁴⁷ Chris Uhlmann, “Bess Price on the Intervention”, *ABC 7.30 Report*, April 27, 2011, <https://www.abc.net.au/7.30/bess-price-on-the-intervention/2696946>.

⁴⁸ Marion Scrymgour, “Lockdown and Labelling has failed the women and children”, *The Sydney Morning Herald*, April 20, 2011, <http://www.smh.com.au/federal-politics/political-opinion/lockdown-and-labelling-has-failed-the-women-and-children-20110419-1dnbh.html>.

⁴⁹ Lorenzo Veracini, “Isopolitics, Deep Colonising, Settler Colonialism,” *Interventions: International Journal of Postcolonial Studies* 13, no. 2 (2011): 180.

The Violence of Neglect

The textual discourse that accompanies settler colonialism is marked by violence. This is a violence designed to reiterate and emphasise the place and nature of constructed identities. Discourses, including those pertaining to army presences in Indigenous communities or the removal of Indigenous children from their families for required medical tests, have focused on deficit held in place by structural violence.⁵⁰ As I have already discussed, this determination and perpetuation of a 'deficit condition' is not confined to the Intervention but rather has a long history in Australia.⁵¹ Biological policies during the assimilation era highlight cultural violence, operating in such ways as to render direct or structural violence "right – or at least not wrong".⁵² In 1927 *The Perth Sunday Times* called for immediate action over "Central Australia's half-caste problem" warning of the danger "that three races will develop in Australia – white, black, and the pathetic, sinister third race which is neither".⁵³ This account labelled and contained both Aboriginality and Whiteness, yet it also determined a liminal state of in-betweenness, as a dangerous third race. In effect people who were viewed as in-between were held to belong to neither sectors of society and were deemed untrustworthy.⁵⁴ Langton notes that what comprises authentic Indigenous identity is "fraught and toxic".⁵⁵ Notions of authenticity have been used to contain and limit Indigenous participation in settler society due to "complex systems of classification and control".⁵⁶

The biogenetic assimilation period that saw the labelling and containing of Aboriginality through blood quantum is testament to this. A number of procedures, legislative instruments, and policies have been used to exclude and contain Indigenous Australians, such as measures of "blood quantum, skin colour through chromatic inventory", and "card-holding status", each used as a device for defining and classifying Indigenous bodies.⁵⁷ Haderer notes in everyday discourse "half castes were labelled as something aberrant and abnormal", as something that challenged the social norms and mores of Whiteness.⁵⁸ It is this sector of society that has posed a

⁵⁰ Howard-Wagner, "Reclaiming the Northern Territory as a Settler-Colonial Space," 220-240.

⁵¹ For a more in depth discussion on the history of representation of Indigenous Australians through the prism of deficit see Bain Attwood, *The Making of the Aborigines* (Sydney: Allen & Unwin, 1992) and Cressida Fforde, Lawrence Bamblett, Ray Lovett, Scott Gorringer, and Bill Fogarty, "Discourse, Deficit and Identity: Aboriginality, the Race Paradigm and the Language of Representation in Contemporary Australia," *Media International Australia* 149 (2013): 162–173.

⁵² Galtung, "Cultural Violence," 291.

⁵³ Stefan Haderer, "Biopower, Whiteness and the Stolen Generations: The Arbitrary Power of Racial Classification," *Critical Race and Whiteness Studies* 9, no. 2 (2013): 9.

⁵⁴ Peter Read, "Making Aboriginal History," in *Australian History Now*, ed. Anna Clark and Paul Ashton (Sydney: NewSouth Publishing, University of NSW, 2013), 24–39.

⁵⁵ Sarah Maddison, "Indigenous Identity 'Authenticity' and the Structural Violence of Settler Colonialism," *Identities: Global Studies in Culture and Power* 20, no. 3 (2013): 289.

⁵⁶ Maddison, "Indigenous Identity, 'Authenticity' and the Structural Violence of Settler Colonialism," 290.

⁵⁷ Amanda Kearney, *Cultural Wounding, Healing, and Emerging Ethnicities* (New York: Palgrave Macmillan, 2014), 7.

⁵⁸ Haderer, "Biopower," 9.

threat, perceived or otherwise, to settler society by blurring the lines between black and white, challenging the settler state to examine the history of colonisation in the process. This perceived threat has been around since the earliest days of the colony, Reynolds notes, as the violence of the frontier ended it morphed into anxieties about identity, “racial mixture, the dilution of white blood and the growth of a half-caste population”.⁵⁹ The very fact that the parameters of normality or authenticity are never clearly spelt out, or are assumed of those in power, highlights the potency of Whiteness as a defining characteristic of settler colonial Australia.

Although the violence that is contained in such discourse may be considered indirect, in that more explicit forms of violence remind us of its physical capacity to deliver great harm, the violence delivered by images and words entrenches normative presences within societies. Galtung notes that the violence of settler colonialism is built into the structure of society and “shows up as unequal power and consequently as unequal life chances”.⁶⁰ Unequal life chances follow through to representations in the media, as misrepresentations work to perpetuate limiting stereotypes of certain peoples and populations, which in turn may feed discrimination, racism and violations of human rights. Imagery encased in deficit and neglect was disseminated throughout representations in the media. *The Sydney Morning Herald* published an article with the title ‘Remote Areas Face Radical Change’, using strong language and imagery to project the identity of deficit and ferality.⁶¹ Contained in the article is the unspoken assumptions of settler society, of the deficit and neglect of Indigenous communities. The choice of language used in the article such as ‘war’, ‘burnt-out car’ and ‘battlegrounds’ captioned Indigeneity as violent and separate from mainstream white Australia. Structural violence operates in this image by drawing attention to the dysfunctionality of Wadeye, a community in the Northern Territory with a large Indigenous population, rather than highlighting the historical disadvantage that many Indigenous communities face. Captioned as a ‘community at war’, otherness is highlighted as the norm. This language isolates Indigenous Australians from the everyday experiences of many non-Indigenous. Children are again pictured on their own, with no adult in sight, playing on a burnt-out car instead of a playground. This image plays on the history of misrepresentation in settler colonial discourse. I argue that this violence is reiterated through the discourse of the Intervention, both through the policies that were introduced and the representations that were presented almost daily in the media. Both entrench a view of Aboriginality as ‘other’, projecting ferality and deficit, assuming the benefits of Whiteness, while calling into question the authenticity and value of Indigenous Australians.

⁵⁹ Reynolds, *Why Weren't We Told*, 42.

⁶⁰ Johan Galtung, “Violence, Peace and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 171.

⁶¹ Stephanie Peatling, “Remote Areas Face Radical Change”, *The Sydney Morning Herald*, June 22, 2007, <http://www.smh.com.au/news/national/remote-areas-face-radical-change/2007/06/21/1182019286782.html>.

The Fertility of Settler Colonialism

The colonial preoccupation with containing and defining Aboriginality reveals sensitivities to identity and insecurities about the certainty of settler society's presence. The declaration of Indigeneity, whether used to describe the human or non-human (i.e. flora and fauna), is tied to notions of authenticity, highlighting the separation of that which is born of a context and that which is not.⁶² The Indigenous category exists primarily in relation to the non-Indigenous, therefore creating a binary and categories of contention. The ambivalence towards Indigenous persons in Australia is juxtaposed against the embrace of Indigenous wildlife (flora and fauna). Trigger notes that 'nativeness' in flora and fauna is "linked with Aboriginality in persons" with both forms of Indigeneity "attributed the quality of authenticity".⁶³ This statement draws attention to the binary of race relations within a settler colony. Nativeness, or Indigeneity, in gum trees and acacias has become nostalgically connected to what it is to be Australian. While Indigeneity in people has been labelled as destructive and filtered through the language and imagery of savagery as can be seen more recently in the Intervention. An analysis of fertility helps to shed light on the role that image-makers have played in the construction and perpetuation of Aboriginality and Whiteness. Instilling a tradition of thought whereby Indigeneity is linked to noble savagery, animal-like, yet not akin to native species co-opted into the national imaginary, deflects the problem of the settler identity.⁶⁴ The non-Indigenous is the outsider in this context, thus fits, by definition, the category of the feral species. In the failure of the state to domesticate and assimilate Indigenous persons, it is the Aboriginal identity that is subsequently cast as feral in the imaginings of the coloniser. This self-fashioning of the settler as belonging works to justify a colonial presence and in turn persecute an Indigenous one.⁶⁵ The self-fashioning role of Whiteness operates to deny, if not mask, the fertility of non-Indigenous Australians, as interlopers, invaders, and 'that which does not belong'. Image-makers have played a key role in this self-fashioning, through the dissemination of a particular discourse. This discourse involves the othering of Indigenous Australians through failed attempts to domesticate and contain Indigeneity and the construction and manipulation of textual discourse.

Trigger draws attention to this vexing issue in settler colonial Australia. He explores the matter of fertility and introduced species and how these threaten the 'authenticity' of native flora and fauna. One illustrative case is that of the cane toad, introduced in 1935. Its arrival has wreaked havoc on natural habitats throughout Northern Australia.

⁶² Maddison, "Indigenous Identity, 'Authenticity' and the Structural Violence of Settler Colonialism," 288-303.

⁶³ Trigger, "Indigeneity," 629.

⁶⁴ Dodson, "The End in the Beginning: Re(de)fining Aboriginality," 2-13.

⁶⁵ For further discussion of settler colonialism and the justification of a colonial presence see Ad Borsboom, "The Savage in European Social Thought: A Prelude to the Conceptualization of the Divergent Peoples and Cultures of Australia and Oceania," *Bijdragen tot de Taal- Land-en Volkenkunde* 144, no 4 (1988): 419-432.

Trigger reflects on how Indigenous Australians have adapted by seeking to accommodate what was “initially ‘alien’”.⁶⁶ Trigger also notes that the Yolngu have a “feral cat dreaming” while buffalo, an introduced species, is considered “bushtucker”.⁶⁷ These examples highlight “flexible visions of what ‘belongs’” and stand in contrast to enduring tensions in race relations, as settler colonialism continues to contain and construct Aboriginality as in need of settler control.⁶⁸ The state has carried this out through legislation and media representations that attempt to domesticate Indigeneity. I argue that Whiteness is a true representation of ferality. Non-Indigenous Australians are by definition ‘feral’, introduced and invasive, and bring with them prevailing notions of normalcy. That which does not comply with registers of normalcy is thus cast as alien, invasive, feral, and in need of containment or domestication.⁶⁹ Textual discourse is therefore far from innocent, and when controlled by the canons of Whiteness, as is the case in Australia, it too operates to enforce normalcy and crush otherness. Entrenching pervasive views of Whiteness as just and normative becomes an exercise in concealing the ferality of settler colonial self.

The Normalcy of Whiteness

The long history of Indigenous image-making began with the arrival of the British in 1788 and continues to this day.⁷⁰ As colonisation intensified representations of the ‘noble savage’ such as the image of the lone hunter were “reproduced endlessly”.⁷¹ This cycle of representation is significant as it would be through this image-making process that “most Europeans came to know about” Indigenous Australians.⁷² The constructed identities of Whiteness and Aboriginality appear on the surface as a given, represented as the norm. As Attwood states, “the making of an identity rests upon negating, repressing or excluding things antithetical to it”.⁷³ Identities, for example, the heroic and brave pioneering settler, work only in conjunction with the “existence of the inoffensive Aborigines”.⁷⁴ The settler is a powerful ideological construct in the projection of Whiteness that has been invented within a framework of “Western ideas

⁶⁶ Trigger, “Indigeneity,” 641.

⁶⁷ Trigger, “Indigeneity,” 632.

⁶⁸ Trigger, “Indigeneity,” 641.

⁶⁹ Paul Toohey, “Last Drinks: The Impact of the Northern Territory Intervention,” *Quarterly Essay* 30 (2008): 1–97.

⁷⁰ Stephen Castles, Bill Cope, M. Kalantzis, and M. Morrissey, *Mistaken Identity – Multiculturalism and the Demise of Nationalism in Australia* (Sydney: Pluto Press, 1992), 133.

⁷¹ Russell, “Savage Imaginings,” 1

⁷² Jane Lydon, *Eye Contact: Photographing Indigenous Australians* (Durham; London: Duke University Press, 2005), xix.

⁷³ Attwood, *The Making of the Aborigines*, iii.

⁷⁴ Reynolds, *Why Weren't We Told*, 143.

about science, nature, race, society, nationality”.⁷⁵ It is an image that taps into ideas about national identity and belonging.

A number of procedures, legislative instruments, and policies have been used to exclude and contain Indigenous Australians, such as measures of “blood quantum, skin colour through chromatic inventory” and “card-holding status”, each used as a device for defining and classifying Indigenous bodies.⁷⁶ The passing of restrictive legislation is a clear example of Whiteness in action, including the *Aboriginal Protection Act* (1869), the *Immigration Restriction Act* (1901) as well as the more recent passing of legislation for the *Northern Territory Emergency Response* (The Intervention) in 2007. The refusal by the former Howard government to ratify the United Nation’s *Declaration on the Rights of Indigenous Peoples* also draws attention to Whiteness operating from a position of privilege while trying to contain Indigeneity.⁷⁷ Francesca Merlan’s discussion on the definition and construction of Indigeneity gives an insight into how effective legislation and government policies are at containing, while at the same time excluding. She quotes former United Nations Special Rapporteur Rodolfo Stavenhagen, who argues that Indigenousness, as a category, “is the outcome of governmental policies imposed from above and from the outside”.⁷⁸ Indigenous Australians have been constrained by the workings of the State as the federal referendum of 1967 gave the government the assumed “capacity to legislate about Aborigines”.⁷⁹

The Intervention, therefore, is illustrative of the ongoing role that Whiteness has played and continues to play in settler colonial discourse. The restrictive and containing measures introduced and rushed through Parliament are testament to this. Five hundred pages of emergency response legislation were passed through the House of Representatives on the same day they were tabled. The speed with which the Intervention and supporting legislation were disseminated amongst the public gave weight to Howard’s claim of a “national emergency” that could not wait another day.⁸⁰ As Giannacopoulos notes, it is in fact the settler state that is at “liberty to declare the exception, or in this case the ‘national emergency’”. In effect Howard was reasserting the perimeters around Aboriginality.⁸¹ These perimeters highlight the violence of legislation and image-making that distributed images of Indigenous Australians as feral and out of control.

Kelada takes this argument further, noting that the Northern Territory Emergency Response legislation gives a clear “insight into how Whiteness works as an ideological

⁷⁵ Richard White, “Inventing Australia,” in *Images of Australia: An Introductory Reader in Australian Studies*, ed. G. Whitlock and D. Carter (Queensland: University of Queensland Press, 1992), 24.

⁷⁶ Kearney, *Cultural Wounding, Healing, and Emerging Ethnicities*, 7.

⁷⁷ Francesca Merlan, “Indigeneity: Global and Local,” *Current Anthropology* 50, no. 3 (2009): 303–333.

⁷⁸ Merlan, “Indigeneity,” 305.

⁷⁹ Merlan, “Indigeneity,” 309.

⁸⁰ McCallum and Reid, “Little Children and Big Men,” 72.

⁸¹ Maria Giannacopoulos, “The Nomos of Apologia,” *The Griffith Law Review* 18, no. 2 (2009): 334.

force shaping Australian society”.⁸² Measures such as the quarantining of income and extinguishment of the permit system are examples of this. Warning signs placed outside remote Indigenous communities had the effect of naming and shaming Indigenous residents. The fact that these signs, which highlighted the restriction of pornography and liquor, have only been erected at the entrance to and within Indigenous communities speaks to the power of Whiteness and the public declaration of ferality. An Indigenous resident from the community of Ampilatwatja drew attention to the hypocrisy of the Intervention and the impact of the prescribed area signs:

...blue sign... take ‘em away! They point the finger at us! Whitefella they see that sign and they think ‘they must be really bad with that pornography’... Yet you can still go into a newsagent in Tennant Creek, adult bookshops and so on and buy all the materials there, but not here.⁸³

As the signs placed outside communities contained the residents, warning the wider population of the dangers within, the deliberate silencing of Aboriginality in the media also sought to limit Indigenous Australians through the refashioning of Aboriginality as feral and other.

The Refashioning of Aboriginality as Other

The Intervention highlights the persistence of deeply colonising aspects of government policy, instating a binary opposition between Indigenous Australians and White Australians.⁸⁴ The restrictive aspects of the NTER legislation brought relentless media attention not only to remote Indigenous communities in the Northern Territory, but also to Indigenous Australians nationwide. Overwhelmingly this attention focused on deficiency and deficit. By emphasising the remoteness of ‘these’ people the opportunity for empathy and understanding was diminished. The comprehensive and compulsory measures of the Intervention were insidious in nature with the measures directed solely on the basis of race. In effect this “construction locates violence as arising from Aboriginality” instead of the deeply colonising nature of policies such as the Intervention.⁸⁵ By focusing on an isolated and remote expression of Indigeneity, Indigenous Australians were presented as in need of settler control. The inference being that ‘these’ people could not be trusted to help themselves or their children. The language of difference was employed when Prime Minister Howard stated on national

⁸² Kelada, “White Nation Fantasy and the Northern Territory ‘Intervention’,” 2.

⁸³ Concerned Australians, *This is What We Said: Australian Aboriginal People Give Their Views on the Northern Territory Intervention* (East Melbourne Victoria: Concerned Australians, 2010), 45.

⁸⁴ I have chosen to capitalise White Australians as it is, in this instance, synonymously connected to Whiteness.

⁸⁵ Macoun, “Aboriginality,” 524.

television, “the basic elements of a civilised society don’t exist”.⁸⁶ Howard’s statement reinforced notions of difference calling into play the imagery of the past, of European ideologies that were steeped in perceptions of racial superiority with the alignment of natural selection and cultural evolution.

Neoliberal aspects of the Intervention, such as the amendment to the *Aboriginal Land Rights (NT) Act 1976* and acquisition of 99-year leases in Indigenous communities, in effect worked to erode kinship and collective land rights.⁸⁷ This coupled with the introduction of the Home Ownership on Indigenous Land program in 2005, are both examples of the continuation of restrictive government policies. Drawing attention to the neoliberal principles espoused and upheld by government, the pervasive emphasis has been on individualism and individual accountability, both of which disregard the place of kinship and collective or familial responsibility within Indigenous community life. The program operates with the mandate to increase individual home ownership on Indigenous community titled land. Mal Brough accused Indigenous communities of not fully working to unlock the economic potential of their land, insisting they “pursue the path of market-driven development to become economically viable”.⁸⁸ Brough’s statement raises the question – is economic compliability the only marker for societal success? One response might be that the economics of settler colonialism have never serviced the needs of Indigenous Australians, so why would that be any different now? The emphasis on market-driven development as the primary barometer of success disregards the cultural distinctiveness and autonomy of Indigenous economic and political practices.

Conclusion

Through a history of misrepresentation and marginalisation Indigenous Australians have been cast as the ‘other’, an alien, even feral and undomesticatable figure in a settler colonial landscape. This is the counter narrative to that of Whiteness as an invading presence across Indigenous homelands. This misrepresentation has occurred across a number of platforms, as image-makers have perpetuated the structural and cultural violence of settler colonialism. The perception of settler innocence has a role to play in this misrepresentation and it manifests in a cultural violence that works to justify inequalities and structural violence as “right – or at least not wrong”.⁸⁹ In other words, people are informed by what surrounds them and enculturated through entrenched preconceptions of settler society.

The Intervention is one example in a long line of misrepresentations that began with British settlement in 1788. The discourse of deficit featured heavily in the media during the early stages of the Intervention reinforcing the role of other and the “continual

⁸⁶ Elizabeth Strakosch and Alissa Macoun, “The Vanishing Endpoint of Settler Colonialism,” *Arena Journal* 37/38 (2012): 46.

⁸⁷ Howard-Wagner, “Reclaiming the Northern Territory as a Settler-colonial Space,” 220–240.

⁸⁸ Howard-Wagner, “Reclaiming the Northern Territory as a Settler-colonial Space,” 231.

⁸⁹ Galtung, “Cultural violence,” 291.

negation of Aboriginal identity”.⁹⁰ I have argued that the discourse of negation says more about Whiteness than it does about Aboriginality, as it is Whiteness that continues to operate on deeply colonising levels to undermine and contain Aboriginality. This it must continue to do in an effort to conceal its own feral and invasive character. In effect Whiteness has been constructed in such a way as to become the site of knowledge, worth, and power. Consequently, Aboriginality has been contained as the inferior other.

In this article I have also critically discussed and reflected on the Intervention as a case study, which highlights the role the media plays in the dissemination of Whiteness and the construction and perpetuation of Aboriginality. Under the themes of structural violence of neglect, the normalcy of Whiteness, and the refashioning Aboriginality as other, I have examined the deeply colonising aspects of settler colonialism and the Intervention. I have engaged with Hage’s notion of domestication, along with Trigger’s notion of ferality as ways of understanding Indigenous and non-Indigenous relations in Australia. Through a process of self-fashioning, the ferality of Whiteness has been concealed and projected onto a ‘dysfunctional and savage’ Aboriginality. Image-makers have employed the “organizing grammar of race” in an attempt to domesticate Indigeneity.⁹¹

Comprehensive policy programs such as the Intervention are examples of settler colonialism’s attempts to delimit the spaces in which Indigenous Australians can interact and engage with the state. The presumption and charge of ferality has come about through the self-fashioning of Whiteness as moral and right. Structural violence of settler colonialism maintains the constructed identities of Aboriginality and Whiteness. Ferality and domestication speak to the othering of Aboriginality and the self-fashioning of Whiteness through the restrictive and deeply colonising aspects of media representation and policies such as the Intervention.

⁹⁰ Strakosch and Macoun, “The Vanishing Endpoint,” 44.

⁹¹ Wolfe, “Settler Colonialism,” 387.

Bibliography

- Angel, Susan. "Radio Writes Back: Challenging Media Stereotypes of Race and Identity." *Pacific Journalism Review* 14, no. 2 (2008): 122–138.
- Attwood, Bain. *The Making of the Aborigines*, Sydney: Allen & Unwin, (1992).
- . "Introduction." In *Power, Knowledge and Aborigines*, edited by. Bain Attwood and John Arnold, i-xvi. Victoria: La Trobe University Press, 1992.
- . *Telling the Truth about Aboriginal History*. Sydney: Allen & Unwin, 2005.
- Borsboom, Ad. "The Savage in European Social Thought: A Prelude to the Conceptualization of the Divergent Peoples and Cultures of Australia and Oceania." *Bijdragen tot de Taal- Land-en Volkenkunde* 144, no. 4 (1988): 419–432.
- Bradley, John, and Kathryn Seton. "Self-Determination or "Deep Colonising": Land Claims, Colonial Authority and Indigenous Representation." In *Unfinished Constitutional Business? Rethinking Indigenous Self-Determination*, edited by Barbara A. Hocking, 32–46. ACT: Aboriginal Studies Press, 2005.
- Castles, Stephen, Bill Cope, M. Kalantzis, and M. Morrissey. *Mistaken Identity - Multiculturalism and the Demise of Nationalism in Australia*. Sydney: Pluto Press, 1992.
- Concerned Australians, *This is What We Said: Australian Aboriginal People Give Their Views on the Northern Territory Intervention*. East Melbourne, Victoria: Concerned Australians, 2010.
- Connerton, Paul. "Seven Types of Forgetting." *Memory Studies* 1, no. 1 (2008): 59–71.
- Cowlishaw, Gillian. "Culture and the Absurd: The Means and Meanings of Aboriginal Identity in the Time of Cultural Revivalism." *Journal of the Royal Anthropological Institute* 18 (2012): 397–417.
- Dodson, Michael. "The Wentworth Lecture The End in the Beginning: Re(de)fining Aboriginality." *Australian Aboriginal Studies*, no. 1 (1994): 2–13.
- Ellinghaus, Katherine. "Indigenous Assimilation and Absorption in the United States and Australia." *Pacific Historical Review* 75, no. 4 (2006): 563–585.
- Fforde, Cressida, Lawrence Bamblett, Ray Lovett, Scott Gorrige, and Bill Fogarty. "Discourse, Deficit and Identity: Aboriginality, the Race Paradigm and the Language of Representation in Contemporary Australia." *Media International Australia* 149 (2013): 162–173.

- Gale P. "Construction of Whiteness in the Australian Media." In *Race, Colour and Identity in Australia and New Zealand*, edited by John Docker and Gerhard Fischer, 256–269. Sydney: UNSW Press, 2000.
- Galtung, Johan. "Violence, Peace and Peace Research." *Journal of Peace Research* 6, no. 3 (1969): 167–191.
- . "Cultural Violence." *Journal of Peace Research* 27, no. 3 (1990): 291–305.
- Giannacopoulos, Maria. "The Nomos of Apologia." *The Griffith Law Review* 18, no. 2 (2009): 331–349.
- Haderer, Stefan. "Biopower, Whiteness and the Stolen Generations: The Arbitrary Power of Racial Classification." *Critical Race and Whiteness Studies* 9, no. 2 (2013): 1–18.
- Hage, Ghassan. *White Nation: Fantasies of White Supremacy in a Multicultural Society*. Sydney: Pluto Press, 1998.
- Haskins, Victoria, and John Maynard. "Sex, Race and Power: Aboriginal Men and White Women in Australian History." *Australian Historical Studies* 126 (2005): 191–216.
- Hinkson, John. "Why Settler Colonialism?" *Arena Journal* 37-38 (2012): 1–15.
- Hocking, Barbara Ann. "Introduction: Can indigenous Peoples' Experience of Colonisation Reshape our Constitutional Language?" In *Unfinished Constitutional Business? Rethinking Indigenous Self-determination*, edited by Barabara A. Hocking, xv-xxiii. ACT: Aboriginal Studies Press, 2005.
- Howard-Wagner, Deirdre. "Reclaiming the Northern Territory as a Settler-Colonial Space." *Arena Journal* 37/38 (2012): 220–240.
- Kampmark, Binoy, "Ignoble and Noble Savages: Separatist Identities and the Northern Territory Emergency Response." *Antipodes* 26, no. 2, (2012): 299–235.
- Kearney, Amanda. *Cultural Wounding, Healing, and Emerging Ethnicities*. New York: Palgrave Macmillan, 2014.
- . "Ethnicity, Cultural Wounding and the "Healing Project": What Happens When the Wounded Survive?" *Ethnicities* 14, no. 5 (2014): 597–614.
- Kelada, Odette. "White Nation Fantasy and the Northern Territory "Intervention'." *ACRAWSA e-journal* 4, no. 1 (2008).
- Langton, Marcia. "Aboriginal Art and Film: The Politics of Representation." *Race and Class* 35 (1994): 89–106.

- Lydon, Jane. *Eye Contact: Photographing Indigenous Australians*. Durham; London: Duke University Press, 2005.
- Macoun, Alissa. "Aboriginality and the Northern Territory Intervention." *Australian Journal of Political Science* 46, no. 3 (2011): 519–534.
- Maddison, Sarah, "Indigenous Identity 'Authenticity' and the Structural Violence of Settler Colonialism," *Identities: Global Studies in Culture and Power* 20, no. 3 (2013): 288–303.
- Merlan, Francesca. "Indigeneity: Global and Local." *Current Anthropology* 50, no. 3 (2009): 303–333.
- Moreton-Robinson, Aileen. "Patriarchal Whiteness, Self-determination and Indigenous Women: The Invisibility of Structural Privilege and the Visibility of Oppression." In *Unfinished Constitutional Business? Rethinking Indigenous Self-Determination*, edited by Barbara A. Hocking, 61-73. Canberra: Aboriginal Studies Press, 2005.
- . "Towards A New Research Agenda?: Foucault, Whiteness and Indigenous Sovereignty." *Journal of Sociology* 42, no. 4 (2006): 383–395.
- McCallum, Kerry, and Holly Reid. "Little Children and Big Men: Campaigning Journalism and Indigenous Policy." *Australian Journalism Review* 34, no. 2 (2012): 71–84.
- Peatling, Stephanie. "Remote Areas Face Radical Change." *The Sydney Morning Herald* June 22 2007. Accessed May 20th 2015. <http://www.smh.com.au/news/national/remote-areas-face-radical-change/2007/06/21/1182019286782.html>.
- Read, Peter. "Making Aboriginal History." In *Australian History Now*, edited by Anna Clark and Paul Ashton, 24–39. Sydney: NewSouth Publishing, University Of NSW, 2013.
- Reynolds, Henry. *Why Weren't We Told*. Victoria: Viking; Victoria: Penguin Books, 1999.
- Rothwell, Nicholas. "Generation Lost in the Desert." *The Australian*, April 15 2006. Accessed May 15 2015. http://global-factiva-com.www.proxy0.library.unsw.edu.au/ha/default.aspx#!?&_suid=1441514615625046303291630415566.
- Russell, Lynette. *Savage Imaginings: Historical and Contemporary Constructions of Australian Aboriginalities*. Melbourne: Australian Scholarly Publishing, 2001.

- Scrymgour, Marion. "Lockdown and Labelling Has Failed the Women and Children." *The Sydney Morning Herald*, April 20 2011. Accessed July 1 2019. <http://www.smh.com.au/federal-politics/political-opinion/lockdown-and-labelling-has-failed-the-women-and-children-20110419-1dnbh.html>.
- Stanner, W.E.H. *The Dreaming and Other Essays: With An Introduction by Robert Manne*. Victoria: Black Inc Agenda, 2009.
- Strakosch, Elizabeth, and Alissa Macoun. "The Vanishing Endpoint of Settler Colonialism." *Arena Journal* 37/38 (2012): 40–62.
- Thill, Cate. "Courageous Listening, Responsibility for the Other and the Northern Territory Intervention." *Continuum: Journal of Media and Cultural Studies* 23, no. 4 (2009): 537–548.
- Toohey, Paul. "Last Drinks: The Impact of the Northern Territory Intervention." *Quarterly Essay* 30 (2008):1–97.
- Trigger, David S. "Indigeneity, Fertility, and What 'Belongs' in the Australian Bush: Aboriginal Responses to 'Introduced' Animals and Plants in a Settler-Descendant Society." *Journal of the Royal Anthropological Institute* 14, (2008): 628–646.
- Uhlmann, Chris. "Bess Price on the Intervention." *ABC 7.30 Report*, April 27 2011. Accessed July 1 2019. <https://www.abc.net.au/7.30/bess-price-on-the-intervention/2696946>.
- Veracini, Lorenzo. "Isopolitics, Deep Colonising, Settler Colonialism." *Interventions: International Journal of Postcolonial Studies* 13, no. 2 (2011): 171–189.
- Vivian, Alison. "Some Human Rights Are Worth More Than Others: The Northern Territory Intervention and the Alice Springs Town Camps." *Alternative Law Journal* 35, no. 1 (2010): 13–17.
- Waller, Lisa. "It Comes With the Territory: 'Remote' Indigenous Reporting for Mainstream Audiences." *Australian Journalism Monographs* 14 (2013): 1–42.
- Watson, Irene. "In the Northern Territory Intervention: What is Saved or Rescued and At What Cost?" *Cultural Studies Review* 15, no. 2 (2009): 45–60.
- Watson, Nicole. "The Northern Territory Emergency Response – Has it Really Improved the Lives of Aboriginal Women and Children?" *Australian Feminist Law Journal*, 35 (2011):147–163.
- White, Richard. "Inventing Australia." In *Images of Australia: An Introductory Reader in Australian Studies*, edited by G. Whitlock and D. Carter, 23–58. Queensland: University of Queensland Press, 1992.

Wild, Rex, and Pat Anderson. "Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, Ampe Akelyernemane Meke Mekarle 'Little Children are Sacred'", Northern Territory Government of Australia, 2007. Accessed March 24 2014. http://inquiryntsaac.nt.gov.au/pdf/report_by_sections/bipacsa_final_report-spart_1.

Wolfe, Patrick. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (2006): 387–404.

Book Reviews

An Unconventional Wife: The Life of Julia Sorell Arnold

Mary Hoban

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Were it not for a brief anecdote in a memoir, the life of the determined, intractable, and passionate Julia Sorell Arnold would have been another case of an ordinary woman being consigned to the historical scrapheap. When reading the memoirs of Julia's grandson, Sir Julian Sorell Huxley, the first director-general of UNESCO, author Mary Hoban was struck by the story of Julia marching to the Catholic Church in Hobart in 1856 and throwing stones through the window in protest at her husband's conversion to Catholicism. From a time in history when most women were expected to put their husband's wishes above all else, this striking anecdote shows us a woman who would refuse to be defined by anything other than her own beliefs. Hoban was so taken by this snippet about Julia that she was determined to find out more and she set about using her own training in biography to uncover more of Julia's life. Though worried that women like Julia are not often immortalised in the history books – often due to a lack of understanding of their importance but also due to the fact that such figures rarely leave extensive records behind – Hoban has skilfully uncovered Julia from within the documents of her friends and family, and *An Unconventional Wife* is a masterpiece of biography.

Julia Sorell was born in Tasmania in 1826, the granddaughter of two prominent early Tasmanians. Her life was characterised by conflict and pain, beginning when her mother Elizabeth, planning to run away with her lover Major George Deare of the 21st Fusiliers, took Julia and her siblings to Brussels in 1839 to effect her escape. Torn from the land she loved and the father she adored, then abandoned later by her mother, Julia was miserable in Brussels. For Protestant Julia, this misery was embodied in the staunch Catholicism of her school. Surrounded by Catholics but feeling an outsider due to her own beliefs and her language, Julia internalised a deep hatred for the religion that would endure throughout her life and be the cause of conflict and tension until her death.

She would later return to Van Diemen's Land as a young woman, where she was the subject of gossip and repeated romantic scandals, until she met her future husband at a chance encounter in a drawing room in 1850. Julia was taken at first sight by Tom Arnold. Son of Dr Thomas Arnold, a fierce proponent of Protestantism, Tom was quiet and shy, a beacon for Julia who could never resist her desire to help people. They

were engaged within a month of meeting, and married in five months on 13 June 1850. It was not to be a happy marriage.

Financial difficulties plagued their married life, with Tom falling into debt through bad decisions. Had this been their only difficulty, they might still have been a happy couple, for their letters throughout their marriage demonstrate their deep love and passion for one another – as do the nine children Julia gave birth to. The underlying cause for their continued unhappiness came instead from a foundational flaw in their relationship: Julia's refusal to submit to her husband's wishes in all things and Tom's refusal to understand his wife as anything but his inferior. This schism in their own individual beliefs of what made a good wife became the defining characteristic of their lives together, a problem that was brought to the fore when Tom converted to Catholicism after the birth of their second child. Julia's ardent hatred of Catholicism made her unable to reconcile herself to Tom's decision, and his stubborn belief that she should submit to him in all things made Tom unable to understand her point of view. Close to leaving him, Julia decided to remain for the sake of their children, but this rift would never be resolved. By the 1880s, Julia and Tom were no longer living together, he in Dublin working at the Catholic University, and Julia in Oxford in rapidly declining health.

After Julia's death, Tom married Josephine Benison, a devout Catholic, and found the compliant wife that he had believed Julia ought to have been. Julia's determination to be her own woman was a legacy that would continue in her daughters; her two eldest, Polly and Judy, were fervent supporters of women's education, while her youngest, Ethel, joined the women's suffrage movement and built a career as a literary critic, essayist, and lecturer.

Julia's story is expertly told by Hoban. Despite the difficulties in writing about an 'ordinary' woman who did not leave many of her own records behind, Hoban uncovers Julia's story in the archives of those around her. Through this biography, Hoban challenges the conventional narrative of Julia's life that positions her as the difficult wife of the sophisticated and scholarly Tom Arnold. She has provided readers with another side to the story, where Julia's own thoughts and feelings become the focus, and thus reveal a far more complicated picture of their marriage and herself than biographies of Arnold deliver. In doing so, Hoban has skilfully reminded us of the importance of looking for the forgotten women who do not leave an archive of their own. History is written based on what we can find, but sometimes there is more for us to find than we immediately see, and this is a timely reminder to push ourselves to go deeper to uncover the stories of those who might otherwise be neglected. Since the mid-twentieth century, historians have admirably placed greater emphasis on stories that do not fit the mould of the great, white man. This is a brilliant example of what can be found when people continue to take up that challenge.

An Unconventional Wife is clearly well-researched. As a biographer, Hoban does not engage with extensive secondary literature, but she does provide excellent context through the documents of Julia's contemporaries. By using the stories of people who lived, worked, and loved in similar worlds to Julia's, Hoban shows where Julia's life

both converged with and diverged from those around her. The bulk of Hoban's book, however, is primarily built on extensive archival research into those directly connected with Julia, and finding Julia in their collections. Consequently, this is categorically Julia's story, as her voice comes through clearly from letters she sent, conversations she had, and decisions she made. Hoban's writing is engaging. She expertly draws the reader in to Julia's story and, rather than a dry catalogue of facts, the reader is presented with a page-turning account of an incredible woman. For this reason, this book will be perfectly at home in the hands of general readers, but its extensive research and excellent contextualisation also make *An Unconventional Wife* an excellent source for scholars considering women's lives in the late nineteenth century. It does not offer an extensive survey of the heterogeneity of women's lives in the 1800s, but as a biography of one woman, it does not set out to. Instead, *An Unconventional Wife* presents a window into the life of one ordinary and yet extraordinary woman, and thus illustrates the importance of uncovering those stories which the archives do not easily give up.

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War and Political Theory

Brian Orend

Polity, 2019; Paperback; 211 pages; RRP AU\$33.95; ISBN 9781509524976.

Brian Orend's *War and Political Theory* aims to craft "an excellent, detached understanding of the pros and cons of the most important" theories of war: pacifism, realism, and 'just war' theory (JWT) (p. 2). While Orend's summary offers the reader an engaging introduction to contemporary applications of these theories, the selection of practical examples, the paucity of political and historical context, and the protracted attention that JWT receives leaves little doubt where the author's allegiances lie. Orend has made a substantial contribution to JWT literature in the past, including the advancement of Kantian support,¹ the development of *jus post bellum* ('Justice after War') theories,² and various other contributions.³ *War and Political Theory* is released through Polity, which publishes introductory works in the social sciences and humanities for both scholars and a general readership.

After a brief introduction exploring the ontology of war (Ch. 1), Orend surveys realism (Ch. 2) and pacifism (Ch. 3), before devoting three chapters to JWT (Chs 4–6). He ends the book with a focus on emerging military technologies, cyber advancements, and the future of warfare (Ch. 7). The prominence afforded to JWT is rationalised by its complex nature, which the reader is primed to conceptualise as being the sensible centre that balances the extremes of realism and pacifism. It is in the investigation of JWT that Orend is most animated, and as such, it is readers looking for an introduction to these theories who will benefit most from *War and Political Theory*. In collating his past writings on JWT into three consecutive chapters, Orend offers the reader a lucid compendium with which to explore the theory further. He has a knack for prose that is light on its feet, and his nimble composition often makes for persuasive reading, affording him the agility to bounce from anecdotes to philosophical principles, from real-world examples to speculative hypotheticals.

War and Political Theory presents itself as a sober discussion of JWT. Orend makes clear that he will "refer to 'the history of ideas' only when helpful", and has as his focus "contemporary applications" (p. 81). The reader is offered definitional boundaries of the key terms of JWT, at which point real-world examples are advanced in support of these ideas in practice. This has the benefit of allowing the reader to cohesively grasp the ideas of JWT, while also allowing Orend to address its modern-day implications

¹ Brian Orend, "Kant's Just War Theory," *The Journal of the History of Philosophy* 37, no. 2 (1999): 323–53.

² Brian Orend, "Jus Post Bellum," *Journal of Social Philosophy* 31, no.1 (2000): 117–37; "Justice after War: Towards a New Geneva Convention Applied to Jus Post Bellum," *Raisons Politiques* 1 (2012): 163–86.

³ Brian Orend, "Walzer's General Theory of Justice," *Social Theory and Practice* 27, no. 2 (2001): 207–29; "Just Wars and Cosmopolitan Hope," *Theoria* 104 (2004): 128–49; *The Morality of War*, 2nd ed. (Peterborough, ON; Buffalo, NY: Broadview Press, 2006).

for war, politics, and international relations. The book offers up its most vibrant writing when exploring the concept of *jus post bellum* ('justice after war'). Orend is one of the key intellectuals behind this relatively new third pillar of JWT, which traditionally has concerned itself with *jus ad bellum* ('right to war') and *jus in bello* ('conduct in war').

Orend's development of *jus post bellum* reveals a "sincere vision of justice" (p. 164). That same vision is reflected in his positive hopes regarding the possibilities of Responsibility to Protect (R2P) – a UN political commitment that contends that a government's sovereignty is predicated on protecting their citizens against human rights violations. The fact that the nations most ready to complicate the idea of political sovereignty are the same nations whose sovereignty is unquestionably assured (through asymmetrical hard power) does not seem to faze Orend. Further, in acknowledging the criticisms of R2P's authorisation of military force in Libya, Orend makes no mention of the backlash from the international community following NATO's implementation of unsanctioned regime change. A more objective analysis of R2P would benefit from a critical look at the world in which it was born: one of a unipolar hegemonic moment in which the liberal international order is advanced under the belief that individual autonomy underpins a universal moral framework. Western hegemony – operating under such universal moral conceptions – often finds it all too easy to contend that non-liberal governments are, as the realist theorist John Mearsheimer puts it, always "in a state of aggression against their own people".⁴ It is here that Orend's neglect of the 'history of ideas' has its drawbacks, and deprives the reader of an understanding of JWT as situated within a Western political context.

Orend offers an insightful introduction to JWT and outlines its tenets through engaging prose. Readers looking for such an introduction will find *War and Political Theory* a substantial achievement, one which highlights the congruity of the seemingly differing opinions within JWT literature. However, readers who are drawn to realism and pacifism will be left wanting. Oona A. Hathaway and Scott J. Shapiro's *The Internationalists: How a Radical Plan to Outlaw War Remade the World* (New York: Simon & Schuster, 2017) is an innovative legal defense of pacifism, not just in the abstract, but in the real world. As advocates of the largely forgotten 1928 Paris Peace Pact, they advance an ambitious argument that war has already been outlawed. While their conclusion is controversial, it is certainly unique, and well worth a read. Readers hungry for a meatier encapsulation of a realist's take on the modern world would enjoy John Mearsheimer's *The Hell of Good Intentions: America's Foreign Policy Elite and the Decline of U.S. Primacy* (New York: Farrar, Straus and Giroux, 2018). Mearsheimer's plague on both Democrats and Republicans harmonises with the times, but this is nothing new for Mearsheimer, and his always intriguing insights are often persuasive. Finally, I would recommend readers look to Michael Ruse's *The Problem of War: Darwinism, Christianity, and their Battle to Understand Human*

⁴ Anurag Sinha, "John J. Mearsheimer on "Liberal Ideals and International Realities,"" *Yale MacMillan Center*, November 30, 2017, <https://macmillan.yale.edu/news/john-j-mearsheimer-liberal-ideals-and-international-realities>.

Conflict (New York: Oxford University Press, 2018) as a companion piece to Orend's writings on JWT. Although Ruse concurs with many of Orend's conclusions, by including a critique of the socio-political and religious contexts that give rise to JWT, the reader is offered a more critical vision of the present environment, one which fosters (what some might deem an unhealthy amount of) cohesion between those declaring war, and the scholars who devise moral frameworks for its declaration, and increasingly, its continuation.

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References

- Hathaway, Oona A., and Scott J. Shapiro. *The Internationalists: How a Radical Plan to Outlaw War Remade the World*. New York: Simon & Schuster, 2017.
- Mearsheimer, John. *The Hell of Good Intentions: America's Foreign Policy Elite and the Decline of U.S. Primacy*. New York: Farrar, Straus and Giroux, 2018.
- Orend, Brian. "Kant's Just War Theory." *The Journal of the History of Philosophy* 37, no. 2 (1999): 323–53.
- . "Jus Post Bellum." *Journal of Social Philosophy* 31, no.1 (2000): 117–37.
- . "Walzer's General Theory of Justice." *Social Theory and Practice* 27, no. 2 (2001): 207–29.
- . "Just Wars and Cosmopolitan Hope." *Theoria* 104 (2004): 128–49.
- . *The Morality of War*. 2nd ed. Peterborough, ON; Buffalo, NY: Broadview Press, 2006.
- . "Justice after War: Towards a New Geneva Convention Applied to Jus Post Bellum." *Raisons Politiques* 1 (2012): 163–86.
- Ruse, Michael. *The Problem of War: Darwinism, Christianity, and their Battle to Understand Human Conflict*. New York: Oxford University Press, 2018.
- Sinha, Anurag. "John J. Mearsheimer on "Liberal Ideals and International Realities."" *Yale MacMillan Center*, November 30, 2017. <https://macmillan.yale.edu/news/john-j-mearsheimer-liberal-ideals-and-international-realities>.

Political Theology: A Critical Introduction

Saul Newman

Polity, 2019; Paperback; 198 pages; RRP AU\$35.95; ISBN 9781509528400.

The first three sentences of *Political Theology: A Critical Introduction* by noted political theorist and Professor of Political Theory, Saul Newman, set the tone for the rest of the book. Newman points out that the wave of nationalism and authoritarianism across the modern world challenges, and indeed threatens to destroy the very foundations of liberal democratic societies. As governments and leaders openly seek to constrain conceptions of human rights, such as the ability to engage in civil debate and protest, at the same time as espousing the values of religion and sovereignty, Newman seeks to understand what he calls a 'crisis of power', power which is embodied in conceptions of sovereignty and power but which is also conversely located in spaces where religious power once existed. Newman therefore seeks to understand how religion and power intersect and how political theology and political philosophy impact upon narrative constructions of political language, such as power, democracy, and freedom.

In the "Introduction", Newman points out that political theology has evolved over time, from an "...interpenetration of religion and politics" (p. 4), conceptualised first in Christian antiquity as a way of delineating civil and religious thought and society, to Carl Schmitt's conception of political theology as secularised theological concepts. In this sense, the book explores throughout the question of whether God perhaps found in religion or realised as the divine can be found within conceptions of sovereignty and power – and if it can, what does this say about the growing sense of secularism in modern society? Newman's argument that political theology is a modern construction which can be interpreted and deconstructed as a way of understanding nationhood and power is similar to the arguments deployed in his 2010 book *The Politics of Postanarchism* where post-anarchism is offered as a specific way of interrogating the powerplay central to political authority. With political theology a burgeoning area of theological interest, as seen in Elizabeth Philips' 2012 *Political Theology: A Guide for the Perplexed*, Newman narrows in on philosophers and political theorists to further an understanding of the relationship between power, politics, and religion.

The first two chapters, called "The Politico-Theological Problem" and "Max Stirner and the Ghosts of the Secular Modern", lead the reader on a journey around interpretative political theology and discuss how secularism has arguably been "... haunted by the specters of religion it had believed itself to be rid of" (p. 44). Newman's interrogation of the concepts of faith, revelation, and obedience advanced by noted philosophers and political theorists such as Carl Schmitt, Mikhail Bakunin, and Max Stirner leads to new insights into political action (or inaction) and to an intertwining of theology and political theory.

In Chapter Three, the book further explores the notion of secularism, taking as its cue Jacques Lacan's formula for atheism, where God is viewed as unconscious, and

discusses the idea of religious illusion. Of course, any discussion on power, illusion, and religion would be remiss without reference to Freud, whom Newman expertly navigates for the reader, providing examples from works such as *Totem and Taboo* and *Moses and Monotheism* to illustrate the intertwining of religious and political authority. In this chapter Newman also writes about freedom and how the lens of freedom is different in today's liberal democracies, where the seemingly endless tangle of laws and regulations governing society lends itself to a 'new unfreedom', impacted upon by authority but also tolerated by the very people who are restricted by being regulated and controlled.

After illustrating concepts of secularism and showing how religion, and religious conceptions of power, have influenced thinking about power within society, Newman turns his discussion to sovereignty and the various layers of authority that can exist within it. In order to understand the influence the concept of sovereignty has had on political narrative and construction, Newman dissects the views of Thomas Hobbes, E.H. Kantorowicz, and Walter Benjamin in innovative ways, pointing to a 'spiritual anarchism' which is picked up in Chapter Five's discussion on Michel Foucault and political theology entitled "Pastoral Power and Political Spirituality".

Newman's analysis of Foucault's idea of *detheologising* power (p. 113) as opposed to Schmitt's conception of the sovereign's absolute right to determine power is interesting when understanding the role of religion and theological origins in governmental institutions; yet there are parts where further exploration of themes would have illuminated the link between a contemporary understanding of the shift of power and the sentiments of Foucault. An example provided is of the role of the confessional in what is viewed as the construction of power. Newman's casual linking of the impact of computing algorithms which can inform or restrict a user's ability to engage in political choice and the evolving concept of the internet and algorithms as a new technological confessional could have been explored in more depth.

Newman's sixth chapter, "Economic Theology", circles back to the themes he introduced at the start of the book, that is, the crisis of power, but in this chapter it is presented as the impact of global capitalism, and the rise of economic self-interest is likened to a new priesthood (p. 134). Newman dissects Walter Benjamin, Marx, Nietzsche, and Weber's observations of capitalism as religion and also manages to discuss the prevalence of social media addiction as an impetus to reflect critically on and perhaps offer new ways of thinking about political theology due to the shift in contemporary society, which has steadily moved towards worshipping a more artificial and technologically driven conception of the divine.

Political Theology: A Critical Introduction concludes with Newman asserting that political theology is a response to secularisation and fills the space where more formal conceptions of religion once sat. This hurtling of humankind towards a crisis of power is systematically worked through by Newman so that his discussion turns to how this very conception of power, if re-evaluated and recalibrated through understanding theology and theological approaches, may enable a freer philosophical vantage point

from which to understand both modern conceptions of power and our own place within the world.

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Languages of Power in Italy (1300–1600)

Daniel Bornstein, Laura Gaffuri, and Brian Jeffrey Maxson (eds)

Brepols, 2017; Hardback; 243 pages; RRP €75; ISBN: 9782503540382.

Languages of Power presents a diverse set of discussions on the artistic, symbolic, and ritual manifestations of power in later medieval Italy. Based around the papers presented during the 'Languages of Power in Italy' panel during the 2010 Renaissance Society of America meeting, the volume has been fleshed out by editors Bornstein, Gaffuri, and Maxson with additional essays exploring well-studied centres of power, such as Florence, Milan, and Venice, but also other cities which, while under the control of the latter, exerted their own agency. Pisa, Siena, Genoa, and Savoy are discussed with an attention little seen in scholarship in English. One of the strengths of the volume, therefore, is the presentation of Italian scholars' work – in excellent translation – of these oft-times ignored 'smaller' centres.

The fifteen articles are divided into three sections: the power of words, the display of civic values, and the relationship of religion, power, and the state. While the connections between papers can be somewhat tenuous, the volume overall is thoughtful and compelling. The mixture of shorter and longer essays is refreshing, and offers readers a written conference, complete with sessions and keynotes.

This review seeks to highlight some of the more 'stand-out' points in the volume's many excellent essays. Raviola's micro-review of the literature on the concept of the state and the waning debate on what criteria constitute a state, for example, gives readers a helpful understanding of the complexity of historians' understanding of statehood. She highlights the theory that assigning political significance to an area should depend on its possession of a court – and a capital – as this criterion allows for more small principalities to fall into the realm of 'state', and may explain the fragmentation – and unification – of Northern Italy, in particular, and Italy in general. Her own focus, however, is on how the governing elite envisioned themselves, with her paper examining the use of 'stato' and 'italiano' in seventeenth-century letters from the House of Malaspina to the *Magistrato straordinario* of Milan. They are proof of not only a medieval Italian identity, but also how contemporaries acknowledged political power and possession. She concludes with a discussion of boundaries and their role in the formation of statehood, an interesting addition, but one which begs for further discussion.

Following Raviola is Horodowich's essay on the use of oral political discourse and gossip to frame and define Venetian political power and scope, an interesting juxtaposition to the previous paper on written political discourse. Horodowich uses Marin Sanudo's extensive diaries, which are rich with near-daily conversations of politicians and citizens, to showcase the significance of vernacular writing during the sixteenth century: it was through the vernacular, Sanudo noted, that wider readership could be achieved, and along with that, a greater appreciation of the political machine

that was Venice. A refreshing addition to vernacular studies, Horodowich's paper presents an essential source for understanding Venetian social and political history.

Ottaviani continues the discussion on the power of words through an examination of various Italian noblewomen's letters. Of interest to this reviewer was the debate surrounding the use of the term 'patronage' in relation to noblewomen's benefactor-client relationships, and its counterpart, matronage. The paper does not, however, introduce many 'new' noblewomen or sources: the strength of Ottaviani's paper is in her references, which bring the works of various Italian scholars to the attention of English-speaking readers.

The first section ends as it began: using the words of contemporary writers to define a past and current trend – the privatisation of land. The strength of Taviani's work is his focused case study on Giustiniani's *Dialogo nominato Corsica* and Machiavelli's *Istorie fiorentine*. Taviani's essay highlights his archival research and offers a detailed and thoughtful comparison of two texts which – to this reviewer's knowledge – have not been brought together before. His work is thus an important addition to Genoese and corporate history and opens doors to further research on Italian privatisation.

Part two of the volume, on the articulation and display of civic values, begins with two papers on the use of iconography to promote power. Cariboni's essay demonstrates how the Visconti legitimised their power in Milan not only through holding positions within the Church, but also through art depicting Ottone's feats, and the metamorphoses of the city's patron saint, Ambrose, into a military icon reflective of past Visconti military leaders. Conrad's essay, on the other hand, focuses on Siena's use of *Maestàs* to portray political power. Conrad's comparison of the *Maestàs* of Duccio and Martini presents a fresh and compelling argument for Martini's subtle yet effective depiction of the 'power behind the throne' through the reduction of the Virgin's 'power' and the amplification of the commune within the frescoes. His essay will be of interest to historians of iconographic history.

Evangelisti's thorough chapter offers evidence of Bernardino da Feltre's articulation of six core themes, as identified by historians, in Italian political thought. This fresh analysis of Feltre's sermons is a new 'addition' to the volume. Of interest to political historians, will be his – at times subtle – analysis of Hans Baron's understanding of medieval and humanist thought, a highlight of the chapter. Evangelisti's critical eye to Baron's theories opens doors to potential research directions continuing and expanding Baron's work, particularly the place and influence of Franciscan texts in relation to republicanism and civic virtue.

Cengarle brings the reader back to the Visconti and the introduction of the *signorile* regimes and citizens' dwindling legislative autonomy, offering new depth of understanding to Milanese legislating. Maxson, meanwhile, returns to Florence to investigate the delicate nature of diplomatic missions, through a case study of diplomats sent to Jacopo Piccinino. Maxon's essay offers glimpses into currently unpublished missives, and is an excellent source for understanding the complexity and skill of Renaissance negotiation.

The volume ends with six chapters on religion, power, and the state. Wieben and Iannella delve into cult creation and worship, while Gaffuri and Cozzo turn their attention to Savoy, and the exegetical influence on politics and the importance and influence of sacred spaces, respectively. Of particular note is Iannella's appendix, a critical edition of excerpts in Latin, with English translations, from her primary source, *Cronica di Pisa*. Cozzo's paper is also of note as he contributes to the expanding field of Sabaudian studies, in particular by addressing the presence of sacrality in the court, a topic ignored until recently in studies of Savoy. Baker and Motta offer a theological ending to the volume with essays on the use of religious language and its impact on law. Baker brings new insight to the oft-discussed legacy of Savonarola by delving into the preacher's influence on the language of a post-Medician Florence. Motta investigates papal moral judgement through sixteenth- and seventeenth-century treatises on the pope as the 'judge of controversies'. His discussion raises an important aspect of language, which other scholars in the volume touch on: the permeability of language. His conclusion focuses on the malleability of papal language as it flows into political discourse, infusing the political sphere with an air of the sacred. It serves as an important reminder of the need to consider concepts within their broader social context.

This volume adds to current scholarship by offering a broad understanding of the complexity and force of language in its various forms: spoken, written, and visual. It testifies to the importance of comprehensive, interdisciplinary research. Various scholars also highlight the need to continually question past research and seminal theories, as our understanding of the medieval and Renaissance period constantly changes with access to new sources. The volume also contributes to bringing awareness to these new sources. While the collection does at times suffer from a lack of clear transitions or links between papers, and, as noted in Hester Schadee's review, the translations of Latin in both Wieben and Motta suffer from some errors, the volume is well edited. It is most certainly recommended reading for Italian historians seeking new perceptions into previously studied figures and a nuanced understanding of the political and religious interplay in fourteenth- to seventeenth-century Italy.

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Queer Identities and Politics in Germany: A History, 1880–1945

Clayton J. Whisnant

Harrington Park Press, 2016; eBook; 400 pages; RRP US\$19.99; ISBN 9781939594105.

The impression Clayton J. Whisnant gives of the homosexual political advocacy movement in his book *Queer Identities and Politics in Germany: A History, 1880-1945* is not quite the 'We're here! We're queer! Get used to it!' of the late twentieth century. Nevertheless, the book offers a noteworthy observation of a homosexual reality before Stonewall. *Queer Identities* is a solid and worthwhile addition to the scholarship, as Whisnant presents a survey of the literature regarding the emerging homosexual "scene" in Germany from the late nineteenth through to the early twentieth century (p. 11). Given the context of Whisnant's continuing focus on West Germany in his research, *Queer Identities* is arguably his attempt to emphasise Germany's position in the queer chronology, especially in the post-Stonewall context where the fight for queer rights tends to be viewed by the general public as beginning with the uprising in New York City in 1969. Whisnant's acknowledgment of the age and possible overuse of James Steakley's *The Homosexual Emancipation Movement in Germany* as a general history of a similar period to the one covered in *Queer Identities* may also indicate a hope to replace it as the touchstone within the genre.

As Angelika von Wahl points out in her own review of *Queer Identities*, theoretical approaches to identity formation and the politics of homosexual men and women are large fields in their own right, with their own broad literatures. Therefore, no amount of real depth on the topics can realistically be achieved in one book.¹ Whisnant's stated intention is to make the book accessible to a general audience by avoiding over-complicated jargon and theory, offering an "easy reference" for the average reader, or a starting point for those wanting to take the topic further (p. 9). The first chapter begins with an evaluation of how homosexual advocacy emerged as a movement in the late nineteenth century. Whisnant examines the growing field of sexology as a scientific interpretation of lived realities, and the impact which this field had on identity formation and the increasingly vocal queer rights movement. Magnus Hirschfeld emerges as the key figure in this period, though Whisnant also looks at the masculinist movement under Adolf Brand. Discussing historiographical trends in understandings of these figures and their related movements, Whisnant references Glenn Ramsey's important article "The Rites of *Artgenossen*: Contesting Homosexual Political Culture in Weimar Germany" and argues for a movement away from ideas of a binary approach to homosexual political advocacy groups, towards a more nuanced view of their often overlapping and complicated relationships and identities. Erik Jensen in his own review states that Whisnant threads this theme throughout the whole book

¹ Angelika von Wahl, "Clayton J. Whisnant, *Queer Identities and Politics in Germany: A History 1880-1945*," *Germany Politics and Society* 35, no. 4 (2017): 136.

“masterfully” using the “intra-movement divisions and ongoing scientific debates about the cause of same-sex attraction as a leitmotif throughout the book”.²

Whisnant attempts to even the gender divide in the existing scholarship by focusing on some rarely discussed female historical actors, such as Johanna Elberskirchen. He explores the alliances built between Magnus Hirschfeld’s political group, the *Wissenschaftlich-humanitäres Komitee* (*Scientific-Humanitarian Committee*), and existing women’s rights groups. In the third chapter, Whisnant gives a solid overview of how both homosexual women and men formed their own scenes in bars and restaurants, alongside friendship groups and a relatively thriving publishing industry. Whisnant argues against the scholarly tendency to interpret the flourishing homosexual scenes of the Weimar period in terms of a growing public tolerance of sexual diversity, pointing to the largely unstudied rise of conviction rates of homosexual men on a national scale.

Whisnant’s book has earned the many good reviews it has received. It does fail, however, to avoid one of the major pitfalls of the existing literature, which is the sidelining of trans history. In *Queer Identities* Whisnant makes only a few passing references to Magnus Hirschfeld’s work on transvestites and does not engage in any depth with the existing secondary literature on the topic of gender variance outside of its connections with same-sex attraction. ‘Transvestite’ as a term was coined by Magnus Hirschfeld and encompassed both ideas of cross-gender dress and full gender transition. As Heike Bauer argues, ‘transgender’, as a relatively new term, can still be used to refer to people who cross-dress if its use indicates a “shared realm of experience”.³ Whisnant’s use of the term, however, refers to more than just a commonality of experience. Referring to people of the period who identified as transvestites simply as people “whom today we would identify as transgender”, without any acknowledgment of the variations in forms of identity and expression exhibited by trans-people in this period, is problematic (p. 12). The labelling of a fledgling and widely diverse group of people with such a modern (and arguably specific) term conflates those identities in a manner that is entirely silencing.

Despite some reservations, I would argue that it is a worthwhile book for the general reader, undergraduate students, or people needing a starting point for further reference, especially for English-readers accessing largely untranslated sources for the first time. Whisnant’s main theoretical reference is to Michel Foucault’s *The History of Sexuality*, though largely to criticise the over-emphasis that has placed on medicalised and scientific viewings of sexual identity formation in the scholarship. Whisnant’s use of primary sources is strongest in his chapter on the growth of urban gay scenes where he uses first person accounts to give a vivid and compelling understanding of a flourishing queer subculture. His work often prioritises privileged

² Erik Jensen, "Clayton J. Whisnant, *Queer Identities and Politics in Germany: A History, 1880-1945*," *The American Historical Review* 122, no. 3 (2017): 945.

³ Heike Bauer, *The Hirschfeld Archives: Violence, Death, and Modern Queer Culture* (Philadelphia: Temple University Press, 2017), 84.

voices from leading scientists or the culturally elite, though that is likely due to a dearth of other sources available from the period. Still, a more thorough analysis of how contemporary class dynamics has shaped the availability of sources would have been helpful. Largely though, *Queer Identities* is a comprehensive and thorough investigation of the dominant sources and issues in the field. Whisnant states that he does not want to give answers to the questions he raises within *Queer Identities*, presenting a survey of the literature and not a monograph. However, the questions he raises are incredibly important ones that I look forward to seeing explored in the coming years.

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References

- Bauer, Heide. *The Hirschfeld Archives: Violence, Death, and Modern Queer Culture*. Philadelphia: Temple University Press, 2017.
- Jensen, Erik. "Clayton J. Whisnant, *Queer Identities and Politics in Germany: A History, 1880-1945*." *The American Historical Review* 122, no. 3 (2017): 945–46.
- Von Wahl, Angelika. "Clayton J. Whisnant, *Queer Identities and Politics in Germany: A History 1880-1945*." *Germany Politics and Society* 35, no. 4 (2017): 136–39.