



Convict(ed) Women—Then and Now: Lessons of History for Today

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This paper explores the lives of convict women transported to Van Diemen's Land (Tasmania) in the 1800's, with the aim to better understand the process of desistance and reintegration for contemporary female offenders. Through an analysis of the penal systems which operated during the era of transportation, this research draws on historiography to highlight the importance of understanding the past in order to inform the future. This critical reflection on the history-criminology nexus reveals the impact that societal attitudes and social context have on criminal justice practice and policy, and ultimately an ex-offender's chances of becoming a valued member of their community. Select transcripts of the lives of 1800's convicts are used to humanise the statistics; statistics which suggest shared experiences of trauma across both cohorts of women despite 175 years of separation between them.

Keywords: Assignment system; convict women; probation system; Rajah convict ship; reintegration, Tasmania; Van Diemen's Land.

Introduction

The different experiences of a nineteenth-century convict woman and a twenty-first-century female prisoner could not be clearer. One works hard doing useful things and subsequently finds a place in the local community; the other does little (or at least little that the public knows about) while separated from the rest of humanity. For the latter, reintegrating, or 'fitting in' again, is extremely difficult.

The British Empire shipped off its rogues and villains, its poor and vulnerable, its deviants and dangerous, including the 180 women aboard the Rajah convict ship, to places like Van Diemen's Land (now known as Tasmania). The criminal and perishing classes were transported halfway around the world to suffer for their sins. Out of sight, out of mind. Leaving behind the poverty, squalor and choking smoke of industrial England or rebellious (and starving) Ireland, the convicts were made to work, and work hard, to live.

More than 7000 women were convicted to Van Diemen's Land during the probation system. Like the men, the women were given six months of probationary imprisonment, with tedious domestic work allocated to women with an expectation that this punishment would be an adequate alternative to the harsh labour issued to men. The women were trained, when the resources permitted, in obedience and domestic tasks such as sewing, spinning and drying. For most female convicts, training occurred on board the Anson hulk, a floating prison (Snowden, 2006). Previously a naval ship, this penitentiary was moored in the River Derwent and became home for female convicts during their first six months after arrival (Snowden 2006). On board, the women were given religious and domestic training while striving to become eligible for a Probation Pass, which would grant them the same rewards as it did the men: the ability to be employed (Snowden, 2006).



Those who did not work were punished harshly and returned to a female factory (a women-only prison) (Snowden, 2006). Women within the factories were divided into three categories. When first incarcerated, the women joined the *crime class*, within which they worked in the prison laundry and completed sewing work for local free settlers and business owners (Casella 2001: 49). Provided that their behaviour was good, they could be moved up to the *hiring class*, which meant they were assigned as a domestic servant. However, if there was no employment, the women remained in prison awaiting assignment. The third and final class consisted of those inmates deemed unruly and disobedient. This *punishment class* were isolated from the other women, with defiance punishable through solitary confinement, withholding food rations, identification through a prison uniform and head shaving (Casella 2001: 49).

However, in this land distant from their original homes, collectively, these same women were integral to local social transformations. In a relatively short time, for many, they, too, were to become respected and respectable members of Tasmanian society (Brown and Wilkie, 2002:81). Their pasts (even if at first actively covered up and *forgotten* due to a sense of *convict stain*) became increasingly irrelevant over time as a new community was forged. Why and how this occurred is part of the narrative we examine in this article.

While literature exists on the experiences of women in both the transportation era and contemporary penal systems, there are important lessons to be learnt and arguments to be made from understanding how one can inform the other. For example, when examining the structure of the female factories during transportation and at contemporary female facilities, it is evident that both systems were designed to separate individuals from their communities, despite a shared goal of releasing the women back out into them (Kennedy, 1982: 10). The consequence for contemporary women is that they are navigating a system that, in 173 years, has failed to respond adequately to their unique needs, despite history demonstrating that these needs are not new phenomena.

By exploring Tasmania's convicted female offenders, past and present, it is possible to undertake critical reflection on the history–criminology nexus that demonstrates the importance and continuing relevance of historical analysis to contemporary criminal justice policies and practices. In doing so, the contributions of historical analysis to interpreting and understanding present-day trends and issues are further revealed, as well as key lessons about the pernicious nature of criminal justice institutions, prisons in particular.

While women across both eras have navigated substantive differences in their penal experiences, such as travelling halfway across the world versus having closer proximity to home, they share remarkable similarities in their personal encounters with alcohol misuse, survival of domestic violence and poor mental health. Contemporary and convict women are connected through this shared trauma. However, they also differ in other significant ways, including wider societal attitudes and context and the reintegration opportunities upon release. The lesson is that in order to move forward, we must first look over our shoulder at where we have been.

Convict(ed) Women

The increasing number of female prisoners in jurisdictions across Australia today highlights a significant criminal justice trend that warrants close criminological scrutiny (Australian Bureau of Statistics [ABS] 2022). It should also alert us to how the past might illuminate what has failed or succeeded in regard to the institutional treatment of, and responses to, female offenders.

For present purposes, our focus is on *Tasmania*. Van Diemen's Land received the highest number of transported convicts out of all Australian states. It received some of the most serious offenders yet simultaneously had one of the lowest crime rates (Braithwaite 2001: 18). The period of transportation was harsh, with floggings, deadly voyages, oceans placed between families and poor living conditions for both men and women. Upon arrival, conditions were likewise harsh, frugal and occasionally cruel. Nonetheless, the most common story for these convicted women was one of reintegration and reform (Braithwaite 2001: 24).

This article explores the lives of 180 women who arrived in Van Diemen's Land aboard the *Rajah* on 19 July 1841, having departed Woolwich, England, on 5 April 1841. Through in-depth analysis and examination of the records of these women, quantitative figures and qualitative case studies were developed. They arrived in the final two years of the *assignment* system. However, they lived their lives predominantly during the *probation* system, allowing them to experience both. The probation system is a historical time stamp significant to the present discussion because it can be closely compared to the structure of the contemporary justice system. The experiences of these women in the mid-1800s mirror those of today, with important differences that can also be ascertained by examining their stories in greater detail.

For the study, select information was pulled from the Founders & Survivors database in Tasmania (Founders and Survivors, 2017). The Founders & Survivors research, record and study the first convict population who were transported to Tasmania. The database provided individual biographies of the 180 convict women referred to in this study. Each woman's transcript was thoroughly examined, quantifying time spent in solitary, cells, hard labour, assignment and hired work; their recidivism rates after marriage, freedoms and a Ticket of Leave; whether they had children who offended; their literacy levels, most common charges, progression through the probation system, charges for drunkenness; and the percentage of violent versus nonviolent crimes. During this process, women were chosen as examples (case studies) to provide a human experience to the historical narrative, bringing their historiography into the present and illustrating commonalities of women's experiences across the eras.

We begin by describing the general features of the assignment and probation systems of the nineteenth century. This sets the context for understanding how female convicts were assessed and treated within the British criminal justice system. It also provides essential background to why and how women personally and collectively experienced movement into and through the system the way they did and what happened to them afterwards. Our study of the specific Rajah population is illustrative of these general social processes and outcomes.

The Assignment and Probation Systems

The first stage of transportation was assignment. In Van Diemen's Land, the assignment system reached its peak under the governance of Sir George Arthur, who arrived in Tasmania in 1824 (Reid 2003: 1-25). His task was to reorganise a system that had previously been deemed unsuccessful in deterring British offenders from crime (Alexander 2010: 36). Under Arthur's system, transported convicts were assigned to work for masters, improving the economy through cheap labour while giving convicts the opportunity to work within their society (Alexander 2010: 36). While the responsibility of clothing and housing was left to their masters, those who were transported remained under government control (Reid 2003: 1-25).

If assigned convicts displayed good behaviour, they were issued a Ticket of Leave, granting them independence. If they continued to be obedient and productive, they received a Conditional Pardon, which confined them to Australia, or a Certificate of Freedom, which removed all restrictions (Alexander 2010: 36). This system was both coercive and enabling, with the possibility of promotion and demotion through the reinstatement and revocation of freedoms. In theory, convicts earned their treatments, and the course of their progression through the system was up to their behaviour (Alexander 2010: 36). Therefore, it is possible to argue that transportation placed convicts in an environment of relative opportunity, where those who chose to have a good life, did so (Garton 1991: 72). Of course, it was not this simple.

In 1838, the Select Committee on Transportation wrote to the United Kingdom Parliament condemning the assignment system (Brand 1998: 57). It was believed that assigning convicts to a master was like a 'lottery', with rehabilitative outcomes too unpredictable (Newman 2005). Many argued that some convicts experienced maltreatment and terrible punishment from their masters, while others experienced none (Newman 2005), leaving both reform and punishment to the luck of the draw.

Skilled convicts were the most fortunate, with those in a trade or with education valued more highly by officials and free settlers than those who were unskilled (Alexander 2010: 37). Unsurprisingly, there was a market in convict labour with a returns and exchange policy for employers who were unsatisfied with the work of their convicts (Finnane 1997: 9). These issues were most significant for convict men, with female offenders experiencing advantages and disadvantages unique to transported women (Alexander 2010: 63).

Slightly more than 5400 women arrived in Van Diemen's Land during the assignment system (Snowden 2006). Compared to men, this was a small population, with women making up one in nine of those transported. Like the men, reform was encouraged for these women through an enabling system of reward, with the goal being a Ticket of Leave. By attaining a Ticket of Leave, convict women could choose their own residence and acquire a wage (Snowden 2006).

To do this, they first had to successfully serve a period of assigned labour. However, those who transgressed or were ill, pregnant or awaiting assignment were sent to female factories. Female factories operated in Launceston, George Town, Ross and Hobart (Snowden 2006). Despite the overall acceptance of the assignment system as a failure, John Oxley (the New South Wales Surveyor General) reported four benefits of assignment in 1810 (Newman 2005). He believed that through assignment to colonisers, convicts were separated from evil companions, provisions provided by masters meant that there was no desire to offend for tangible goods, convicts were habituated to honest industry and, consequently, upon freedom, they had less desire to reoffend (Newman 2005).

If isolation from other convicted persons, provisions of essential items and employment were deemed the measures of success for assignment, then, arguably, convict women were deprived of this when kept in penitentiaries such as the female factories.

Importantly, contemporary female offenders are deprived of these when incarcerated with fellow underprivileged people, returned to their community on a welfare payment, often without stable accommodation and with a record that makes employment in a legal industry unfeasible (Newman 2005).

From Assignment to Probation

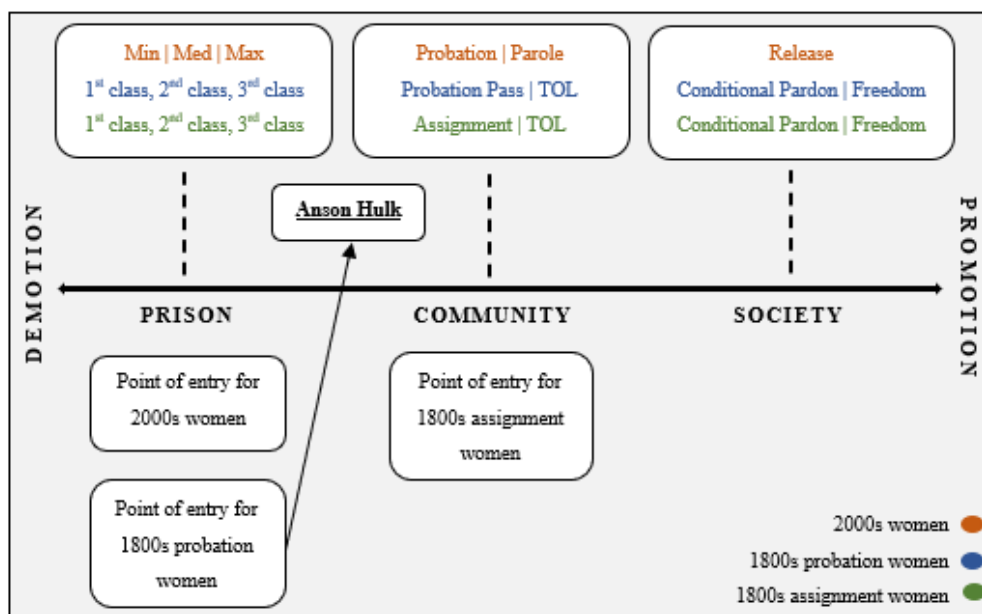
Increasing crime in Britain, the number of convicts exceeding masters in Van Diemen’s Land, and the belief that the assignment system was ineffective all contributed to the restructuring of the penal system (Brand 1990: 1). Assignment transformed into what was hoped would be a more punitive system, accompanied by a *tough on crime* mentality all too familiar in contemporary discourse. In October 1837, Sir John Franklin, Governor Arthur’s successor, and the Select Committee on Transportation suggested a system of probationary gangs and an extension of the penitentiary (Brand 1990: 1). In 1840, the system was modified accordingly to what was known as the probation system:

The great object of the first stage of the probation system is to make punishment formidable and certain, and equal in its effects; whilst, at the same time, every good influence as is brought to bear on the mind of the convict—and every endeavour made to prepare him, by progressive stages, for being returned to society an honest, industrious and useful man. (Brand 1990: 1)

Notably, Sir Franklin acknowledged endeavours focused on preparing ‘him’ and creating useful ‘men’. Women, of course, were treated differently.

The probation system was chosen as a focus of this research because it was a penal experiment unique to Van Diemen’s Land and shares theoretical foundations with the contemporary penitentiary system (Sprod 2006). It aimed to achieve both punishment and reform through confinement, hard labour, religious instruction and education (Sprod 2006), hoping to reintegrate convicts into the community as skilled, rehabilitated citizens (Alexander 2010: 91). Unlike the assignment system, convicts were grouped according to the severity of their crime and behaviour, with this new form of regulation an attempt to segregate corrupting influences (Sprod 2006).

Aside from a new focus on the penitentiary, the probation system was characterised by a structure of promotion and demotion more regulated than in the previous system. While in the assignment system, a demotion was a form of punishment that was only delivered if convicts were disobedient during labour or freedom, in the probation period, convicts began at the bottom and worked their way through coercive and enabling interventions with successive stages of punishment or reward, much like the contemporary prison structure (see Figure 1).



<i>Key Terms</i>
Ticket of Leave (TOL): Granted after a portion of a sentence was served with good behaviour; this was the first step towards freedom and allowed the women to work for whoever they chose (Kavanagh and Snowden 2015: 20)
Conditional Pardon: After serving a period of their sentence and showing good behaviour, a convict could apply to their local police station for a conditional pardon. If granted by the King or Queen this gave a convict the status of a free person, while still confining them to certain jurisdictions (Kavanagh and Snowden 2015: 16)
Certificate of Freedom: This was granted at the end of transportation and offered convicts the ability to travel wherever they wished (Kavanagh and Snowden 2015: 16)

Figure 1: Systems of penalty for women in Tasmania (Van Diemen's Land)

Source: Alexander 2010, Brand 1990, Sprod 2006, Kavanagh and Snowden 2015.

The probation system began with a period of incarceration and labour (Brand 1990: 58). Providing they moved successfully through multiple contracts of decreasing severity; they would be given a Probation Pass (Sprod 2006). Those who held a Probation Pass were granted permission to undertake paid work with three different classes, each permitting access to an increasing amount of an individual's wage (Brand 1990: 59). Continued good behaviour and completion of a portion of their sentence would be rewarded with a Ticket of Leave or an Absolute Pardon. This freed them to work and own property.

The probation system imposed public labour gangs, which, due to their hard, physical nature, were designed specifically for convict men (Newman 2005). Conversely, women were tasked with labour in traditional female roles, primarily intended to prepare them to be (subservient) wives and domestic servants (Alexander 2010: 63). This placed them at greater risk of domestic violence, prostitution and consequent trauma-related substance misuse, as highlighted later in the case studies.

Misbehaviour resulted in convict women being sent back to female factories. More than 7000 women were convicted to Van Diemen's Land during the probation system (Snowden 2006). While men experienced incarceration followed by labour, which decreased with obedience, female convicts were subject to intensified classification, segregation, surveillance and punishment (Snowden 2006).

The female factories, like the probation labour gangs, were to be places of work and reform. Introduced in the 1820s as loosely networked prisons, they were intended to educate and reform convict women so that they could play productive roles in the colony upon release (Newman 2005). However, the factories were not equipped to train or educate the women as was needed, and before, during and after probation, they were a source of ongoing punishment for female convicts (Newman 2005).

Convict women were allocated tedious domestic work during probation, with an expectation that this would be an adequate alternative to the harsh labour imposed on men. The women were trained, when the resources permitted, in obedience and tasks such as sewing, spinning and drying (Snowden 2006) in preparation for their reintegration. For most female convicts, training occurred on board the Anson hulk, a floating prison. Previously a naval ship, this penitentiary was moored in the River Derwent and became home for female convicts during their first six months after arrival (Snowden 2006).

On board, the women were given religious and domestic training while striving to become eligible for a Probation Pass, which would grant them the same rewards as it did the men: the ability to be employed. However, the Probation Pass was not a right and could be revoked, resulting in more time in a female factory. To reach absolute freedom, women had to successfully navigate to the Probation Pass phase through assignment, which, for many, was difficult. Economic and social opportunities were limited, as was the demand for female labour following the 1840s (Snowden 2006). Women within the factories moved through three classification levels based on crime and conduct.

The third class was known as the *crime class* or *punishment class* and sat at the bottom of the prison hierarchy. These women performed hard labour (Kavanagh and Snowden 2015: 17), were isolated from other prisoners and were punished through solitary confinement (Casella 2001: 49). The second class consisted of those found guilty of minor offences and those who had

been promoted from the third class based on improved behaviour. These women worked in the prison laundry and completed sewing for local free settlers and business owners (Casella 2001: 49).

With ongoing good behaviour, the women could be moved up to the first and highest class within the prison. During the assignment system, this class was known as the *assignment class*, as these women were eligible for assignment into the colony (Kavanagh and Snowden 2015: 17). During the probation system, this class was known as the *hiring class*, as rather than being assigned, women were eligible for paid hire (Kavanagh and Snowden 2015: 17). However, if there was no employment, the women remained in prison awaiting a master. Not surprisingly, it was concluded that the female factories in Van Diemen's Land were unsuccessful in achieving reform (Damousi 1997: 106).

Experiencing the Penal Systems

While contemporary offenders enter their penal system at the bottom, this being incarceration, and strive to work their way out, the Rajah women entered their penal system at a point of re-entry into the community. Upon being sentenced to incarceration, contemporary women are sent to the appropriate division of prison, either minimum, medium or maximum security. While there is a sense of movement within these classifications, they all occur within the realm of the prison and are distinguished only by increasing and decreasing prison privileges.

For convict women sentenced to transportation, it was much different. Transported women either entered straight into the colony during the assignment system through assignment to a master or spent six months in serious preparation for the community through domestic and religious training during probation (Snowden, 2006). For convict women, there was a greater sense of movement, with the ability to move forwards or backwards through the system, serving periods of incarceration amid long periods of time spent in the community. Thus, while release and reintegration are end goals for contemporary women, they were an ongoing experience for colonial women.

The systems in Figure 1 appear the same in their fluid structure of promotion and demotion, but when analysed within their historical context, they highlight the importance of understanding both cohorts of women within their specific political and ideological environments (Grabosky 1991: 142). While both groups have shared a similar systemic experience, their respective eras have held significantly different understandings of what it means to desist and be rehabilitated. For example, a total of 157 (87.2 per cent) of the 180 sampled convict women went on to reoffend in the colony at some point following their initial sentence of transportation. Combined, those 157 women committed a total of 2045 offences between 1841 and the 1850s. A total of 13.7 per cent reoffended after getting married, 7.4 per cent reoffended after receiving a Ticket of Leave, and 2 per cent reoffended after gaining freedom, a trajectory of decreasing crime and increasing freedom. For contemporary female inmates in Tasmania from 2014 to 2016, reoffending is measured as any sentence within the first two years of release. As stated by Valentine (2016), 29.79 per cent of women return to prison, while 39.36 per cent return to either prison or a form of community correction during this time.

Convict women served an average of 18 days in solitary confinement, 113 months in cells and 11 months in hard labour and were assigned three times. Fines, revoking Tickets of Leave or Freedom and being admonished were also common. Cowley and Snowden (2013a: 171) indicated that of the 180 women transported on the Rajah, 112 of them spent time at Cascades Female Factory, with 96 per cent of them sentenced to imprisonment there at least once. Of those 96 per cent, 59 per cent experienced hard labour, 22 per cent solitary confinement, 2 per cent imprisonment, 13 per cent time at the wash tubs, 1 per cent cells, 1 per cent the crime class and 2 per cent segregation (Cowley and Snowden 2013a: 173).

Of the 180 transported women, 97.2 per cent spent time as an assigned servant during their sentence, with many women being assigned immediately upon arrival. A total of 164 women were granted a Ticket of Leave and, between them, were hired a total of 162 times. Of the 180 women, 145 were granted absolute freedom. Conversely, between June 2016 and June 2017, Tasmania observed a drop in the number of people in community-based orders (ABS 2017). This included a drop in numbers in diversion programs, while the overall rate for community-based corrections was much higher. However, as ABS (2017) figures have indicated, the high rate of imprisonment also continued to grow.

Contemporary female inmates enter the penal system at the point of incarceration, where they remain stagnant within prison classifications before being released. In comparison, convict women moved throughout a system centred around community-based punishment. These systemic differences mean that convict women entered their system at the point of reintegration. Consequently, the end goal for contemporary women was the starting point for convict women.

Experiences and Opportunities

In comparing the two cohorts, patterns emerged in the shared experiences of trauma and substance abuse, intergenerational offending, poverty and low academic attainment (see Table 1). Cowley and Snowden (2013a: 130, 95) attributed destitution, desertion and drunkenness to recidivism among convict women; Kilroy (2016: 10) identified poverty, housing insecurity, unemployment and poor educational outcomes as issues experienced by contemporary female offenders. There were also significant differences, particularly around community-based engagement, which is discussed further below. It is the latter that makes analysis of the experiences of the Raja women particularly intriguing and worthy of close attention.

Table 1: Characteristics of women prisoners during the 1800s and 2000s

Cohort	Average Age	Most Common Offences	Recidivism (%)	Community Orders (%)	Programs
1800s	26	Theft and alcohol-related offences	17.20	97.20	Sewing and domestic skills
2000s	28	Theft, illicit drug offences and intent to cause injury	29.79	22.60	Horticulture, sewing, parenting and barista courses

Source: Founders and Survivors 2017, Australian Bureau of Statistics 2017.

The convict case studies below are a small sample of the women who made up this research. They were chosen to illustrate the quantitative data and remind readers and researchers alike that these experiences are human ones, both penal and personal. It is a privilege to study their stories and share their poignant reminders of the relative opportunities and human tragedy of many women's experiences.

Case Study 1: An Educated Path to Desistance

Margaret Shaw was 47 when she was transported to serve seven years for larceny. She was a widow with eight or nine children and could read and write well. Upon arrival, Margaret was sent straight to the Cascades Female Factory as a nurse, and in August 1844, was recommended by Superintendent John Hutchinson to fulfil the vacancy of an infant nurse in the Hobart Town Female Refuge and Queen's Orphan School on a salary of GBP18 per annum plus a personal ration.

In November 1844, she was recommended to be put in charge of the laundry for GBP18 per annum plus a personal ration, which she continued after being granted freedom in September 1847. During her time in Van Diemen's Land, Margaret committed no offences (Cowley and Snowden 2013c).

Case Study 2: Living Hand to Mouth

Mary Bannan was 18 when she was transported to serve seven years for theft. She was single with no children and could neither read nor write. During her time in Van Diemen's Land, she spent four months in hard labour and committed 10 of her offences after being granted freedom. Upon arrival, Mary was assigned to Mr Barnett, and her mother and sister arrived in Hobart as prisoners in 1843. Mary committed 12 offences between 1841 and 1843 before becoming a third-class Probation Pass holder in December 1843. She was then hired in private service and married Richard Baker in 1844.

In February 1845, her first child was born, daughter Ellen Baker in Campbell Town. In 1845, her nephew was born and died of marasmus at the age of 3 months. She received a Ticket of Leave in November 1845 and had a son in October. In January 1847, her husband died, and by October, she was free by servitude. In January 1848, she married John Poulter; however, in 1851, her husband, stepfather and mother departed Tasmania for Melbourne, followed by her sister and brother-in-law in 1854.

In November 1856, Poulter died of tetanus after fracturing his wrist while falling from a ladder. That same year, her daughter Ellen was charged with furiously riding a horse and endangering others. Mary was charged in May 1861 with being drunk and unable to take care of herself, while Ellen was charged with disturbing the peace; there was a string of many offences for the pair in that year.

Mary was charged with stealing a 5-gallon keg of ale in August, while Ellen was charged with maliciously cutting a tree growing on someone's land. In October, Mary was charged with being an idle and disorderly person, a common prostitute wandering the streets, behaving in an indecent manner and harbouring a male servant.

In December 1861, Mary became the owner and occupier of a house and 8 acres of land at Franklin Street, Campbell Town, with an annual value of GBP25. In April 1862, Ellen was charged with using indecent language and, in October of the same year, with stealing eggs. In May of the following year, she was charged with cruelly beating a horse. In June 1864, Mary was charged with being drunk and disturbing the peace, and in January 1865, with using indecent language in a police office.

In April 1865, Mary's son Richard was charged with riding on a wagon without anyone to guide the horse; it is unknown how old Richard was at this time or who his father was. In September 1865, Mary was stabbed and injured by John Williams, with the newspaper report stating:

John Williams was charged upon oath of C.D.C C. Scott with having at Campbell Town, on the 6th of September inst., committed an aggravated assault upon Mary Poulter, by violently beating her and breaking her leg. He pleaded guilty and was sentenced [to] two months [of] hard labour. (Cowley and Snowden, 2013d)

In February 1866, Ellen was charged with stealing three ducks, and in that same month, her son Thomas Poulter was charged with assisting in the assault of a police officer. In August 1866, Ellen was charged with stealing children's clothes, with the newspaper report stating, 'Ellen Poulter a young female well known to police' (Cowley and Snowden, 2013d). Following this incident in October, Ellen went on to give birth to a stillborn at the house of corrections. In September 1868, Ellen's daughter Mary Jane was assaulted by Samuel Harrison—Mary was age 11; Samuel was age 50. The newspaper report stated:

Samuel Harrison, a labourer, aged about 50, and residing in Epping Forest ... was charged with having ... on Sunday, the 13th instant, carnally known and abused Mary Jane Poulter, aged 11 years ... she could not read or write, [and] knew some of the alphabet. (Cowley and Snowden, 2013d)

In February 1869, Mary married George James; she was aged 38 and had eight living children and a servant. In January 1870, Mary's mother died in Victoria, and in 1871, her granddaughter Mary Jane was admitted to Cascades House of Correction and the Queen's Orphan School with a statement reading:

She is the illegitimate child of a female named Ellen Baker, more generally known as Ellen Poulter. The mother is a common prostitute in Launceston at present under the sentence of 6 months imprisonment as an idle disorderly. She long since deserted the child who has been living with a couple themselves living in adultery, and in the midst of scenes, calculated to utterly ruin the child's moral character. She has been removed from this residence by order of the Warden and is now in charge of the watch housekeeper and his wife. (Cowley and Snowden, 2013d)

In January 1872, Mary's son, Thomas Poulter, was charged with abandoning his infant son without means of support. In May 1873, Mary's husband, George James, died of pneumonia. In September 1879, Ellen was charged with disturbing the peace and drunkenness (Cowley and Snowden 2013d).

Case Study 3: Trauma and Illiteracy

Ann Mack was 19 when she was transported to serve seven years for larceny. She was single, with no children and was illiterate. During her time in Van Diemen's Land, she spent six days in solitary confinement, five months and 20 days in cells and two months and 14 days in hard labour. Upon arrival, she was assigned to JA Bailey; her duties are not known.

She received one charge of disobedience and one of larceny in 1841 and 1844, respectively. In October 1842, she married James Quedsted. Her daughter was born in May 1845 and died of water on the brain in December. She was classified as a third-class Probation Pass holder in November 1845 and had a daughter in October 1847.

Ann was free by servitude in March 1849 and had a son in January 1850, who died in July 1853 of scarlet fever. In September 1854, Ann took two women to court who beat her while she held her child in her arms.

In September 1855, her daughter died of inflammation, and in May, Ann was charged at the police court with abusive and threatening language. In May 1862, another daughter died of a concussion following a fall.

Ann's husband was a ship captain and rarely home. He survived two shipwrecks—one in which five children drowned. From 1866 to 1868, Ann was charged with disturbing the peace seven times. In February 1869, she was charged with threatening to

take her husband's life, and in January 1870, she took Isaac Robert Brindley to court for assaulting her. Between May and June 1870, she was charged three times with abusive language.

In July 1870, she was charged with drunkenness and had a male coloniser fined for assaulting her; however, the case had to be postponed because Ann was too intoxicated. Between January 1872 and July 1872, Ann was charged three times with wilfully damaging property and with two counts of breaching or provoking a breach of the peace. Between November 1872 and September 1875, she was charged with four counts of disturbing the peace, one count of theft, one count of being drunk, two counts of obscene language and two counts of unlawful beating/battery.

In February 1877, Ann was charged with unlawfully and maliciously wounding her daughter by throwing a knife at her, which stabbed her thigh. Ann died in November 1887 from sanguineous apoplexy (Cowley and Snowden 2013a).

Dependant on the Deviant

Contemporary women are presently navigating a system that, in close to 200 years, has failed to adapt to their needs, despite history (including the above case studies) demonstrating that these needs are not new phenomena. An absence of historical criminology has meant that the experiences of contemporary female offenders are not holistically understood and, therefore, potentially appropriate interventions not embraced. The criminal justice system, and in particular incarceration, exercises the largest power a state can legally hold over its citizens, with the treatment of criminals a sound barometer to the philosophies of a society (Morris 2002: 174). Therefore, the findings are concerning, both morally and practically.

So, what can we learn from the women of our past? What relevance do their stories have to contemporary female offenders and the contemporary institutions they find themselves in? This paper has suggested that convict women in the 1800s had a greater chance of reintegration and desistance than contemporary women, despite similarities in their offending and experiences of trauma. Often, we turn to history to learn from our mistakes to hopefully prevent a repeat of failings and to learn from our successes so we can reinforce the positive and the possible. In many ways, society had it right in the 1800s—not the floggings, the chains or floating prisons—but the encouragement of contribution, acceptance and worth involving both citizens and convicts. Therefore, it would be negligent to ignore the history—crime nexus and the themes threaded throughout historiography when examining how we might do things better today. Nonetheless, it is also vital to acknowledge how immediate social context in each punishment era is a determining factor in shaping trajectories and potential futures. This, too, is an essential part of our analysis.

Contemporary female prisoners are returning to criminogenic conditions, including communities that assign them less value than that which welcomed their convict predecessors. Following the end of transportation there were so many ex-convicts that society had little choice but to integrate them (Alexander 2010: 82). While colonisers may have felt superior to their convict neighbours, they were forced to accept them as free because to do otherwise would be to acknowledge that ex-convicts formed an enormous part of the community (Alexander 2010: 83).

The colony was reliant on convict skills and labour to both develop and sustain it. Consequently, Tasmania was dependent on its newly settled offenders to desist, to be rehabilitated and to be a part of the communities that they themselves were integral to building. The reintegration of convicts was successful everywhere in Australia, but it was more successful in Tasmania because it had to be (Braithwaite 2001: 38).

This is not the case for many contemporary female offenders, with the stark difference being the value society places on its returning citizens. Tasmania no longer depends on the labour or the reform of its prisoners but rather on the ability of the state to keep them locked away from functioning society. Therefore, the context in which value is defined has a significant effect on the philosophy and practical implementation of desistance and reintegration interventions. This, in turn, influences the opportunities and, ultimately, the success that offenders have in returning to their communities.

Contemporary women prisoners are re-entering a society that views their return as a risk rather than as an essential and promising step forward for the future. Howe (1994: 131) has observed in relation to incarceration that 'prisons are used as much for storing away those deemed to be socially useless, as for punishing the deserving and dangerous'. What compounds all of this is the trauma experienced by the women prior to, during and after incarceration, as well as coping with and navigating diverse community attitudes towards them.

Thus, there are substantive institutional differences in the *penal experiences* of these women (e.g., proximity to home, systems of parole and opportunities once released), just as there are remarkable similarities in the *personal life experiences* of the women

across eras (e.g., alcohol use and victim/survival of domestic violence). This means that trauma has occurred in both sets of lives, but in the transportation era, there were greater means to soften the blow in regard to future access to land, property and job opportunities.

Conclusion

The penal system is one of response; it responds to the crime, and then it responds to the offender. However, the system would do more to reduce crime by responding to the causes of criminal behaviour and criminogenic environments. If we are to understand how offenders are being responded to in the contemporary system, we first need to understand the history of how these interventions came to be. What contemporary institutions and communities have failed to provide is the value and worth required for an offender to successfully reintegrate back into the societies from which they came.

Tasmania's convict history was one of severe physical and mental punishment, harsh conditions and failures in penal policies. However, it was also one of immense opportunity, new beginnings and successful reintegration and desistance. Cohen (2005) articulated the problem of inmates not being given adequate support and preparation for a successful return to society. This problem is not new, nor are the conversations surrounding how to best address it.

The socio-economic status and reputation of contemporary offenders' places of origin and to which they are returning play a role in their chances of supported desistance, with the social value given to their community being a significant factor in their overall prospects. There is an argument to be made that by increasing the value of contemporary offenders and the avenues through which they can *give back* to their communities as convicts did, it is possible to alter the environment in a way that allows reintegration and desistance to become feasible and realistic (Graham and White 2015). The problem here is not a lack of generativity but rather a community's willingness to accept and value both the offender and the contributions they make. Thus, being valued plays a key role in an offender's ability to desist.

Convicts, male and female, generally had a chance to work in the community. The work varied greatly, as did the conditions. For many, the traumas of childhood and the brutalities of home and street life in the old country remained present and carried into the future. For some, local employers were cruel. But not for all. Many grasped with open arms the chance to do something in a normal context—even if under the coercive threat of the lash and the prison. Better to be outside and working for someone than inside and working as punishment only.

The difference lies in the social contexts. A *convict stain* did not prevent the transported women from trying to reintegrate; conversely, the *criminal stain* of contemporary women does. Therefore, the convict had a future. Education and hard work counted much, as did the hope provided by the availability of employment across many trades, services and professions, and the possibility of marriage (Graham 2016: 20). Making a home in Tasmania (or on mainland Australia) was achievable once the time was served. As Braithwaite (2001: 50) has noted, 'when those who have the power to stigmatise are dependent on the deviant, they are more likely to opt for reintegration than stigmatisation'.

However, today, ex-prisoners are not valued or considered members of legitimate society. The stigma of *ex-crim* sticks—and repels. Consequently, there is hesitation within government circles to advocate anything that benefits the offender (King et al. 2009: 57). To promote desistance and reintegration today is to promote the offender as a returning citizen to communities who have been taught to fear crime and criminals. The only community-building here is in the society of captives. Now, women prisoners being inside ruins their chances outside. However, outside is inevitably where most prisoners end up. Ultimately, we live with those we punish, yet we ostracise people in the short term in ways that penalise them in the long term. Under these circumstances, there are no winners, just victims and more victims.

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