

Sodom Island: Pandæmonium and the Botany Bay of Botany Bay

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DURING ITS SECOND BRITISH SETTLEMENT between 1825 and 1855, Norfolk Island operated as an ultrapenal prison complex that was variously known as “Hell upon Earth,” one of the “five criminal cities” of the plain, and “Gomorrah Island” or “Sodom Island.”¹ The isolated penal settlement was designed for recidivists and incorrigibles from the convict colonies of New South Wales and Van Diemen’s Land (the original name of Tasmania, changed in 1855) and the worst offenders from the British metropole. Lying roughly between New Zealand and New Caledonia, the small volcanic outcrop is some eight hundred kilometers (five hundred miles) from the nearest landmass, making for an ideal prison. Modern penal reformers campaigning for the end to the transportation system took

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¹ “Ultrapenal” describes the severity of disciplinary technology used at various colonial penal settlements where the most severe offenders or incorrigibles were sent as punishment. For example, see “To the Editor,” *Independent* (Launceston), April 28, 1832, 3; and “Conclusion of Letter to Lord Stanley,” *Tasmanian and Austral-Asiatic Review* (Hobart), December 26, 1844, 8. William Westbrook Burton, *The State of Religion and Education in New South Wales* (London: J. Cross, 1840), 258. (“Hell upon Earth” recalls the title of the anonymously authored 1729 pamphlet *Hell upon Earth; or The Town in an Uproar*, an account of the depravity, including the sodomitical depravity, of eighteenth-century London.) *Hell upon Earth; or The Town in an Uproar* (London: reprinted for Roberts & Dodd, 1729). “Those five criminal cities, on whom the Lord rained down his fire and his fury, were placed in a very beautiful country, and Norfolk Island is the modern representative of those guilty cities” (William Bernard Ullathorne, *The Catholic Mission in Australasia* [Adelaide: Libraries Board of South Australia, 1963], 40, facsimile of original pamphlet [Liverpool: Rockliff & Duckworth, 1837]). The island is referred to as “Gomorrah Island” in “Domestic Intelligence,” *Monitor* (Sydney), January 17, 1828, 7. For an example of the name “Sodom Island,” see “The Grievances of This Colony,” *Monitor* (Sydney), March 16, 1827, 4.

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Norfolk Island penal practice as an ultimate example of the failures of older system penal methods.² In 1845 newspapers and circulars printed increasingly alarmed reports on the objectionable social order at Norfolk Island, which they claimed had reached a crisis point under the administration of the commandant, Major Joseph Childs. Commentators attributed Childs's incompetence to a combination of arbitrary brutality and disciplinary laxity. Norfolk Island's social order, newspapers reported, was in a state of inversion, and an inquiry was called for. John Eardley-Wilmot, lieutenant governor of Van Diemen's Land, charged Robert Pringle Stuart, a visiting magistrate in the convict department of Van Diemen's Land, with conducting the investigation. Stuart spent two weeks at the prison settlement and composed a report that was convincing enough to persuade Eardley-Wilmot to take action to dismiss Childs the day after he had read it.³ Thomas Beagley Naylor, the former Anglican minister to the island, sent a letter to London, arriving in September 1846, expressing his dismay with what he also saw as systemic social disorder and widespread sodomitical sexual behavior at the settlement. He sent his letter to London with his wife, intending her to publish it as a pamphlet; however, Alexander Maconochie, the former Norfolk Island superintendent and renowned penal reformer, intervened, and the letter was instead sent to Earl Grey, secretary of state for war and the colonies. The Colonial Office tabled both Stuart's and Naylor's accounts in a report to both houses of the British Parliament on February 6, 1847.⁴ Upon hearing of the "unnatural" horrors at the settlement, Grey made orders for it to be closed and for the interned to be sent to the Tasman Peninsula in Van Diemen's Land.⁵

² For general histories of Norfolk Island during the period in question, see Eustace Fitzsymonds, introduction to *Norfolk Island, 1846: The Accounts of Robert Pringle Stuart and Thomas Beagley Naylor*, ed. E.F. [John Dally] (Adelaide: Sullivan's Cove, 1979), 7–10; Timothy James Causer, "'Only a Place Fit for Angels and Eagles': The Norfolk Island Penal Settlement, 1825–1855" (PhD diss., University of London, 2010); Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787–1868* (London: Collins Harvill, 1987), 460–84; Alan George Lewers Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the British Empire* (Melbourne: Melbourne University Press, 1966), 190, 339–46; and Raymond Nobbs, ed., *Norfolk Island and Its Second Settlement, 1825–1855* (Sydney: Library of Australian History, 1991).

³ Van Diemen's Land assumed administration of Norfolk Island in 1844 following cessation of transportation to New South Wales.

⁴ Earl Grey to Sir William Denison, Lieutenant-Governor of Van Diemen's Land, September 30, 1846, and Eardley-Wilmot to William Gladstone, Secretary of State for the Colonies, July 6, 1846, "Correspondence on Convict Discipline and Transportation," *British Parliamentary Papers (BPP)* (Cd. 785), XLVIII, 1847, 66–76, 77–98.

⁵ Admittedly, Grey did view Naylor's account as melodramatic, claiming that he "may have described it in darker colors than the simple facts would altogether require or admit." Nonetheless, Grey states his trust in the "name and character" of Naylor and states that "this statement has all the character and appearance of truth; that it is in itself but too probable a result of the existence of a convict establishment of such a kind in such a situation." (The

In this article I offer close readings of Naylor's and Stuart's accounts from a literary historicist perspective in order to provide nuanced analysis of the rhetorics about sodomy from which these accounts proceed. Both of these texts are primarily accounts of social disorder at the prison, and I argue that sodomy emerges as a primary condition of this disorder; it is depicted not simply as an expression of sexual behavior—though sex between the men was said to be ubiquitous—but as an indication of general social disorder. Michel Foucault famously described sodomy as the “utterly confused category,” noting its historical use to delimit a range of proscribed nonreproductive sexual acts, from adultery, oral and anal sex (between same-sex and different-sex partners), to bestiality.⁶ In British law, sodomy was a capital crime carrying the death sentence until 1861. In the Australian colonies, sodomy was criminalized under British law in the first two decades of the nineteenth century under 25 Henry VIII, chapter 8 as the “detestable and abominable vice of buggery committed with mankind or beast,” an injunction against general nonprocreative sex acts. (Enacted in 1533, 25 Henry VIII, chapter 8, was the first codification in secular law of prior canon law.) British sodomy law was later recodified under the 1828 Offenses Against the Person Act, in 9 George IV, chapter 31, as “the abominable Crime of Buggery, committed either with Mankind or with any Animal”; the legal requirement for proof changed to “upon the Proof of Penetration only.”⁷ Prior to 1828, “emission of seed” was required to convict. Proving that penetration occurred and that (prior to 1828) ejaculation occurred in an improper “vessel” was, for obvious reasons, extremely difficult. Of the 582 cases of sodomitical crimes occurring between 1800 and 1899 in the jurisdiction of New South Wales (inclusive of Norfolk Island until 1844), only 47 convictions for the capital crime of sodomy are recorded, and only 4 executions were carried out.⁸ Courts, in New South Wales at least, much

pragmatics of Grey's order to “with the least possible delay . . . break up the establishment” proved more complex, effecting a drawn-out closure of the prison.) See “Despatch from Earl Grey to Lieutenant-Governor Sir William Denison,” September 30, 1846, in E.F., *Norfolk Island*, 29.

⁶ Michel Foucault, *The History of Sexuality*, vol. 1, *The Will to Knowledge*, trans. Robert Hurley (1978; repr., London: Penguin, 2008), 101.

⁷ Ed Cohen, *Talk on the Wilde Side: Towards a Genealogy of a Discourse on Male Sexualities* (New York: Routledge, 1993), 117–18.

⁸ Peter de Waal documents these cases in a compendium of transcriptions related to trials for unnatural crimes and related offenses tried in supreme, quarter session, and police courts (courts of petty sessions). Peter de Waal, ed., *Unfit for Publication: NSW Supreme Court, Quarter Session and Police Court, Bestiality, Buggery, Sodomy and Other Sex Offences Trials, 1727–1930* (Sydney: de Waal, under the auspices of the Pride History Group, 2014). The forty-seven convictions were *R v. James Reece* (1799); *R v. Richard Moxworthy and John Hopkins* (1808); *R v. Alexander Brown and Edward Curtiss* (1828), Brown was executed; *R v. John Unwin* (1830); *R v. Michael Connolly* (1832); *R v. Michael Carney* (1834), executed; *R v. William Smith* (1834); *R v. John Mead* (1836), executed; *R v. John Warren* (1836); *R v. William Hazleton* (1836); *R v. James Sherwood* (1837); *R v. Richard Norris* (1838); *R v. Thomas Parry* (1839); *R v. John Solomon and William Williams* (1842); *R v.*

more often gave convictions for lesser sentences of “attempt to commit unnatural crime,” “assault with intent to commit unnatural crime,” or, where evidence was insufficient to convict for either of these charges, “indecent assault” or “indecent exposure.”⁹ In practice, prosecution in New South Wales included bestiality, abuse of children, rape, and consensual sex between adult males under sodomy law. Naylor and Stuart, as we will see, were less concerned about abuse than sodomitical relations between the adult male prisoners and concomitant social disorder.

Within nineteenth-century British imperial culture, sodomy was associated with the complete image of the biblical city of Sodom—not just of the immoral sex acts said to have been committed there but of a whole population characterized by immorality. For example, Sir William Molesworth, the Radical parliamentarian and a leading campaigner against the transportation system, described the colonial capital of Sydney as a city where “drunkenness and shameless profligacy” dominated the constitutions of both convicts and free settlers alike, who “acknowledge[d] no law, either human or divine,” and therefore created a “Sodom and Gomorrah.”¹⁰ With such an understanding of sodomy as a fusion of social disorder and improper sexual relations in mind, I trace how Naylor’s and Stuart’s accounts give Norfolk Island metaphorical appellations of other localities—“Pandæmonium” and “the Botany Bay of Botany Bay”—in order to describe what they saw as the prison settlement’s sodomitical social order. The authors use “Pandæmonium” and “the Botany Bay of Botany Bay” to imagine social disorder and its concomitant sodomitical relations as produced through civic mismanagement as manifested in flawed architectural, curatorial, classificatory, and economic organization. For Naylor and Stuart, the administrative management of bodies in civic space according to such organizational technologies and structures was central to

Stephen Waters (1842); R v. William Goodberry (1845); R v. Charles Robinson (1848); R v. John Walters (1853); R v. Lim Law (1853); R v. James Blackland (1855); R v. William Henry McDonald (1858); R v. James Kelly (1859); R v. George White (1864); R v. James Mahoney and Jeremiah Mahoney (1866); R v. Edward Moxham and John Smith (1867); R v. George Moffitt and Thomas Walton (1867); R v. John Sprougham (1867); R v. Michael McKevitt (1868), McKevitt was executed for both sodomy and murder charges; R v. William Purcell (1868); R v. Yep Zun (1869); R v. Matthew Cahill (1870); R v. John Lucas (1872); R v. George Bird (1873); R v. Thomas James Oates (1875); R v. William Douglas (1881); R v. Thomas Keane (1884); R v. Justin Claude Hilder (1887); R v. Thomas Hackett (1890); R v. William McCulloch (1890); R v. William Williams (1891); R v. Frederick Llewellyn Evans (1892); R v. William Sutton (1892); R v. George Evans (1894); R v. Richard Collins (1894); R v. John Frank Palmer Couche (1896); R v. John Thompson (1896); R v. Oswald Saunders Pitt (1896); R v. Samuel Price (1896); R v. Thomas Bailey (1896); R v. Giuseppe Zummo (1897); R v. James Morris (1897); R v. Joseph Amby (1897); R v. Alfred McGregor (1899); R v. David McCann (1899); R v. Ernest Wilkins (1899); R v. Henry Wilson (1899); R v. James Kelly (1899).

⁹ See the introduction and various trials documented in de Waal, *Unfit for Publication*.

¹⁰ William Molesworth, *Report from the Select Committee of the House of Commons on Transportation: Together with a Letter from the Archbishop of Dublin on the Same Subject and Notes by Sir William Molesworth* (London: Henry Hooper, 1838), 13n.

understanding sodomitical disorder and legislating for its elimination. Undergirding these accounts is the modern panoptic penal ideal of Jeremy Bentham, the jurist and infamous penal reformer who in the late eighteenth century had advocated the construction of prisons to ensure maximum visibility of prisoners to the gaze of authority and the isolation of individual prisoners from the mass or group in order to instill moral reformation and exert disciplinary constraint.¹¹ As Michael Warner has demonstrated for an earlier period, sodomy can stand as a symbol for “an entire society open to discipline.”¹² As we will see, Naylor and Stuart use the image of sodomy in a very similar way in order to further their case for the closure of the settlement and its replacement with a more effective disciplinary system through changes to penal architecture, classification of prisoners, and economic social structure.

Both Naylor’s and Stuart’s reports played an important role during a significant turning point in nineteenth-century British penal reform: the end of the British system of convict transportation and its replacement with penitentiary imprisonment on domestic soil. The British Parliament censored full publication of both documents, and the sections dealing with what were considered “unnatural crimes” were omitted from publication.¹³ Written some twenty years before the word “homosexuality” was coined in any language, the accounts can be viewed as precursors to modern categorization and thus contribute to our understanding of nineteenth-century bourgeois social organization and its sexual coordinates.¹⁴ If, following Foucault, we take penal reform and sexuality as significant sites of bourgeois-led reform and cultural change during the nineteenth century, then the explicit concern with administrative and moral management expressed by Stuart (a penal colony magistrate) and Naylor (an Anglican minister to a convict settlement) provides useful case studies of emergent bourgeois disciplinary norms.

Analysis of the sexual rhetorics of the antitransportation movement was first undertaken by Eustace Fitzsymonds in his introduction and annotations to the 1979 edited volume, *Norfolk Island, 1846: The Accounts of Robert Pringle Stuart and Thomas Beagley Naylor*. Fitzsymonds was the first to publish transcriptions of the complete accounts, including the previously publicly censored material in relation to “sodomitical” activity.¹⁵ The

¹¹ Jeremy Bentham, “Panopticon; or The Inspection House, &c.,” in *The Works of Jeremy Bentham*, ed. John Bowring, vol. 4 (New York: Russell & Russell, 1962).

¹² Michael Warner, “New English Sodom,” *American Literature* 64, no. 1 (1992): 19–47.

¹³ Fitzsymonds, under the name of E.F. (both pseudonyms used by John Dally), published the edited volume *Norfolk Island, 1846: The Accounts of Robert Pringle Stuart and Thomas Beagley Naylor* with the spine title *The Botany Bay of Botany Bay*. This book was the first publication to include the censored material (presented along with related dispatches and communications), printed in a limited run of annotated cloth-bound hardcovers.

¹⁴ Foucault proposes 1870, somewhat in jest, as the “date of birth” for the concept of homosexuality. Foucault, *The Will to Knowledge*, 43.

¹⁵ E.F., *Norfolk Island, 1846*. Ian Brand’s similar publication of the censored enclosure to La Trobe’s report on the probation stations in Van Diemen’s Land is of note in opening up the record to analysis, though it was not published until 1990. See Ian Brand, commentary

antitransportation movement was a campaign led by bourgeois reformers intent on ending the use of transportation to the convict colonies as a punishment and was closely connected with the broader Reform movement in 1820s and 1830s Britain. These efforts eventually led to the 1832 Reform Act and the 1833 Abolition of Slavery Act. A principal argument of the bourgeois campaigners in the metropole, most famously used by Molesworth, was that transportation (particularly the use of bonded labor and flagellation) was comparable to slavery and that, similarly to many arguments made against slavery, transportation caused moral degradation, specifically causing a lack of civilized restraint of the various human passions to vice, particularly sexual excess.¹⁶ Colonial reformers who were invested in bringing about a respectable and independent nation took up this campaign in the 1840s, establishing antitransportation leagues in the major colonial cities. Under this pressure, successive governments gradually wound down the system, in fits and starts, between 1840 and 1868 and replaced it with a penitentiary system in Britain.¹⁷

The scholarship on the antitransportationist movement's antisodomy rhetoric provides background for a reading of the Naylor and Stuart texts. Kirsten McKenzie, Kirsty Reid, and Catie Gilchrist focus on analyzing the political dimensions of bourgeois reformers' and antitransportation campaigners' use of rhetoric about sodomy and sexual activity among the convicts in the penal colonies.¹⁸ McKenzie argues that the sexual scandal following the Molesworth Committee's report hinged on a charge of sexual immorality leveled not just at individuals but at the whole colony of New

and notes, and M. N. Sprod, ed., *The Convict Probation System: Van Diemen's Land 1839–1854; A Study of the Probation System of Convict Discipline; Together with C. J. La Trobe's 1847 Report on Its Operation, and the 1845 Report of James Boyd on the Probation Station at Darlington, Maria Island*, (Hobart: Blubber Head Press, 1990).

¹⁶ Kirsten McKenzie, "Discourses of Scandal: Bourgeois Respectability and the End of Slavery and Transportation at the Cape and New South Wales, 1830–1850," *Journal of Colonialism and Colonial History* 4, no. 3 (2003): 1–56, Project MUSE, <https://muse.jhu.edu/article/50785>.

¹⁷ John Ritchie explains that in 1840 the Whig government ended regular transportation to New South Wales, yet "all forms of transportation to New South Wales did not end until 1849, to Van Diemen's Land until 1853, to Norfolk Island until 1856, to Western Australia until 1868" ("Towards Ending an Unclean Thing: The Molesworth Committee and the Abolition of Transportation to New South Wales, 1837–40," *Historical Studies* 17, no. 67 [1976]: 163).

¹⁸ McKenzie, "Discourses of Scandal"; Kirsty Reid, *Gender, Crime and Empire: Convicts, Settlers and the State in Early Colonial Australia* (Manchester: Manchester University Press, 2007), 204–46; Catie Gilchrist, "Male Convict Sexuality in the Penal Colonies of Australia, 1820–1850" (PhD diss., University of Sydney, 2004); Gilchrist, "'This Relic of the Cities of the Plain': Penal Flogging, Convict Morality and the Colonial Imagination," *Journal of Australian Colonial History* 9 (2007): 1–28; and Gilchrist, "Space, Sexuality and Convict Resistance in Van Diemen's Land: The Limits of Repression," *Eras Journal* 6 (2004), Monash University Arts Online, <http://artsonline.monash.edu.au/eras/space-sexuality-and-convict-resistance-in-van-diemens-land-the-limits-of-repression/>.

South Wales. This rhetoric played to what she describes as the “politics of respectability,” a bourgeois strategy to instill cultural norms and establish imperial power in the nineteenth century.¹⁹ For McKenzie, the testimony of Catholic missionary William Bernard Ullathorne before the Molesworth Committee on the prevalence of sodomy in the colonies was particularly central to the ensuing scandal over what he called the “horrible crime.” Despite the “pain and great torture of mind” the topic caused him, he had braced himself with a sense of duty in order to face and stamp out an evil that he believed to be pervasive wherever “bad men are brought together and continue together for any length of time.”²⁰ McKenzie argues that such elite commentators represented sodomitical crimes as variants of the larger immorality of the transportation system, particularly its technology of bonded labor, which they viewed as antithetical to bourgeois manners and morals.²¹ This analysis anticipates many of the arguments I want to make. In what follows, I will build on this argument through a detailed analysis of Naylor’s and Stuart’s writings to demonstrate that the conception of sodomy applied at Norfolk Island was seen as concomitant with social disorder in *specific* relation, I argue, to the architectural organization of prisoners with the view to keep their bodies separate and, relatedly, to ideas about economic and disciplinary social organization; I argue further that the social disorder McKenzie identifies bears a specific relation to the polis of Sodom, represented here using other symbols of locations marked by social disorder: Botany Bay and Pandæmonium.

Gilchrist shows how reformist commentators such as Maconochie represented the disciplinary technologies of flagellation and architectural designs that did not adequately separate prisoners as being damaging to convict constitutions and a cause of immoral behavior.²² Reflecting on his term as superintendent at Norfolk Island, Maconochie believed that the degrading and emasculating effects of whipping (reinstated at the settlement by his successor) caused the “gross sensual vices into which [convicts on Norfolk Island consequently] fell.” Through her analysis of the 1846 sodomy case against Richard Kinder and James Proper, recorded in the manuscript journal account of Aaron Price, who served as an overseer on Norfolk Island, Gilchrist demonstrates that charges of sodomy could be as much about spatial discipline as they were about sexual misbehavior. The court acquitted Kinder and Proper of sodomy but, Price records, still punished them for “exposing their persons to each other in one of the boxes of the barracks” and sentenced each of them to nine months’ hard labor and to be kept separate from each other. As Gilchrist argues, their transgression was

¹⁹ McKenzie, “Discourses of Scandal.”

²⁰ Minutes of Evidence, Ullathorne, February 8, 1838, *BPP* (Cd. 669), XXII, 1838, 24–25.

²¹ McKenzie, “Discourses of Scandal.”

²² Gilchrist, “Male Convict Sexuality”; Gilchrist, “‘This Relic’”; and Gilchrist, “Space.”

“both spatial and sexual” insofar as their transgression had also breached the penal measure of separation put in place by the boxes.²³ Expanding on her insight about the spatial dimension of charges of sodomy, I will argue that for reformers such as Naylor and Stuart, spatial discipline was understood in specific relation to panoptic principles of axial visibility and lateral invisibility and its sexual cognates.

In her study of the antitransportation movement in the Van Diemen’s Land case, Reid gives a rigorous account of the imbrication of antitransportation campaigners’ rhetoric about sodomy within their arguments about social and political organization, and she includes an account of commentators connected with Norfolk Island such as Naylor and Ullathorne. Reid convincingly argues that the antitransportation movement should be interpreted as part of the process of moving toward what she terms “self-making,” a gendered politics in the movement toward self-government in which reformers stressed manly self-control as integral to humanist civility and enlightenment principles and, therefore, essential to their bid for independence.²⁴ Along this path to establishing Australia as an independent nation-state, Reid convincingly argues, antitransportationists represented sodomy as a threat to masculine autonomy, a fear that motivated their vehement rhetoric on the subject. Reid ties rhetoric about the prevalence of sodomy in the colony to theories about undisciplined social order, a claim I want to expand on in relation to what I argue Naylor and Stuart see as the related effects of disciplinary failure to adequately regulate convict bodies: sexual relations and unruly collectives of convicts. Reid also describes claims of widespread sodomy as politically motivated hyperbole. She examines Van Diemen’s Land Supreme Court reports on convictions for unnatural crime, comparing conviction rates in the 1840s to the 1830s, and speculates that, “given the increased attempts to police and regulate male convict sexual behavior and the public hysteria [in Van Diemen’s Land in the late 1830s through the 1840s], we might . . . have expected a peak in prosecution and conviction patterns for offences such as sodomy and bestiality.”²⁵ Reid notes that measures were taken by penal authorities in Van Diemen’s Land to enable more efficient prevention and policing of sex between male convicts (such as the installation of lights in sleeping quarters and the erection of partitions between hammocks or beds). Significantly, no legislation was passed during the 1830s or 1840s that would have enabled easier indictment or conviction.²⁶ While beyond our main focus here, missing from Reid’s account is an analysis of summary jurisdictional punishments,

²³ Gilchrist, “Space.”

²⁴ Reid, *Gender, Crime and Empire*, 204–46.

²⁵ Reid249n51.

²⁶ The Offences Against the Person Act 1828, which removed the legal requirement for emission of seed, was the only major reform in British law in the early nineteenth century. See Cohen, *Talk*, 117–18.

overseer police reports, and conduct records. Reid's analysis only reflects high court convictions, leaving policing unexamined. We can here think of Earl Augustus Slade's testimony to the Molesworth Committee that his ability to prosecute sodomy cases as the police magistrate in Sydney was limited by the difficulties of conviction; he had therefore dealt with such cases through summary jurisdictional punishment (without the need to even indict the offender) in twenty-nine out of thirty cases.²⁷ In other words, approximately 95 percent of unnatural crime cases brought before Slade would not have shown up in court reports on convictions and indictments. (Such court reports, of course, only reflect those cases of sodomy that were at initial hearings committed to further trial or were successfully prosecuted to conviction.) Assuming that Slade was not exaggerating, we can see that sodomy *indictments and convictions* grossly underestimate policing, not to mention occurrence of the behavior. A topic for further research would be to investigate whether the frequency of summary punishments or convictions for lesser degrees of sodomitical crimes escalated in the 1840s.

Investigating the Naylor and Stuart reports from another angle, Robert Aldrich and Garry Wotherspoon have separately interpreted these reports and other descriptions of sodomy in the convict colonies as evidence for early homosexual subcultures.²⁸ Aldrich includes the reports on Norfolk Island in a survey of convict homosexuality, and he collapses the concepts of homosexuality and sodomy.²⁹ Similarly, Wotherspoon analyzes Stuart's report on marriages occurring between convicts on Norfolk Island as evidence that "homosexual subcultures were emerging."³⁰ The problem is that both authors apply a modern category, "homosexuality," to an earlier period, causing blindness to further meaning layered within the term "sodomy." Nonetheless, these scholars accept that sex between convicts was likely widespread; Aldrich notes, for instance, that gender segregation self-evidently leads to same-sex sexual activity in military and prison populations.³¹

²⁷ Minutes of Evidence, Slade, April 25, 1837, in "Report from the Select Committee on Transportation; Together with the Minutes of Evidence, Appendix, and Index," *BPP* (Cd. 518), XIX, 1837, 67–69.

²⁸ Robert Aldrich, *Colonialism and Homosexuality* (London: Routledge, 2003), 215–45; Garry Wotherspoon, "Gay Men," in *Dictionary of Sydney* (2008), http://dictionaryofsydney.org/entry/gay_men. Wotherspoon, with Aldrich, forged a field in the study of the history of Australian homosexual subcultures, beginning with their editing of the series *Gay Perspectives: Essays in Australian Gay Culture*, published out of the History Department at the University of Sydney. They are regarded as authorities in this area. See Garry Wotherspoon, *City of the Plain: History of a Gay Subculture* (Sydney: Hale & Iremonger, 1991); and Clive Faro, with Garry Wotherspoon, *Street Seen: A History of Oxford Street* (Carlton South, VIC: Melbourne University Press, 2000).

²⁹ Aldrich, *Colonialism and Homosexuality*, 218.

³⁰ Wotherspoon, "Gay Men."

³¹ Aldrich, *Colonialism and Homosexuality*, 218. Similarly, Robert Hughes displays (characteristically) no shyness on the prospect of widespread sodomy: "Buggery, it has been said, is to prisons what money is to middle-class society. It was as utterly pervasive in the world

From another perspective, Tim Causer and Babette Smith both argue against the enduring image of convict society as being populated by a depraved criminal class and characterized by brutal disciplinary treatment (an image first cultivated by antitransportationists and accepted by later historians).³² While Smith influentially but controversially argued that the convict period was socially egalitarian, Causer uses quantitative analysis to demonstrate that Norfolk Island convicts were mostly convicted for nonviolent property offenses rather than for murder, rape, or the like.³³ Smith and Causer have interpreted antitransportationists' specific claim that sodomy was prevalent among the convicts—such as the claims made by Ullathorne and the Crown solicitor for Van Diemen's Land, Alban Charles Stoner—as part and parcel of their representations of the convict population as a depraved criminal class.³⁴ Smith claims that antitransportationist rhetoric demonstrates that “the real impetus for the anti-transportation movement was surely homophobia,” while Causer describes contemporaneous commentary about the ubiquity of sodomy on Norfolk Island as exaggerated rhetoric meant to damage the reputation of the convicts.³⁵

Smith relies on the report on the probation station system submitted by Charles Joseph La Trobe, acting lieutenant governor of Van Diemen's Land, on May 31, 1847. Smith analyzes a report from police courts (petty courts responsible for committal hearings and minor offenses) that La Trobe included in his report. She also analyzes the opinions of surgeons who worked at convict settlements and the opinions of clergymen who were stationed with convicts that La Trobe also reported on. Similarly to Reid, Smith comes to the conclusion that while sodomy surely existed among the convicts, its prevalence was likely far less than antitransportationists claimed.³⁶ Relying on court reports, as discussed above, can only get us so far, since they only document committals for the capital crime, which (as La Trobe also noted in his report) were notoriously difficult to bring to trial. (La Trobe further claimed that the Van Diemen's Land attorney general, Thomas Horne, considered attempts to gain conviction for sodomy as predictably fruitless

of hulks and penal settlements as it is in modern penitentiaries” (*Fatal Shore*, 265). While Hughes is rather cavalier in his analysis, we can assume, if we agree that separation and lateral invisibility *do* limit sexual relationships, that sodomy would have been more prevalent in such older-style arrangements than in modern penitentiaries.

³² Causer, “Only a Place,” 18–42, 72–100; Babette Smith, *Australia's Birthstain: The Startling Legacy of the Convict Era* (Crow's Nest, NSW: Allen & Unwin, 2008), esp. 10–12, 200–253. For earlier historiography that shares the perspective that ideas about the brutality of the convict system represent an exaggeration, see John Hirst, *Convict Society and Its Enemies: A History of Early New South Wales* (Sydney: George Allen & Unwin, 1983), 55–133, 175–84; and, in a less tendentious account, Shaw, *Convicts and the Colonies*, 184–216.

³³ Smith, *Australia's Birthstain*, 333–37; Causer, “Only a Place,” 72–99, esp. 98.

³⁴ Smith, *Australia's Birthstain*, 236–45, esp. 238–39; and Causer, “Only a Place,” 270–79.

³⁵ Smith, *Australia's Birthstain*, 236; Causer, “Only a Place,” 289.

³⁶ Smith, *Australia's Birthstain*, 238–40.

exercises and therefore concluded that to air “a tissue of [the] disgusting evidence” in open court “was unjustifiable.”³⁷ The surgeons and ministers Smith cites likewise gave their opinions on the prevalence of sodomy in relation to investigation and confession of the capital crime.³⁸ Smith’s interpretation is also damaged by her equation of “unnatural crime” with homosexuality, leading her to underplay the social and disciplinary dimensions of sodomy allegations. Relying on court reports on the capital crime of sodomy as evidence inevitably creates the impression that sodomy was less prevalent than reformers claimed.

Despite claiming that quantification is in the end “a meaningless debate over figures,” Causer’s analysis of quantitative data leads him to similarly conclude that contemporary reports about the ubiquity of sodomy on Norfolk Island were exaggerations.³⁹ He argues that concerns about sodomy were first raised by the Molesworth Committee and then became entrenched.⁴⁰ Named after its chair and most vocal advocate, Sir William Molesworth, this select committee of the British House of Commons met over two sessions in 1837 and 1838, interviewing a range of sympathetic commentators and convict administrators with the aim of furthering the campaign to bring an end to the transportation system.⁴¹ Molesworth’s report famously blamed the system of transportation for widespread sodomy. In order to expose this and similar antitransportationist arguments as politically motivated exaggerations, Causer relies on the evidence of convictions for unnatural crimes, primarily in the eighty-nine convictions for unnatural crime he identifies as occurring on Norfolk Island and in his analysis of the *Seppings* case. (*Sir John Seppings* was a transport ship that took convicts from Norfolk Island to Van Diemen’s Land at the closure of

³⁷ Charles Joseph La Trobe, “A Despatch from C. J. La Trobe Esq. to Earl Grey: The Present State and Prospects of the Convicts in Van Diemen’s Land,” in Brand and Sprod, *The Convict Probation System*, 148–49.

³⁸ Smith actually misquotes La Trobe in her analysis of medical staff’s and religious ministers’ reports by claiming that La Trobe is summarizing the opinion of Van Diemen’s Land surgeons and ministers in general when La Trobe is actually quoting the opinion of the surgeons and ministers from various establishments connected with the Prisoner’s Barracks Hiring Depot in Launceston. Smith, *Australia’s Birthstain*, 238–39; see La Trobe, “Despatch,” 151–52.

³⁹ Causer, “‘Only a Place,’” 273.

⁴⁰ For a discussion of the actual influence of the 1837–38 Molesworth Committee in effecting the end of the transportation system, see Ritchie, “Towards Ending an Unclean Thing,” 144–64. (The Molesworth Committee, nevertheless, interviewed many of the key figures Ritchie describes as actually influential, such as Ullathorne, James Mudie, and John Lang; the most influential figure Ritchie cites is Rev. Richard Whatley, the archbishop of Dublin, and Molesworth also published a version of the report alongside Whatley’s letter on the system. The Molesworth Committee is a highly valuable documentation of antitransportationist thought.)

⁴¹ “Report from the Select Committee on Transportation; Together with the Minutes of Evidence, Appendix, and Index,” *BPP* (Cd. 518), XIX, 1837; and *BPP* (Cd. 669), XXII, 1838.

the settlement and was reported by commentators to be full of “depraved” criminals. Commentators also claimed that a quarter of the men were branded S.T. for “separate treatment,” meaning separate cells, and “buggered” each other while onboard.)⁴² Eighty-nine convictions, however, is actually a very high number, considering that of the recorded cases that occurred in New South Wales in the same period (1825–55), by my count, there were only thirty-two successful convictions for sodomy or attempt to commit sodomy. (The population of New South Wales during the period grew from approximately 38,000 in 1825 to 266,000 in 1855, compared to Norfolk’s population in the same period, which, as Causer shows, never exceeded 2,000.)⁴³ Like Smith, Causer problematically claims that conviction rates can be taken as evidence for the prevalence of the behavior and underplays the difficulties of securing convictions for sodomy.

In contrast, Fitzsymonds claimed that “enough evidence exists to put beyond doubt” Stuart’s claim that “these parties [convicts on Norfolk Island] manifest as much eager earnestness for the society of each other as members of the opposite sex.”⁴⁴ Fitzsymonds references a series of infractions occurring in the 1840s, only one of which is a conviction for the capital crime of sodomy, against Henry Hooley and William Duncan.⁴⁵ Fitzsymonds also mentions James Ainsworth, whose conduct record lists a misconduct charge for intent to commit unnatural crime, punished summarily.⁴⁶ Significantly,

⁴² Causer, “Only a Place,” 279, 284–89. Causer does claim to have analyzed conduct records for cases of convicts being punished for “sexual relations with other Norfolk Islanders”; unfortunately, he does not explain his findings, making engagement with the detail of this argument impossible. Of the few conduct records Causer does note that contain punishment for sexual relations, each references “unnatural crime,” “sodomy,” or a variation of the capital crime, suggesting that Causer is referring to convictions as recorded in conduct records for sodomy or the attempt to commit sodomy.

⁴³ See de Waal, *Unfit for Publication*. For New South Wales population statistics, see “Australian Historical Population Statistics,” Australian Bureau of Statistics, published August 2, 2008, <http://www.abs.gov.au/AUSSTATS/abs@nsf/DetailsPage/3105.0.65.0012008>. For Norfolk Island population statistics, see Causer, “Only a Place,” 58. On the general difficulty of bringing sodomy to conviction, see Attorney General Thomas Welsh to Colonial Secretary James Ebenezer Bicheno, August 23, 1843, with specific recommendations for reform, Colonial Secretary’s Office, Correspondence Records, Legal Branch, CSO 22/83/1805, Tasmania Archive and Heritage Office (TAHO); La Trobe, “Despatch,” 148–49; and (in nineteenth-century British domestic law) Harry Cocks, *Nameless Offences: Homosexual Desire in the Nineteenth Century* (London: I. B. Tauris, 2010), 23–24.

⁴⁴ Fitzsymonds, *Norfolk Island, 1846*, 46n29.

⁴⁵ Conduct Record, William Duncan, July 25, 1846, CON33/1/86 19844, and Conduct Record, Henry Dooley, July 25, 1846, CON33/1/80 18522. All Conduct Records are in Convict Department, Conduct Registers of Male Convicts Arriving in the Period of the Probation System, TAHO. Duncan and Dooley were sentenced to death, and both later had their sentences commuted to transportation for life (to be kept for life at Norfolk Island) and to be kept separate from each other and from other prisoners.

⁴⁶ Conduct Record, James Ainsworth, June 22, 1847, CON33/1/86 19797. Ainsworth was also one of the men transported to Van Diemen’s Land on the *Sepping* (cf. Causer’s argument in “Only a Place,” 286–87).

however, all the other infractions Fitzsymonds lists are summary infractions that do not mention the crime of sodomy, including against John Lee for "Misconduct in being together in the Hammock [with another prisoner]," against Charles Bruce for "Misconduct in being in the same sleeping berth with another man," and against Edward Picken for "Disobedience of orders in being in the same sleeping berth with another man and making use of obscene language."⁴⁷ If there is doubt about the sexual nature of such charges, the punishment used of separating the parties from one another and the use of separate cells (rather than solitary confinement) in each of these cases strongly supports it. As we will see below, there was a ward in the barracks made up of separate cells that Stuart reports as being used for those "addicted to unnatural crime." Causer's statistical count does not account for such minor charges, limiting the picture as to the extent of sodomy at Norfolk Island. The prevalence of such infractions surely bolsters commentators' claims for the wide prevalence of sodomitical activity, despite the charges not being convictions for either sodomy or an attempt to commit sodomy.

Turning now to a more detailed investigation of Naylor's and Stuart's reports, I will argue that Naylor's and Stuart's arguments about the prevalence of sodomy refer as much to disciplinary concerns about proximity between prisoners, about convicts gathering in masses, and about improper classification systems as they do to individual behavior. Like many penal reformers, they describe sodomy as a larger concern of social disorder and discipline rather than as simply an indication of sexual relations, and they focus on penal architecture and economic organization. Claims about the prevalence of sodomy were arguments about political order. Naylor and Stuart were clearly drawing on the image of the biblical city of Sodom, which, like many contemporaneous commentators on the convict colonies (such as Molesworth's description of Sydney as a "Sodom and Gomorrah" mentioned above), emphasized the behavior of the citizens of Sodom as much as the general structure of the polity of the ancient city.⁴⁸ Sodomy stands for the failure of the convict system to effect a disciplined social body. While beyond the scope of our discussion here, it should be noted that Naylor's and Stuart's accounts of sodomy include acts of sexual violence, abuse of power, and violent activity alongside those of mutinous resistance to penal conditions on Norfolk Island and same-sex sexual relations. Despite their rhetoric about sodomy as axiomatically violent, however, their concerns were not about abuse of power, as they are clearly advocating for increased disciplinary constraint over mostly lower-class criminals who had been convicted for relatively minor property offenses and for whom neither expressed much sympathy.⁴⁹

⁴⁷ Conduct Record, John Lee, June 30, 1846, CON33/1/86 19920; Conduct Record, Charles Bruce, February 1, 1848, CON33/1/83 19197; and Conduct Record, Edward Picken, December 3, 1847, CON33/1/83 19327.

⁴⁸ For a discussion of biblical Sodom, see Warner, "New English Sodom," 20–21.

⁴⁹ Causer, "Only a Place," 72–99, esp. 98.

Author: The copyeditor noted that you wanted "hell" capitalized, but not only is it typically lowercased per journal style (Chicago, 17th ed., 8.109: Heaven, hell, and so on), but she says it's lowercased in *Paradise Lost* itself. If she's incorrect on the latter point, please let me know.

"PANDÆMONIUM": LATERAL VISIBILITY

After leaving his post as Anglican minister to the convicts on Norfolk Island, Naylor wrote a letter to Lord Stanley, secretary of state for the colonies, recommending closure of the institution and describing the prison barracks as akin to the "High Capitals / Of Satan and his peers."⁵⁰ This is a slightly incorrect quotation of Milton's infamous couplet in *Paradise Lost* on Pandæmonium, capital city of hell.⁵¹ Milton's neologisms are characteristically compounds of classical words, and "Pandæmonium" is no exception. It is constructed from the Greek word "pan," meaning "all, wholly, entirely, altogether, by all, of all," and the Latin word "dæmonium," meaning "evil spirits," "demons," or "devils."⁵² Pandæmonium imagines a polis with a hellish social order populated by an admixture of corrupted spirits or bodies.⁵³ In Milton's Pandæmonium, Satan and his peers freely mix. In Milton's vision, Satan's followers, the "hasty multitude," gather for the Pandæmonic council: "Thick *swarmed* / . . . / With *hundreds and with thousands trooping* came / . . . / Pour forth their *populous* youth about the *hive*."⁵⁴ *Swarmed* in a unified mass, the fallen are *trooping* or rallying as a *hive* to the inverted polis. Naylor uses a similar characterization of inverted social order on Norfolk Island, extending Milton's Protestant vision of the inverted congregation in ways that emphasize the moral failures of the convict system. Antitransportationist analyses of convict classification systems consistently identified the origin of sodomy within amassed gatherings of prisoners, particularly when the convicts were lodged together in barracks and penal settlements. In his testimony to the Molesworth Committee on February 8, 1837, Ullathorne commented that it would be impossible to stop what he claimed was widespread sodomy on Norfolk Island so long as convicts were "crowded together" and noted that he had made suggestions to stem the activity such as erecting partitions between the prisoners.⁵⁵

⁵⁰ Thomas Beagley Naylor, "Norfolk Island, the Botany Bay of Botany Bay: A Letter Addressed to the Right Honourable Lord Stanley, Secretary of State for the Colonies, by Revd. T. B. Naylor, BA, Late Chaplain of the Island" (1845–46), in E.F., *Norfolk Island, 1846*, 24. Hereafter cited parenthetically in the text as "NF."

⁵¹ The correct citation is "High Capital / Of Satan and his peers." John Milton, *Paradise Lost*, in *John Milton: A Critical Edition of the Major Works*, ed. Stephen Orgel and Johnathan Goldberg, the Oxford Authors series (Oxford: Oxford University Press, 1991), lines 756–57.

⁵² *Oxford English Dictionary Online*, s.v. "pandemonium, (n.)," accessed November 25, 2018, www.oed.com/view/Entry/136751.

⁵³ Sodom and hell bear a close relation in the history of Christian thought. According to Warner, "the phrase 'fire and brimstone,' commonly thought to refer to hell but actually deriv[es] from the destruction of Sodom in Genesis 19:24." Furthermore, as Warner shows us, early American Puritans often made the connection between the two, Samuel Mather referring to Sodom and hell as "type and antitype" ("New English Sodom," 41n10). (As we are seeing here, the connection persists with nineteenth-century antitransportation penal reformers.)

⁵⁴ Milton, *Paradise Lost*, bk. 1, lines 730, 759–70, emphasis added.

⁵⁵ Minutes of Evidence, Ullathorne, February 8, 1838, 26.

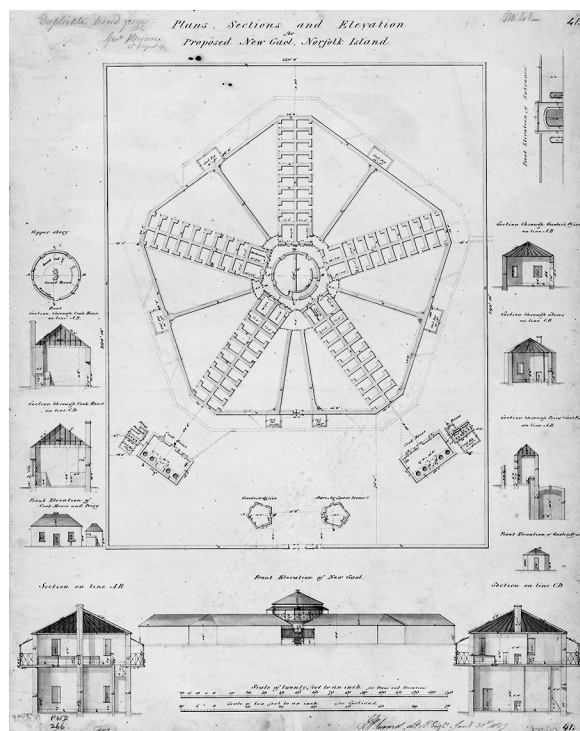


Figure 1. Henry Williamson Lugard, “Plan, Sections and Elevation for Proposed New Gaol, Norfolk Island,” January 31, 1839, PWD266/1/1887, TAHO. Reproduced by permission from the Tasmanian Archives and Heritage Office.

Molesworth and many of the reformers connected with the Molesworth Committee were members of the Utilitarian Society and close adherents of Bentham’s utilitarian philosophy.⁵⁶ This philosophy clearly underwrote the antitransportation movement, as many reformers suggested building panoptic prisons in place of the “assignment system,” where convicts were assigned to masters for periods of bonded labor.⁵⁷ Many panopticons were designed for and built in the convict colonies, including the New Gaol on Norfolk Island (see fig. 1). Bentham’s panoptic penitentiary was designed with the specific aim of separation. “Cells,” Bentham writes, made visible “to the keeper a *multitude*, though not a *crowd*.”⁵⁸ In this new prison, in other words, the guard could see a multitude of individual inmates rather than an amassed crowd, as had faced jailors in old-style prisons. Reformers

⁵⁶ Ritchie, “Towards Ending an Unclean Thing,” 153.

⁵⁷ See, for example, Molesworth Committee Report, August 3, 1838, *BPP* (Cd. 669), XXII, 1838, xli–xlii.

⁵⁸ Bentham, “Panopticon,” 47, emphasis in original.

such as Ullathorne and Naylor contrasted this view of a reformed prison to the system of transportation, and they viewed Norfolk Island as the apotheosis of disciplinary disorder. In his theorization on the history of penal thought, Foucault shows that the theory of the panopticon was based on a concept of “lateral invisibility” (between prisoners), separation rather than lateral “proximity,” and “axial visibility” (visibility of prisoners to the gaze of authority).⁵⁹ Using his language in our analysis of Naylor and Stuart, we find a reversed situation predominating in the architectural arrangement of the penal settlement, which was characterized by lateral visibility and proximity and by a lack of axial visibility. Pandæmonium, a sodomitically coded polis where men are gathered in close confines and are hidden from the gaze of authority, I argue, indexes a social order where, as Stuart claimed, “unnatural crime is indulged in to excess.”⁶⁰ Concomitantly, as Eardley-Wilmot warned his Executive Council in response to Stuart’s report, “the settlement is on the very verge of an open mutiny.”⁶¹

In a critical section of Naylor’s account, he describes the conditions of the main civic institutions on Norfolk Island: the hospital, the jail, and the barracks. Naylor describes the hospital (fig. 2) as “literally ‘a whited sepulchre,’” likely alluding to the colonial practice of whitewashing convict buildings with lime and to the fact that convicts were more likely to die there than to recover. The phrase “whited sepulchre” or “painted sepulchre” directly refers to the biblical term for a hypocrite or someone whose purity of outward appearance belies a corrupted interior.⁶² *The Oxford English Dictionary* quotes Viceimes Knox, the Anglican essayist writing at the end of the eighteenth century, as exemplary: “those varnished qualities, which, like whited sepulchres, are but a disguise for internal deformity.” Naylor’s report emphasizes the corrupted interiors of convicts, particularly their constitutional degradation and depraved habits. Portrayals of convicts as corrupted by the system of transportation are consistent with antitransportation rhetoric.⁶³ La Trobe, for instance, warned about the “spread of convict vice” that was degrading the moral and spiritual life of the lower classes in Van Diemen’s Land.⁶⁴ Similarly, when asked during examination at the Molesworth Committee if the system of punishment at Norfolk Island had

⁵⁹ Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (1977; repr., London: Penguin, 1991), esp. 200, 216, 295.

⁶⁰ Robert Pringle Stuart, “Copy of a Report from Mr. Stuart to the Comptroller-General. Hobart Town, June 20, 1846,” in E.F., *Norfolk Island, 1846*, 45. Hereafter cited parenthetically in the text as “R.”

⁶¹ Eardley-Wilmot to Executive Council of Van Diemen’s Land, “Minute of Meeting of [the Van Diemen’s Land] Executive Council, July 1, 1846,” in E.F., *Norfolk Island, 1846*, 73.

⁶² *OED Online*, s.v. “sepulchre, (n.),” especially s.v. “white (painted) sepulchre (n.l.b.),” accessed November 25, 2018, www.oed.com/view/Entry/176261.

⁶³ Gilchrist, “This Relic,” 13–20.

⁶⁴ La Trobe, “Despatch,” 119.

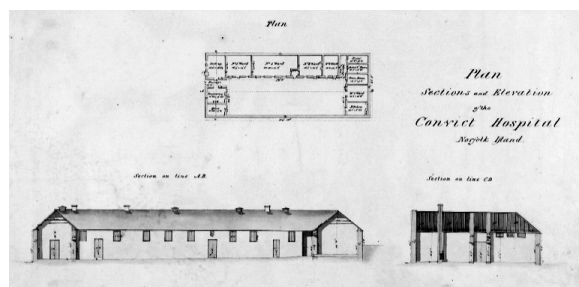


Figure 2. Detail from Lugard, “Plan, Sections and Elevation of the Convict Hospital, Norfolk Island,” January 31, 1839, PWD266/1/1906, TAHO. Reproduced by permission from Tasmanian Archives and Heritage Office.

any impact on rehabilitation, Major Wright, former commandant at Norfolk Island, reported that while the convicts under his supervision appeared to be pouring over religious material in a spirit of making amends for their mistakes, they were “at this very same time . . . concocting the mutiny which subsequently took place under him.”⁶⁵ In these descriptions false outward representation as cover for inner moral corruption is a common trope of convict morality. In his authoritative study on convict crime and vice in New South Wales between 1831 and 1861, Michael Sturma points out that we should not rely on contemporaneous middle-class and elite perceptions of crime when interpreting their rhetoric on contamination and convict depravity.⁶⁶ Opinions of the religious elite and convict administrators on convict “depravity,” notably, often refer to behavior that would have undermined penal discipline such as strikes, mutinies, and concomitant sodomitical relations. Naylor represents criminal behavior such as murder and sodomy as the norm on Norfolk Island; he complains that “the work of contamination has infected, far and wide, the whole body”; and he sarcastically criticizes the transportation system for having the convicts’ “restoration to society at heart.” This outward falsity is all “rank *hypocrisy*” (“NI,” 21, his emphasis). He codes inner moral corruption, the claimed structural effect of the transportation system, as sodomitical. Naylor uses “whited sepulchre” to refer to the building’s insufficient institutional purpose and to color such failures with the sodomitical referents of internal corruption; the hospital is represented as an inadequate site for the rehabilitation of sick prisoners and as a failed part of a penal colony aimed toward reformation of convicts.

Naylor continues the religious motif in his description of the jail: “Nor is the gaol a whit better” (“NI,” 24; see fig. 3). This echoes the synonymous

⁶⁵ Minutes of Evidence, Major Thomas Livingston Wright, April 2, 1838, *BPP* (Cd. 669), XXII, 1838, 137.

⁶⁶ Michael Sturma, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth-Century New South Wales* (St. Lucia: University of Queensland Press, 1983), 3.

negation “devil the whit” (meaning “not a bit”), as well as referring to the days of the *Whitsun* (the Christian festival of the Pentecost). The term also frequently appears in English translations of the Bible, such as in the Geedes translation of Deuteronomy, where Moses, warning of the sins of idolatry and the consequent fate of the cities of the plain, proclaims: “Burn with fire the city, and all the spoil thereof every whit.”⁶⁷ Biblical references saturate Naylor’s letter; Pandæmonium, sodomy, whited sepulchers, and words like “whit” disclose his Anglican vocation and training, revealing his religious motivations for demanding legislative fire-and-brimstone solutions to the modern Sodom of Norfolk Island. Naylor claims that the jail’s structure was shoddy, since it was “originally a badly-built public-house” that was “converted into a Gaol” in 1825 (“NI,” 24). The English, however, had burned all the buildings of the first settlement (to prevent French occupation) and rebuilt the jail on the previous settlement’s jail foundations.⁶⁸ Naylor’s use of “badly-built” as a hyphenated compound draws attention to the multiple registers of the word “badly” in terms of both architecture and individual character. He emphasizes moral badness in his use of “public-house,” connoting public inns and brothels. While testifying before the Molesworth Committee, Ullathorne similarly reported that he believed that the Norfolk Island jail “had originally been an Inn,” which he followed with a claim that the extent of unnatural crime on the island was infamous to the point that he described it as “proverbial.”⁶⁹ Such myth making about the jail being built on an old inn serves to underline the building’s bawdy reputation.

Naylor also described the jail as “far too small for its present purposes, very damp, wretchedly ventilated and altogether the most wretched place I ever visited” (“NI,” 24). The repeated references to wretchedness might simply reflect imperfect writing, but in emphasizing the vileness and bad character of a wretch, they also paint a picture of the poverty and degradation that reformists insisted were inherent to the old jail design and could be cured through an orderly panoptic reconstruction. The wretchedness of the old design jail originates, for Naylor, from its close confines, where the spaces between the bodies of the men are not occupied by physical barriers but by heavy, humid air. In what Naylor claims is an extract from a letter addressed to an unnamed civil commandant (presumably Childs), Naylor added the following footnote to the above sentence in his letter to Stanley: “Sir— . . . The ward No. 7 was so suffocating hot and offensive, that I could not remain in it many minutes and although many of the men

⁶⁷ *OED Online*, s.v. “whit, (*n*¹),” accessed November 25, 2018, www.oed.com/view/Entry/228558; and *OED Online*, s.v. “Whit, (*n*²),” accessed November 25, 2018, www.oed.com/view/Entry/228559.

⁶⁸ Eric Martin and Philip Cox, “Rebuilding the Settlement,” in Nobbs, *Norfolk Island*, 115; Jean Rice and Kylie Christian, eds., *Freemen & Convicts: A Collection of the Signs in the Kingston & Arthur’s Vale Historic Area KAVHA / Norfolk Island* (Norfolk Island: KAVHA Management Board, 2013), 58.

⁶⁹ Minutes of Evidence, Ullathorne, February 8, 1838, 27.

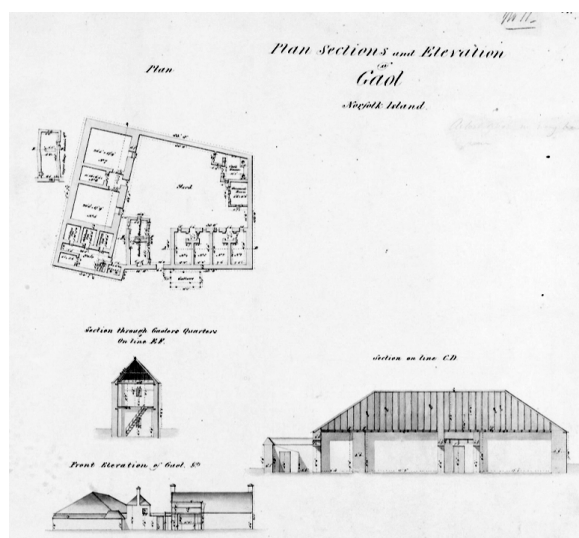


Figure 3. Detail from Lugard, “Plan, Sections and Elevation of Gaol, Norfolk Island,” January 31, 1839, PWD266/1/1886, TAHO. Reproduced by permission from the Tasmanian Archives and Heritage Office.

are in a state of entire nakedness, the perspiration ran in streams from their bodies” (“NI,” 24). Naylor argued that the lack of adequate ventilation created an atmosphere of intensely muggy heat, something like a bathhouse steam room.

Ullathorne made a similar comment on the Norfolk Island jail, claiming that “even at night, when I came there, [the convicts’] upper garments were flung off for the sake of coolness.”⁷⁰ Lieutenant Henry Williamson Lugard, superintendent to the initial construction of the panoptic New Gaol on Norfolk Island in 1839, also drew up surveys of the existing buildings at the settlement.⁷¹ His survey of the old jail details no window structures such as those described in his survey of the barracks (see figs. 3 and 4), meaning that ventilation was limited to what little breeze may have entered from the enclosed inner prison yard. The effect of proper ventilation in cooling the closely proximate bodies in the prison space was undermined, Naylor and Ullathorne claimed, by the flawed architectural design. Naylor continues his criticism of the jail structure in failing to keep men separate from each other: “It is dangerously insecure, and so contracted as to afford ready facilities for communication between the prisoners” (“NI,” 24). Prison

⁷⁰ Minutes of Evidence, Ullathorne, February 8, 1838, 27.

⁷¹ Henry Williamson Lugard, “Surveys and Plans at Norfolk Island, January 31, 1839,” Plans, Architectural Drawings, Elevations, and Sections of Public Buildings and Infrastructure, PWD266/1/1886–1945, TAHO.

reformers sought ways of maintaining the order of convict settlements by preventing any proximity and exchange between the convicts that was outside the intervention of penal authority.⁷² For Naylor and Ullathorne, the failure to adequately separate the men's bodies—coded as a sodomitical order—is described as a product of old system architectural designs.

Naylor next describes the barracks (fig. 4), the convict sleeping quarters, which are “by day in keeping with the hospital and gaol” (“NI,” 24). In the clear light of day, sunlight maximizes visibility and, like the other two buildings, the barracks, even during the day, were “so constructed as to afford the fullest facilities for the ruffianism, gambling and villainy, of which they are the chosen scene” (“NI,” 24). Naylor is arguing that the structure allows for lateral association between the inmates, thus facilitating peer influence, which he claims, as we will see below, was the principal cause of disorder. Under the cover of night, with greater room for axial invisibility, however, the structure of the barracks *facilitated* not just gambling, villainy, and the like but also sodomitical relations. When the prisoners are locked up “in the dark, in sleeping wards holding from 40 to 100 men the worst of evils runs riot” (“NI,” 24). Outside the gaze of penal authorities or even the policing gaze of other members of the ward, the proximity of the prisoners, Naylor warns, collapses into corporeal communion, like the swarming hive of Milton's hellish horde. To further describe the barracks building, Naylor directly cites Milton's *Pandæmonium* to emphasize that the interpersonal relations of the barracks at night represent the ultimate inversion of social authority: the “High capitals / Of Satan and his peers” (“NI,” 24). Unlike later theories of homosexuality, sodomy was not explained through understandings of childhood development or bodily typologies such as those that Foucault identifies with modern sexological theories, nor was it said to be the result of the influence of a certain individual. It arises instead from the proximity between bodies and their invisibility from authority's gaze. Such an assessment of the origin of sodomy, as we have been observing, is consistent across antitransportation documents and inherent in theories of modern disciplinary architecture. Colonial and penal reform documents also cite other origins for sodomy: corporeal disciplinary technology and distance from civility (The Molesworth Committee claimed that sodomy often occurred in the “bush,” similar to axial invisibility occurring outside the gaze of authority but also outside the civilizing influence of the city). Ullathorne, for example, claimed it was an effect of a general criminal disposition and depraved habits of profligacy, such as drinking and

⁷² Take, for example, La Trobe on the subject: “All communication with the other convicts has been carefully prevented, and the results most beneficial to the men have been the consequence of this separation” (“Despatch,” 72). The Molesworth Committee expressed similar sentiments: “Little diminution, however, has taken place in those moral evils, which seem to be the necessary consequences of the close contact and communication between so many criminals” (Molesworth Committee Report, August 3, 1838, v).

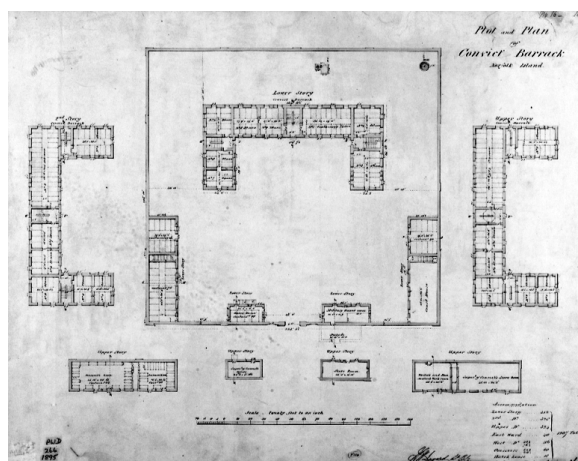


Figure 4. Lugard, "Plot and Plan of the Convict Barrack, Norfolk Island," January 31, 1839, PWD266/1/1896, TAHO. Reproduced by permission from the Tasmanian Archives and Heritage Office.

gambling.⁷³ Later nineteenth-century medical-forensic theory, such as in Alfred Swaine Taylor's authoritative textbook on medical forensics, cites habituation, inculcation, and addiction as factors leading to what is often referred to as an acquired habit or practice.⁷⁴ Nonetheless, the consistent factor tying these theories together is seeing the desire for sodomy not as a disposition present in a minority of the population but as an effect of a lack of disciplinary constraint. Antitransportationists were particularly concerned about the sleeping arrangements of the captives. Ullathorne, for example, commented that at Sydney's Hyde Park Barracks, "boys and men are lodged in the same great barrack. Here begins the initiation into the deeper mysteries of the masonry of crime."⁷⁵ Ullathorne's concerns resonate with Naylor's and Stuart's and contextualize reformist opinion on sodomy as a product of disciplinary technologies created by the architectural organization of convict bodies.

⁷³ For sodomy as effect of corporeal disciplinary technology, see Reid, *Gender, Crime and Empire*, 204–46; Gilchrist, "This Relic"; and McKenzie, "Discourse of Scandal." For distance from civility, see Molesworth Committee Report, August 3, 1838, iii–xlvii, esp. xl; and Minutes of Evidence, Major Thomas Livingston Mitchell, March 1, 1838, BPP (Cd. 669), XXII, 1838, iii–xlvii, 83–84. For criminal disposition and depraved profligacy, see Ullathorne, *The Catholic Mission*.

⁷⁴ See Alfred Swaine Taylor, *The Principles and Practice of Medical Jurisprudence*, 2nd ed. (London: John Churchill and Sons, 1873), 2:473; and Johann Ludwig Casper, *Handbook for the Practice of Forensic Medicine, Based upon Personal Experience*, trans. George William Balfour (London: New Sydenham Society, 1861–65), 3:330.

⁷⁵ Ullathorne, *The Catholic Mission*, 16–17.

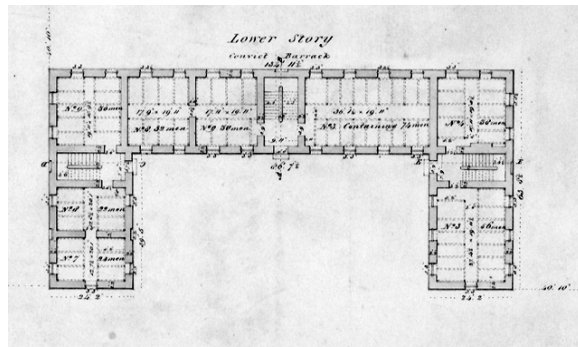


Figure 5. Detail showing lower story of barrack with number of convicts per ward and room dimensions, from Lugard, "Plot and Plan of the Convict Barrack, Norfolk Island," January 31, 1839, PWD266/1/1896, TAHO. Reproduced by permission from the Tasmanian Archives and Heritage Office.

Stuart also detailed the structure of the Norfolk Island barracks in his report: "The barracks . . . contain 22 wards, calculated to accommodate 790 men, as follows, viz., centre, 9 wards, 430 men; right wing, 9 wards, 192 men; left wing, 4 wards, 168 men. The largest wards contain 100 men; the smallest 15, with the exception of one fitted with 7 separate divisions under lock, in which are placed certain men addicted to unnatural offences" ("R," 37; see figs. 4 and 5). While it may be tempting to see "unnatural offences" as confined to the seven addicted individuals housed in the separate locked divisions, it is the 1,580 men in the other twenty-one wards who were the principal objects of regulatory concern. Describing these larger wards, Stuart "entertain[s] no doubt, that atrocities of the most shocking, odious character are there perpetuated, and that unnatural crime is indulged in to excess" ("R," 45). Lugard's survey of the convict barrack provides evidence that convicts were housed in groups of 24 to 124 to a room (fig. 5).⁷⁶ Stuart identifies the origins of sodomitic outbreak in architectural allowances for invisibility from the penal gaze and proximity between convict bodies. He reports that when he conducted a surprise inspection of the barracks, which, he reports, were usually unsupervised that "on the doors being opened, [he watched as] men were scrambling into their own bed from others, in a hurried manner concealment being their object" ("R," 45). The gaze of authority intervenes to prevent the concealment of sodomitical relations, and concealed places are the *mise-en-scène* of sodomitical activity. Stuart finds the prevalence of sodomy in the barracks predictable: "How can anything else be expected? Here

⁷⁶ Lugard, "Plan of the Prisoners' Barrack, Norfolk Island, January 31, 1839," PWD266/1/1896, TAHO.

are 800 men immured from 6 o'clock in the evening until sunrise on the following morning, variously by hundreds, sixties, forties, thirties, &c., without lights, without visitation by the officers, or the check that even liability to these would produce" ("R," 45). Proximity and invisibility enable contact. In the following paragraph of the report, Stuart singles out the prisoners' access to various types of unauthorized sources of lighting: "To some wards called the scholar's wards, oil for lights was allowed, but in others, lamps, how obtained I could not learn, were burning, and in others candles—no such articles being issued" ("R," 45). He reports that wardsmen (convicts charged with supervision) were meant but had failed to properly position the oil lamps and keep them burning through the night ("R," 44). Stuart also observes that in many of the other wards there were no lights at all. "Without lights," as Stuart notes in the above quotation on the predictability of sodomy in the barracks at night, axial invisibility and its sodomitical consequence are said to predominate. In the wards where convicts had gained unauthorized access to lamps and candles, it follows that their curation of these lights had enabled axial invisibility within the barracks. Penal reformers consistently recommended proper lighting as a deterrent to sexual relations. For example, when Lord Grey asked Ullathorne at a session of the Molesworth Committee whether unnatural crime could ever be prevented in jails and barracks so long as convicts were crowded together, Ullathorne replied that he thought it could not, though in order to limit it he suggested erecting partitions between the men and making sure that "there should be two lamps, one suspended at each end of the apartment."⁷⁷ Bentham similarly suggested a complex system of lighting in plans for panoptic institutions: "through light," blinds and lamps, backed by reflectors outside each cell in order to "extend to the night the security of the day," were to be constructed so as to enable axial visibility.⁷⁸ The use of lighting as a disciplinary measure to curtail sexual relations was, of course, a rational way to prevent concealed lateral communication. One need look no further than the installation of lighting in contemporary male cruising sites to verify the use and effectiveness of the general principle.⁷⁹ In Stuart's concluding recommendations, he suggests that "arrangements be made, as early as possible, to introduce the separation system, at least in the sleeping wards, instead of as at the present at Longridge congregating 300 men in one barrack-room in hammocks actually in contact with each other, to the end that at least an attempt should be made to check an indulgence in practices, which has attached to every station on the island an odious reproach" ("R," 68). As architectural antithesis to Pandæmonic

⁷⁷ Minutes of Evidence, Ullathorne, February 8, 1838, 26.

⁷⁸ Bentham, "Panopticon," 41.

⁷⁹ See Laurent Gaissad, "Taming the Bush: Morality, AIDS Prevention and Gay Sex in Public Places," in *Transgressive Sex*, ed. Hastings Donnan Fiona Magowan (New York: Berghahn Books, 2014), 153.

proximity and invisibility, reformist penal order is imagined on the principle of separation, with the intent to extinguish sodomy and other disciplinary misbehaviors.

THE BOTANY BAY OF BOTANY BAY: SOCIAL INVERSION

A comparison between Norfolk Island and another metaphoric place, like the use of Pandæmonium, appears in the title of Naylor's letter to Lord Stanley, where he calls the island "the Botany Bay of Botany Bay." Sydney (often called Botany Bay, the original site for the colony) was the largest and first city of the convict colonies and was viewed by reformers throughout the first half of the nineteenth century as a society of moral degradation and, to quote Molesworth again, a "Sodom and Gomorrah."⁸⁰ Formulaic convict "journals" and religious pamphlets, the literary canon of the penal reform movement's antitransportation case, repeatedly represented the convict colony through the trope of ultimate depravity.⁸¹ At its most literal level, "the Botany Bay of Botany Bay" describes Norfolk Island as the prison colony of the prison colony. Articles and poems published in newspapers also used the phrase "the Botany Bay of Botany Bay" to describe either the penal colony of Van Diemen's Land or the Port Arthur penal settlement at different moments in history when they were each used as the ultimate secondary and disciplinarily severe places where convicts already in the colonies were sent if found guilty of serious further offenses or if they proved incorrigible.⁸² The epithet, however, is used in these accounts to represent the depravity of the convicts and the transportation system rather than simply representing a secondary penal colony; instead of a disciplined penal order an inverted social order is cited. In Naylor's account he primarily represents the depravity of "the Botany Bay of Botany Bay" in the failure of transportation to reform convicts and the more specific failure of improper classification of prisoners according to primarily initial sentence and subsequent behavior (though he also mentions nationality). Naylor and Stuart both describe improper organization of penal settlement work and trade as a further cause of increased immorality. Both these men construct sodomy as a product and a characteristic of failed penal discipline; sodomy, they argue, arose from the settlement's failed classificatory and economic order, which influenced not only individual behavior but also the general social structure and its lack of disciplinary order.

⁸⁰ Molesworth, *Report*, 13n.

⁸¹ See Sturma, *Vice*, 6; McKenzie, "Discourses of Scandal"; and Anne Conlon, "'Mine Is a Sad Yet True Story': Convict Narratives 1818–50," *Journal of the Royal Australian Historical Society* 55, no. 1 (1869): 45–46.

⁸² "Coolie Lyrics," *Australian*, November 6, 1838, 3; and "Advance Australia," *Sydney Gazette and New South Wales Advertiser*, November 5, 1835, 2.

Naylor viewed the *colonial* convict on Norfolk Island as doubly corrupted—corrupted by the repetition of crime (Norfolk Island was mostly reserved for colonial recidivists) and corrupted by a system that operated in ways antithetical to its intent. Reformist discourse on the horrors of the transportation system categorized the excesses of brutality, unbalanced sex ratios, and slavery-like labor as morally degrading conditions that produced sodomitical relations.⁸³ The proliferation of sodomy became a key rhetorical argument for the antitransportation movement, a movement keen to promote “bourgeois respectability” and the social role of reformed penal discipline as a central means of supporting the development of a respectable middle-class colonial society.⁸⁴ Naylor worried that the colonial convicts who were currently on Norfolk Island had “passed through every grade of crime and punishment, in hulks, chain-gangs, and penal stations,” and those whom one “can scarcely call men” would have a bad influence on the morality of first-time offenders from England (“NI,” 17). He believed that the failures of the transportation system were initiating a process of corruption: “From the time the convict leaves England, there is absolutely no classification whatever. After six months confinement in Millbank Prison, in a solitary cell, he is conveyed to the transport ship, where he is at once restored to the society of others in like condemnation” (“NI,” 21). The society of others “in like condemnation” initiates degradation. The mass of men on the hulks, according to Naylor, are “delighted to find their tongues no longer under restraint” (“NI,” 21). The slippery slope from the liberated tongue (via jousts between the men in the “use of profane and obscene language”) quickly leads to more active infractions, namely, “the indulgence of depraved habits” (“NI,” 21). The negative effect of society with “absolutely no classification whatever,” he continues, initiates moral decay (“NI,” 21). For nineteenth-century penal reformers, classification of prisoners was integral to the disciplinary arrangement of bodies in carceral space, informing, for example, contemporaneous reforms of the transportation system.⁸⁵

On arrival of the transport ships at Norfolk Island the regulatory “defect [of classification on the ships],” for Naylor, “works still greater evils” (“NI,” 21). The men, according to Naylor, had been immersed in a bad society of no classificatory separation while onboard the ships. Each English “new

⁸³ For discussions of gender, excesses of brutality, and sex ratio, see Reid, *Gender, Crime and Empire*, 214–49. For discussions of brutality leading to unnatural indulgences, see Molesworth Committee Report, August 3, 1838, xlv. For a discussion of bourgeois morality and unfree labor effecting immorality, see McKenzie, “Discourses of Scandal.”

⁸⁴ For discussion of the production of middle-class respectability in particular, see McKenzie, “Discourses of Scandal”; and Ian Brand, “Cruel, Uncertain and Prodigal,” in Brand and Sprod, *The Convict Probation System*, 7–8. For sodomy as a sign of convict social disorder, see McKenzie, “Discourses of Scandal”; Gilchrist, “Male Convict Sexuality,” 13–20; and Reid, *Gender, Crime and Empire*, 204–46.

⁸⁵ See La Trobe, “Despatch,” 121–22; and McKenzie, “Discourses of Scandal.”

hand,” when arriving at Norfolk Island, Naylor claimed, was absorbed into the “heterogeneous mass,” which included, most notably, the Botany Bay recidivist. In consequence, a “moral pollution painful to contemplate” predominated, and before long “the work of contamination had infected, far and wide, the whole body” (“NI,” 21). “Thrust among the veriest monsters of crime,” Naylor continues, the English offender, whom he constructs as innocent, was forced into association with the “cold-blooded murderer trebly convicted” and the “wretch whose enormity Blackstone characterizes as ‘*inter Christianos non nominandum*’ (not be named among Christians)” (“NI,” 21).⁸⁶ Naylor insists that the moral degradation of Botany Bay was amplified through the promiscuous mixing of very different kinds of convicts. He constructs Botany Bay, like Sodom itself, as the geographical origin of sodomy. Norfolk Island represents the apotheosis of the transportation system; improper classification has enabled, according to Naylor, the corrupting proliferation of the sodomitical colonial. Consequences of such indiscriminate mixing, for Naylor, included the state of near open mutiny on the island. He notes that English “youths are seized upon, and become the victims of hoary and unnatural villains” (“NI,” 17). He follows this with a description of a case of mass rebellion: “Bodies of men, from 70 to 100 in number, have recently been in mutiny, openly refusing to work, and submitting only when terms had been arranged to their satisfaction” (“NI,” 17). Brought into the mass, the individual becomes part of the collective body. In Naylor’s account convict bodies gathered together en masse, fomenting both criminalized interpersonal relations and seditious social activity, are coded as sodomitical.

Both Naylor and Stuart describe the settlement’s system of regulating labor and trade as a key indicator of an inverted social order on Norfolk Island, particularly in terms of creating an inverted social authority. Stuart reports that two dairies, one at the Government House and one at Longridge, were being managed by convict suboverseers (“R,” 65). (Employing convicts in suboverseer positions was a common means of granting privileges and authority to certain convicts over others.) With the convict suboverseers in charge, there was, to quote Stuart, an “inequitable manner in which the dairy produce, butter more particularly, was distributed” (“R,” 65). Overseers were reportedly receiving butter free of charge from the Longridge dairy “in contravention of regulation” (“R,” 65). Stuart depicts this buttering up of overseers as an excess in convict control of the products of their labor, upsetting the legitimacy of authorized power. (The implication is that the bought-off overseer is no longer a figure of or collaborator in penal authority.) Stuart further notes that the “convict overseer of the dairies has been

⁸⁶ Naylor is quoting Sir William Blackstone, the famous English jurist, who famously glossed sodomy as “*peccatum illud horribile, inter Christianos non nominandum*,” which translates as “the crime not be named among Christians” (*Commentaries on the Laws of England* [London: T. Cadell, 1791], 4:215).

known to offer butter for sale in the settlement,” suggesting the existence of a microeconomy where convicts could exchange the products of their prison work for liquid assets (“R,” 65). Lack of adherence to regulations by the prison administration had undermined authority. Stuart notes that the “superintendent of agriculture appears to regard too little the regulations for the discipline of the convicts,” leading to a situation that “excite[s] criticism in the convicts, and produce[s] a bad effect” (“R,” 65). Convict control of agricultural products, he implies, had undermined penal authority and produced a convict population incited to criticism. Other commentators, such as James Macarthur, wealthy politician and heir to John Macarthur, the conservative pastoralist who was renowned for establishing Australia’s wool industry, also depicted Botany Bay as an untenable colony of convicts where convicts were foolishly employed in positions of authority in order to make up for a shortage of appropriately skilled free settlers. Macarthur warned that convicts held positions as “landholders,—householders in the towns,—traders,—employers of convict servants,—clerks in the government offices . . . [and as] writers for, and virtual Editors of public journals commenting freely upon the conduct of the council, of the highest public functionaries and of the magistracy. . . . Many disorders, gross corruption, and shameless profligacy, were the inevitable consequences.”⁸⁷ Commentators feared that such light sentencing and license in the community would lead to a convict “ascendancy” (a term used for mass rebellion of the convicts) and would be an even greater threat at Norfolk Island; recall the Legislative Council’s anxiety about imminent revolt at the island mentioned above. Stuart similarly noted that the diminished authority of the jailors at Norfolk Island had unintended effects: “Instances of the most gross insubordination and resistance to authority are also permitted to pass altogether unpunished; for instance on the 20th, 22nd, 23rd and 27th of January last the whole of the convicts at the settlement refused to go out to work on the plea of the objectionable quality of the meal and housing, and on two of these occasions they remained in the lumber yard all day” (“R,” 54). This rolling general strike of the convict workforce provides an example of the types of challenges to authority and unchecked insubordination that Naylor and Stuart feared.

Stuart also reported that other forms of inversion were common in the prisoner barracks. In the section of his report censored from publication by Parliament, Stuart claimed that “upwards of 100—I have heard that as many as 150” of the men lived as couples and were “said to be ‘married,’ ‘man & wife’ &c.” (“R,” 46). Such bonds were initiated, he claimed, through gifts of bread mixed with fat, tea, and “the almost irresistible tobacco” (“R,” 46). In the paragraph following this, he states that there were also

⁸⁷ John Macarthur, *New South Wales, Its Present State and Future Prospects: Being a Statement, with Documentary Evidence Submitted in Support of Petitions to His Majesty and Parliament* (London: D. Walther, 1837), 41.

“those known to be, and called, common prostitutes, who for a trifling consideration surrender themselves for the odious purpose” (“R,” 46). This latter group were degraded, he claimed, not only for the content of their labor but also for the cheap cost of their barter (“R,” 46). Yet Stuart reported that these sexual acts were less transactional than one might expect. He sought to prove how ubiquitous prostitution was with the argument that the men involved typically developed close relationships with each other: “If A be confined for any offence today, B is confidently expected to make his appearance tomorrow, nor is this expectation disappointed. He had committed some offence that they may not be separated. Go to the hospital! If C is admitted or exempted today, D is sure to stand in need of treatment or exemption, as the case may be, the day following, and he is expected to present himself, nor does he disappoint the anticipation” (“R,” 46). Bonding between such couples, apparently for but a “trifling consideration,” suggests that the convicts had a relation to the sodomitical sex trade sharply distinct from that which would regard the labor as an abhorrent or odious task. The possibility of cheap trade leading to close bonds between convicts is evidenced in the dependence of “B” upon “A” and “D” upon “C” and in the fact that they are willing to commit crimes just to avoid being separated. In Stuart’s analysis, sodomy is thus the catalyst for more crime, an argument that provides evidence for Foucault’s proposition that what most disturbs the heteronormative order about nonnormative sexual relations is not so much sex acts but the tying together of “unforeseen lines of force.”⁸⁸

Like Stuart, Naylor links proper disciplinary social order and the organization of convict labor, and he warned the imperial administration about the inverted order of punishment on the island:

I would instance the case of —, who came on the island direct from England, a fine manly fellow, but who, after successive steps in crime, had recently been convicted and condemned to death for the second time within two years, of unnatural offences. From the last conviction, however, he has derived a positive advantage. His previous sentence to death has been commuted to one of transportation for life in chains. The next sentence, which takes effect first, is simply transportation for life, so that by a repetition of the offence he loses his chains. (“NI,” 17)

Naylor is claiming that the sodomitical recidivist loses his iron chains through repetition of unnatural crime. In his testimony to the Molesworth Committee, Sir Francis Forbes, the chief justice of New South Wales, had expressed a similar concern about convicts reoffending in order to mitigate

⁸⁸ Michel Foucault, “Friendship as a Way of Life,” interview by R. de Ceccaty, J. Danet, and J. le Bitoux, in *The Essential Works of Foucault*, vol. 1, *Ethics: Subjectivity and Truth*, ed. Paul Rabinow, trans. John Johnson (New York: New Press, 1997), 136.

their sentence.⁸⁹ Forbes claimed that many men committed capital crimes such as murder in order to travel to Sydney for trial (and to, once there, escape) or to effect “escape” through suicide. While Forbes is not referring to sodomy, the main focus for both him and Naylor is clearly on the ineffectiveness of the transportation system in terms of deterring future crime. According to Foucault, the ideal of nineteenth-century penal reform was not only to deter but to alter the “economy of interests and the dynamic of passions.” It was not only that the subject should fear punishment; the system was meant to teach the soul respect for the broken law.⁹⁰ At “the Botany Bay of Botany Bay,” however, the repetition of sodomitical crime could *lessen* the penal force of the law, at least according to Naylor. All proper discipline is ass end up. Thus unshackled, the repeat sodomitical offender was subject to a form of antidiscipline and became the perfect agent of mutiny.

It is in such an undisciplined state, Naylor is adamant to show, that the well behaved are punished while the disobedient are rewarded: “The reckless and daring prisoners have succeeded in obtaining indulgences while the inoffensive ones have been but too happy if they only escaped notice” (“NI,” 27). Such a negative effect, as we have been observing, was commonly cited in reformers’ critiques of Botany Bay and the transportation system as a whole.⁹¹ Naylor thought that Norfolk Island represented an even more extreme case study: “I have under my eye at this moment a case where a doubly convicted forger, of dangerous character, is employed in the most important office in the island, while from personal fear or private pique the most respectable prisoner on the island has been brutally refused any such indulgence and kept unremittingly at the most revolting labour” (“NI,” 16). Naylor’s “most respectable” prisoner was William Henry Barber, a former solicitor convicted in a series of forgery charges and for defrauding the Bank of England.⁹² Likely swayed by Barber’s bourgeois status, Naylor vigorously defended Barber, claiming he merely acted as an oblivious launderer of embezzled state funds, even noting that he would “make a voyage to England” if the case were appealed. “The thought perpetually haunts me,” he writes, “that Barber is undeservedly undergoing the fate of a convict in Norfolk Island, and I cannot shake off the distress it occasions me” (“NI,” 26). Naylor’s sympathy for Barber contrasts with his response

⁸⁹ Minutes of Evidence, Forbes, April 18, 1837, *BPP* (Cd. 518), XIX, 1837, 17.

⁹⁰ Foucault, *Discipline and Punish*, 107.

⁹¹ For example, see Macarthur, *New South Wales*, esp. 61, 24–25, 41, 119.

⁹² Barber petitioned the House of Commons after his release, compiling a published account of his treatment while a convict alongside a thorough account of the trial proceedings and a formal petition. Among Barber’s arguments for his innocence was that while treated, in his words, “unequally” at the island, he maintained unfailingly good (compliant) behavior. Barber was vindicated and awarded £5,000 as compensation. See William Henry Barber, *The Case of Mr. W. H. Barber, Containing Copies of the Documents Submitted to the Government, Resulting in Her Majesty’s Royal Pardon* (London: Effingham Wilson, 1853).

to the “doubly convicted . . . and dangerous character” of John Swainston, a one-time clerk and surveyor transported to New South Wales in 1829 for wagon robbery and subsequently sent to Norfolk Island in 1832 for forging a ship order. Swainston spent six years on the island, only to be found guilty of forging a check shortly after his release; he was given a life sentence and sent back to Norfolk Island in August 1838.⁹³ Swainston’s prisoner record lists an impressive tally of twenty-four minor infractions such as “illicitly distilling spirits,” “building a boat in the bush,” “having a quantity of Mustard in possession,” and “going beyond the bounds of the Settlement by means of a forged pass.”⁹⁴ Such disobedience, while rather petty, suggests an insubordinate attitude to penal rule. Despite having committed similar offenses (illegal procurement of funds), Barber and Swainston differed in class and in their behavior while incarcerated. To use McKenzie’s term, we can argue that a system meant to produce bourgeois respectability had been inverted to the point where the most incorrigible, like Swainston, were rewarded with positions of power (Naylor tells us that he was appointed the commandant’s clerk), while the most respectable, like Barber, were subjected to the “most revolting labour” (“NI,” 16). The lowliest character is placed on top, while the most respectable takes the bottom rung in the settlement hierarchy.⁹⁵ Naylor hints at the character of the labor Barber had to perform: “When exempted by the medical officer from field-work, he was by a refinement of cruelty employed in labour of the most revolting kind. I am astonished that he has survived a tenth part of the wretchedness he has undergone. Nothing but a consciousness of innocence could have supported him under the monstrous tyranny of which he has been the victim” (“NI,” 27). Clearly Naylor is morally offended by the conditions Barber must endure. While religious morality is at the forefront of Naylor’s account, it is not so much, or not only, immoral sexual relations that disturb Naylor but the morally inverted social order. Naylor’s use of the word “tyranny” to characterize Barber’s treatment alludes to the excesses of old régime power hierarchies in contrast to the more rational and equitable penal sensibility he was advocating.⁹⁶ The “monstrous tyranny” and “wretchedness” of the convict’s labor deforms rather than reforms his

⁹³ Fitzsymonds, *Norfolk Island, 1846*, 15n8; and Conduct Record, John Swainston, August 1838, CON37/1/4, 1359.

⁹⁴ Fitzsymonds, *Norfolk Island, 1846*, 15n8; and Conduct Record, John Swainston, January 5, 1844, January 7, 1845, August 20, 1847, and March 30, 1847, CON37/1/4 1359.

⁹⁵ As Hamish Maxwell-Stuart has shown in a study of Port Arthur in the 1830s, many better positions in the penal settlement were given on the basis of skill rather than behavior, as penal theory would dictate. It does seem likely that Swainston would have been granted clerk duties at least in part due to his clerical skills and the pressing needs of the isolated penal settlement. It is curious, however, that despite Barber’s legal background he had seemingly been precluded from any such white-collar role. See Hamish Maxwell-Stuart, “The Rise and Fall of John Longworth: Work and Punishment in Early Port Arthur,” *Tasmanian Historical Studies* 6, no. 2 (1999): 96–114.

⁹⁶ Foucault, *Discipline and Punish*, esp. 92.

character. While Naylor leaves the precise nature of this labor vague, we can glean more detail from the account of Barber's period of transportation, "Transported for Life," which was published in two parts in the July 31 and August 7, 1852, editions of *Household Words*, the weekly magazine edited by Charles Dickens, the famous novelist and advocate for social reform:

I had the misfortune to be appointed "Wardsman"; this was by far the most loathsome, perilous and unhealthy occupation on the Island. Its duties were to preserve order in a dormitory of two hundred criminals, many of whom, as subsequent events showed, would not scruple to take the life of an individual who, like myself, was at once their drudge and their overseer. Locked in with these ruffians, from seven in the evening until six o'clock on the following morning, my task was then to cleanse and purify their dormitory for their reception and accommodation the next night. The disgusting details of the labour thus selected for me, I will not go into.⁹⁷

The details too disgusting to mention imply the tasks of interfering in the flow of passions between the men and cleaning up after spent passions in the morning. Such hierarchies of labor value based on a proximity to manual labor and cleaning tasks classify the wardsman's duties of purification as, according to Naylor and Barber, subordinate and tainted labor. In Naylor's account, Barber's lowest status in the prison actually arises from his previous respectability and thus represents the inverted, sodomitic order of Norfolk Island. In reflecting on the social order at Botany Bay, Macarthur described it as a place where "bad preponderated over the good."⁹⁸ What Naylor described as "the Botany Bay of Botany Bay" represents a social order where bad not only predominates but represents an "arsy-arsy" economic and disciplinary social order created by the transportation system and coded as sodomitical.

On July 1, 1846, the Executive Council of Van Diemen's Land met to discuss the implications of Stuart's and Naylor's reports and deliberated on sacking the settlement's commandant, Joseph Childs. Lieutenant Governor Eardley-Wilmot noted that "however exaggerated" the reports may have been, they certainly threw doubt on "the order and discipline of the

⁹⁷ "Transported for Life. In Two Parts—Part II," ed. Charles Dickens, *Household Words*, August 7, 1852, 482–49. Dickens notes in the preface to part I that "the following narrative is not fictitious. It has been taken down from the lips of the narrator, whose sufferings are described; the object of shewing what Transportation, and the present time, really is" ("Transported for Life. In Two Parts—Part I," *Household Words*, July 31, 1852, 455). Also see Minutes of Evidence, Barber, June 29, 1858, in "Report from the Select Committee on the Petition of William Henry Barber," *BPP* (Cd. 397), XXII, 1857–58, 630.

⁹⁸ Macarthur, *New South Wales*, 23.

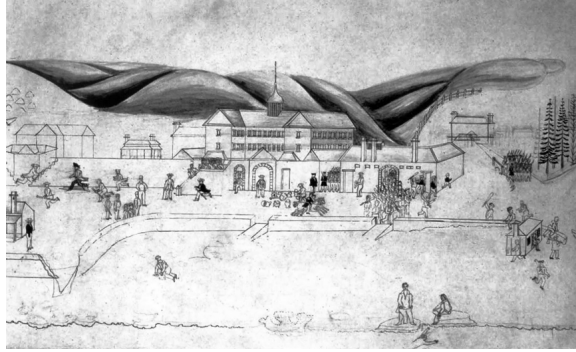


Figure 6. Unknown artist, *Norfolk Island Cooking-pot Riot*, watercolor on card, [July 1846], Launceston Local Studies Collection, TAHO. Reproduced by permission from the Tasmanian Archives and Heritage Office.

settlement” and had convinced him that “the settlement is on the very verge of an open mutiny.”⁹⁹ That very same day the Cooking Pot Riot or Jackey Jackey Riot broke out at the settlement.¹⁰⁰ In response to authorities taking cooking utensils out of the lumber yard building and therefore out of the convicts’ possession, a mass of convicts stormed the barrack stores and took back their utensils. Witnesses reported that the men then cooked their breakfast before launching a more serious attempt to overthrow the penal order. Fifty men left the lumber yard intent on killing Childs and as many prison authorities as they could; in the end, four ex-convict policemen were killed (fig. 6).

In the aftermath, La Trobe wrote to Lord Grey claiming that the convicts instigated the mutiny in protest against the recently imposed penal measures aimed at limiting “the gratification of the degraded passions of the convicts.”¹⁰¹ Similarly, Aaron Price, the principal overseer of public works, asserted in the parliamentary report on the case that “in my opinion the cause [of the riot] was the prisoners having been latterly prevented from having their fling.”¹⁰² A military court tried the ringleaders. Twelve were found guilty, and they were hanged and buried in a mass grave on October 13 later that year. Samuel Barrow, the Norfolk Island police court

⁹⁹ “Minute of Meeting of [the Van Diemen’s Land] Executive Council, July 1, 1846,” 72–73.

¹⁰⁰ Fitzsymonds, *Norfolk Island*, 1846, 73n49.

¹⁰¹ La Trobe to Earl Grey, January 8, 1847, “Convict Discipline and Transportation: Further Correspondence on the Subject of Convict Discipline and Transportation, in Continuation of the Papers Presented 16th February, 1847,” *BPP* (Cd. 800–811), XLVIII, 1847, 355.

¹⁰² Aaron Price, evidence at Norfolk Island Commission, July 1, 1846, “Convict Discipline and Transportation: Correspondence on the Subject of Convict Discipline and Transportation,” *BPP* (Cd. 785), XLVIII, 1847, 276.

magistrate, recommended that the (by his count) twenty-five to thirty remaining convicts found to be involved but punished summarily for lesser offenses be “submit[ted] . . . as soon as there is sufficient gaol accommodation, to a rigid system of separate treatment.”¹⁰³ On July 6, 1846, Eardley-Wilmot reported to William Gladstone, secretary of state for the colonies, that he had instructed Stuart to “above all, to attend to that separation at night” in order to determine whether the rumors that sodomy was rife in Norfolk Island barracks were true or not.¹⁰⁴ The comptroller-general of convicts, William Champ (to whom Stuart was directly reporting), in recommending closure of Norfolk Island in direct response to Stuart’s report, argued, similarly to Barrow, that “with regard to the fearless vices which have been already contracted, the only palliative which I can suggest is, that no man now at Norfolk Island, who is not clear from the commission of that crime, stated to be so rife there, should be allowed to return to society, until, by having been subjected to at least one year’s separate treatment, some guarantee has been afforded that the habit has at all events been interrupted, it may be hoped, by judicious treatment, for ever broken off.”¹⁰⁵ Champ thus described panoptic isolation cells as the ideal treatment for sodomitical social disorder. As we have seen, Naylor and Stuart believed that mass assemblies of convicts created conditions for sodomy and related close bonds—both affectionate and mutinous—between the men, and they suggested panoptic remedies. The two reformers viewed Norfolk Island, with its “promiscuous assemblage” of interned men and its inverted labor order, as a dystopic polis, and they invoked symbols of this disorder—Pandæmonium and “the Botany Bay of Botany Bay”—to emphasize the dangers of convicts gathering outside a disciplinary gaze (“R,” 41). Naylor and Stuart also insisted that modern penal order could only be maintained through clear classification of prisoners and their physical separation. Similarly, Naylor and Stuart reported that the system of organizing work and labor at the settlement had created the inverted social order, in which the respectable were subject to the most demeaning labor, while the most incorrigible were promoted. They viewed the criminal depravity as a doubly worse version of Botany Bay and as the apotheosis of a Pandæmonic order.

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MARK PEART is a current PhD candidate in the English department at the University of Sydney. His dissertation, “Sodom Down Under,” shows,

¹⁰³ Samuel Barrow to the Comptroller-General, July 27, 1847, *BPP* (Cd. 785), XLVIII, 1847, 280.

¹⁰⁴ Eardley-Wilmot to William Gladstone, Secretary of State for the Colonies, July 6, 1846, *BPP* (Cd. 785), XLVIII, 1847, 173.

¹⁰⁵ “Minute of Meeting of [the Van Diemen’s Land] Executive Council, July 1, 1846,” 72.

through close readings of sodomy trial transcripts and historical documents from nineteenth-century New South Wales, that sodomy is in this context understood as a problem about reversals and inversions of social order, disciplinary constraint, and stable gender dimorphism rather than simply about sex acts. He is also a poet and the author of *The Great Eastern* (2014), a long poem that makes use of the archival record of a sodomy trial held in Melbourne in 1864.