OUTLAWED

Discover the stories behind the world's rebels, revolutionaries and bushrangers

Investigating legend and reality
From 28 November 2003 the National Museum of Australia is presenting a major interactive exhibition, *Outlawed! Discover the stories behind the world’s rebels, revolutionaries and bushrangers.* This exhibition will explore the rich theme of the enduring popularity of the folklore of the outlaw.

In this unit students have the chance to explore some of the ideas and exhibits that will be featured in the exhibition.

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### ‘Outlaw’ words (1)

This unit is about ‘outlaws’. But what does the word ‘outlaw’ mean, and what variations are there within the word? The word literally means ‘one excluded from the benefits and security of the law’. But there is a range of meanings within that definition. Look at this list, and match the appropriate definition to each. (You can check your answers on page 16.)

<table>
<thead>
<tr>
<th>Word</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bandit</td>
<td>A British term for a robber, particularly one on horseback who robbed travellers</td>
</tr>
<tr>
<td>Bushranger</td>
<td>One who tries to overthrow and replace the existing system</td>
</tr>
<tr>
<td>Highwayman</td>
<td>One who fights against the rule of his or her country by an illegitimate ruling group or a foreign power</td>
</tr>
<tr>
<td>Criminal</td>
<td>An armed robber</td>
</tr>
<tr>
<td>Rebel</td>
<td>One who uses violence to achieve political change</td>
</tr>
<tr>
<td>Revolutionary</td>
<td>A person who habitually or regularly commits crimes</td>
</tr>
<tr>
<td>Freedom fighter</td>
<td>An Australian term for a robber who operated in the bush</td>
</tr>
<tr>
<td>Terrorist</td>
<td>One who opposes existing authority or controls</td>
</tr>
</tbody>
</table>

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### ‘Outlaw’ words (2)

Some of these words are neutral in their meaning, others involve a judgement. Place each of these eight ‘outlaw’ words on this scale, from the worst type of outlaw to the best. For example, you might decide that a criminal might be close to the worst, because their actions harm others but are done just for their own benefit.

<table>
<thead>
<tr>
<th>Worst</th>
<th>Neutral</th>
<th>Best</th>
</tr>
</thead>
</table>

Later you will be asked to place the specific outlaws in the case studies on this scale.
1. Probably every person in your class has heard of Robin Hood. Test this by carrying out a simple survey — a show of hands.

2. Robin Hood, if he existed at all, would have lived before the year 1400 and in England — that is, over six hundred years ago, and in a country on the opposite side of the world to us in Australia. Why do we still know about him?

Test this by asking those in your class who know about Robin Hood how they know about him. For example, is it through films? Or story books? Or some other way?

3. Many people may know about Robin Hood, but what do they know of him? Brainstorm to record all the things that the class knows about him.

Organise this information under the headings in the Outlaw Summary Grid on the back cover. (You will need to have a separate summary grid like this one for each of the seven outlaws you focus on in this unit.)

4. You can do the same survey for an older group of people — such as your parents and their friends. See if their idea or image of Robin Hood is the same as yours.

Chances are that you will come up with something very similar to this set of ideas about him:

Robin Hood became an outlaw as a result of an injustice against him by the Sheriff of Nottingham. He operated in Sherwood Forest, an area that he knew well and in which he could operate effectively. As an outlaw, Robin was determined to right the wrongs being committed against the ordinary people. He stole from the rich and gave to the poor. As an outlaw, his ‘crimes’ were those defined by the wealthy and powerful in society — such as killing the king’s deer (as the only source of food) and robbing those who were exploiting the poor. He only used violence against the ‘baddies’, and would only kill in self-defence. He was loved and supported by the ordinary people, and opposed by those who supported the evil Sheriff. Robin broke the laws made by the Sheriff, but was true to the real person in power, the absent King Richard I (or Richard the Lion Heart), away at the Crusades.

This presents the Robin Hood we know — but you may be surprised to learn that this is a very different Robin Hood to the original mythic one.

The very first mention of him is in a poem written in 1377. The earliest description of Robin Hood comes from five surviving poems or ballads, and a fragment of a play, written down between 1400 and 1500. In these stories Robin helps a knight with a debt, then recovers the money by robbing the abbot who imposed the debt. There are some archery contests, Robin disguises himself as a potter and captures the sheriff, kills a mediaeval ‘bounty hunter’ who is after him, and then Robin himself is killed through the treachery of a cousin.

5. Look at this summary of some of the features of Robin Hood in these stories, and discuss the main similarities to and differences from this Robin and the Robin you know.

- Robin is a yeoman (a small landowner), not a peasant or a knight and certainly not a nobleman.
- He lives in the forest of Barnsdale in York, not Sherwood Forest in Nottingham.
- Robin only uses the bow and sword (not a staff).
- There is no Maid Marian – Robin is devoted to the Virgin Mary.
- The King is Edward, not Richard or John.
- The stories are not concerned with maladministration or bad government.
- He does not carry out actions to help the poor.
- He robs from the rich, but does not give to the poor — he just leaves them alone.
- He sometimes behaves brutally — beheading slain enemies, and disfiguring their faces.
- He has great personal qualities — he is truthful, generous, devout, courteous.
- He kills the Sheriff.
- His main man is Little John, who joins the band after having served as a soldier for the Sheriff.
- Robin is not against authority, but the way it is exercised by the local authorities.

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Here is an outline of when some of the features we associate with Robin Hood developed:

- **1400s** – a friar appears in the stories.
- **Late 1500s** – first appearance of Maid Marian as a significant figure.
- **1600** – first association of Robin with the Earl of Huntingdon [in the reign of Richard I, 1189–1199].
- **1700s** – appears in Sir Walter Scott’s novel *Ivanhoe* – start of the image of him as a Saxon Englishman fighting the Normans.
- **1900s** – a familiar figure of romance and adventure, not a rebel any more.

6. Suggest reasons why Robin Hood’s image might have changed over time.

A study of one of the most recent films, *Robin Hood* *Prince of Thieves* (1991) with Kevin Costner starring as Robin Hood, can help us to understand how legends develop and change over time.

One critic has identified a number of ‘layers’ in the creation of the Robin of the film.

There is the traditional image of Robin, with many of the features you identified at the start: the outlawing of Robin, the creation of the band, Robin’s encounters with Little John and Maid Marian, his fights with the Sheriff of Nottingham, his encounter with the returning King Richard.

You will also see new and unfamiliar elements: the Sheriff of Nottingham involved in black magic and witchcraft, Will Scarlet as a psychotic thug, Robin given a Saracen henchman. These were ‘borrowed’ from a TV series run on British television between 1984 and 1986.

The third layer is one involving an explicit statement of modern values and associations: Maid Marian is a feminist character, there is a wise and civilised black man as Robin’s best friend, Robin makes decisions democratically, and his presence at the birth of his son shows him as a Sensitive New Age Man. The ‘arrow cam’ shot draws on modern technological references that are familiar to the audience.

There is an interesting fourth layer – the influence of another Costner film, *Dances With Wolves*. This Robin Hood film becomes ‘Dances with Deer’, a mediaeval western, with the Crusades standing in for the American Civil War, the Sherwood outlaws for the Sioux Indians, the murderous Celts for the savage Pawnees, and the Sheriff’s guards for the US cavalry. The central theme becomes the mutual respect between two men of different races, with Morgan Freeman’s Moor Azeem replacing the Sioux medicine man Kicking Bird. The telescope and nude bathing scenes from *Dances With Wolves* are reproduced exactly in case anyone has missed the point!

Imagine that you have been asked to create a new death scene for a Robin Hood film, one that young people of today will sympathise with and respond to. What would you show? Explain how the aspects you have chosen would strike a chord with your modern audience and engage their sympathy or put across a message.

Here are two versions of Robin’s death. Which of the two fits the legend as you know it?

**VERSION 1**
Robin is dying. He blows his horn three times to summon Little John, who brings Robin his longbow. Robin shoots an arrow, and this marks the spot where he is to be buried.

**VERSION 2**
Robin is betrayed – he is bled to death by his cousin, a prioress, in a plot with the prioress’ lover, Sir Roger of Doncaster.

7. What does this commentary tell us about some of the influences that shape the way a legend changes?

8. Which of the outlaw words on page 1 best applies to Robin Hood?

9. Where would you place Robin Hood on the scale on page 1?

10. Add any more detail or ideas to your summary page on the back cover.

From the **Outlawed!** exhibition

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There are many objects displayed in the Outlawed! exhibition. Some useful questions to ask of objects when you see them on display are:

- What is it?
- What is its purpose?
- What is it made of?
- Who made it?
- Who would use it?
- How would it work?
- Would it last?
- Would anyone deliberately choose not to use or to reject it?
- Would it be generally available or only available to a special group?
- Was it widespread or rare?
- What would its advantages and disadvantages be?
- Is it important?

1. The longbow has been described as the ‘Mediaeval machine gun’, with a skilled archer able to shoot more than ten arrows in a minute. What characteristics or qualities of the longbow would make it a powerful weapon for an ordinary person to have against heavily armoured knights?
Most students know about a six hundred year old English outlaw, but do you know about an Australian one? The heading to this case study claims that the Australian outlaw Ben Hall has been forgotten, or has never been heard of, by most people in Australia today.

1. Test this in a survey that includes people of different ages and backgrounds. Test yourself first, then ask some friends, your parents, and other people. Ask these questions, then see if your answers show a generational or any other sort of pattern.

<table>
<thead>
<tr>
<th>A</th>
<th>Ben Hall was a bushranger in:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>○ NSW  ○ VIC  ○ SA  ○ WA  ○ TAS  ○ DO NOT KNOW</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B</th>
<th>He was a bushranger in the period:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>○ 1810–1830  ○ 1830–1850   ○ 1850–1870  ○ 1870–1890  ○ 1890–1910  ○ DO NOT KNOW</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C</th>
<th>He is best known for:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>○ Shooting three policemen  ○ Robbing wealthy squatters</td>
</tr>
<tr>
<td></td>
<td>○ Holding up successful gold diggers  ○ Holding up trains</td>
</tr>
<tr>
<td></td>
<td>○ Holding up police and humiliating them  ○ DO NOT KNOW</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D</th>
<th>In the end Ben Hall:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>○ Was captured and imprisoned for life  ○ Was captured and hanged</td>
</tr>
<tr>
<td></td>
<td>○ Escaped and went to Bolivia  ○ Was shot at a camp</td>
</tr>
<tr>
<td></td>
<td>○ Died of old age at home  ○ DO NOT KNOW</td>
</tr>
</tbody>
</table>

2. Now read this account of his life and work out the correct answers to the survey questions.

The Life of Ben Hall

Benjamin Hall was born at Breeza, New South Wales, in 1837, the son of parents who had both been transported. The family moved to Forbes in 1847. Hall married Bridget Walsh in 1856, and became a successful local grazier.

He was arrested in 1862 on suspicion of having been involved in a highway robbery led by Frank Gardiner. He was held in jail for a month before being released — only to find that his wife had deserted him, taking their baby son. Hall fell in with the Gardiner gang, and was again arrested, and again freed after two months. When he returned to his farm he found that the police had burnt down his house, and left his cattle to die of thirst and starvation in the mustering yard.

Hall now turned to bushranging, committing many highway robberies and raids on wealthy properties. His most notable act was a raid on Bathurst in 1863, when his gang virtually took over the whole town.

Hall and his gang had much local sympathy and support, and the police became increasingly frustrated at their failure to catch them. They also were put to considerable criticism and ridicule. In 1865 a Felons Apprehension Act was passed that legally made them ‘outlaws’ — literally, ‘outside the law’, so that in effect people could kill them without themselves committing a crime.

In May 1865 Ben Hall was killed. Betrayed by a friend, he was attacked by a large party of police as he was resting. He saw the police and ran, but was shot down — hit by thirty bullets.

3. Fill in the grid for Ben Hall on the back cover.

Look at the ballad ‘The Death of Ben Hall’ on page 5, written soon after his death. It is one of many that tell a similar story and have a similar ‘message’.

4. What features or characteristics of Ben Hall does the ballad stress, and what does it omit? Why?

5. How similar is the legend of Ben Hall to that of Robin Hood? Suggest reasons why similarities might exist.

6. Look at a school textbook about nineteenth century Australian history in your library. See if Ben Hall is mentioned. Suggest reasons to explain why he is or is not featured.

7. Ben Hall is one of Australia’s most famous outlaws. However he is now largely unknown, particularly among young people. Suggest reasons why.

8. Which of the outlaw words on page 1 best applies to Ben Hall?

9. Where would you place Ben Hall on the scale on page 1?
The Death of Ben Hall

Come all you young Australians, and everyone besides, I'll sing to you a ditty that will fill you with surprise Concerning of a 'ranger bold, whose name it was Ben Hall But cruelly murdered was this day, which proved his downfall.

An outcast from society, he was forced to take the road, All through his false and treacherous wife, who sold off his abode, He was hunted like a native dog from bush to hill and dale 'Til he turned upon his enemies and they could not find his trail.

All out with his companions, men's blood he scorned to shed. He oft-times stayed their lifted hands, with vengeance on their heads, No petty mean or pifering act he ever stooped to do. But robbed the rich and hearty man, and scorned to rob the poor.

One night as he in ambush lay all on the Lachlan Plain When, thinking everything secure, to ease himself had lain, When to his consternation and to his great surprise, And without one moment's warning a bullet past him flies.

And it was soon succeeded by a volley sharp and loud, With twelve revolving rifles all pointed at his head, 'Where are you Gilbert? Where is Dunn?' he loudly did call, It was all in vain, they were not there to witness his downfall.

They riddled all his body as if they were afraid. But in his dying moment he breathed curses on their heads, That cowardly hearted Condell, the sergeant of police. He crept and fired with fiendish glee 'till death did him release.

Although he had a lion's heart, more braver than the brave, Those cowards shot him like a dog — no word of challenge gave. Though many friends had poor Ben Hall, his enemies were few, Like the emblems of his native land, his days were numbered too.

It's through Australia's sunny clime Ben Hall will roam no more. His name is spread both near and far to every distant shore. For generations after this parents will to their children call, And rehearse for them the daring deeds committed by Ben Hall.


From the Outlawed! exhibition

You will see many paintings or illustrations in the Outlawed! exhibition.

Some useful questions to help you draw out meanings and messages, and to make judgements about the illustrations, include:

- What does it show?
- Who created it?
- What message are they trying to get across?
- What do they include or emphasise to get that message across?
- What do they leave out?

Look at these two images or representations of Ben Hall robbing coaches.

1. Compare the impression about bushrangers that the two create.
2. Discuss how and why those differences exist.

Tom Roberts, Bailed Up!, 1895
1927
Oil on canvas, 134.5 x 182.8 cm,
Art Gallery of New South Wales.
Photograph: Ray Woodbury for AGNSW.
Roberts visited the site of the Eugowra robbery, involving Ben Hall. He based the depiction on the account by the coach driver, 'Silent Bob' Bates.

‘Hall, Gilbert and Dunn, sticking up the mail at the Black Springs.’ (From a sketch by W. Rose, Esq, Police Magistrate, who was present at the Encounter) Illustrated Melbourne Post 25 January 1865
National Library of Australia collection

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Hone Heke is an outlaw in New Zealand history. He is known as the man who chopped down the flagpole flying the British flag after the Treaty of Waitangi between Britain and the New Zealand indigenous people.

This image is the typical one that is included in general history book representations of Hone Heke.

1. What does it suggest about Hone Heke, and why he is famous?
2. From this very limited information fill in as much as you can about Hone Heke in the Outlaw Summary Grid on the back cover.

But is this an adequate and accurate image of the man?

A recent museum display on Hone Heke in New Zealand’s Te Papa National Museum included a number of different objects and documents, some of which are included in the Outlawed! exhibition. We have also included a brief biography of him.

3. Look at the biographical information and the selection of images from that display, and decide what they tell you about Heke.

Hone Heke was a Maori warrior chief. He was born about 1807 in Kororareka (Russell), in the Bay of Islands. During his lifetime Maori tribes and British soldiers fought for control of the country. In 1840 both parties signed the Treaty of Waitangi resolving the conflict. Heke was the first Maori chief to sign it.

By 1844, however, he was involved in occasional raids on European farms. At this stage, Heke seemed to be interested in building up his reputation among his existing and potential followers. However, he was strong on bravado and demonstrating his ability to act in defiance of the colonial Government. In 1844 he led a group of his men to the flagstaff overlooking Kororareka and symbolising the Treaty, and cut it down.

By mid-1845, Heke’s goal was to remove British rule over Maori in Northland. He was willing to allow Europeans in the region to be governed by the Crown, but wanted sovereignty over Maori to be returned to the local chiefs. He formed an alliance with a former enemy, the Ngati chief Kawiti, believing that this alliance would increase his military capabilities in any encounter with the British. The two most famous battles he fought were those at Ohaeawai in 1845, and in early 1846 at Ruapekapeka. Heke’s name became synonymous with violence during the mid-1840s. Certainly, he was prepared to kill, and was famous as a warrior. At Ohaeawai, a British soldier was captured by Heke’s men, and tortured for several hours by Heke’s tohunga (priest) Papahurihia. However, the number of deaths resulting from Heke’s war with the Crown could probably be counted in the dozens – certainly, there was no large-scale killing that happened in later conflicts between the Crown and other Maori tribes opposed to its actions.

Heke did not claim to be supporting the poor against the rich. His battle was against the British Crown, but in doing so he showed respect for the institutions of British rule – particularly the Church and even the Governor.

Heke died in 1850 of tuberculosis. He was given a standard Christian burial service and then his body was taken away by followers and interned in a cave near Pakaraka in the traditional Maori way.
What other aspects of Heke’s life and character does this extra information tell us about?

Now go back to the Outlaw Summary Grid for Hone Heke, and make any changes and add any new information there.

Which of the outlaw words on page 1 best applies to Hone Heke?

Where would you place Hone Heke on the scale on page 1?

From the *Outlawed!* exhibition

Museum exhibitions may be ‘neutral’ – that is, providing information in a way that does not seem to involve putting a particular message across. Others may be ‘partisan’, deliberately putting a particular view for the viewer to consider.

The descendants and admirers of Hone Heke are keen to have his story told in the national New Zealand museum (the Te Papa Museum, in Wellington) in a way that challenges the typical ‘cut down the flagpole’ image.

Why do you think they want to challenge this image? What influence might the museum display, and the elements of it in the Outlawed! exhibition, be expected to have?

How could you test if the popular image of Hone Heke changes in the future as a result of this display?

Axe used by Heke as a personal fighting weapon. He named it in commemoration of the death of his mother.

God-stick used by Heke’s priest to predict the future.

A Taiaha, or fighting staff belonging to Heke’s family, used for combat and in ceremonial occasions.
Look at this image of the modern woman bandit, Phoolan Devi. What are your first impressions of her from this image?

What questions about her does this image raise with you?

Most outlaws date from the long-ago past. However, there are still examples of outlaws in modern times. In 1981 a young woman led a gang of bandits into a village in India. She chose thirty men from the village, stood them near a well, and ordered them to be killed. The woman accused of this action was the woman bandit (or ‘dacoit’), Phoolan Devi (1957–2001).

Devi has always claimed that she and her dacoits were not responsible for the wholesale killings that occurred in the village of Behmai in 1981, now forever known as the Saint Valentine’s Day Massacre. Eyewitness accounts, however, talk about a young girl who led a gang of twenty men into the village that day. They claimed she ordered the ransacking of the village and the assembling of the village men to the well. What is not clear is who ordered the men to be marched down to the river where they were executed. Of the thirty men, twenty-two ended up dead.

It is from this event that Phoolan Devi’s legend was nationally and internationally established. Although she denied being involved, accounts were spread throughout the world that the unthinkable had happened and a low caste Indian woman had ordered the deaths of so many high caste men. (Note that until recently in the Indian caste system those of lower caste or status have had limited social, economic and even legal rights.) At first sight this would seem very clearly to be a criminal, murderous act. Yet there were many in India who admired what the girl had done, and even saw her as a reincarnation of an Indian goddess. By 1995 Phoolan Devi had negotiated a surrender for herself and her gang, been imprisoned for eleven years (but not found guilty of the killings and never to stand trial for any of the thirty cases of kidnapping and banditry against her nor for her alleged involvement in the Behmai murders), been released, and would be elected a member of the Indian National Parliament.

How could this classic example of transformation of a criminal to a socially acceptable bandit have occurred?

In 1995 a film was made of her life that might provide the answer. The film maker’s intention was to present her as a figure for whom we have sympathy. Look at the summary of scenes from the film (column 1) and answer these questions.

What is the image of her that is created in the film?

Is she a hero?

Why would the Phoolan Devi of the film be admired by many Indians?

Now look at the contrasting episodes from the biography of Phoolan Devi (column 2).

<table>
<thead>
<tr>
<th>Film – The Bandit Queen</th>
<th>Phoolan Devi’s life</th>
</tr>
</thead>
<tbody>
<tr>
<td>The film-maker sets his theme at the very opening of the film. He shows a young girl, aged about eleven, being forced to marry a middle aged man. He proceeds to rape and abuse her. The message is clear: Phoolan Devi, as a low-caste female in India, was able to be abused, and was a victim for whom we should have pity.</td>
<td>At age ten Phoolan Devi protested against the taking of her father’s farm by a cousin. It was because of her outspoken opposition to an unfair legal situation involving property that she was forcibly married off and sent away. Her ‘crime’ was criticising the actions of the higher castes within the village particularly her cousin Maiyadin and her family’s land dispute, not being low caste.</td>
</tr>
<tr>
<td>She runs away and returns to her village, but is sexually abused by high-caste louts in the village. She protests, and is sent to jail where she is raped and beaten. We are again asked to have pity for this victim.</td>
<td>She continued to protest against the taking of her father’s land. That led to her assaulting a man, and being thrown into prison.</td>
</tr>
<tr>
<td>Soon after her release from prison she is kidnapped by a ‘dacoit’ (bandit) gang, and is again brutalised by the high-caste leader. This disgusts the second-in-command, who kills the leader. He becomes ‘the love of her life’.</td>
<td>This is accurately depicted.</td>
</tr>
</tbody>
</table>
She now returns to the home of her husband, and with the power and protection offered by her gang, beats him. This is seen as justifiable retribution. | This is accurate, except that she also beat the man’s second wife as well – a far less justifiable act.

A rival gang captures her, and she is again gang-raped by high-caste men in a village. | This is accurately presented.

She escapes, and forms a new gang. | This is accurate except that the film does not show her taking another lover (one of several).

During a raid on a village she recognises two of the men who gang raped her. She calls on the village to say where they are hiding. They deny that they know the men. She selects twenty-two men, and they are killed. This is done very ‘artistically’ as though divorced from reality. | Phoolan Devi has always denied being responsible for the killing, or that she was even there. Some eye-witnesses agree, others say she was there and in charge.

She evades capture for two years – shown in a way that suggests she is not a conscious participant in remaining an outlaw. | She showed skill in evading capture for two years.

She is persuaded by a male bandit colleague to surrender. This is the end of the film. | She negotiated the surrender herself.

In 1996 she was elected to the Indian Parliament as a champion of low-caste people’s rights, especially those of women. In 2001 she was assassinated, allegedly in retribution for the killing of the men in the village. | Phoolan Devi has always denied being responsible for the killing, or that she was even there. Some eye-witnesses agree, others say she was there and in charge.

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**From the Outlawed! exhibition**

One of the important things an exhibition can do is to provide a way of seeing a person in context by showing different aspects of their lives. Here are two images of different styles of clothing worn by Phoolan Devi. Discuss how the clothes symbolise and represent different aspects of her life. Compare this ‘arrest’ image with that on page 8. Discuss how and why these images taken at the same event are so different, and what different impacts or impressions they would create in a viewer.

<table>
<thead>
<tr>
<th>Image 1</th>
<th>Image 2</th>
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</table>
Europeans ‘settled’ or ‘invaded’ Tasmania (Van Diemen’s Land) in 1803. By the early 1820s large numbers of the Indigenous inhabitants had been killed in clashes, or had died of diseases. Many of the Aboriginal tribes of the area were dispossessed of their traditional land, and were living on the fringes of European settlement. In the early 1820s there were a number of attacks by Aborigines on European farms, with several deaths. One of the leaders of this violence was Musquito. In 1825 he was hanged at Hobart for the murder of two settlers. Some see him as a criminal; others as a resistance fighter. Your task is to decide for yourself which of these seems more accurate to you.

Look at the two sources, and complete a table like the one below to identify any major similarities and differences in the two versions.

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Source – Christine Wise</th>
<th>Source – Keith Windschuttle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background of Musquito</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tasmanian context</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What he did</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What caused him to do this</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What his motivation was</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impacts of his actions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trial and punishment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overall evaluation</td>
<td></td>
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</tbody>
</table>

Musquito’s story can be followed only through British sources … He was a Hawkesbury tribe warrior from Broken Bay on the central coast of New South Wales. Held responsible for much Aboriginal resistance [to European settlement] in New South Wales, he was banished to Norfolk Island, from where he was taken to Van Diemen’s Land, and although not a convict assigned as a ticket-of-leave stockman …

To control [an] outbreak of bushrangers, [Governor] Sorell induced ticket-of-leave prisoners to help track the bushrangers. Among the “volunteers” [was] Musquito … Musquito was promised his freedom and free conduct back to Sydney. After Howe’s capture and death … this promise was not kept and Musquito remained in Van Diemen’s Land, where he was assigned again … He was despised and taunted by the convict and ex-convict population, so that he began to associate with, and gradually came to lead, the detribalised Aborigines who ranged the settled districts, known as the ‘Tame Mob’ …

Until about 1820 the Aborigines, although their society had been disrupted and their numbers reduced, could survive alongside the farming settlers who used only small tracts of land. Then the European population rose rapidly — from 2,000 in 1817 to nearly 13,000 in 1824 … All suitable land was taken over by the pastoralists who ran a million sheep by 1830. There was no longer room for Aboriginal hunter-gatherers who were driven off their tribal grounds into the mountains and forests, their remaining bases for guerilla warfare against the invaders …

From March 1820 … dozens of huts and houses were attacked, stripped and fired, and the occupants speared or clubbed … Indeed, so skilfully planned were the Aboriginal raids and so unified were their military tactics that many Europeans insisted that they were being led by a white man … No European felt safe. The capture of Musquito became an overpowering psychological necessity … In 1824 … Governor George Arthur … offered a reward for Musquito’s capture …

[In 1824 Musquito was captured and brought to trial.]

The trial was a farce. The very invaders of the country, against whom Musquito had pitted himself, brought the whole weight of their incomprehensible law against him … No evidence of their guilt, other than [Musquito’s and Black Jack’s] presence along with 60 or 70 others was presented … Neither was allowed counsel … On the flimsiest of evidence, Musquito was convicted … Despite intercession from Aborigines, both were hanged, on February 25, 1825 …

Musquito resisted the white occupation of Australia for twenty years. He was banished from his homeland, conscripted into Tasmania, lured into acting as a bloodhound, betrayed into remaining, compelled into Tasmanian Aboriginal society and constrained to strike out, with them, against a subjugation which allowed no other option.


Governor Arthur’s Proclamation to the Aborigines 1st Nov. 1828. By permission of the National Library of Australia nla.pic-an 2291826

CASE STUDY 5

Criminal or resistance fighter?

Investigating Musquito
Keith Windschuttle

Musquito was not defending his tribal territory or trying to reclaim his hunting grounds. He was an Aborigine from Sydney who had lived among the whites in Hobart for ten years. He had been sent down by the government in 1813 to help track bushrangers … [he] assisted in Michael Howe’s capture in October 1818. Because of this and earlier assistance to the authorities, the convicts and ex-convicts of the colony regarded him as a turncoat. Musquito asked to return to Sydney. However, his passage was never approved and, feeling betrayed, he eventually took to the bush. He fell in with one of the groups of detribalized Aborigines … who since at least 1813–14 had been frequenting Hobart, Richmond and the southern Midlands, begging provisions from the residents …

He recruited one of this group, Black Jack, as his chief accomplice. Musquito also enticed another detribalized Aborigine, Tom Birch, better known as Black Tom, who had grown up since childhood in the Hobart household of the merchant and landowner Thomas Birch, to leave his service and join the group.

[Over a fifteen month period the gang attacked several settlers’ farms, killing several people.]

Instead of warrior patriots, their record makes it clear that Musquito, Black Jack and Black Tom were simply outlaws. They were bushrangers who happened to be black … [who] lived by pillaging the property of outlying settlers …

[Musquito and Black Jack] were tried and found guilty of murder … Both were executed on 24 February 1825.

From the summary table, identify the main similarities and differences in these accounts of Musquito.

Identify places in the accounts where the writers go beyond facts and impose interpretation on their accounts.

Both accounts work from the same set of facts. Why do they interpret aspects of Musquito’s life differently?

Our knowledge of Musquito is based on British sources only. How does this limit our ability to interpret his actions?

Imagine that you were a historian writing about Musquito. What other types of evidence would you hope to find to give a complete picture of the man and his actions?

Fill in the Outlaw Summary Grid on the back cover for Musquito.

Which of the outlaw words on page 1 best applies to Musquito?

Where would you place Musquito on the scale on page 1?

From the Outlawed! exhibition

Here are two paintings of Musquito, done by Aboriginal artist Lin Onus. There is no known contemporary illustration of Musquito, so we do not know what he looked like. In these paintings the artist has used his own features for Musquito.

White Man’s Burden
Dreams in the garden of allegation

Aboriginal Advancement League, Victoria

Which version of the Musquito story do they reflect?
Why might they reflect this version?
Lin Onus has said about Musquito and these paintings:

‘I realised that by the time I left school at thirteen I had absorbed everyone else’s history and values but not those that were rightfully my own.

… I noticed Koorie had few historical figures like Cochise, Sitting Bull and Geronimo … in 1977, I noticed a reference to a “murderous, guerilla fighter” called “Musquito” and after research my “Musquito” series commenced …

Some people write the history, I can’t write so I paint instead.’


How is Onus creating history (or myth?) here?
Do you think this is a legitimate representation of Musquito?
Explain your reasons.
Billy the Kid was an outlaw in the American state of New Mexico in the late 1870s and early 1880s. He died young, at age 21, and many have claimed that he had killed a man for every year of his life.

The two quotations opposite, one from the man who killed him (but almost certainly ghost-written), the other from a writer who was reflecting the popular view of the Kid at the time of his death, are both uncomplimentary — though one also suggests some good characteristics about him.

So why has Billy the Kid become an outlaw legend, one whose name is still known today?

Look at this song about him and answer the questions that follow.

**SONG OF BILLY THE KID**

I'll sing you a true song of Billy the Kid,  
I'll sing of the desperate deeds that he did  
Way out in New Mexico long, long ago,  
When a man's only chance was his own forty-four.

When Billy the Kid was a very young lad,  
In old Silver City he went to the bad;  
Way out in the West with a gun in his hand  
At the age of twelve years he first killed his man.

Fair Mexican maidens play guitars and sing  
A song about Billy, their boy bandit king,  
How ere his young manhood had reached its dead end  
He'd a notch on his pistol for twenty-one men.

'Twas on the same night when poor Billy died  
He said to his friends: 'I am not satisfied;  
There are twenty-one men I have put bullets through  
And sheriff Pat Garrett must make twenty-two.'

Now, this is how Billy the Kid met his fate:  
The bright moon was shining, the hour was late.  
Shot down by Pat Garrett, who once was his friend,  
The young outlaw's life had now come to its end.

There's many a man with a face fine and fair  
Who starts out in life with a chance to be square,  
But just like poor Billy he wanders astray  
And loses his life in the very same way.


This song was created soon after Billy the Kid’s death in 1881.

1. Identify those elements in the song that are critical of Billy the Kid.
2. What elements are there that soften this critical image?

'Billy the Kid — also known as Henry McCarty, William Antrim, Kid Antrim, William Bonney, Billy Bonney, Billy Kid, etc. — was born in New York City in 1859. He was supposed to have killed a man who insulted his mother when he was twelve. Then after his mother died young in 1874, he became a juvenile delinquent and thief. He set out alone in the world at 16. He shot a man in 1877, was arrested, escaped, and went to Lincoln County, New Mexico. As a ranch hand he became involved in a ‘war’ between two rival wealthy groups, each seeking economic control of the area. In effect he was a gunman/soldier for one of the groups involved in trying to eliminate the other group. His group lost, and he was declared an outlaw for his part in killing some of the rival gang. Billy always treated the Mexican ‘battlers’ in the area better than most, and spoke their language. He was popular among them.'
A journalist described him in 1880 as ‘nothing very manly about him in appearance, for he looked and acted a mere boy. He is about five feet eight or nine inches tall, slightly built and lithe, weighing about 140 [pounds]; a frank open countenance, looking like a school boy, with the traditional silky fuzz on his upper lip; clear blue eyes, with a roguish snap about them; light hair and complexion. He is, in all, quite a handsome looking fellow, the only imperfection being two prominent front teeth slightly protruding like squirrel’s teeth, and he has agreeable and winning ways.’

In 1881 he surrendered on the condition of a pardon from the State Governor, who reneged on the deal and so the day before Billy was to hang, he escaped from jail, killing two guards in the process.

He was tracked down and shot dead at night in a friend’s home by his former friend, Sherrif Pat Garret on 14 July 1881.

He was not known as Billy the Kid until the last few months of his life – it was usually just ‘Kid’.

The legend says he killed 21 men – in reality it was far short of that. He definitely killed four men, helped in the killing of five others, and may or may not have fired the shot that killed another. He killed with an untroubled attitude, and reflected the values of the frontier society of which he was a part.

(Based on Robert M. Utley, Billy the Kid, University of Nebraska Press, Lincoln, 1989 page 31)

Billy the Kid lives on in our awareness today. Many other outlaws from the same place at the same time do not. Why do some outlaws move into legend, while others move into obscurity?

Here are some suggested elements that help or hinder the creation of a legend.

6 Comment on each of these in relation to Billy the Kid.

<table>
<thead>
<tr>
<th>Elements that can influence the creation of a legend</th>
<th>The case of Billy the Kid</th>
</tr>
</thead>
<tbody>
<tr>
<td>The image of the outlaw – his character, qualities, etc.</td>
<td>(Would we remember ‘Henry McCarty’ if he had not been ‘Billy the Kid’?</td>
</tr>
<tr>
<td>The reality – there are some spectacular, memorable elements to their lives.</td>
<td></td>
</tr>
<tr>
<td>The period the outlaw lives in – especially if it is a significant time, or a romantic one, or marks the transition from one period to another.</td>
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<tr>
<td>The audience and their ability to learn of the outlaw. (There was a great increase in literacy in the United States between 1865 and 1900.)</td>
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<tr>
<td>The mass media. (There was a huge increase in cheap novels in this period, and western films have had periods of great popularity.)</td>
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<tr>
<td>The technology. (Railways and the telegraph expanded greatly in the 1870s, 1880s and 1890s, bringing local events to a national audience.)</td>
<td></td>
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<tr>
<td>The messages – does the outlaw seem to embody qualities that people approve of or would like to have themselves?</td>
<td></td>
</tr>
</tbody>
</table>

7 Which of the outlaw words on page 1 best applies to Billy the Kid?

8 Where would you place Billy the Kid on the scale on page 1?

4 Complete the Outlaw Summary Grid on the back cover for Billy the Kid.

From the Outlawed! exhibition

NEWSFLASH!!!!!!

Officials in New Mexico and Texas are about to enlist science to solve a 120 year-old mystery: did Sheriff Pat Garrett really shoot Billy the Kid?

There have been claims that Garrett in fact killed a drifter friend of the Kid’s, and that the Kid actually escaped. A man named ‘Brushy Bill’ Roberts claimed to be the real Billy the Kid right until his death in 1950.

Authorities plan to try and settle the issue by genetic testing. The location of the body claimed to be Billy the Kid’s and buried in 1881 is unknown. Authorities will therefore test the genetic make-up of Catherine Antrim, the woman believed to be Billy the Kid’s mother and who died in 1874, and that of ‘Brushy Bill’ Roberts.

Reported in Australian newspapers 6 June 2003

5 Much of what is presented as ‘fact’ in history is really not that. Look at the way the Billy the Kid story is presented in the Outlawed! exhibition, and discuss how well the uncertainties of history are acknowledged in the text and displays.
If you visit the Victorian town of Mansfield you will find a memorial to three policemen in the main street. The policemen were killed in the line of duty, ‘murdered by armed criminals’.

The criminals were Ned Kelly and his gang.

Yet others see Ned Kelly differently. They see him as a romantic hero, an important part of Australian national identity.

Why would the outlaw Ned Kelly still be seen as an important myth in Australian identity?


Look at these extracts from an article on the legend of Ned Kelly and answer the questions that follow.

It’s 122 years since Ned Kelly was hanged in Melbourne but his legend continues to grow. Arguments persist over whether he was a rogue or a revolutionary, a larrikin or lawbreaker, but many Australians still seek their national identity in this bedraggled bushranger, rather than a politician, author or general …

Laurie Muller, general manager of Queensland University Press which published Carey’s Booker prize-winning *True History of the Kelly Gang*, argued the story endures because each generation can redefine it.

What we’re seeing now, he said, is a re-evaluation by a generation of artists and historians who are less concerned with what happened at Glenrowan than how Ned grew to be the man he was …

But there are other factors. Australians tend to admire flawed characters with a streak of rebelliousness, particularly if they are working class, railing against so-called stuffed-shirts. Add a dash of injustice, plus a pinch of incompetence on high, and we have the classic Aussie anti-hero. The gallant ‘lions led by donkeys’ at Gallipoli. Breaker Morant. Ned Kelly.

Then there’s our romantic attachment to heroic failure. Would we love Leichhardt, Burke and Wills less if, like John McDouall Stuart, they had succeeded in their quests?

Yet the most potent reason for Kelly’s potency, Muller said, is his republicanism in an age when Australia still finds it surprisingly difficult to unharness itself from its colonial past. Indeed, film historian Graham Shirley, of Film Australia, said … that — in cinema at least — we have preferred anti-authoritarian heroes. ‘Workers vs bosses, Australians vs Brits, usually an Aussie hero is a determined individual who is battling against the establishment,’ he said …

[Historian Richard] White said there was another reason why the Kelly story is still so popular: ‘It’s just a very good drama’ containing some powerful dramatic themes.
On one level, the Kellys, with their mastery of horsemanship, sharp-shooting and bush survival skills, stand for an emerging ‘Australianness’ which contrasts with the ‘foreignness’ of the British authorities.

At the same time, the Kellys represent qualities such as larrkinism, egalitarianism, and a willingness to bend the rules against a colonial administration which wants to impose the injustices of the old order on the new world.

‘Another conflict … is the one between family and more abstract notions of duty,’ White said.

‘One of the accusations which Kelly made in the Jerilderie Letter of his fellow Irishmen who had joined the police is they were betraying family.’

White said we are also drawn to Ned Kelly because, perhaps subconsciously, we realise he was railing furiously against technological changes which were altering his way of life, just as we’re struggling to come to terms with technological change ourselves.

‘Kelly and his gang were very conscious that what was going to beat them in the end was modern policing and modern technology,’ he said.

‘They were constantly under attack by modern life, which is why they turned to horsemanship. They pulled down telegraph poles because they knew the telegraph would hasten their capture. They ripped up the railway line, which had only just arrived but which brought the rules and regulations of Melbourne to their doorstep.

‘Above all, their armour harks back to a feudal age of knights. In the middle of the 19th century there was a lot of interest in medieval chivalry as a counterpoint to modern industrial life. Medieval tournaments and the Gothic revival romanticised the past at the very time industrialisation was transforming the world.’

(Steve Meacham, Sydney Morning Herald, 26 March 2003)

1 This article is talking about the legend of Ned Kelly, rather than the historical details. Identify the different elements of the legend that are listed.

2 You may want to watch the 2003 film Ned Kelly, and decide to what extent it promotes the legend. Do this by seeing how many of the aspects of the legend are shown in the film, and if there are elements shown that challenge or criticise these elements.

3 Imagine that you wanted to produce an ‘anti-legend’ Ned Kelly film — what elements might you include. For example, you might emphasise the accusation that young Ned assaulted a Chinese man — we would not like to have a racist Ned as our hero. Or that he chose to steal cattle and horses from other ordinary selectors — we would not want a Ned who stole from the poor. Or that he was a lousy shot — how many police were shot at Glenrowan? You will need to carry out some research to gather information about Ned that can be used to develop an ‘anti-hero’ image that would challenge the current legend.
1. Representing the process by which legends develop

One of the key things about outlaws is that there is a difference between who they were in fact, and how we see them now — representing the change from reality to popular image over time.

Here is a diagram that sets out the process that occurs to change the reality to image.

Fill in the some of the means of transmission of the legend that you have discovered from this unit, and some of the other factors that determine how a legend develops. Some examples have been done to help you.

2. Creating a museum display

The Outlawed! exhibition contains artefacts associated with a number of outlaws, and captions and text that add information about them.

Choose one of the outlaws in this unit, and suggest a few objects that you would include in a display on this person. What would your caption for each object say?

If you are able to visit the exhibition you will be able to compare your approach with that of the curators of the exhibition.

3. Addressing some ‘big ideas’

Now that you have studied a number of individual case studies about outlaws, here are some big ideas for you to discuss:

- Why do people become outlaws?
- Whose laws are they breaking?
- Why are some outlaws remembered, while most are quickly forgotten?
- Will a legend only endure if each generation can see something relevant to themselves in that outlaw?
- Do some outlaws survive in legend because they represent universal values?
- How important is land in the motivation of people to become outlaws? (Look back at each of the seven case studies in this unit and see in which ones land was a major element.)

- Does it matter if the legend of an outlaw no longer reflects the historical reality of that person?
- Why are some mythologised, and others not?
- How is it that outlaws can be heroes to some and criminals to others?
- Could there be an outlaw in Australia today? Suggest any possible ‘candidates’, and discuss your ideas.
### Outlawed! Discover the stories behind the world’s rebels, revolutionaries and bushrangers.

The exhibition opens at the National Museum of Australia 28 November 2003 until 26 April 2004. It will then go on tour around Australia.

<table>
<thead>
<tr>
<th>Name of outlaw</th>
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<tbody>
<tr>
<td>Why he/she became an outlaw</td>
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<tr>
<td>Where he/she operated as an outlaw</td>
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<tr>
<td>What his/her main aims were as an outlaw</td>
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<tr>
<td>How he/she treated people</td>
<td></td>
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<tr>
<td>What crimes he/she committed as an outlaw</td>
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<tr>
<td>His/her use of violence</td>
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<tr>
<td>Who supported him/her</td>
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<tr>
<td>Who opposed him/her</td>
<td></td>
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<tr>
<td>His/her attitude towards justice and authority</td>
<td></td>
</tr>
<tr>
<td>His/her personal qualities – good and bad</td>
<td></td>
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<tr>
<td>What does a study of this person help you to understand about outlaws?</td>
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</tbody>
</table>
Robin Hood
For the good of all men,
and the love of one woman,
he fought to uphold justice
by breaking the law.

KEVIN COSTNER IS ROBIN HOOD
PRINCE OF THIEVES
To the Memory of the
THREE BRAVE MEN
WHO LOST THEIR LIVES,
WHILE ENGAGED IN THE WORK OF
CAPTURING ARMED CRIMINALS.
NEAR MANSFIELD.
25th OCTOBER, 1879.

SERGEANT, MICHAEL, KENNEDY,
ENTERED THE VICTORIAN POLICE-FORCE
19TH AUGUST, 1864.
OUTLAWED

Discover the stories behind the world’s rebels, revolutionaries and bushrangers