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**Remembering an Iron Outlaw: The Cultural Memory of Ned Kelly
and the Development of Australian Identities**

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Herinneringen aan een IJzeren Outlaw: Ned Kelly in het Culturele Geheugen en de
Ontwikkeling van Australische Identiteiten
(met een samenvatting in het Nederlands)

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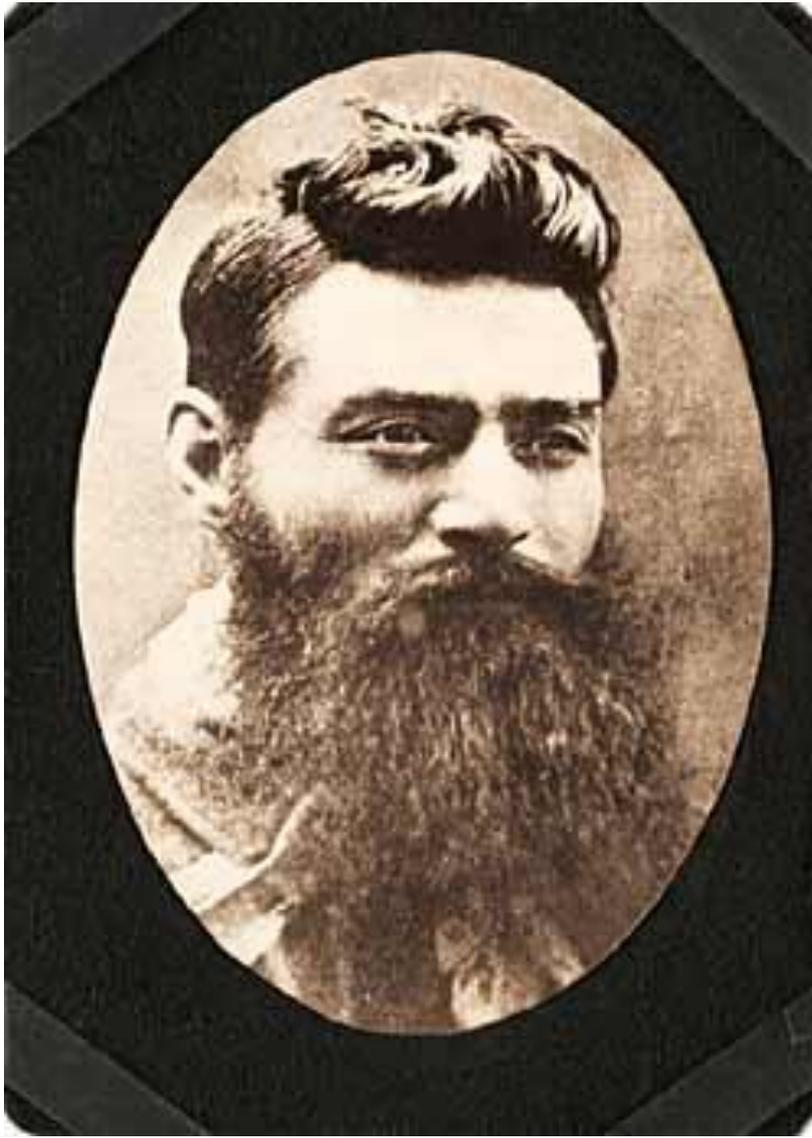
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Ned Kelly, portrait taken before his execution, 1880.
Source: State Library of Victoria.

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Introduction

Nineteenth-century outlaw Ned Kelly is perhaps Australia's most famous historical figure. Ever since the commencement of his outlawry in 1878 his story has been repeated time and again, in every conceivable medium.¹ In 1942 Clive Turnbull wrote, "Ned Kelly is the best known Australian, our only folk hero. The explorers, the administrators, the colonial politicians, are little more than names on the map...In a community whose vista is still cluttered with the shoddy and the second rate only one figure is larger than life-size...Surely it is a remarkable man who can thus impress himself upon the national consciousness, who in sixty years can pass into legend!" (1). In the sixty-eight years that have passed since this statement was made there has been no diminution in the strength or force of the memory of this young Australian bushranger; on the contrary, if anything there has been since the turn of the millennium a veritable explosion of all things Kelly, epitomised by the appearance of a plethora of dancing Kellys in the opening ceremony of the Sydney Olympic Games in 2000. Although the value of his memory has been hotly contested - and arguably because of this - he remains perhaps *the* national icon of Australia.

This thesis will show how the cultural memory of Kelly has always functioned in both radical and highly conservative ways, sometimes both at once. It appears to exist in an eternally contradictory state, a multistable figure, an image – like the famous duck-rabbit - that contains multiple and competing images. This curious condition is linked to a series of complex and contradictory contributions the Kelly memory has made to the national identity, playing a part in the many inclusions and exclusions entailed in the formation and negotiation of such an identity. Ever since his outlawry and his execution in 1880 (even before Federation in 1901), the identities invested in the Australian nation and those invested in Kelly have, in a two-way dynamic, fused into and strengthened each other, so that Kelly is in many ways a symbol for the national identity. Kelly has come to stand for an anti-imperialist, working-class subaltern Irish-inflected national identity. At the same time he has come to represent and enforce the whiteness, hyper-heterosexual masculinity, and violence of "Australianness".

The roles Kelly's memory has played in formations and negotiations of identity are themselves, as I would like to prove here, occasioned by specific sets of relationships that have composed the memory over time. Enduring cultural memories are never made by politicians, monuments, or individual media representations alone, although both media and politics - or power relations - are essential to their existence; they are formed and develop through a tangle of relations that reach back and forth across time. The captivating case of Ned Kelly furnishes a very useful opportunity to examine in detail the specific and multiple relationships of media, power, and time that form a cultural memory over a period

¹ Several bibliographies and overviews of Ned Kelly representations exist. See *Ned Kelly's World*; McDonald; Innes; Seal 2002.

of 130 years, and how their particular constellations inform identity constructions. Questions of media, temporality, and power have all been crucial to the emerging field of memory studies, and the case of Kelly provides a way in which to identify and analyse how they are all interwoven in what I term *memory dispositifs*, which are central in the assembling of cultural identities.

1. Sites and Dispositifs

When I began this project, I was thinking of Ned Kelly in terms of being a *memory site* or *lieu de mémoire*, as described by Pierre Nora. Although I have since moved away from this conceptual framework, it remains an important starting point from which to understand the constituency and nature of cultural memories. Nora describes lieux de mémoire as places (literal or symbolic) where “memory crystallizes and secretes itself”. Lieux de mémoire develop in the wake of the erosion of *milieux de mémoire*. These latter are “real environments of memory” associated with tradition, custom, and “the repetition of the ancestral”. The former, on the other hand, are constructed sites of externalised or “false” memory, which arise due to “a movement toward democratization and mass culture on a global scale” (Nora 1989: 7). According to Nora, we are, with the help of mass media, distanced from “the realm of true memory”, and it is precisely because of this distance or externalisation that we feel compelled to construct sites of memory: “if we were able to live within memory, we would not have needed to consecrate *lieux de mémoire* in its name” (8).

What exactly are lieux de mémoire? Nora’s category is very broad. He tells us that there are concrete memory sites such as cemeteries, museums and anniversaries, and more “intellectually elaborate ones” such as the notions of generation and lineage. Memory sites can be portable, topographical, monumental; there are public sites of memory and private ones, “pure sites” and “composite sites”, sites that are dominant and sites that are dominated. The list goes on. What is clear is that “the most fundamental purpose of the *lieu de mémoire* is to stop time, to block the work of forgetting, to establish a state of things, to immortalize death, to materialize the immaterial—just as if gold were the only memory of money—all of this in order to capture a *maximum amount of meaning in the fewest of signs*” (19, my emphasis). Memory sites can be “anything administering the presence of the past within the present”, and they only exist to the extent of their capacity for metamorphosis, “an endless recycling of their meaning and an unpredictable proliferation of their ramifications” (19-20).

Using Foucault’s scarcity principle, Ann Rigney shows that memory sites function by virtue of the fact that they “elicit intense attention on the part of those doing the remembering and thereby become a self-perpetuating vortex of symbolic investment (this process recalls Foucault’s reference to an ‘internal proliferation of meaning’)”. Sites of memory help to reduce “the proliferation of disparate memories” and provide “common frameworks for

appropriating the past” (Rigney 2005: 18). They serve to concentrate or conflate memories, whereby “memorial layers” are formed; Rigney gives as an example of this the celebration of 11 November in Britain, which has now become an occasion “not just for commemorating the end of World War 1 in its specificity, but more generally an occasion for commemorating British casualties in various wars” (19). Rigney, like many other cultural memory scholars now, moves on from Nora’s notion that sites of memory, with all the mediatisation and externalisation they entail, are somehow “false” or “unnatural”, asking instead “what if uses of ‘external’ sources of information are no longer seen as regrettable manifestations of memory loss, but as the order of the day?” (14).

Rigney’s development of the concept is valuable in its rejection of any straightforward distinction between “real” and “false” memory. It also provides important insights into how cultural memories work, which are very applicable to the Ned Kelly case study. As will become apparent, the Kelly memory, forged and sustained in large part by mass mediatisation, has become a “self-perpetuating vortex of symbolic investment”. It does function as a site of conflation and layering of memories, and though, like all memories, it involves a degree of stability, it is also always in flux, constantly being remade and adapted. However, while the term remains a useful starting point, it needs to be developed from new perspectives to allow for a fuller understanding of exactly how memories are formed and function: the precise processes, elements, and relations that compose them and make them work, and the nature of the work they do.

In order to do this, I would like to turn to the concept of the *dispositif*, as described by Foucault and Deleuze, and to see the memory of Ned Kelly as a *memory dispositif*. The term *dispositif* emerged as a theoretical concept in the 1970s with Foucault and with Jean-Louis Baudry. It is usually translated as “apparatus”. This translation might account for why the exact nature of a *dispositif* as used by Foucault has received relatively little attention in English language scholarship, given the enormous amount of attention his work has received in general. The translation “apparatus” is problematic because it has connotations of the mechanical and of fixity. Also, as Frank Kessler points out, “apparatus” does not cover the aspect of a “disposition” implied by *dispositif*, “both in the sense of ‘arrangement’ and [of a] ‘tendency’” that the arrangement brings forth (Kessler 1). The term *dispositif* usually refers to a constellation of heterogeneous elements within a system, and the relationships between them, which produce a particular “tendency”. It has been developed mainly in the fields of media studies and especially film studies. Baudry, the founder of “apparatus theory”, uses it to analyse the way the film apparatus positions the spectator, both topologically and ideologically. Within television studies the term *dispositif* can refer to a number of different phenomena, including “the format, the type of enunciation, the set-up in a studio, the structure of the program etc” (7). Noel Nel claims that there are multiple televisual *dispositifs*: technical, economic, and semiotic and aesthetic. Jacques Aumont extends the concept to encompass painting and panoramas, describing the *dispositif* as that

which regulates the relationship of the spectator with the image in a certain symbolic and social context (Kessler 8). Outside the field of media and communications, it is used as an analytical concept and as a technical term in all kinds of areas such as psycho-therapy, education, traffic flow management, and international development (1).

Different media are very important aspects of what I conceive as memory dispositifs, however I will not be using the term to talk about specific types of media dispositif, nor will I be using the work of Baudry or others who have cultivated the concept within film or media studies. Rather I will take as a starting point Foucault's work on the model along with Deleuze's essay "What is a *Dispositif*?", and develop it using a range of ideas drawn from memory studies, at the same time trying to introduce the term to that field.

Foucault writes, "What I'm trying to pick out with the term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short the said as much as the unsaid. Such are the elements of the apparatus [here *dispositif* is translated as apparatus]. The apparatus itself is the system of relations that can be established between these elements. Secondly, what I'm trying to identify in this apparatus is precisely the nature of the connection that can exist between these heterogeneous elements" (194). The first point, then, is that a *dispositif* is a particular constellation of elements and the system of relations between them, which are relations of power and knowledge and, importantly, which constitute subjectivities. As Giorgio Agamben explains in his book *What is an Apparatus?*, "apparatuses... always imply a process of subjectification, that is to say, they... produce their subject" (Agamben 11). Foucault discusses, among others, the *dispositif* of sexuality and the medico-legal *dispositif*, whereby psychiatry and the penal system became co-dependent.

Secondly, Foucault makes it clear that a *dispositif* has a strategic function, though the strategy has no one subject. He writes, "I understand by the term 'apparatus' a sort of... formation which has as its major function at a given historical moment that of responding to an *urgent need*. The apparatus thus has a dominant strategic function" (195). As an example he describes the emergence of the *dispositif* of mental illness and its treatment as fulfilling the function of assimilating a floating population which had become "burdensome for an essentially mercantilist economy". The relations within a *dispositif*, though strategic, can however have utterly unpredictable outcomes to which the *dispositif* must adapt and which it must reappropriate.

Thirdly, a *dispositif* is a historical formation, and the relations which compose it change over time. Foucault tells us that between the ensemble of elements "whether discursive or non-discursive, there is a sort of interplay of shifts of position and modifications of function which can also vary widely" (195). Deleuze's *dispositif* is even less stable than Foucault's. He

uses the idea of *lines* to convey its thoroughly relational nature: “But what is a *dispositif*? In the first instance it is a tangle, a multilinear ensemble. It is composed of lines, each having a different nature.” Further, “the lines in the apparatus do not outline or surround systems which are each homogeneous in their own right... but follow directions, trace balances which are always off balance, now drawing together, and then distancing themselves from one another. Each line is broken and subject to *changes in direction*, bifurcating and forked, and subject to *drifting*. Visible objects, affirmations which can be formulated, forces exercised and subjects in position are like vectors and tensors. Thus the three major aspects which Foucault successively distinguishes, Knowledge, Power and Subjectivity are by no means contours given once and for all, but series of variables which supplant one another” (159 original emphasis). The different lines which make up a *dispositif* are, therefore, always moving, they can change direction, double back on themselves and can branch off, multiply or break.

For Deleuze, the *dispositif* is a method as well as a concept: “Untangling these lines within a social apparatus [translation of *dispositif*] is, in each case, like drawing a map, doing cartography, surveying unknown landscapes, and this is what he [Foucault] calls ‘working on the ground’” (159). Siegfried Jäger and Florentine Maier have also written about “dispositive analysis”, as a development of discourse analysis and a way to analyse the relations between a wide range of phenomena. It would mean identifying the constituent elements within a given *dispositif*, the relations between them, and the subject positions they bring about.

The concept and method of the *dispositif* could be very valuably used in the study of cultural memory. In a specifically mnemonic *dispositif*, as I will demonstrate, the systems of relations are organised around particular *historical figures*. Jan Assmann argues that cultural memory forms and fixes around “figures of memory”: “fateful events of the past”, which a culture responds to differently each time they are revisited, and around which identity arranges itself. Figures of memory are maintained by “festivals, rites, epics, poems, images etc”: in short, all forms of media. Assmann calls these figures the “fixed points” of cultural memory, anchoring and stabilising it (129). If this category were to be expanded to include historical personages as well as events, we would find in it the core of a *dispositif* of memory. Via specific sets of relations, particular meanings or identities are attached to particular figures, which then become sites for the transformation and proliferation of those identities.

In order to explore the workings of memory *dispositifs* I look in detail at the particular case of Ned Kelly. Within the Ned Kelly memory *dispositif*, I identify three types of relation, referred to in my opening paragraphs. These relations are medial, temporal, and political. These three aspects are all thoroughly entangled and shift over time. They invest certain identities in the figure of Kelly which, in turn, proliferates and alters those identities. Matters of media, temporality, and politics, or power, have all been central to recent

investigations into cultural memory, and seem to be some of the main constituencies of all cultural memories. In many analyses these three domains overlap; however, the exact nature of their interaction in the formation and development of cultural memories and the work those relations compel the memories to do in terms of identity construction have not yet been the subject of thorough investigation. This dissertation is such a study, and will hopefully shed new light on the consistency and functions of cultural memories at a time when matters of memory are more urgent than ever.

I will begin here by introducing the most important ways (for my purposes) that media, temporality, and politics have been dealt with so far within the field of memory studies, then I will introduce discussions of identity and specifically Australian national identity, and lastly I will give a summary of the Ned Kelly affair and the ways in which he has been remembered, and an overview of the structure of this dissertation.

2. Media

Since the explosion of interest in cultural memory beginning about three decades ago, media have been acknowledged to be crucial not only in the transmission but also the construction of memories. Scholars have taught us how different media work differently in the building and shaping of memories. The specificity of media can work at the level of both technology and genre. Andreas Huyssen writes, “We do know that the media do not transport public memory innocently. They shape it in their very structure and form. And here – in line with McLuhan’s well-worn point that the medium is the message – it becomes highly significant that the power of our most advanced electronics depends entirely on quantities of memory. Bill Gates may just be the latest incarnation of the old American ideal – more is better. But ‘more’ is now measured in memory bytes and in the power to recycle the past” (20). Andrew Hoskins writes of “digital network memory”, brought about by Internet technologies: “Contemporary memory is principally constituted neither through retrieval nor through the representation of some content of the past in the present. Rather, it is embedded in and distributed through our sociotechnical practices...[S]o called ‘Web 2.0’ platforms include file sharing systems, for example *Flickr* and *YouTube*, which mesh the private and the public into an immediate and intensely visual and auditory present past. The very use of these systems contributes to a new memory – an emergent digital network memory – in that communications in themselves dynamically add to, alter, and erase, a kind of living archival memory” (Hoskins 91). On film, Verena-Susanna Nungesser writes, “the technical possibilities afforded by the medium of film have also played a role [in the interest of film in memory], by allowing film-makers to thematize memory not only in the stories they tell but in the very form in which they do so” (Nungesser 31). She describes the possibilities offered by film flash-backs, voice-overs, and analeptic narration for exploring and structuring memories. Aleida Assmann, meanwhile, discusses cultural memory in terms of “the text in its written and printed form”, considering concepts of writing with regard to

cultural memory in the Renaissance, the eighteenth century, and “in our age of mass media and electronic technology” (124).

It is not only media technologies but also genres that shape cultural memory. John Frow tells us that “textual meaning is carried by formal structures more powerfully than by explicit thematic content;...what texts do and how they are structured have greater force than what they say they are about; and...genre – by which I mean the kinds of talking and writing, of imaging and structured sound – is perhaps the most important of the structures by which texts are organised” (129). It follows that memories can also be generated generically. Ann Rigney, for instance, considers novels from this perspective, asking, “what role do literary texts play in the formation of cultural memory?” (Rigney 2004: 362). She writes of Walter Scott, “Through his public role as ‘author of Waverley’..., Scott’s work can be said to have worked as a channel for local memories, both living and inherited, whereby various accounts of the past could converge into a common frame of reference, or what Halbwachs (1994 [1925]) called a ‘social framework’ of memory... Benedict Anderson (1991 [1983]) and, more recently, Jonathan Culler (1999) have pointed out the ways in which the very form of fictional narrative meant that novels could create the sense of a shared social space and a shared historical time” (374). Rigney argues that the literary qualities of a historical novel may make it more memorable than a history book, more able to help fix and stabilise certain memories, more able to transpose and conflate memories, to give moral values to them, and to help recycle them across generations. She concludes that, “‘artificial’ – even patently false – memories crafted by writers may prove more tenacious in practice than those based on facts which have not been submitted to the same creative reworking. An uncomfortable idea for historians, perhaps, but an interesting challenge for the literary scholar” (391).

Others consider sub-genres and hybrid-genres in their mnemonic specificity (see Radstone 2008; Kuhn 2000). Astrid Erll links literary forms to what she terms “modes of remembering”, arguing, “In the course of ‘memorial history’ (that is, the history of how events or persons are recalled by social communities) it is to a great degree the mode of remembering which effects changes in the shape and meaning of the past. Modes of remembering are modes of re-presenting the past” (Erll 2006: 163). Erll maps the changes in how literature has recalled the so-called “Indian Mutiny” over time. To give three examples, her first mode is “the experiential mode of remembering”, which came with early eyewitness accounts and whose function was to narrativise the events and convey experience. The second mode is “the monumental mode”, when the historical occurrences became mythologised through the genre of juvenile literature. A later mode of remembrance is “the demythologising mode”, which deconstructed the myth that had been established through the monumental mode. Erll does not associate this mode with a specific genre but with a particular novel, J.G. Farrell’s *The Siege of Krishnapur* (1973). The novel works by “taking up many of the literary topoi developed over more than a century of

‘Mutiny’ writing and then deconstructing them one by one”, and by refusing to establish a hero (176).

A single representation in itself can exemplify a mode of remembering; however, no text, genre, or technology works alone to form a cultural memory. Most cultural memories are made up of many different representations in a variety of genres and media. Moreover, it is not only a collection of representations that makes a memory but their constellation: their positioning in relation to each other. Relations might be, among many other things, incorporative, deconstructive, or hostile. *The Siege of Krishnapur*, as an exemplifier of Astrid Erll’s demythologising mode of remembrance, might have all three of these relationships with the “Indian Mutiny” literature that preceded it. It hostilely incorporates mythologizing strategies in order to deconstruct them. These media constellations make up overarching discourses, and interact with the temporal and political forces together making up memory dispositifs, as will be seen here in the case of Ned Kelly.

3. Time

These medial relationships are all necessarily also temporal ones. Different media technologies and genres are associated with different temporalities, and of course temporality is essential to any analysis of memory. Texts relate to each other back and forth across time to form cultural memories and all memories involve a complex of multiple temporalities. For Andrew Hoskins, the distinguishing features of the types of memory brought about by television and the Internet are their unique temporalities, be it “real-timeness” or continual digital emergence. Radstone discusses the different generic temporalities of the confessional novel and the memoir, in *The Sexual Politics of Time*. She quotes Francis R. Hart to sum up: “‘Confession’ is a personal history that seeks to communicate or express the essential nature, the truth, of the self... ‘Memoir’ is personal history that seeks to articulate or repossess the historicity of the self... ‘Memoir’ places the self relative to time, history, cultural pattern and change. Confession is ontological... memoir historical or cultural” (17).

Much attention has been paid to the revolutionary changes in temporality brought about with the shifts from the “pre-modern” to “modernity” to “postmodernity”, shifts which have changed the shape and structure of memory and which, according to some, have been the very cause of the recent surge of interest in matters of memory. In his influential book *Futures Past*, Reinhart Koselleck argues that, with the advent of “modernity” in the late eighteenth century, the experience of time was radically transformed, and that the past and the future became “relocated” in relation to each other. According to Koselleck, the ever-accelerating pace of modern life left people with briefer periods of time in which to assimilate new experiences and adapt to social and technological changes. This led to an unprecedented increase in the demands that were placed on the future: the promise of

progress offered by modernity produced hopes that broke free of the present and projected utopian visions of unbounded opportunity onto the future.

Andreas Huyssen observes a shift from Koselleck's "futures past" to the temporal condition of "present pasts", beginning in the 1980s. He claims that there has been a recent "turning towards the past", in contrast to the privileging of the future that was characteristic of the first half of the twentieth century. He links the phenomenal increase in concerns with memory to an augmented fear of amnesia, brought about by the new technological and social changes associated with globalisation, not least advances in media technologies. He asks, "Could it be that the surfeit of memory in this media-saturated culture creates such an overload that the memory system itself is in constant danger of imploding, thus triggering fear of forgetting?" (17). He argues that the current obsession with remembering and dread of forgetting are related to a shrinking of the expansion of the present, positing "a great paradox: the more the present of advanced consumer capitalism prevails over the past and the future, sucking both into an expanding synchronous space, the weaker its grip on itself, the less stability of identity it provides for contemporary subjects... There is both too much and too little present at the same time" (23). This has brought with it a malaise engendered by "a significant entropy of our sense of future possibilities" (25). We see that what Erll calls "memorial history" – defined above - is itself shaped by alterations in our perceptions of time.

One feature of the recent "postmodern" interest in memory has been a rise in the popularity of "presentism". This is the idea that the past does not determine the present but that contingencies in the present determine our perception of the past. Erll describes "the selectivity and perspectivity inherent in the creation of versions of the past according to present knowledge and need" (Erll "Wars": 30), while Olick and Robbins point out that "the past is produced in the present and is thus malleable" and that "groups use the past for present purposes" (128). Others have rejected the notion of the absolute malleability of group memory: "traditional patterns of belief and conduct... are very insistent; they will not wholly release their grip on those who would suspend or abolish them" (Shils 200). This debate indicates the tension between the persistence and malleability of the past, one which, along with a series of other tensions, could be usefully explored using the model of the memory dispositif. Crucially, as will be seen, while all dispositifs shift and adapt, memory dispositifs are simultaneously anchored in the past, the historical figure at their centre providing a sort of inertia.

Questions of temporality are very much involved with matters of national identity. In Benedict Anderson's account, the emergence of print capitalism caused a transformation of temporality that made it possible to "think the nation", initiating the "empty, homogenous time" of the nation-state. Imagined communities were secured across wide territories by newspapers and novels, which produced a shared culture and a simultaneous experience of

time among people who had never met. These ideas about the homogeneity - or heterogeneity - of time are profoundly political, whether about relations within or between nations. Johannes Fabian, for instance, persuasively argues that the denial of temporal homogeneity, or “coevalness” between nation-states is the “scandal” of anthropology. Anthropology is guilty of “allochronism” – the perception that people in other places inhabit other, earlier times. Allochronism, a central term in this thesis, is the strategy that accompanied imperialist domination and that continues to underlie the politics of “foreign aid”. It can work within as well as between nation-states, as in the present case. Many scholars are critical of the notion of homogenous time, seeing it as an ideal rather than a reality. Homi Bhabha argues that national narratives tend to be split into double time, so that on the one hand people are continually in the process of becoming identified with the nation, and on the other hand are positioned as always already identified with the nation. Partha Chatterjee claims that “people can only imagine themselves in empty homogenous time; they do not live in it” (927). He argues that in the real space of the modern nation time is “heterogeneous, unevenly dense.” He cites a number of examples of heterogeneous time from the “postcolonial world” such as “industrial capitalists delaying the closing of a business deal because they hadn’t yet had word from their respective astrologers, or industrial workers who would not touch a new machine until it had been consecrated with appropriate religious rites.” However, he does not condone internal allochronism any more than he does homogeneity: “To call this the co-presence of several times – the time of the modern and the times of the pre-modern – is only to endorse the utopianism of Western modernity. Much recent ethnographic work has established that these ‘other’ times are not mere survivals of a pre-modern past: they are new products of the encounter with modernity itself. One must therefore call it the heterogeneous time of modernity” (928).

This brings us back to our earlier questions about the epochal upheavals in memorial history, from the pre-modern to the modern to the postmodern, categories that require a homogenous and linear conception of time. Radstone writes, “Epochal temporality constitutes only one line... in what might be conceived of as the symphonic score of time – a figure that may be loosened from the reductiveness of linear and progressive models of time if we remember that scores, or parts of a score, *may* fold back upon themselves through infinite repetitions and reprises” (Radstone 2007: 9). This is not necessarily to dispense with the category of the modern altogether, since that would be “tantamount to foreclosing on modernity’s potentially universal project of enfranchisement and empowerment” (11). Epochal time might, then, be seen as one line in a *dispositif* of relational lines. Looking at the workings of a memory *dispositif* over a period of 130 years would enable us to map what states of time and what temporalities are at work within one cultural memory at a given time and how they relate to each other *across* time. It would show how temporalities themselves can be forces that govern how a memory is made and functions, and how they intersect with other forces to create subject positions. The case of Ned Kelly is ideally suited to such a project. He became a popular hero during the late

nineteenth century, at the moment when industrial capitalism had given rise to powerful nation-states with empires – of which the Australian colonies were part - and to mass culture as we know it. A first generation, mass-media national celebrity, Kelly is both a product of the technological and social changes that were seen to epitomise his era, and a symbol of resistance against them.

4. Power

Questions of power are absolutely central to any discussion of cultural memory, as seen in the above references to nation-building. In the nineteenth century, memories were made and instrumentalised in attempts to forge cohesive and fixed national identities in the control of the nation-state. According to Anthony Smith, in the nineteenth century, “ethnic nationalism” became a “surrogate religion”, which linked “individuals to persisting communities whose generations form indissoluble links in a chain of memories and identities” (Smith 176). Boyarin describes how nation-states have explicitly distorted the past to maintain power, claiming that statist ideologies “involve a particularly potent manipulation of dimensionalities of space and time, invoking rhetorically fixed national identities to legitimate their monopoly on administrative control” (Boyarin 16).

It is possible to critique what amounts to a recent depoliticisation of the field of memory studies: a turn towards the personalisation of memory, a “therapeutic historiography” (Radstone 2005: 143), represented in terms of individual trauma. Such focus on personal memories and trauma “displaces attention away from continuing structural inequalities” (144). This depoliticisation is itself highly political, indicating a desire in academia to move away from questions of ideology to the more comfortable and seemingly neutral terms of personal memory. Ann Laura Stoler points to another type of political depoliticisation in her attack on Pierre Nora. Nora’s work on French memory sites does not explicitly address the power relations involved with the assemblage of lieux de mémoire. However, its almost complete omission of colonial memory sites is a profoundly political manoeuvre. When asked about the absence of colonial sites from Nora’s enormous tome, he replied only that there were none (Stoler 2009: 15). Nora’s analysis of French national memory is of course also an intervention into national identity, not dissimilar to the nineteenth-century instrumentalisations of memory referred to above. These questions of power are also necessarily matters of media, since they revolve around the issue of voice – who has voice, and when? Spivak’s question of whether the subaltern can speak is just as relevant as ever when it comes to the articulation of memories, and is, along with the temporal question of *when* a voice may be heard, a central concern of this project.

This is a matter of relations between speaking and silence. Power runs through discussions of memory also in terms of tensions between remembering and forgetting, presence and absence, inclusion and exclusion, and recognition and misrecognition, as indicated in the

above remarks on Nora's national project. Chris Healy, in his book *Forgetting Aborigines*, asks, "How might we understand remembering and forgetting as part of the contemporary legacy of the historical paradox of presence and absence?" (14). Healy's work is specifically concerned with the post-colonial situation in Australia, where Indigenous Australians tend to be remembered as an absence. This links back to Fabian's point about allochronism: Aboriginals tend to be viewed by white Australian media and institutions as occupying another, earlier, time-zone, in spite of their obvious continuing historical presence. Healy also signals a connection between power and temporality in quoting Meaghan Morris' response to the often-asked question about forced removals and the stolen generations of Indigenous Australians: why didn't we know? Morris answers, "This is also a matter of a politics of remembering. It is important to clarify that many (I would guess most) white Australians 'were not "aware" of what was happening' *not* because we did not *know* it was happening (we did) but because we were unable or did not care to *understand* what we knew; we could not imagine how Aboriginal people felt. So we whites have not, 'just found out' about the lost children; rather, we are beginning to remember differently, to understand and care about what we knew" (18). The question of when a culture remembers something in what way, and how it changes over time, is necessarily one of power relations.

These sets of tensions are at stake in Stoler's concept of cultural "aphasia", which will be an important term in this work, as part of the Ned Kelly dispositif of memory. Stoler addresses the absence of immigration and colonial history from French historiography, especially from Nora's work. She argues that instead of calling this lack "colonial amnesia" – a term that is often applied to such cases of omission – the name of aphasia would be more suitable. She writes that "it is not so much a loss of memory, but an occlusion of knowledge that is at issue. Aphasia is rather a dismembering, a difficulty speaking, a difficulty generating a vocabulary that associates appropriate words and concepts to appropriate things. Aphasia in its many forms describes a difficulty retrieving an available vocabulary, and most importantly, a difficulty comprehending what is spoken" (13). Aphasics are "often 'agrammatic', displaying difficulty comprehending 'structural relationships'". Stoler argues that the idea of colonial aphasia highlights "a simultaneous presence of a thing and its absence, a presence and the misrecognition of it", a feature of the relationship between French public memory and the colonial situation. I would submit that a similar condition characterises Australian memory culture, produced by the relations within memory dispositifs such as Ned Kelly, and is intimately tied to constructions of identity.

5. Australian Identities

As I hope has become apparent, memory and identity are firmly linked: one cannot exist without the other. In his definition of cultural memory, Jan Assmann posits its first characteristic as "'The concretion of identity' or the relation to the group. Cultural memory preserves the store of knowledge from which a group derives an awareness of its unity and

peculiarity” (130 original emphasis). He goes on to describe the inevitable inclusions and exclusions involved with identity: “Through such a concretion of identity evolves what Nietzsche has called the ‘constitution of horizons.’ The supply of knowledge in the cultural memory is characterized by sharp distinctions between those who belong and those who do not.” I would like to show how the tangle of relations within a memory dispositif helps to forge inclusionary and exclusionary identities, and produces a national figure which can thereby function in simultaneously radical and conservative ways.

In line with Assmann’s notion of the “figure of memory”, it does seem that Australian identity organises itself around certain events of the past. Such figures include “settlement”, dated at the arrival of the “First Fleet” in 1788; transportation of convicts to penal colonies in New South Wales, Queensland, Tasmania, and later Western Australia, a practice that began with the First Fleet and was officially ended in 1868; and the gold rushes of the 1850s. The most powerful Australia figures of memory of the twentieth century are the First and Second World Wars and the Vietnam War, in all of which Australia sustained heavy casualties. Paula Hamilton and Kate Darian-Smith write, “Participation in overseas conflicts has been awarded a unique status in the collective memory of Australian society. In Australian historiography, the First World War, the Second World War and the Vietnam conflict have all been regarded as historical events more significant than any other, as the cause of social, political and economic change, and as the watershed between the chronological periodisation (post-war, pre-war, inter-war) of the twentieth-century [sic]” (5).

These past events are bound to and given added meaning by particular *human figures*, made to embody certain identities. For example, “settlement” is associated with the character of the pioneer: “original settlers” of the continent, landowners and pastoralists, who identify strongly with Britain as the “homeland”, whose “enemies are drought, flood, fire, sometimes Aborigines; never low prices, middle-men, lack of capital or other pioneers” (Stokes 30). The popularity of the pioneer, an explicitly conservative construction, is overshadowed by that of the bushman, a character which in one form or another is still at the heart of mainstream Australian identity. Russell Ward influentially defined the bushman in his *Australian Legend* (1958), locating its origins in the myths and social realities of itinerant shearers and drovers of the nineteenth-century Australian outback. The bushman, for Ward now the typical Australian, is:

A practical man, rough and ready in his manners...He swears...consistently, gambles heavily...and drinks deeply on occasion...He is usually taciturn...stoical...and sceptical about the value...of intellectual pursuits generally. He believes that Jack is not only as good as his master, but...probably a good deal better, and so he is a great “knocker” of eminent people, unless...they are distinguished by physical prowess. He is a fiercely independent person who hates officiousness and authority – especially when...embodied in military officers and policemen. Yet he is very hospitable and...will stick to his mates through thick and thin. (v)

The identities of the digger and the ANZAC, associated with the gold rushes and the First and later Second World War, are variants of the bushman, as are the Australian figures of the great sporting hero and the beer-swilling “Ocker” aussie. These figures of memory layer with each other, in a way similar to that described by Ann Rigney in her development of the concept of the memory site.

For all of these Australian identities, conceptions of land, and man’s relationship with the land, are vital. Libby Robin claims that the “unique, ancient land” of the Australian continent itself forged the national identity. The identities mentioned above are rural, rugged identities, revolving around ideas of man’s struggle to survive in nature’s hostile environment. These images, however, have in the twentieth century largely been fostered from urban centres and suburbs, and in the last few decades the city, and in particular the suburb, has been an additional place of memory and locus of Australian identity.

As should have become apparent, all of the identities mentioned are masculine. Since the 1970s, the profound masculinity of Australian identity and its almost complete exclusion of women have come under attack, most influentially by Miriam Dixon in *The Real Matilda* (1976). Dixon writes, “among the gods of Australia there is... a horse called Phar Lap. The rest tend to be males under all-male and danger-fraught conditions: e.g. mate-ship males at Gallipoli and Ned Kelly’s all male gang; or males who are loners and rolling stones, nineteenth-century Ockers, eternally sexual adolescents, one feels, exuding wariness or fear about women, and often themselves virtually womanless. Henry Lawson and Ned Kelly will do as examples. In short, Australian gods were and are misogynist” (12). Australian identity, then, is not just masculine but actually deeply misogynist, and, for Dixon at least, Ned Kelly is an emblem and driving force of that national male chauvinism.

These identities are all also white. The single most important figure of memory in Australian national memory is the invasion and subsequent colonisation of the continent, though perhaps it is incorrect to term this a figure of memory, since it is not a “fateful event of the past” but a process which is in many respects still ongoing. This historical process is at once hidden and revealed by mainstream culture, both when it is celebrated as “settlement” and when abhorred as invasion, genocide, and exploitation. Since Australia as a nation-state was founded, on dispossession nourished by the rhetorics of race, all Australia’s history has been racial history and all its identities are racial identities. Charles W. Mills claims of the United States, another “settler state”, that it is founded upon a “racial contract”. Mills writes that “the peculiar contract to which I am referring, though based on the social contract tradition that has been central to Western political theory, is not a contract between everybody (‘we the people’), but between just the people who count, the people who are really people (‘we the white people’). So it is a racial contract” (3). He argues that the failure to recognise racism as “*itself* a political system”, has resulted in the kind of cultural aphasia which Stoler

describes: “the *lack* of appropriate concepts can hinder learning, interfere with memory, block inferences, obstruct explanation, and perpetuate problems” (7 original emphasis).

All the Australian figures of memory (always mediated) and their corresponding identities involve processes of racialisation, as will hopefully become clear through my exploration of the development of the memory of Ned Kelly. The central racial binary in Australia is White-Indigenous but the ideologies that attended invasion and genocide inside the colonies also fuelled the desire to shore up national borders against non-White and particularly Asian immigration. The “White Australia” policy initiated in 1901 enabled both forms of racial discrimination, facilitating Chinese deportation and Aboriginal forced removals. The White Australia policy continued into the 1970s; its legacy is still being felt. Australia has become known for its racist immigration policies and shocking asylum practices; race-based assaults on Middle-Eastern and south Asian communities have hit the headlines; the continuing situation of internal colonialism has become a matter for the United Nations. These things are known, but “As Sartre reminds us, people know and do not know, not sequentially but at the very same time” (Stoler 2009: 8). When I say that one of the lines of relation within the Kelly memory dispositif is “political”, I mean it in both senses applied in the above: both structural power relations and particular government policies and practices which express and bolster those power differentials. I hope to show how “Australian son” Ned Kelly has been embroiled with both the knowing and the not-knowing of a whole array of racialised Australian practices, and has intervened in the construction, expression and suppression of a host of racialised Australian identities.

Of course, questions of race, nation, and identity are far from straightforward. Mills’ notion of the racial contract, though useful, does not take into account the contradictory and changeable nature of racial categories, how a group can be “othered” or “white-ed” over time or can exist simultaneously as both aspects of a racial binary and neither. The “Irishness” that is now so enthusiastically embraced into the Australian identity was once a scorned racial otherness. Similarly, while I am talking about national identity and Australia as a nation, the nation is never purely national. Australia came about through processes of imperialism, globalisation, and continues to exist as such. In fact, Lyn Spillman suggests that it is peculiarly Australian to be deeply concerned with the Australian nation’s position vis-à-vis the rest of the world. On the other hand, there are also many divisions, cultures, and identities existing *within* national borders. It does not make sense to talk about national identity in the singular. The contested nature of national memory and identity is often mentioned (see Radstone 2003; Darian-Smith and Hamilton 1997). The Australian identities I have listed above are dominant, hegemonic ones, whose function is to overwrite and exclude other identities. In the following chapters, I will show for the first time how the memory of Kelly has been part of the construction or maintenance of both the dominant identities and the dominated and resistant ones, both consecutively and simultaneously;

how it has been configured in terms of the inter- and intra-nationality of the nation, and how it has related to the contradictory and changing categories of race in Australia.

6. Ned Kelly

Ned Kelly was born in the Australian colony of Victoria in 1854 or 1855 to Irish, rural working-class parents. His father, "Red" Kelly, had been transported as a convict from Tipperary, and his mother Ellen Quinn had immigrated with her family when she was a child. Ned was part of a large family or clan, in constant conflict with the police, who represented the interests of the British land-owning classes, though many police were themselves Irish. The real trouble started in 1878 when Police Constable Fitzpatrick accused members of the Kelly family of assaulting him. Ned's mother was imprisoned for three years for the offence on very flimsy evidence. Ned and his younger brother Dan went on the run and hid in the Australian bush. There they were joined by two others, Joe Byrne and Steve Hart. The situation deteriorated when the four men ambushed four policemen who were out looking for them, killing three of them. Now legally declared outlaws, the men became known as the Kelly Gang or the Kellys. During the following eighteen months the gang staged two very elaborate bank robberies in the towns of Euroa and Jerilderie. It was very difficult for the police to catch the Kellys during this time, firstly because they were superior bushmen and secondly because local people refused to turn them in, either through fear or solidarity. Events came to a climax when the gang faced a dramatic and very public showdown with the police at Glenrowan, where the Kellys wore their now iconic homemade armour. Ned was captured at this time and the other three were killed. Ned Kelly was put on trial and hanged on 11 November 1880 at the age of twenty-five.

Kelly is the epitome of the bushranger tradition, Australia's version of the much farther reaching outlaw tradition. The bushranger is a bushman *par excellence*. In his excellent article "Ned Kelly: the Flight of the Legend" (1967), James Ryan recounted how the legend of Kelly had integrated with a number of other Australian legends, again in a similar way to Rigney's observations regarding the nature of memory sites. Ryan believes a combination of Ned's personal attributes, his intentional public relations endeavours, his performance of the long established role of the noble outlaw - which co-joined with the Australian legend of the noble convict - and the circumstance of his being born at a particular place and time of intense social upheaval, allowed for Ned to become a legend in his own lifetime. Further,

Once the idea of Ned as the leader... of an insurgent group of four dauntless young men seeking justice deeper than the law, settled into the national consciousness all the other legends fell into place. The hatred of the police traps and their methods links up with the gold diggers and the Eureka tradition... Ned's quest for justice also links with the historic land struggle of the small selector farmer battling against the wealthy squatters who had the land locked up into large holdings... For many an Irishman, the small selectors' struggle against the squatter and the law was easily linked with the larger struggle in his homeland by the Irish Land League [which]... lived on amongst expatriates as well... Finally the Kelly legend becomes interwoven with the

powerful bush legend – the ethos of the bush – which Russell Ward finds such a formative influence on the Australian national character... He is the supreme bushman... Two world wars failed to swamp the legend and Ned settled in comfortably among the Diggers with their disrespect for authority, their irreverence and their “souvenirizing” exploits... In the Second World War when the Digger tradition was revitalized, Ned Kelly found himself among the troops again and went overseas – the self chosen title of the “Twenty Thousand Thieves”, which Morshead’s troops seemed proud to bear, would seem to have kept the men in the Middle East quite close to their home-grown legends. (104-108)

Ryan concludes, “Thus Kelly became heir to the Australian legend itself” (106). Thirty-nine years later, in 2006, this was reiterated by Sarah Pinto and Leigh Boucher who wrote, “Of course, an historical film about Kelly is always going to interact with understandings of national identity. From Australia’s first feature film, *The Story of the Kelly Gang* (Charles Tait, 1906), to the Opening Ceremony of the Sydney Olympics – and hundreds of books, films, paintings, ballads, websites and exhibitions in between - Australians have demonstrated an enduring preoccupation with the figure of Kelly” (1).

When studying the mass of media representations that constitutes the Kelly cultural memory, his multistability becomes strikingly apparent. It has never been the subject of thorough investigation, however, which is puzzling, given the sheer volume of Kelly material. As described, the legend of Kelly has been explored, and its conflation with other legends has been noted; but his memory’s incredibly contradictory nature has never been addressed in depth. Perhaps this omission is not so surprising when we consider that, while Kelly has received constant media attention, very few representations of the outlaw have themselves been analysed in depth, something that this work will do for the first time. Ned’s multistability is most often and obviously evoked in the fact that he is seen as both hero and villain, loved and abhorred by his nation. As the huge website devoted to Kelly, *Ironoutlaw*, tells us, “the masses see Ned as either a merciless killer who unforgivably chose to take up arms against society, or as a national hero who was the embodiment of the Australian spirit.”

This contested nature of Kelly’s memory is often mentioned, if only in passing. Graham Huggan refers to “the predatory aspect that links the legend itself to those who continue to use it to compete for scraps of Kelly’s legacy in the name of ‘science’, the ‘national interest’, or the ‘public good’” (145). This contestation is very important and powerful, and is connected to another key duality of the Kelly memory, that it *functions* in multiple and contradictory ways, in both radical and ultra conservative ways, in terms of the work it does in identity construction. By “radical” I mean challenging, disruptive, or subversive of the status quo. By “conservative” I mean preservative of the existing order. This fascinating, turbulent condition is brought about by the sets of relations - medial, temporal, and political – which constitute the Kelly memory at a given time: the Kelly memory dispositif. The aim, then, of this project, is to unravel the tangle of relations that has formed and developed the memory of Ned Kelly over time, to understand the complex and multiple involvements such a memory has in the formation and negotiation of national identities.

This dissertation comprises five chapters, and charts the development of the Kelly memory chronologically, from the run-up to his outlawry in 1878 until the present day. Each chapter deals with a different period in the development of the memory. After my discussion of the multiple and multi-directional temporalities of memory, it might seem strange that my exploration is chronological and periodised, and at first sight it may appear teleological. But there was good reason for adopting this approach. I have indeed found that the memory changes over time and that this development can be roughly divided into periods. I am not saying that the developments I have identified over time periods were inevitable or that they are leading to some inevitable end point, I am only claiming that particular changes have taken place historically, as they have in society, and attempting to show how they have taken place and what functions they have had. I hope it will become apparent that, while the structure of the dissertation is basically linear, in each period there are multiple temporalities that reach back and forth into other periods, loop and fold back onto themselves, like the temporal symphony described by Susannah Radstone. Further, I do not consider each period to witness a new Kelly memory dispositif, which in each case replaces the one that went before. Rather, I would argue that a key feature of a specifically mnemonic dispositif is the historical figure at its centre which provides a continuous pull back into the past whilst being projected into the future. It is thus one dispositif, which nevertheless changes over time.

The first period begins with the build up to Ned's outlawry, when he went on the run in 1878, and ends after all the furore over reward money, police commission reports and fear over renewed civil unrest in the area had come to an end: in short, when the events ceased to be current, around 1882. The second period is 1882-1930, a time in which the affair is in the past but still in what Jan Assmann calls "communicative memory" (126): many of those involved with the media representations of the events could remember first-hand what had take place. This was also a time when a new medium, film, entered into the production of the memory. 1929 marked a turning point in the development of the Kelly memory, signalling the first explicitly pro-Kelly text outside of oral tradition that was not banned by the authorities, and the beginning of the political radicalisation of the memory. By this time most of the people who could remember the events first hand had died and Ned entered cultural memory proper, characterised by its distance from the everyday. 1960 is the start date for chapter four and is the time in which Ned was placed into the counter cultural "social bandit" tradition, although this process had begun after the Second World War with the proliferation of radical Australian histories featuring Kelly. The fifth and final chapter deals with the years 1990-2010, when Kelly explodes into the global arena with the help of new communication technologies: the Internet and the World Wide Web. I would like to point out that the periods I identified in the development of the cultural memory of Ned Kelly roughly correspond to those used by Lyn Innes in her overview *Ned Kelly: Australian*

Icon. I do not know if our reasons are the same, but we came to our conclusions independently, hopefully showing the justification in such a method of periodisation.

Chapter one will show how the memory of Kelly was being formed even as the events of his outlawry were ongoing, thus without any time delay between action and memory. While Ned and his gang were on the run, he was already being hyped and memorialised -albeit very negatively - by the nineteenth-century press, which was very powerful. The press had the ability to incorporate other, heterogeneous voices, and created a binary opposition between pro and anti- Kelly camps. This chapter will concentrate on the idea of voice: the power of the press to cannibalise disparate voices, the relationship of the press to the imperial establishment, and what this meant for identity.

Chapter two will examine the memory dispositif during a period of intense official and unofficial nation building in Australia, beginning in the 1880s, even before Federation in 1901. The Australian myth of the bushman was developed at this time, which was actually a time of urbanisation and industrialisation. Although the most powerful voices remained anti-Kelly, in particular in a number of police memoirs, Kelly is nevertheless portrayed as the master bushman. The world's first narrative feature length film was about Ned Kelly, shown in 1906, and was seen as initiating the specifically Australian genre of the "bushranger film". However, Kelly was also remembered in multiple imperial media during this time, such as in the *Romance of Empire* series. This chapter will thus look at how Kelly resided at the nexus of nation and empire, a turbulent site of identity negotiation. Relationships between truth and myth are also dealt with here. Kelly became part of the myth of the bushman, but at the same time, representations of Kelly were at this time obsessed with the truth of the events. I will argue that these are not such contradictory occurrences as they might appear.

During the period 1930-1960, Kelly was represented in a number of left-wing Australian histories and historical biographies, which attempted to radicalise the Australian past and set up Australian identity in opposition to the British Empire. Kelly's persecuted Irish rural working class position was articulated to this end. These radical identities invested in Ned and the nation were deferred, arriving decades too late to alter the political situation in which Ned found himself, and no longer really relevant in 1930-60. In radicalising the Australian past, the Kelly media were at the same time overwriting, excluding and deferring subaltern identities which existed in the present of 1930-60, such as Aboriginal, Asian, and Southern European identities. This chapter will also explore the paradox that, it was only during this period when Kelly was taken up by "high culture" – by acclaimed play-wright Douglas Stuart and modern artist Sidney Nolan - that a radical political working-class identity was bestowed on him.

Chapter four will look at aspects of three of the identities co-joining Ned Kelly and the nation, and argue that they began to fray at the edges and break down during the period

1960-1990. These three identities involve ideas of whiteness, masculine heterosexuality, and the rule of law. The argument is made through an exploration of the dynamics between remembering and forgetting, demonstrating that the two processes do not work in isolation and that their interaction can have surprising effects. Here I will deal with the “social bandit” genre, which traverses media and includes academic and popular representations such as the television series *The Last Outlaw*, biographies, the proceedings of the conference “Ned Kelly Man and Myth”, and the movie *Ned Kelly* starring Mick Jagger; a teleplay, a lecture and a book, all dealing with Kelly’s trial; and two historical novels about the Kelly women.

The final chapter examines the globalisation and commodification of the memory of Kelly - processes which are not new but which have accelerated in recent times – and its simultaneous functioning as national and ideological. I look at the proliferation of the memory on the Internet in various forms, ranging from fan clubs and social networking sites to online newspaper articles to electronic buying and selling of Kelly items and merchandise to the world-wide promotion of Kelly tourist attractions and sites. I will show how communities and identities form around Kelly in globalised cyberspace and how they relate to questions of commodification, commercialisation, and global capitalism. The years 1990-2010 have also seen both what is termed the “History Wars”, waged over Australia’s colonial past, and a reconciliation process, as well as Australia’s involvement in the “war on terror”. These have imbricated Kelly both in deeply nationalistic and exclusionary movements and in struggles against them. The relationship between the national and global, the commercial and ideological, the multiple conflicting temporalities entailed in both, and the identities forged therein, will thus be the focus of the chapter. As well as websites, I will analyse the Peter Carey and Robert Drewe novels, *True History of the Kelly Gang* and *Our Sunshine*, the recent movie *Ned Kelly* starring Heath Ledger and the earlier *Reckless Kelly*, Kelly biographies, and various newspaper and academic articles on Kelly. As I write, a new development in the Kelly saga has hit the headlines: his skull has been returned to the Australian authorities after being held captive by an angry and devoted fan since 1978. Like Ned’s dead head, his memory will not stand still.

1878-1882: the Power of the Press

This first chapter will show how the memory of Ned Kelly was being assembled even as the events themselves were ongoing, via the dispositif of medial, temporal, and political relations in operation from the beginning of Ned's outlawry until after his execution and the publication of the findings of the reward committee and Royal Commission into the affair. I argue that it was the press from the Australian colonies, particularly from Victoria, that created the memory while it was reporting on events, dominating all other voices in respect to the gang.

The press is often referred to in later representations of Kelly, but its crucial role in the initial formation of the memory has never been explored in any detail. It may seem strange to claim that the press initially constructed the Ned Kelly memory. Nowadays Kelly is often remembered as a hero, as the "Australian son", while the newspapers at the time were unanimous in their representation of the young man as an evil and bloodthirsty villain. Ned is often remembered as battling with the press almost as much as fighting the police. As will be seen, however, the press and the state authorities were part of the same dispositif composing the memory. The press attached to Kelly a great deal of significance, successfully arguing for the importance of the man and his endeavours for remembrance. The press was by far the dominant medial line of relation within the Kelly memory dispositif at this time. It is inseparable from the power relations operating within the society of which it was an important part. Its memorialising abilities are also connected to its multiple temporal relations. The press both historicised Kelly within the colonies and immortalised him.

This memory dispositif invested Kelly with the meanings that are still apparent today; it attached particular identities to the figure of Ned, and used him as a locus of proliferation for them. Models of law and order, class, race, criminality, and youth were thus invested in Kelly by the newspapers. It is true that these categories as they apply to Ned have been reconstructed via mainstream media to place him in a more positive light since the 1880s, but it is likewise true that it was the press that provided the frame and form for the remembrance of Kelly, and that we continue to remember him from within the parameters initially set by the press.

Australia was not a nation-state in 1880, but a collection of six British colonies – most of which were self-governing - which often saw themselves as rivals. But it had also considered itself a unified nation for some time, and the use of the term "Australia" to designate the six colonies was commonplace. This did not mean its identity was set apart from Britain. Australian identity was essentially defined *against* Kelly by the press, as British and upper-middle class. However, in attempting to condemn or contain other identities, the press also set the terms for the subversion of the dominant identity, positing resistant working-class young criminal identities. In this way the memory of Kelly functioned paradoxically during

this period: it was conservative because it became a benchmark against which to affirm an established imperial identity and contain other sections of the populace; it was radical because it represented a possibility that that identity would be overturned.

The chapter comprises two sections: the first will describe the medial, political, and temporal relations within the memory dispositif during the time of Ned's outlawry. The second part will look at the work carried out by these relations in identity construction.

1. The Kelly memory dispositif: the power of the press

A printing press arrived in Australia in 1788 with the very first fleet, but it was not used for newspapers containing political comment until the 1830s. Victoria's first paper was handwritten and its contemporaries were censored papers, issued only on approval from the authorities. A struggle developed for freedom of the press in the 1820s, which embittered relations between settlers and the authorities. Nevertheless, by 1848 there were eleven dailies in Australia, and by 1886 the number had increased to forty-eight. Much of the content at first comprised reprints from London papers, but the connection of Melbourne, Sydney, Brisbane, and Adelaide by cable by 1861 created a more fruitful internal news market. Illiteracy was widespread until the 1870s, but after that educational reform, as in England, introduced a large new group of readers (Smith 130-131).

The influence of the big Australian newspapers in the last decades of the nineteenth century was often commented on. Viscount Bryce thought they "exercised more power than any newspapers then did in any other country, being at times stronger than the head of political parties". Alfred Deakin speculated that the *Age* was at least as influential in Victoria as the *Times* was in London in its palmist days or Horace Greeley's *Tribune* was in New York. In the Australian colonies, the political parties were still loose groups rather than disciplined parties, and so a newspaper editor could marshal opinion in a way not always open to a party leader (Blainey 88).

The news stories analysed here run from the reporting of the police murders at Stringybark Creek in October 1878 through to Ned Kelly's execution in November 1880, the conclusions of the reward commission in 1881 and the Royal Commission in 1882, and the anxieties over related uprisings had relented in that same year – in short until the events had ceased to be "current". The papers themselves provide the narrative building blocks of the memory: Kelly-related reporting began in earnest after the police murders, and these reports also gave information about his background and the Fitzpatrick affair. Kelly is mentioned pretty much constantly during his outlawry, but there are information swells after the Euroa and Jerilderie robberies, a huge surge of information around the Glenrowan showdown, and a steady stream until after the execution in November 1880. By summer 1880 the papers were iterating the plot as they had decided it would be remembered: "The murders of the

police near Mansfield occurred as long ago as the 26th of October, 1878, the Euroa outrage on the 9th December of the same year, and the Jerilderie affair on the 8th and 9th of February, 1879" ("The Recent Outbreak").²

The main newspaper that will be examined is the *Ovens and Murray Advertiser (O&M)*. It is a local paper, published in Beechworth, a region close to most of the gang's adventures, and was voluminous in its articles devoted to the Kellys. Other newspapers that will be looked at include the *Age* and the *Argus*, metropolitan competitors in Melbourne; the *Australasian Sketcher*, an illustrated paper from Melbourne; and the *Bulletin*, which was published in Sydney, New South Wales. The *Bulletin* only started life in 1880 and made a name for itself as both a radical and a racist newspaper, as explored in chapter two. During the Kelly affair, however, it was in its infancy. These five papers devoted a large amount of attention to Kelly and represent a range of political opinion. They will constitute my primary sources. However, one of the features of the Australian press at this time was that newspapers frequently incorporated each other into themselves: thus the *O&M* will include reports from the *Age*, the *Argus*, the *Herald*, and the *Williamstown Advertiser*, among others. The ability of the newspapers to incorporate heterogeneous voices and media into themselves to produce one dominating voice is, as will be explored here, in part what makes it such a successful medium of remembrance. The popularity of illustrated papers, for example, may be said to rest upon their ability to integrate drawing, engravings, and photography. The fact that the press is mass produced and mass disseminated, and that it provides continuous and regular information flows also gave it an advantage, in terms of the building of a cultural memory, over perhaps all other media at that time. These issues of mediation are also ones of power and temporality, as will be explored here.

Within the newspapers' information flows there are other techniques to be found that served to create a memory as well as a story out of Ned Kelly, even at the time the events themselves were taking place. It is to these techniques that I will turn first.

i. Memorialisation: Mediation and Time

The press, although certainly not in support of Ned Kelly, effectively memorialised him as it was reporting on events. By "memorialisation" I do not mean official memorial ceremonies or monuments but simply the process of making a memory, whether intentional or not. In examining these newspaper articles, a number of memory-making techniques become apparent. The most obvious of these is the repeated use of hyperbole and the superlative in describing Kelly and his gang. These techniques appear from the beginning of the intense reporting on the Kelly gang, after the men had killed three policemen and were officially outlawed, and continue more or less steadily with little difference between papers, until Kelly's execution and beyond. On 23 November 1878 the Kelly gang are a "band of

² N.B. I have kept the original spelling and punctuation in all quotations.

marauders” and when Sergeant Kennedy’s body is found it is reported that “the desperadoes added another diabolical deed to their atrocious crimes” (“Bushranging and Murders”). In January 1879 Ned is a “Murderous fiend in human form” and “an experienced criminal of the worst type” (“About the Kellys”). On 29 June 1880 Kelly is “a perfect demon” (“The Last Outbreak”) and “fiendish” (“The Attempt”). Dan Kelly and Steve Hart are designated by the *Bulletin* as “the rascally two” (“Annihilation”) after their deaths.

More importantly, the superlative is used to historicise the Kelly case within Victoria and New South Wales, and also within Australia as a whole. We are told that the four men constitute “the most desperate gang of ruffians that ever infested Victoria” (“A Right Step”). Kelly is “one of the most formidable criminals ever known in the penal colonies of Australia.” The gang are “four of the most bloodthirsty villains that have, perhaps, disgraced the history of the colony” (“About the Kellys”). As a final example, after the capture of Kelly it is reported that “the adventure has been one of the most tragic of any in the bushranging annals of the colony” (“The Last Outbreak”). This temporal technique places the gang and the events surrounding it firmly within the history of the region, even while the events were taking place, and thereby delegates them as worthy (if not demanding) of remembrance. Indeed, one commentator in July 1880 asserts that the affair “has been part of the history of Australia, a continuation of the story of the felony of New South Wales.” (“The Recent Outbreak”). We can see here that Australia is considered to be a nation as well as a collection of separate British colonies, which were not federated until 1901. This remark is made in defence of the insatiable appetite of the press for all things Kelly, however it is the repeated use of superlative and hyperbolic language in the press that in fact positions the Kelly case as such a “part of the history of Australia”. Here we begin to see already the intersection of the temporal with the medial line of relation within the Kelly memory dispositif.

A crucial element of this historicising of Kelly within Australia and the assembling of Kelly as a cultural memory by the press is the placement of the man and the events into a pre-existing tradition: the outlaw tradition. This institution was by that time firmly established not only in Britain, the United States, and many other nations, but had already spawned its own version in the Australian colonies, in the form of the bushranger. Bushranging harked back to the days of convictism, when transportees would escape into the bush and take to robbery as a means of survival. Convictism is therefore implicitly connected to Kelly from the outset, even though it is not usually mentioned explicitly by the papers. They reflected and helped create the prevailing desire to forget the perceived roots of the nation. Also, Victoria had not started its life as a penal colony, a fact which it enjoyed lording over its neighbour New South Wales. When discussing the Kelly affair, the Australian newspaper articles frequently refer to other outlaws from both within their own geography and the “old country”. The *Ovens and Murray Advertiser* reports that “Ned Kelly is now playing the role of Frank Gardiner” (“Kelly Mania” original emphasis) (an earlier bushranger who worked

with Ben Hall). The *Australasian Sketcher*, in commenting on the undesirable appearance of the Victorian police force sent to capture the Kellys, states that “had such a crowd been met on a well-frequented thoroughfare there would have been a general desire to at once hand over any valuables that might be in the possession of the travellers without any cry of ‘stand and deliver’ being made” (“About the Kellys”). In one instance, reporting on Kelly led to the notice and discussion of another bushranger, Irish-born “Captain Moonlight”, who had “re-embraced his old career of crime”. (Two days later the paper informs us that “Captain Moonlight” had given himself up to the police.) The title of this short article is “Another gang of highwaymen”. A few days later the same newspaper reports that another bushranger, from the “early days of the goldfields of Victoria” had died in hospital (“Death of a Bushranger”). Not only do these references to other, earlier bushrangers locate Ned Kelly within an existing local convention, but the conflation of Australian bushranger references with the language associated with British highwaymen, positions Kelly as part of a much longer and far reaching tradition, as well as linking the Australian identity to the imperial one.

It was not only direct reference to previous outlawry that constructed Kelly as part of that tradition. Implicitly, the building blocks of the Kelly story and Ned’s character were assembled by the press using the template of the already established outlaw tradition. Graham Seal, who sees Ned Kelly as one of the most enduring members of the outlaw club, identifies ten motifs that constitute that tradition. In summary, these are “friend of the poor, oppressed, forced into outlawry, brave, generous, courteous, does not indulge in unjustified violence, trickster, betrayed, lives on after death” (Seal 1996).

Although denoted negatively, almost all these elements are present in the newspaper production of the Kelly story, and it is the endless repetition of these ingredients that forms the basis of the way Ned has subsequently been remembered. Moreover, through its awareness and invocation of the outlaw tradition, the press allows for the possibility of Ned’s being taken up as a hero; as will be seen, the papers posit Kelly as a noble outlaw only to dethrone him as such, but in doing so they nevertheless set the terms for his admiration.

As will be explored later in this chapter, impoverished “Kelly confederates” or “Kelly sympathisers” are frequently referred to, and one commentator remarks of the gang that “they have encouraged the working class to make war against the employer of labour” (“A Dark Prospect”). Comments on the gang as facing oppression and being forced into outlawry are made as critical responses to the alleged views of Ned and his “confederates”, for instance, “He [Ned Kelly] wishes us to believe that he is an innocent, interesting, poor suffering creature, who wished constable Kennedy to shoot him in order to drown remorse”, and the phrase “enforced outlaw” is placed in inverted commas (although the source of the quotation is not made clear) (“About the Kellys”). One or another version of bravery is a motif throughout the Kelly reporting. The first point, though obvious by now, is

that Ned Kelly is named as the “daring leader” of the gang from the very beginning. As *The Owens and Murray* remarks, “Ned Kelly is the gang; get him and you get at the root” (“About the Kellys”). We are told that “fear prevents the Kellys from being taken” (“The Kelly Gang”); the gang are “formidable”, “such daring villains” and Kelly’s “strength and daring” (No. 4730) are recurrent themes. Bravery here is often couched in terms of physical strength, and Kelly is described as having a “remarkably powerful *physique*” (“Interview”). Often, this physical bravery is connected to formidable skill in the bush; the association of Ned with nature and “wildness” is manifested in a number of ways, and will be dealt with in more detail later. Trickery or cleverness in evading capture is again a topos of the story: “we hear people talking of the poor Kellys; recounting in glowing terms their now famous raid upon Euroa; extolling their cleverness on evading capture, and holding them up as men to be admired rather than reprobated”; apparently, people “talk of the cleverness of the outlaws in thus being able for two months and a half to defy the whole of the police force of Victoria” (“A Dark Prospect”). Courtesy and a lack of unforced violence by the gang are also present in newspaper reports. Victims of the Euroa and Jerilderie bank raids are quoted as having been met with kindness by the Kellys, and the gang are reported as having “made merry” with them. Finally, although there was no suggestion at that time that any of the gang had escaped capture or death (though this does figure in later periods), the nature of the deaths of the other three members of the gang is portrayed as being shrouded in mystery, or else somehow mythical and befitting an outlaw. Regarding Dan Kelly and Steve Hart, it is reported “Now comes the sensational part of the story: Dan Kelly and Hart, seeing themselves deserted by their captain, resolved upon cheating the gallows, and laying down on the floor, head to head, they died by their own hand, with the aid of their revolvers” (“Latest Particulars”). A few days later, Dan and Steve “must have killed one another”. As for Joe Byrne, the papers repeatedly enjoyed alleging “Byrne was shot when drinking a glass of whisky at the bar of the hotel” (The End”).

This process of memorialisation is based on what Astrid Erll terms “premediation”, that is, “the use of existent patterns and paradigms to transform contingent events into meaningful images and narratives”. Erll tells us, for example, that colonial wars premediated the experience of the First World War, which in turn became a model for understanding the Second World War. She continues, “but it is not only representations of earlier events that shape our understanding and remembrance of later events. Media which belong to more remote cultural spheres, such as art, mythology, religion or law, can exert great power as premediators too” (Erll “Remembering”: 111). The Bible and the writings of Homer have premediated historical experience for centuries, and popular movies work similarly today. Importantly, journalists were reporting on Kelly’s exploits from one moment to the next as they were taking place, with no possible way of knowing what was going to happen next. The press used the outlaw tradition in its many pre-existent media forms to make sense of, interpret, shape, and thus help to memorialise the Kelly events. And, as will be seen in the

following sub-section, its ability to incorporate “remote cultural spheres” adds to its effectiveness as a medium of memory.

Of course, every time the outlaw story is repeated, there are differences and additions. It is these finesses that allow for particular versions of the outlaw to be remembered. With Ned Kelly, the primary unique addition is the armour that was worn by the gang at the final siege of Glenrowan. The armour has now become iconic, and this iconicisation can be traced back to the press reports we are dealing with. Kelly is described as “a man dressed in a long grey overcoat and wearing an iron mask”; “He seemed bullet-proof”. The armour, made of “bullet-proof iron, fitting back and front” (“The Last Outbreak”), is described in great detail, its weight is mentioned many times, and it constitutes “a masterpiece of rough work”. In the illustrated papers, artist Tom Carrington visualised the armour in sketches that are still frequently seen today. In fact, the “coat of mail” and “head piece” are constructed as objects of fetish; one paper writes that they “were on view at the Beechworth police office, and during the day crowds of people assembled to see what were to them objects of great interest... Mr W. H. Foster, P.M., has written to the Chief Commissioner of Police, requesting that it may be placed among the curiosities in the Burke Museum, Beechworth” (“The Kelly Tragedy”). Here we see the role of the press in making the armour a central element in the process of memorialising Kelly. And we see how the medial line of the memory dispositif crosses with the temporal: the newspapers collectively embed Kelly into the history of the nation and the empire and in doing so project him into the future as memory. We could say that the “premediation” of the events contributes to “a rhetoric of prospective memory” (Erll “Remembering”: 113), a strategy that Erll identifies in British nineteenth-century newspaper reporting of the “Indian Mutiny”. His insertion into the past thereby propels Kelly into the future.

ii. Incorporation part I: Mediation

One reason for the effectiveness of the press in general for memory-making is its ability to incorporate other media genres into itself while still retaining its specificity. To begin with, in these Kelly articles, “truth” is set up in opposition to “romance”- or the literary - in the newspapers. The papers claim to expose or deconstruct romance in the Ned Kelly story in favour of real and objective fact. This strategy allows the press to constantly re-articulate its own truth status whilst simultaneously integrating literary genres or media into itself. The effect is a combination of the authority associated with fact-based genres and the memorability of the literary; a powerful union in terms of remembrance (See Rigney 2004). This technique is exemplified in an article about Kate Kelly entitled “Romance and Reality: a Kelly Sketch”. Kate Kelly is another element in the figuration of Ned Kelly in the outlaw tradition, given as she was the Maid Marion part to play. The “Romance and Reality” article claims that “Strange and wild tales are constantly being circulated about her, until the general opinion placed her in a light which throwes [sic] a dark and mysterious shadow over

herself and her doings". The article goes on to describe the romantic characteristics that had been attributed to her (by whom?), integrating the same lyrical and romantic language. For instance, "She has been described as a tall, dark, and sublimely beautiful Lucretia-Borgia kind of female, a woman...whom it would be exceedingly dangerous to trifle with...she rides a superb thoroughbred horse in a superbly thoroughbred style...dressed in a half-brigand kind of costume...her raven locks fluttering in the wind." Further, 'If she had occasion to visit an hotel, she would pull up at the door, throw the reins over the neck of her foaming steed, and entering, would shout drinks for all at the bar.'" The journalist then goes on to assure us that "the sister of the outlaws is about as directly opposite in every respect to the general idea entertained of her as one could possibly well imagine," before illustrating the "real Kate Kelly" and accusing those who celebratise her of being "gaping idiots" ("Romance and Reality"). By integrating romantic genres into itself critically, the press has the luxury of both indulging in romanticism and maintaining its claims to objectivity, doubly investing the Kelly story to construct a memory that can be both historical and mythical.

It is not only literature that the press incorporates in the process of producing the Kelly memory. Theatre, photography, and other visual arts are also integrated into the text of newspaper reports. A good example is the dramatisation of the reporting of the Glenrowan siege in an article entitled "The Combat at Glenrowan." The article begins "The terrible drama which was witnessed by so many persons at Glenrowan on Monday last was a fitting sequel – although the curtain has to rise upon still another scene – to the mournful tragedy which was enacted on the 26th October, 1878, at Stringybark Creek." The theatricality of the reporting is also bound up with ideas of divine intervention and with the recall of a historical event with far more portent: the French revolution. It is written, "when we subsequently witnessed the removal of the hideous and unrecognised remains of DAN KELLY and HART removed from the still smouldering house in which they fell, we might have exclaimed, as the woman left childless by the guillotine said to ROBESPIERRE as he lay with shattered face and hopeless searching eyes, 'Yes, there is a God.'" Later, "To those who believe in the special interpositions of Providence it might really seem that the whole of the last act was written when KENNEDY was hopelessly beseeching these wretches to spare him that he might embrace his little ones before he cried [sic?]." Ned is referred to as "the arch villain." This article brings together theatre, history, and religion to give a sense of a story that was already written by fate, and enables the press to lend gravitas to the events by placing them alongside the French revolution. Here we see a combination of Erll's "premediation" and her "rhetoric of prospective memory". The Kelly events are shaped using "remote cultural spheres" and a historical though pre-mythologised "foundational" event. Erll explains that news media create prospective memory when they fashion real events into "a foundational, almost mythical event, and as an important lesson for 'many generations to come'" (113). As well as historicising the Kellys, then, the newspapers also immortalise their story. It is the press's incorporative capabilities in mediation that in this case allows for this important temporal dimension within the memory dispositif.

In three consecutive snippets, the *O&M* integrates four different visual media. In “Byrne in effigy” it is said that “An addition has been made to the chamber of horrors at the Melbourne Waxworks; the figure of the outlaw Joe Byrne, a cast of whose head was taken by Mr. Kreitmayer, the proprietor of the Waxworks, having been added to the collection of notorious outlaws.” In “Photographic” we are told that there will shortly be on sale “some well-executed photographs of scenes in connection with the recent Kelly tragedy at Glenrowan.” In “The Australasian Sketcher”, “apart from a number of well-executed woodcuts are given scenes, drawn by Mr T. Carrington, the artist, on the spot, in connection with the recent startling tragedy at Glenrowan” (No. 4731). Let us not forget advertising, for on 6 July 1880 the *O&M* features a large advert for “PHOTOGRAPHIC VIEWS: of all the most important incidents connected with the siege and capture of the Kellys, taken during the time of action” (No. 4732), which would shortly be on sale in Beechworth. Here we see a classic example of the double logic of remediation: immediacy and hypermediacy (Bolter and Grusin). Each of the referred-to media are written up as giving immediate access to the realities of the affair; the wax figurine is modelled on a cast taken directly from the head of Byrne’s corpse; the drawings are done “on the spot” and the photographs are taken “during the time of action.” We see what Stephan Bottermore calls “gradations of indexicality”, with each medium claiming indexicality in the best way it can. Hypermediacy is present in the inclusion of a variety of media in one space. Both elements (immediacy/indexicality and hypermediacy) are incorporated into the one medium: the journalistic text. The ability of the press to colonise at will all other media makes it an extremely effective medium for the process of memorialisation, though paradoxically it focuses on current affairs. The foundations for the Kelly memory are dispersed in multiple media products – each with their own claims to indexicality or romantic memorability - but are also brought together in the repetition of all those products in the one dominant and dominating medium.

As well as other media or genres, the press is able to incorporate particular effects and affects into itself – namely sensationalism and rumour – whilst remaining at a critical distance from them in the name of journalistic integrity. For instance, reporting of Kelly sympathisers was incredibly inflated, asserting that a “reign of terror” had been created by them. We are told that “so many friends and sympathisers have the Kellys, and so great is the reign of terrorism created thereby” (“The Kelly Gang”), that “respectable” people are afraid to voice their opposition. It is alleged that “mobocracy reigns supreme; a terrorism exists” (“A Dark Prospect”), and we are warned about “the disaffected state of the North-Eastern district, in consequence of the numerous Kelly sympathisers” (“A Wise Precaution”); there exists, supposedly, a wide-spread “Kelly scare” (“A Dark Prospect”).

Such relentlessly exaggerated language used to describe the gang’s supporters amounts to sensationalism, already a staple function of the press by this time. Sensationalism is strengthened here by repeated comments about the “excited” state of one district or

another. For example: “Melbourne has all day been in a state of intense excitement over the Kelly affray” (No. 4729). We are endlessly informed about “the excitement over the affair which has prevailed throughout the colony” (“The Kelly Tragedy”).

Interestingly, however, while reporting on and sensationalising the Kelly affair, the newspapers also always comment back on themselves and critique each other for this very sensationalism. About the Glenrowan showdown, one paper muses “But the vigilant newspaper correspondent got wind of the affair, and two or three long telegrams of a sensational character were sent to town” (“The Kellys”), and “We notice that some of our Melbourne contemporaries have indulged in sensational writing about the recent proceedings at Greta” (“The Funeral”). One article entitled “Kelly Mania” contains quite a detailed critique of this tendency:

KELLY MANIA is still raging here, having been largely pandered to by the illustrated papers. It is admitted that Mr Carrington’s drawings in the “Australian Sketcher” are the best; next come the “Sydney News,” after that the “Mail.” The latter journal stole a march on its rival, the “Town and Country” by coming out early on Thursday, a day in advance of its usual publication. The “Evening News” was furious, and came out with a paragraph attacking the “Mail” for sensationalism, of which it is itself always skilled.

Maren Röger, in her analysis of news reporting of the post-war expulsion of Germans from Poland, has noted that news media use sensationalism not only to legitimize their coverage of an event but “also stage their own coverage as an event”. She argues that this process should be understood as a “collective speech act”: by constantly repeating that there has been sensationalism, the media create it themselves and in that way engineer a new status in cultural memory for the topic under discussion (Röger 193). This phenomenon, of the press concurrently creating and critiquing its own sensationalism, infuses the Kelly story with added potency by producing a layering effect; without any passage of time elapsing, the press manage to erect multiple layers of interpretation simultaneously, both building and reinforcing the foundations of a memory. It could be said that the newspapers indulge in versions of both myth-making and demythologising modes of remembrance (see Erll 2006), or rather memory *building*, creating a sensation but also showing an acute awareness of and distaste for that sensationalism. Far from the combination providing a neutralising effect, however, this layering multiplies exponentially the controversy, confusion and anxiety with which the papers construct and invest the memory.

The dialectic between sensationalism and anti-sensationalism within the press thus worked to imbibe the Ned Kelly story with tension and controversy. It makes memorialisation more effective, as does the dialectic between truth and romance discussed previously. Another opposition can be found that is set up and functions in a similar way, that is, the dialectic between truth and rumour. These sets of oppositions are important for understanding the medial relations within the Kelly memory dispositif. The ambiguity of the truth of the Kelly affair has permeated most texts that have been created about Kelly and which have all

contributed to the maintenance and development of the memory. Arguably it is the desire to get to the truth of the matter that has inspired account after account of the events and nature of the gang, keeping its memory alive. The same preoccupation was a contributing factor in the initial construction of the memory. The press frequently accuses itself of manufacturing rumours whilst simultaneously claiming to reveal the truth. The *Ovens and Murray Advertiser* writes on 7 January 1879, "All sorts of rumours are again afloat about the Kellys, few of which are reliable" ("The Kellys"). A few days later it claims in an amusingly desperate bid for truth status, "we know, from our own knowledge, the real character of the Kelly shanty, which may be best illustrated by a few incidents within our knowledge" ("About the Kellys"). Often, the two sides of the opposition are to be found in consecutive sentences: "There is very little doubt (says the *Age*) that the statement regarding the Kelly gang having crossed into New South Wales is a mere *canard*...We have private information of a most authentic nature to the effect that..." ("The Kellys"). The issues of truth and authenticity, and equally their absence, are therefore constituent elements in the establishment and development of the memory, as will be explored in more detail in chapter two. This tension between truth and untruth infuses the story with uncertainty and doubt, making imminently fertile grounds for remembrance.

iii. Incorporation part II: Mediation and Power.

The power of the press to incorporate is bound to power relations existing within the society of which the press is part. Graham Seal's interpretation of Ned Kelly's inclusion in the outlaw canon rests on his analysis of folklore, balladry in particular. Seal relies on Eric Hobsbawm's "social bandit" model, whereby the outlaw represents in exaggerated form the concerns of an oppressed group within a society and becomes a hero for that group by transgressing unjust laws. The outlaw still remains within some sort of alternative moral boundaries – the morals dictated by the outlaw tradition, as outlined above. By this token one would expect there to have been some form of struggle or opposition between the mainstream media, which, as demonstrated, generally represented militantly anti-Kelly views, and a community in equally strong support of the gang, which used other media such as balladry to express its support. However, I would argue that it was the mainstream media itself, the press, that constructed the pro-Kelly camp and media as well as the anti-Kelly propaganda, and therefore produced such an opposition internally, within its own inner logic. This type of incorporation connects the medial with the political lines within the memory dispositif.

I am not attempting to argue that sympathisers of Kelly did not exist, or that they did not try to represent their views using oral or written media. Kelly was actually quite a good Public Relations man, as was Joe Byrne. They wrote very emotive letters deploying the rhetoric of Rebellious Ireland. They performed the role of the noble outlaw very well, always being sure to show politeness to women, staging spectacular stunts and refraining from the use of

unnecessary violence. And they even composed their own ballads in their defence and celebrating their daring bank robberies. However, these ballads were framed and given meaning for large numbers only insofar as they were incorporated into printed, mass produced media, and they were only able to be later remembered to the extent that they were incorporated in such a way. In themselves, the ballads may have temporarily asserted Ned's right to be accepted as an outlaw hero, and recall some of the action that took place, but they are not the origins of any of the other meanings that Kelly has come to represent. Moreover, it is only with their inclusion into the printed, mass-produced text that they could be transmitted to large numbers at the time, and continue to be periodically recalled throughout the decades. In practice, then, the power of these ballads for remembrance rests almost exclusively on the power of the press to colonise them. Seal's ballad sources themselves all derive from printed media. The most fertile source for remembering the ballads in later Kelly texts is a mini-biography published in 1879. This pamphlet was written and published by G. Wilson Hall, the owner of the *Mansfield Guardian* and later procurer of the *Benalla Standard*. In this text it is made very clear that the printed ballads are chosen selectively and there is of course comment on and analysis of the songs, which cannot but invest them with some degree of meaning. One newspaper article effects a hostile takeover of the myth-making tendencies of the ballad in the following vitriolic remark, made after the deaths of Dan Kelly and Steve Hart: "No doubt a ballad will be made, in which the heroes will be immortalised as having embraced one another, and shot his bosom friend, rather than fall into the hands of the administrators of the law. Jonathon and David, Damon and Pythias, and others celebrated for their friendship and self-sacrifice, will fade into insignificance in comparison with the outlaws' love and heroism" ("Oxley Mems"). The point is that pro-Kelly sentiment, however strong or prevalent, was not able to contribute to the building of the Kelly memory without being incorporated into the mainstream press, and with this incorporation necessarily comes a particular inflection of meaning and a framing that came from within the press itself.

Indeed the gang's now-famous "Jerilderie" letter and other letters by sympathisers were written *for the express purpose* of being published in the newspapers. Kelly was allegedly furious when the editor of the *Jerilderie Herald and Urana Gazette*, Samuel Gill, escaped capture during the gang's raid on the bank. Ned gave his letter to Gill's wife who promised to oversee its publication but who promptly turned it over to the authorities. The government of Victoria then refused to allow its publication, and it was not published in full until 1948. Instead, it was commented upon in the medium for which it was intended. One letter from a Kelly supporter, addressed to the *Herald*, was paraphrased rather than published in full, and was prefigured thus: "It is evidently written by an illiterate person, the orthography being defective, the calligraphy in some portions undecipherable, and the composition rambling and sometimes unintelligible" ("The Kelly Gang"). The illiteracy of the Kelly "confederate" is the ostensible reason that the letter was not published in full. But it is precisely the status of this individual as outside the mainstream bourgeois institutions, here

signified by illiteracy, that indicates his or her dependency on such an institution (the press) for interpretation. These oppressed groups therefore relied on their insertion into the medium which represented the groups that oppressed them.

It was not only ballads and letters that the newspapers colonised in their construction of the Kelly memory. Interestingly, Kelly's sister Kate and brother Jim participated in a show about the Kellys in Apollo Hall in Melbourne on the very same day that Ned was executed, where they answered questions from an audience. The pair repeated this activity more than once until stopped by the police. This medium of performance, in which many members of the Kelly clan were regular participants, including Ned himself during his lifetime, was apparently opposed by the state and the press: "the growth of fairs, entertainments and sideshow displays had created generalised anxiety among authorities in the colony." Perhaps this was because such events were attended predominantly by "girls of the larrikin and disorderly classes" (*Kate Kelly. Biz*). As for Kate and Jim Kelly's exhibition, the *Argus* writes, "A disgraceful scene took place last night at the Apollo Hall, where Kate Kelly and her brother, James Kelly, were exhibited by some speculators. They occupied arm-chairs upon the stage, and conversed with those present" (12 November 1880: 5). These fairs and exhibitions could perhaps be considered as media used by and produced for the groups who had similar experiences to the Kellys and sympathised with them. Kate Kelly indeed was considered as helping the outlaws considerably. However, these events were small-scale and localised. The only way we can remember the exhibitions and side shows are by the traces left in the newspapers, and similarly, the only way information of them was disseminated to the other colonies (a necessary precondition for Kelly to be later taken up as a national hero), was in that same form.

It is also known that at least two plays were staged in Melbourne between 1879 and 1881 - from the time of Ned's outlawry until after his execution - which were irreverent to say the least, if not overtly pro-Kelly. It is impossible to find the texts of these plays themselves, or much that was said about them, except to the extent that they were commented on in the press. Of one of them, the *Bulletin* writes "Rightly enough the powers that be stopped the performance of 'The Kelly Gang' at the Queen's - still, in this age of mournfulness 'twas a cruel kindness to deprive the crowd of sympathisers the opportunity which would have been afforded them to exercise their risible muscles. Portions of the dialogue were calculated to develop unrestrained mirth. As, for example, when the gallant gang had disposed of Sherritt, they were made to cover the police with their rifles, calling on the besieged blues to surrender" (in Meredith and Scott 138). While newspapers, catering to the literate, were relatively free from government censorship, these other "mass" media were heavily censored, because "early theatrical performances and their audiences were not as 'respectable' as their English counterparts". The shows displayed "a distressing tendency to mirror the tastes of the convicts and emancipists and the poorer classes in

general” (Bertrand 1). Restrictive laws were passed in New South Wales in 1828 and 1850, and Victoria enacted similar legislation upon its separation from New South Wales in 1851.

It seems likely, then, that there were heterogeneous voices concerning the Kellys, delivered in heterogeneous media. However, the ability of the press to incorporate all of them amounted virtually to a totalising force; it allowed for Ned to be taken up in a number of different ways at the time, but almost all within the boundaries set by the mainstream press.

The media formats used to produce the Kelly story are thus linked to societal groupings or communities. However, it was not a question of an opposition between equal pro- and anti-Kelly groups, one giving itself voice using ballads, fairs, or letters, and the other articulating itself in the mainstream press, the dialectic between which producing intense and fraught foundations of memory. It was rather that the one group was contained by the other, by means of their modes of expression, or media, being incorporated into the press. We can see how the political line within the memory dispositif is entangled with the medial line. Gayatri Spivak, writing about the category of the subaltern, tells us that “the oppressed under socialized capital have no unmediated access to ‘correct’ resistance” (Spivak 103). Not only is the Kellys’ and their supporters’ resistance mediated through letters, shows and song, but it is, almost simultaneously, *remediated* by the dominant medium, thereby both “lost and overdetermined” by the added, hegemonic layer of interpretation.

It should be clear that it was not the case either, that Kelly sympathisers were ignored or omitted from press representations. The very opposite is true. In fact it could be argued that the very existence of a community of Kelly sympathisers was in part itself a press construction. Again, this is not to say that there did not exist numbers of people who supported and indeed helped Kelly. In fact it seems that the most powerful medium Kelly had in his power was the “bush telegraph”, whereby friends and family members could provide him with information and assistance, which allowed him to evade capture for almost two years. However, it is far from clear how large or organised this group of direct helpers was. Furthermore, whether individuals who adopted a sympathetic attitude towards the plight of the outlaws can be justly named as a community is by no means patent, nor should the meanings and identities with which they are invested be assumed as necessary givens. Even if there was an organised group of Kelly supporters, the only way we have access to them nowadays is through printed matter, which in the years 1878-1882 amounted to newspaper items. “Kelly sympathisers” or “confederates” were constructed as lavishly as the anti-Kelly propaganda and at the same time an *anxiety* about supporters was manufactured. A powerful binary opposition was produced *internally* to the press, and it was this internal dialectic that contributed considerably to the production of potent foundations of memory, fuelled by tension and controversy. This production of sympathisers, as will be explored in more depth in the following two sections of this

chapter, was an acutely conservative manoeuvre. It was designed to bolster the dominant British imperial identity, by demarcating and containing other, criminalised identities, revolving around the figure of Ned. It was successful; however, it could also be interpreted as achieving the opposite of its aim, by setting the terms for the subversion and disruption of the hegemonic colonial identity, as would occur, to some extent, in later years.

iv. The Press, the Sympathisers, and the Authorities

The construction of Kelly supporters was accompanied by a commensurate construction of anxiety about the sympathisers who, according to the press, had to be brought to justice in the most unequivocal way. The idea of “Justice” permeates almost all of the Kelly articles: not just religious justice, as mentioned above, but especially legal justice, law and order. At the beginning of the commentary about Ned’s trial, one paper, for instance, talks sombrely of “justice, stern and relentless done”. The assembling of the Kelly sympathisers by the press serves in large measure to push for and support extremely harsh legal measures and their stringent enforcement by the police. The Felons Apprehension Act, passed after the Stringybark Creek murders, was supported by the majority of the papers, who demanded the Bill’s enforcement in the strictest possible way. In January 1879 the *O&M* writes that “some time since we advanced the theory that the best and only means to effect the capture of these men who have so long successfully defied the authorities, was to suspend the Habeas Corpus Act, and arrest everyone who was suspected of aiding and abetting, or even sympathising with them. It is true that such a course of action may to some seem arbitrary and even cruel, as thereby innocent persons, through fortuitous circumstances, might be taken from their homes and lodged in gaol, but...Extreme cases demand extreme measures to meet them, and no such extreme case has arisen in the colony of Victoria for years past” (“A Right Step”). In July 1880, the paper, while stirring up anxiety about the possibility of Kelly sympathisers entering into a “system of warfare”, goes on to assert that “we would strongly advise that on the meeting of parliament an act should be passed making the taking up a rail or otherwise interfering with a railway line, so as to endanger life, a hanging matter, even should the intended catastrophe be prevented” (“Is Ned Kelly”).

The version of justice recommended by the press was a combination of surveillance and punishment; discipline and fear were the suggested antidotes to a region “infected” by the outlaws. We are told that “the nearer the trial is held to the haunts and the sympathisers of the KELLYS, the more such men will be appalled by the fate which awaits them...such repressive measures should be taken as would strike terror into their hearts” (“Is Ned Kelly”). At the same time it is recommended that a free pardon and passage out of the colony be granted to any prisoner or gang member who supplied information to assist the police in capturing Ned Kelly, referring to precedent set in the penal colonies of New South Wales and Tasmania (“About the Kellys”). Discipline and punishment were thus the suggested means of retaining law and order in the civil society. However, the language of

war is slipped into with ease, as indicated in the earlier phrase “system of warfare.” One article defends the police action at Glenrowan, when the police set fire to the hotel in which the gang and a number of hostages were contained, endangering the lives of the outlaws and the hostages. The article asks “But why should such men get any more consideration than soldiers give to each other in war”, and claims that using fire in such a way is “a recognised mode of warfare.” The writer also argues that the Kelly gang did not fight fair, since they were covered in their ploughshare armour: “It is considered disgraceful for any soldier except the cuirassiers to wear armour in the field, and is, in fact, contrary to recognised principles.” The article concludes “the police, like WARREN HASTINGS, may well be surprised at their own moderation” (“The Combat”). The conflation of proposals for civic governance with military language legitimises any extremity of action in dealing with the Kelly “soldiers”, any effect on “civilians”, and justifies almost any amount of legal repression.

The press not only commented on the law and its enforcement, but was in fact a key part of the juridico-disciplinary apparatus, as it remains to this day. Newspaper representatives accompanied the police on their reconnaissance missions (including the trip to Glenrowan), sat in court during Ned’s trial, and even witnessed his hanging. During the reporting of the trial, there are innumerable instances of witnesses and lawyers referring to statements made to the press, articles written in the press, and interviews given to the press (see “From Our Own Reporter”). Of course the reputed function of the papers is to discover and divulge information, and the various branches of the legal apparatus collaboratively function in similar ways. The two institutions intertwine and affect each other immeasurably. Often the press aided and bolstered the legal system, as is seen in its support for the new legal measures taken to cope with the “Kelly scare” that was itself constructed in large part by the press. At other times the relationship appears to be an antagonistic one. While the newspapers generally refused to express a shred of sympathy for the Kellys, they were also by no means completely uncritical of the police. Criticisms of the police tended to revolve around their incompetence in arresting the outlaws. In one letter that was published (without added commentary) it is written, “There is...one thing ‘certain’. The police and detective arrangements are simply a farce!” (“The Kelly Gang”). An article in the *Williamstown Advertiser* avers, “From Captain Standish downwards not one man in the force has ever yet willingly placed himself within the grasp of Kelly, nor are the police, in our opinion, likely to do so, unless they consider the odds to be two to one in their favour” (“About the Kellys”).

Conversely, the press also happily report criticisms directed at itself by branches of the justice system. Even more interesting are the criticisms that the press levels at itself in terms of its role in the juridico-disciplinary apparatus. To a significant extent the construction of the Kelly scare rested on the amount of information allegedly within the possession of the sympathisers, which they were able to relay to the gang in order to help them evade capture. The press repeatedly accuses itself of supplying the sympathisers with this very

information, thereby impeding the efforts of the forces of justice to capture or even find the gang. One article scoffs “They [the Kelly gang] have concealed themselves most effectually, thanks to the faithfulness of their friends, and to the information supplied them by the metropolitan press. The want of discretion shown by some of our contemporaries has been remarkable, and NED KELLY and his comrades have to thank them a great deal for keeping them well posted up in the movements of the police.” Later, “it is but natural that the news gratuitously given in the newspapers became common property, and speedily reached the outlaws wherever they might be. Then the ‘our own reporters’ eager to obtain news, and gain credit for assiduity, listened to and faithfully transmitted to head quarters every story any loafer might tell them, and KELLY’S friends taking advantage of this managed to spread innumerable false reports, which only tended to hamper the authorities, and put them off the scent. To some extent this foolish system of penny a living, publishing bogus reports merely for the sake of creating an unhealthy sensation, and making known whenever possible what the police were doing, has done a great deal towards enabling the KELLY’S [sic] to defy capture” (“A Right Step”).

The press even go so far as to criticise their own criticisms of the police, in their defence of police action at Glenrowan. This constant self reflection, coupled with a scattering of censure of the various branches of the legal system, lends an appearance of transparency and impartiality, of an independent institution with a critical distance from the administration, and even from its own operations. The press, then, uses Kelly to embed itself as a necessary agent of enlightened and democratic governance.

By this time, the political myth of the press as the fourth estate, “a power, branch of government, with inalienable weight in law-making” (Boyce 19), was firmly established. The concept of public opinion had entered the mainstream of political theory, and the press had been established as the instrument of public opinion, providing a constant and regular stream of information, that was objective and “free”. Victoria, though of course not “free”, was a self-governing colony, and indeed Australia had won its battle to be controlled by market forces rather than the state earlier than Britain had. Censorship was lifted in 1824 and attempts to impose a high stamp duty failed, while in England newspapers were heavily taxed until 1855.

However, the language of freedom and of a free society deployed in the struggle for decreased state interference was fused with the theme of social control. One British editor wrote of the public journal that it was “an army of liberty, with a rallying point in every town. It is a police of safety, and a sentinel of public morals” (in Curran 60). Moreover, according to James Curran, the opening up of the press to capitalist competition in Britain was not much related to freedom and objectivity of information for the public sphere. It came rather out of a desire to eliminate radical journalism and put down trade unionism, objectives that were achieved by the massive increase in operating costs that resulted from

the machinations of the free market. In the colony of Victoria too, the press was a power relatively independent from the imperial or colonial governments, but remained an agent of *governmentality*. To the extent that the newspapers were not censored by the state, they were censored by themselves. Newspapers were in fierce competition with each other but were all owned by men of capital and were run by comfortable journalists who “will err rather on the side of making too much of their interests than of neglecting them” (60). It is true that not all newspaper owners in Australia were from established upper-class backgrounds. Some may have started with little. However, they all were or became wealthy enough to be able to afford the huge costs of setting up or buying and running a newspaper. In 1893, the cost of starting a Sydney daily was estimated at £50,000 (Mayer 16). It is also true that a range of voices were expressed in the wide range of newspapers. The *Argus* was extremely conservative, for example, while the owner of the *Age*, “King David” Syme, was notoriously liberal. However, no newspaper, including the *Age*, supported the Kellys or would even acknowledge the social inequalities and injustice that led to their outlawry.

The only item that comes anywhere near to supporting the Kellys, and this not very near at all, was a pamphlet published in 1879 by newspaper proprietor G. Wilson Hall, whom I referred to earlier. Hall was from a working class background, he was a union official, and one of the people responsible for setting up the Trades and Labour Council in the 1870s. He opposed the wholesale and indefinite imprisonment of Kelly relatives and acquaintances under the Felons Apprehension Act, a policy implemented by Superintendent Hare. Written in a mock Old Testament style and using easily decipherable pseudonyms for its characters, “The Book of Keli” is a satire directed against the Victorian police, implicitly accusing them of cowardice as well as incompetence. It is an ironic use of premediation, pointing to the mythologising of the Kellys. The pamphlet was sold for sixpence and quickly sold out. It begins, “And it came to pass, in the reign of the King Georgius Boneus, that there was a certain tribe known as the Kelites in the land of Mansfield whose name was terror unto the people, and whose deeds of blood and slaughter were recorded in all the books published in the nation” (3). Hall later writes that, whenever they came close to the whereabouts of the Kellys, “the Bobpeelers [police] would flee in great haste, stopping not to look to the right or to the left, but did quickly vanish out of sight” (18). This is a highly critical, humorous, demythologising mode of remembrance. However, it never goes so far as to address the structural injustice and inequality that characterised the Kelly affair.

Kelly tried to articulate his own ideas of justice in his “Jerilderie” letter. He fumes, very eloquently, “It will pay the government to give those people who are suffering innocence justice and liberty if not I will be compelled to show some colonial stratagem which will open the eyes of not only the Victorian police and inhabitants but also the whole British army” (14), continuing, “There never was such a thing as justice in the English laws, but any amount of injustice to be had” (26). However, these more radical references to justice found no voice at that time. In the Kelly articles the press asserts its position as the fourth estate,

but its construction of the public sphere is one which both wants and needs state repression. Through the intersection of the political and medial lines in the memory dispositif, Ned Kelly is produced as a figure of the intensification and proliferation of these discourses of justice, law and order. Kelly, his gang, and his sympathisers, are produced through the language of difference. He is used to effect tighter control of a portion of society that exceeds the Kelly sympathisers and extends to the “criminal”, “disorderly” and “larrikin” classes, and to bolster the imperial identity. It is to these contributions to identity made by the Kelly memory dispositif that I will turn next.

2. Identity

This early founding of the Kelly memory indirectly articulated a particular constellation of identities and affirmed them as the desirable collective identity. This group identity was British imperial, or, as Richard Broome terms it, “white colonial”. Broome describes it as advocating “temperance, thrift, hard work, and respectability” (Broome 118). Ned Kelly and his gang were produced as in many ways the antithesis of this upper middle class imperial identity, and as a vehicle for its reinforcement. The dispositif of political, medial, and temporal relations attached particular discourses and identities to the figure of Kelly and used him as a site of proliferation for them. This was its “dominant strategic function” (Foucault 195). In this way Kelly, though attempting through his letters to disrupt the dominant colonial identity and voice an anti-British, republican, Irish-Catholic, working class “Creole” (Kelly 30) Australian identity, becomes a site for the fortification of the dominant one. At the same time, however, the press and its associated government authorities, while attempting to strengthen the imperial identity, distorting, manipulating and censoring resistant voices, also manages to produce the terms of its subversion, through the very same process of constructing not only Ned but a large and powerful group of sympathisers, as its other. Therefore, both Kelly and the press both fail and succeed in their projects of identity construction, and the memory is produced as both radical and conservative. This section will examine these matters of identity formation.

i. The Criminal Class

We have seen how central questions of justice and law and order are to the press reports, and what a central role the press played in the juridico-disciplinary apparatus. At Ned Kelly’s sentencing, Judge Barry made a speech that was reported by the press, and which is now famous among those interested in the case. It is worth repeating here, as it highlights the way a number of discourses are iterated and attached to Kelly:

In new communities, where the bonds of society are not so well linked together as in older countries, there is unfortunately a class which disregards the evil consequences of crime. Foolish, inconsiderate, ill-conducted unprincipled youths unfortunately abound, and unless they are made to consider the consequences of crime they are led to imitate notorious felons, whom they regard as self-made heroes. It is right therefore that they

should be asked to consider and reflect upon what the life of a felon is. A felon who has cut himself off from all decencies, all the affections, charities, and all the obligations of society is as helpless and degraded as a wild beast of the field. (*Age* 30 October 1880)

Here we see that criminality is articulated as firmly a matter of class. Probably all the identities produced by the Kelly memory dispositif at this time are related to matters of class, and Kelly becomes a figure for the proliferation of these class-based identities. They are expressed directly in the newspapers, and are bound up with conceptions of bourgeois morality, but are also manifested implicitly in a preoccupation with the home, with appearance, health, and private property.

After Kelly's conviction and sentencing, a large meeting was reported, allegedly with about 6000 attendees, for the purpose of arranging a request for reprieve on Kelly's behalf. The crowd is described in the *Argus* in the following way: "The larrikin class was strongly represented, and the majority of women came from the neighbourhood of Little Bourke-street. There was, however, a large muster of ordinary working men, and many others who attended apparently out of curiosity." The level of "order" sustained at the meeting is then discussed at length; details include the "wailing" of a "drunken woman", the discharging of fireworks from "several mischievous spirits", and the explosion of "large squibs". It is added that "Superintendent Winch, with several troopers and foot police, succeeded in maintaining order" ("The Condemned Bushranger" 6 November). Two days later, the arrangements made at this meeting were carried out, with Kelly's lawyers proceeding to Government-House to appeal for a reprieve. It is reported that the lawyers were accompanied by about 200 people. The journalist goes on to report "The crowd was, however, of such an idle and seedy-looking character that the Gaunsons were evidently ashamed of it, for they quietly slipped away to Government-house in a cab, without giving any intimation of their departure." ("The Condemned Bushranger" 8 November).

The descriptions of these events touch upon a number of ways class identities are articulated through the Kelly memory dispositif: the separation of the "larrikin" or "idle" classes from the "respectable" working classes and the anxiety over the contamination of the one from the other; the association of class with order; the location of women and young people within the orderly or disorderly classes; the importance of the neighbourhood or home in the figuration of class; and the link between physical appearance and class. I will deal in more detail with each of these.

The press goes to great length to construct lowly and immoral "larrikin" classes, which are here designated as inherent Kelly sympathisers, and separate them from the ordinary or "respectable" working classes. At the same time an anxiety that the latter will somehow be infected by the former is generated, and the police are of course called upon to prevent this by keeping strict order. For instance, one article in the *O&M* rages "every sympathiser of Kelly is an enemy of 'the wealthy lower orders;' that is to say, of the men who have worked

hard, have been frugal and temperate, and who have thus acquired property, while their enemies and assailants were boosing [sic] at publichouse bars... superbly indifferent, the while, to the hardships and privations undergone by their own neglected wives and suffering children at home." Further, "exclusive possession is a crime in the eyes of the lawless, the lazy, and the dissolute." It is also lamented that "not a few reputedly respectable young men, who should support law and order, openly express admiration for the courage of the villains who murdered Sergeant Kennedy and his unfortunate companions" ("A Dark Prospect"). The sense of contamination is furthered by references to the "infected district" inhabited by the Kelly clan, as if the land itself becomes diseased as it comes into contact with the criminal classes. Here we see an attempt to produce two "types" of working class; to incorporate one section into the colonial identity by promoting bourgeois values (not always practices) of hard work, the nurturing of an orderly family home, and private property, whilst constructing the other section as "other" and attempting to exclude it. Just as in Britain, after the "industrial revolution in the press" the working class was subject to "ideological incorporation" (Curran 67), these Australian newspapers attempt to incorporate the majority of the Victorian rural working class. The "wealthy lower orders", however, cannot be wholly relied upon to maintain decency, and order must be enforced by harsh legislation such as the Felons Apprehension Act, and total police surveillance.

Ned Kelly himself represents disorder, in his position outside of the law and society. The papers as well as Judge Barry refer to him as "wild". This lack of order is not only associated with his familiarity with the bush, but is reiterated by descriptions of his homestead as well. Following on from illustrations of Kelly's "vulgar" character, one commentator writes "From those sketches can our readers realise the character of the Kelly shanty. It was at once a groggery and a gambling hell" ("About the Kellys"). Apparently death brings with it some degree of order and respectability, as is shown in the reporting of Dan Kelly and Steve Hart's funeral. The home of Mrs Skillion - Kelly's sister and host of the wake - may have been "a very humble dwelling, miserably furnished." but, allegedly in contradiction to the claims of other papers, "when the wake was held, the greatest propriety and decorum was observed." This is demonstrated by the fact that "no one there indulged freely" in the "refreshments" and that the mourners all washed themselves properly and put on their "Sunday suits of clothes" ("The Funeral").

The association of Sunday best with respectability signals the preoccupation of the press with appearance. The appearance of women is most dwelled upon, as demonstrated by the detailed descriptions of Kate Kelly's stature, attire, and hair in the previously referred to article "Romance and Reality." Another of Kelly's sisters is mentioned in a similar vein when she appeared at Glenrowan: "Mrs. Skillion, sister of the Kellys...had on a black riding habit, with red underskirt, and white Gainsborough hat, and was a prominent object on the scene". However, men are also often described according to how they look. After the Glenrowan siege Joe Byrne's body is described as "dressed in a blue sac coat, tweed striped

trousers, Crimean shirt, and very ill-fitting boots. Like Ned Kelly, Byrne wore a bushy beard” (“The End”).

While clothing has obvious links with class and capital, matters of class can also be located within the body itself. Phrenology was gaining popularity at this time as a means of discerning character traits from within the body. Identity from the second half of the nineteenth century was becoming a matter of science, of biology. One article published in the *O&M* is entitled “Kelly, the Murderer”, and includes the delineation of Ned’s character, given by phrenologist Professor Nimshi, six years prior to the Glenrowan affair. The description of Ned is as follows:

The head of this man is non-intellectual. The base of the skull, with the whole bassiller section of the brain, is a massive development of the lower animal proclivities, and which, being vastly in excess of the moral sectional measurement, inclines him to the perpetration of sensual animal vices, and which with an adverse facial angle prompts him to the commission of vicious, brutal acts of outrage and aggressiveness. He has large organs of self-esteem and love of approbation, which gives him self conceit and vanity. If the one be wounded or the other mortified, his animal nature would know no bounds. He would be likely under sudden surprise to commit the grossest outrages; and, being uncontrolled by any moral sentiment, stamps his character as wolfish and ravenous, his notions of moral right giving him a dangerous range of action.

Here Ned is thoroughly connected to the disorder or “wildness” of the animal, lacking the self-discipline which comes from natural “moral sentiment”. The article goes on to laud phrenology for the protection it offers to society, insisting that “we think it high time that society should avail itself of the means of protection that phrenology affords.” It is moreover recommended to be used in schools, on children: “By appointing him [Professor Nimshi] as Visiting Inspector of our public schools to discover the children’s capability and traits of character, the better it will be for the community at large. ‘To be forewarned is to be forearmed.’” Surveillance comes down to the individual parts of individual bodies in an effort to discipline the body politic at large and maintain order. What would be done with the school children whose heads were located within the “criminal” class is not elaborated. Ned’s head however is positioned within a class which is named as disorderly, animalistic and lacking in moral fibre, and is used to effect tighter control of the other members of that class and to attempt to instil a desire within the wider working class for respectability attained by self-surveillance, wage labour, and the acquisition of property.

We can see here a tendency referred to previously: the attempt to construct and categorise a group to which Kelly belongs, and to position that group as antithetical to society and the collective identity, while integrating other sections of the working class. At the same time the possibility and fear of miscegenation is engendered. This anxiety of contagion has contradictory effects on identity formation. On the one hand, it allows for the promotion of repressive action on the part of the authorities and is thus successful in its othering and containment strategies. On the other hand, it provides a possibility for the dominant identity to be overturned by a powerful underclass and for that subversion to be taken up

by the wider community. Here Homi Bhabha's definition of subaltern is eminently applicable: "oppressed, minority groups whose presence was crucial to the self-definition of the majority group: subaltern social groups were also in a position to subvert the authority of those who had hegemonic power". Spivak makes clear that the category of subaltern is a "continuing construction" (90). In this case, Kelly and his sympathisers are both intentionally and inadvertently constructed as subaltern by the press; the group is produced as central to the self-definition of the dominant class; and it is constructed as potentially able to subvert its authority.

Class in the Kelly articles is as usual highly gendered, and this gendering is at times linked to sexuality. The "womenfolk" of the respectable classes are portrayed as central to the upkeep of order and decorum in the home and family, and interestingly, many of the female family members of the Kelly gang are presented as appearing and behaving in a respectable manner. Ned Kelly on the other hand "prefers knocking it down amongst the harlots, in whose sweet society he is now basking...Ned would be an honoured guest in any of the Stephen street slums" ("About the Kellys"). More than women, however, it is young people who are established at the heart of the anxiety that the body politic will be infected by the gang and that the dominant identity will be disrupted. One article tells us that "upon a section of the youth of the land the result [of the Kelly scare] is terrible to contemplate, and unless prompt, aye even seemingly harsh measures be adopted, there will be darker crimes yet to record. There are in the North-Eastern District hundreds of young men who but need the opportunity to develop into thieves and bushrangers, unless a check be put upon their actions." Again, the alleged vulnerability of youth to infection is often couched in terms of discipline and control, or their absence: "It is difficult, adequately to estimate the evil that is being wrought amongst the youth of the country...On all sides boys and young men who have never known much about restraint, read the accounts of the murders [sic] doings and come to regard them as heroes" ("A Dark Prospect"). There is in fact an obsessive preoccupation with the morality of youth in the press. It is common to regard the youth as the future of a society, and in some of the Kelly newspaper articles there is a sense that the youth are and will be the embodiment of the memory of Kelly, a fear that "young desperadoes [will] imitate the actions of those whose evil deeds have cut them off in the hey-day of youth, but whose funeral rites will long be remembered when their miserable ending has faded into oblivion" ("Oxley Mems"). Ned, himself only twenty-five at the time of his execution, becomes the perceived symbol of a new, "native-born" generation, too close to nature and without the restraints that were in place in the old country (see Longman 83). Through the workings of the memory dispositif existing fears about the colonies' youth are thus pinned to Ned Kelly, who soon becomes iconic of those fears, and used to reproduce them. Yet again, the prescribed remedy is more discipline and more punishment. And again, an unintended outcome will be an opportunity for the youth of the colonies, the future of Australia, to undermine the dominant imperial identity.

ii. From Antithetical Identity to Non-Identity

The production of separate categories of civilisation and savagery and anxiety of the contamination of the former by the latter of course usually takes place in the service of racism, often in relation to the colonisation of indigenous people. This was certainly the case in Australia. Aboriginals did feature in these early Kelly articles due to the fact that “black trackers” from Victoria and “Native Police” from Queensland were employed to find the Kelly gang (more about this later). However, for the most part Indigenous Australians are excluded by the Kelly memory dispositif at this time. Unlike the “criminal classes” they are not constructed as a threatening “other” to the desired imperial identity, either to be contained or, unintentionally, to be empowered. Rather, they are virtually denied any identity or even existence. Between 1850 and 1860 the Indigenous population in Victoria fell from 3.3% to 0.3% of the total population. Aboriginals were therefore becoming less of a threat to the imperial regime, a circumstance reflected and probably strengthened by “a decline in press attention” from the middle of the nineteenth century (Broome 98).

From around the same time scientific categorisations of race were in vogue in different parts of the world, including the Australian colonies. This type of social Darwinist racism relied heavily on conceptions of temporality, as it was posited that Aboriginals were at the bottom of the evolutionary ladder, an endangered species that would soon become extinct. Colonist William Hull expressed his view that Aboriginals could not survive because it was “the design of providence that the inferior races should pass away before the superior races” (in Broome 99). By the 1850s an imaginary race against time had been invented. Aboriginals began to be *memorialised out of existence*. The *Argus* urged for information and material to be collected before the Aborigines were “wiped off the face of the earth” (100). The Mechanics Institute proposed a museum in 1862 with an Aboriginal skull as the centrepiece of the collection. The National Museum began exhibiting Indigenous materials. David Blair, a member of the Legislative Assembly, believed that gathering ethnographic material was “a debt, which we, the civilized and Christianized successors of these fast decaying savage races owe to science, to civilization, and to humanity” (101). No longer were Indigenous Australians inscribed as dangerous and threatening wild-men but as sad and decaying creatures.

This discourse was connected to another prevalent notion that developed in the 1860s, that of “the last of the tribe”. This idea reflected “white romanticism, guilt as well as emergent racism” (103). It was also a strategy to separate “half castes” from “pure bloods” as settlers did not generally recognise the claims to the land of “half castes”. The press reported “last of the tribe” deaths from the 1860s in many districts of Victoria. These reports were respectful and sometimes laudatory; one “king” was described as a “peacemaker” a man of “great power” and “very muscular”. Henry Kendall’s poem “The Last of His Tribe”, written in

1869, caught this colonial pathos and became popular for generations, taught in schools until at least the 1960s:

Will he go in his sleep from these desolate lands,
Like a chief to the rest of his race,
With the honey-voiced woman who beckons, and stands,
And gleams like a Dream in his face –
Like a marvellous Dream in his face? (in Broome 103)

This ideology of time aided the continuing process or “structure” of colonisation (see Wolfe). In the words of Johannes Fabian, “*geopolitics* has its ideological foundations in *chronopolitics*” (Fabian 138). The nineteenth century evolutionary conception of time was, for many, even more dangerous than those which preceded it: “Protoanthropologists of the Renaissance and Enlightenment *philosophes* often accepted the simultaneity or temporal co-existence of savagery and civilisation because they were convinced of the cultural, merely conventional nature of the differences they perceived.” With the new “scientific” developments, “evolutionary anthropologists made difference ‘natural,’ the inevitable outcome of the operation of natural laws” (147). Not only was an inferior Aboriginal race constituted by science, but so was the idea of its utter extinction. Indigenous Australians were allocated a slot at the very bottom of the evolutionary ladder, less evolved than Native Americans and New Zealand Maoris. However, all the “backwards” races were bound for extinction. D. Macallister teaches us in his 1878 article, “The Australian Aborigines”, “Even among the less rude of savage peoples, as the Maoris, the Fijians, or some of the American Indians, although they may hold their own, and bravely too, for some time, yet all sink in the struggle, because of their inability to keep step with the forward movement, or to adapt themselves to the new conditions constantly brought to bear upon them by the civilization by which they are surrounded” (in Reynolds 126).

This is an articulation of Aboriginals as on the brink of extinction, as pitiable rather than dangerous and therefore as occasionally safely being represented with some measure of respect. It finds its corollary here firstly in the very cursory references to Indigenous Australians despite their continuing resistance to colonisation and despite their key role in the Kelly gang events. Secondly, the Kelly memory dispositif overwrites virtually any kind of Aboriginal identity by locating Kelly and his supporters in the very position – or at least a very similar one - as that usually occupied by Aboriginals: as “wild”, “native”, animalistic, indolent, and intemperate. A few years later, Kelly himself would occupy the “last of his tribe” position, as will be explained in the following chapter. Spivak writes, “in the constitution of the Other of Europe, great care was taken to obliterate the textual ingredients with which such a subject could cathect, could occupy (invest?) its itinerary”. She continues, “The clearest available example of such epistemic violence is the remotely orchestrated, far flung, and heterogeneous project to constitute the colonial subject as

Other. This project is also the asymmetrical obliteration of the trace of that Other in its precarious Subject-ivity" (75-76). Who, then, is constructed as the "real" other to the imperial self? Who is the "real" subaltern? The criminal class, sometimes descended from transported convicts, often Irish? Or the Aboriginals whose land Europeans, including those Irish convicts, invaded and usurped? It was certainly the Indigenous Australians who had their subjectivity erased as it was being constructed. The Kelly criminal class had its voice distorted and contained but its constructed subjectivity was also made to sing in these articles. An Aboriginal subjectivity here is hardly being constructed at all, even to be erased. Perhaps an answer lies in the differences between settler colonialism and "far-flung" colonialism, which Spivak addresses. With "far-flung" colonialism the dominant identity is always going to be a minority one. It is imperative for a colonial other to be constituted, if only to be silenced, in order to be exploited. With settler colonialism the Indigenous other must be constituted in the early stages of invasion and colonisation, to justify the violent takeover of land. However, once that goal has been more or less achieved, Aboriginal subjectivity, and Aboriginals, are no longer required, in fact the less they exist the better. The "essential characteristic of the settler-colonial project" is, in Patrick Wolf's terms, a "logic of elimination" (102) and not a logic of exploitation. Instead of an ongoing construction of the Indigenous other, its ongoing obliteration is thus more useful to the "heterogeneous project" of colonialism. The new colonial other, the new subaltern subjectivity, is the European "criminal class". Through the politico-temporal and medial dynamics of the memory dispositif, Kelly and his gang were in the years 1878-1882 constructed as the other to the collective identity and Aboriginals, no longer even other, were practically erased.

They are not completely erased, however, since the press had little choice but to at least mention their existence in their capacity as black trackers and Aboriginal troopers. Aboriginals would just not go away. To the extent that an Indigenous colonial subjectivity was constituted at this time, it was of course othered. To the degree that Aboriginals are mentioned, it could be said that Ned Kelly is both set up in opposition to them and aligned with them. It is reported that the gang took up the train tracks around Glenrowan in the hope of killing the trackers, and Kelly himself is quoted as admitting this. The impression is that Kelly was afraid of the Aboriginal men, since they were the only people who had a chance of finding him. No white man had the strength of relationship with the bush needed to do so. In this sense Kelly is portrayed as being connected, or at least similar to black Australians.

To an extent the positioning of Ned as close to "Aboriginality" is related to ideas of masculinity and courage. The preferred ideal model of masculinity as supplied by these press articles is based on the pioneer imaginary rather than the bushman: it prizes manly civilisation above rugged maleness, although vanity in men is frowned upon. Either way, masculinity is inseparable from courage. Kelly's courage is questioned by the newspapers

only to a limited extent: however negatively they represent Ned, even they tend to acknowledge his “strength and daring”. Likewise, in line with the “last of his tribe” mythos, the trackers are often referred to in terms of their masculine skill, courage and bravery, despite being called “boys” on occasion. Indeed, “The Aboriginal tracker’s role became legendary in colonial society” (151). We are informed that “The trackers...stood the baptism of fire with fortitude, never flinching for one instant” (“The First Encounter”). By associating Kelly with Aboriginal men in this way, the papers delegate him to an alternative model of masculinity, the bushman model, that would be taken up in force at a later time and would remain an Australian ideal, and that would appropriate “Aboriginality” in order to overwrite it (see chapter two).

Native police forces were in fact set up to contain Aboriginal resistance and identities, to “civilise” Indigenous Australians in the pioneer mould of masculinity and thereby “save” them from savagery and extinction. A Native police corps was set up in Victoria in 1842, only to be shut down in 1853. Its commandant claimed it enabled young Aboriginal men to be “kept under proper control, taught discipline, obedience, and respect, and made of some use to the country” (in Broome 155). Aboriginals within these institutions were acceptable to the authorities, including the press, as can be seen in the reporting of the Queensland troopers in the Kelly articles. Ironically, these acceptable “civilised” Aboriginal police, like many real-life pioneers, committed grievous violence, both in Victoria and Queensland. By one estimate, the Victorian Native Police killed 125 Aborigines over a decade. Some of these Victorian police later joined the Queensland Native Police force, and many Queensland recruits were sought from around the Murray River in Victoria. The Queensland force had “a violent and brutalising reputation” (155).

The institution of the Native Police was designed to make Aboriginals more acceptable to the desirable imperial identity, though it was almost never believed that Indigenous Australians would ever be able to “become white”. In this sense of essential difference, an Indigenous colonial subjectivity was much more “other” than that of the criminal class in Australia. Aboriginal police were not remunerated in the same way as white police. One settler testified “I have had many complaints made to me that they never did get their money” (in Broome 44). Likewise, neither the Queensland Aboriginal troopers nor the black trackers received any of the share of the huge reward for the capture of Kelly that they were promised. One Queensland trooper, Sambo, died due to a lung infection caused by the Victorian climate. From the newspaper articles I have read, this does not appear to have been reported in the press at the time, and certainly not in any way that would be comparable to reporting of deaths of any of the White employees engaged in the Kelly pursuit. I learned about it from later works on Kelly. This implication of essential racial difference, no matter how hard an Aboriginal might strive to become integrated into the dominant white identity, no matter how “civilised” they might become, is reflected and reinforced by grammatical choices in the language of press reporting. The trackers are often

named as “blacktrackers”: as closed compound nouns. The compound is also used in the even more fleeting allusions to Chinese men, who are called “chinamen”. This is an othering strategy which erases while it others, in true subalternising style: it locates race at the core of identification, marking non-white men as essentially other. At the same time it obscures the men’s identities either as black or as trackers; either as Chinese or as men. The technique is especially pronounced in sentences like “Superintendent Hare with his men, and Sub-Inspector O’Connor with his blacktrackers, at once advanced on the building” (No. 4730), which explicitly separate white “men” from “blacktrackers”. The term “chinaman” indicates that while they are “men” (the masculinised version of “human”), they are a racially qualified type of man.

Apart from passing comments, the Chinese are not alluded to at all in the Kelly articles, despite their presence in Victoria in large numbers since the discovery of gold in the colony, and despite the fact that Ned’s first arrest was for assaulting a Chinese man named Ah Fook. The first Chinese in Victoria had been pastoral labourers, but after gold was found thousands arrived from Canton to dig. In 1855 the government, alarmed at the inflow, imposed a heavy tax on every Chinese immigrant landing at a Victorian port and an additional tax on the ship-owner. Victoria was in effect conducting its own foreign policy because it was discriminating against subjects of a nation with which England was on tolerably neutral terms, even though Victoria as a colony did not really possess the power to pursue its own foreign policy (Lines 49). The Chinese were discriminated against officially and informally, and relations between Whites and Chinese were often fraught. According to Ian Jones, Kelly expert extraordinaire, Kelly gang member Joe Byrne had a very intimate relationship with the local Chinese community: he “spoke Cantonese, was an opium addict and virtually a member of Beechworth’s Chinese community” (Jones 87). Still, the Chinese were excluded almost completely from the construction of the Ned Kelly memory, and the memory dispositif would continue to function as a mode of exclusion in this way, as will be explored in the following chapters.

When it comes to the Chinese and Aboriginals, then, the Kelly memory dispositif does not set them up either as part of the desirable dominant identity or as dangerous others. Rather, it extinctions or effaces them, or else produces them as unthreatening aliens. The less powerful media used by the Kellys and their sympathizers do likewise. The only reference I can find in those other media – to the extent that we have access to them now – is two lines from a ballad, probably composed by Joe Bryne, in a section describing the gang’s adventures in Jerilderie: “The Chinaman cook, so savvy, cried, not knowing what to fear/But they brought him to his senses with a lift under the ear” (in Innes 87). This clearly engages the contemporary and still existing stereotypes of Chinese men being clever, sneaky, effeminate, and cowardly, and trivialises violence towards them.

iii. Between Antithetical and Extinct: The Irish

Relations between the English and Irish were likewise largely left out of the initial production of the memory, though they would be taken up in force in later decades. The Irish were not referred to as “Irishmen”, or at all for that matter. The position of the Irish in Australia at this time was complicated. They were more or less considered to be “white” and incomparably more integrated into the dominant identity than the Chinese and Aboriginals. Doug Morrissey goes so far as to claim, of all small farmers or “selectors” in the region and of Irish selectors in particular: “selectors willingly embraced a colonial identity emphasising Britishness and loyalty to the English Crown. Even Irish selectors who harboured a traditional hatred of Ireland’s oppressors regarded themselves as colonially British and expressed a patriotic pride in the British Empire” (Morrissey 225). Ned Kelly meanwhile expressed a strong loyalty to his Irish and Catholic ancestry in his “Jerilderie” letter, which was virulently anti-English. He writes passionately of Ireland’s oppression under the British overlords and the misery of the convicts, “all of true bone and beauty”, sent to Australia where, “many a blooming Irishman rather than subdue to the Saxon yoke, were flogged to death and bravely died in servile chains but true to the shamrock and a credit to Paddy’s Land” (32). Kelly here was clearly attempting to draw on the power of a tradition other than the outlaw tradition, that of the Irish rebel. Indeed, Irish men were still being sent to Australia for political offences. As late as 1868, sixty-two Irish Fenians were transported to Western Australia, and in the same year an alleged Fenian from Victoria attempted to assassinate Prince Alfred when he was visiting Sydney (Innes 42). Ian Jones and others even claim that Kelly’s ultimate aim, one which was nearly achieved, was to set up a republic of north-eastern Victoria.

None of this was picked up on by the press, as far as I can tell. Morrissey argues, “The colonial authorities were unperturbed by such matters and generally turned a blind eye to talk of Irish sedition of the Kelly kind, in the certain knowledge that the majority of colonial Irishmen and the Irish selector class in particular, thought of themselves as loyal British subjects. The same is true of other ethnic groups such as the Scots and the Welsh, whose cultural heritage contained a traditional hatred of the English” (225). The colonies were mostly Protestant and of British descent, but the Catholic Church had some degree of power, and about a quarter of the Victorian population was of Irish descent. Many members of the constabulary were also either Irish-born or of Irish ancestry. Ned wrote that these Irish police were the worst kind of “traitor to his county ancestors and religion as they were all Catholics before the Saxons and Cranmore yoke held sway since then they were persecuted massacred thrown into martyrdom and tortured beyond the ideas of the present generation... [One] who for a lazy loafing bilit left the ash corner deserted the shamrock, the emblem of true wit and beauty to serve under a flag and nation that has destroyed massacred and murdered their forefathers by the greatest of torture” (20). The large Irish contingent of police, however, meant that the press could not profitably locate

Ned's Irishness as either positive or negative, and presumably that is a reason why it was left out altogether.

The English/Irish divide in the colonies was also very much a matter of class. Neil Coughlan writes that racist attitudes, though existing, were not the primary cause of difficulties for Irish immigrants: "these only aggravated a much deeper set of disabilities grounded in the peculiar nature of Irish migration itself" (Coughlan 83-84). Of the Irish that migrated to Victoria in the middle of the nineteenth century: "not only were they from the one region [around Tipperary], with one general culture and religion, but they were also - and to an astounding degree - of the same social and economic class, of the same age, the same marital condition, and the same lack of money, education, and skill" (69). For these reasons, according to Coughlan, the Irish were "alienated from the colony's social structure... and perhaps from its British system of law, and concepts of rights and property" (84-85). It is not unlikely then, that the production of a "criminal class" or "larrikin" identity by the Kelly memory dispositif is also implicitly a production of a criminal "Irishness". In 1870 the Irish-born comprised fourteen per cent of Victoria's population, yet twenty-one per cent of those in gaol for felonies, thirty-three per cent for misdemeanours, and thirty-six per cent for minor offences were Irish. These themes were never made explicit in the early Kelly reporting, but were implicit, underlying identities. "Irishness" as an identity was thus part-integrated into the dominant colonial identity and part-integrated into the criminal antithetical identity, and was partly an effaced and overwritten identity. "Irishness" would be a primary identity forged by the memory dispositif in later years. It would be linked to the tradition of the bushman, along with convictism which also entailed a strong Irish theme. As mentioned previously, the press was already assembling or incorporating the bushman tradition, within which Kelly was slotted, and within decades these themes of "Irishness", convictism, republicanism, and bush masculinity would flourish.

Conclusion

The press was the dominant and dominating medial line within the Kelly memory dispositif at this time. It positioned the Kellys in time, historicising and immortalising them, albeit in a negative manner. It cannibalised other media and genres, whilst retaining its specificity, thereby multiplying exponentially its memory-making effects. It also colonised the media used by the Kellys themselves and their supporters, manipulating and distorting their voices, and creating an internal opposition of pro- and anti-Kelly forces. This is its intersection with the political as well as the temporal lines. The press, though heterogeneous, was a collective agent of governmentality, having an intimate relationship with the police and state policy.

This dispositif produced Kelly through the language of difference, circumscribing a dominant cultural identity and constructing a class of people as its antithesis, with Kelly at its centre. The memory dispositif thus revolved around the figure of Kelly, using him as a site for the

proliferation of particular identities. It posited Kelly at the heart of a criminal class, the lowest sub-strata of the working class, slovenly, intemperate, wild, animalistic, young, male, and threatening to private property. It urged punishment of that class, and the discipline and self-discipline of the wider working class who might become contaminated. The memory thus functioned in an extremely conservative way, to control and contain identities. However, it also set the terms for the subversion of the dominant imperial identity: in constructing a subaltern identity it also created the possibility for the subaltern to speak. In this sense the beginnings of the memory functioned in a potentially, unintentionally, radical way.

Even the terms of the subversion of the dominant identity, though, functioned virtually to eradicate an Aboriginal identity. Kelly and his criminal class are given “savage” identities that replace “Aboriginality”, whilst Aboriginals themselves are almost written out of existence, or rather *unwritten* out of existence. To the extent that Indigenous Australians are represented, as black trackers and Native Police, they are more essentially othered than the white criminal class represented by Kelly. The Chinese are also alienated, in the senses of being both othered and excluded. Here we have three broad identities: the dominant British imperial identity, the antithetical criminal-class European identity, and the racially othered non-identity. The Irish are truly liminal. They are in-between, part of, and outside of all these categories. They are at once ignored, othered, and integrated. All of these initial meanings and identities will remain in differing and contradictory formations as functions of the shifting Kelly memory dispositif, and the controversy, ambiguity, and sense of communal division produced in the beginning, will likewise continue to manifest themselves.

The press offer us Ned’s famous last words, “such is life” (see “Telegraphic Dispatches”). These last words have become legendary, and much effort has been put into proving that they were in fact made up. After Kelly’s execution, the papers continue to concern themselves with the affair. Articles denigrating Kelly’s lawyer for attempting to obtain a reprieve are fairly voluminous, as are articles about associated court cases and yet more speculation about the possible occurrence of further outrages, as a result of the contamination of the land and of society. These articles about the “state of the north-eastern district” are as usual bids for more police presence and powers. The *O&M* writes, “a sympathiser of the destroyed gang has stated in Wangaratta that shortly a more formidable gang will break out, and that the police and those who took part in the capture of Ned Kelly will be objects of special vengeance. If this be so, we certainly think the force at present stationed at Wangaratta should be strengthened... Should another gang surprise the district, the suspension of the civil law and the application of local coercion should be resorted to. No new gang should be allowed to have a run” (“The State”).

The vast expenditure on police efforts to capture the gang is a subject of much discussion in the press, embedding the interests of capitalism into the legal process itself. There is an

information explosion around March 1881, when the reporting of the Royal Commission investigating the case commenced, and the operations of the reward commission were coming to an end. The reporting of these commissions was calculated to stir up the very trouble in the district that should then be ruthlessly put down by the authorities. For instance, "The Government will have to be very careful how they deal with the report of the Police Reward Board, for the dissatisfaction evinced at the awards is about the most universal thing I can recollect for some years" ("The Kelly Capture Reward"). The reward is still a feature of the Kelly memory, thought to be proportionately the biggest reward ever offered for the capture of an outlaw. Kelly-related "relics" were already being discussed by this time, and they themselves remain charged and fetishised objects till this day. The idea of maintaining the "Kelly country" intact is also already being generated at this time, in commentaries about whether the hotel that provided the backdrop of the Glenrowan siege would be rebuilt as a police station. Articles concerning Ned Kelly continue fairly regularly into around summer 1882. After that the events cease to be "current", and the memory enters into a new phase.

1882-1930: The True Myth of the Imperial Bushman

After around 1882, the Ned Kelly events ceased to be current. There was correspondingly a marked decline in press interest, though Kelly did nonetheless make appearances in a couple of newspaper serials. Other media took up Kelly in force. The memory was continued predominantly by books, especially countless memoirs, popular histories, and novels devoted to the gang, and chapters in imperial histories such as the *Romance of Empire* (1908) book series and *The New World of the South* (1913). In addition, the Kelly memory flourished in a new medium, film. At least three films about the gang were screened during this time; in fact it is often claimed that the first ever narrative feature length film, not just in Australia but in the world, was the Tait Brothers' *True Story of the Kelly Gang* (1906). These films were banned, and only a few minutes of footage remain. At least eight plays about the Kellys were also performed and quickly banned in these years.

The level of censorship probably has something to do with the fact that the dominant voices remained anti-Kelly, or at least not overtly pro-Kelly. Not a single media product survives from a Kelly sympathiser, while at least three memoirs written by police officers involved with the case were published. The novels, histories, and films, even the police memoirs, do tend to romanticise Kelly, but they eventually come down securely on the side of law and order. They also remove Kelly and the events from their political context of oppressive colonial structures, as did the newspaper articles which preceded them. A book published in 1929, J.J. Kenneally's *The Inner History of the Kelly Gang*, was the turning point in the trend, and signifies the beginning of a new period in the development of the memory, dealt with in chapter three. By the time *Inner History* was published, most of those who could remember the Kelly outrage first-hand had died, and a new memorial phase began.

The period 1882-1930 was one of phenomenal upheaval in Australian history, witnessing a depression in the early 1890s which triggered titanic strikes, the federation of the Australian colonies in 1901, and the First World War and its aftermath. As the continent was developing economically and politically, it was also developing an image of itself as a nation, distinctive from "Britishness". An important part of that identity was the legend of the bush and the bushman. Although the Kellys were still very much condemned by the mainstream, the bushman convention began to be integrated into Ned Kelly representations with vigour, and the Kelly memory also contributed to the bushman legend, with Ned becoming an important part of the wider unofficial nation-building project.

This chapter will centre around two sets of interrelated tensions. Firstly, one of the most distinctive characteristics of Kelly representations at this time is their insistence upon their authority and authenticity. Virtually without exception each claims to be closest to the truth of the Kelly affair, often in conflict with one another. This is no doubt related to their temporal closeness to the events, the fact that they were in living memory. However,

despite their bids for veracity, even because of them, the representations collectively thoroughly mythologise Kelly, with the help of the bushman legend. Each medium and genre has its own claims to authority and authenticity and its own abilities for romanticising and mythologising; and they incorporate each other, multiplying their effects. The tension produced by this textual ensemble - this dispositif - between truth and myth is established at the core of the Kelly memory during this period and, crucially, that friction is one of the main reasons it has been so durable.

Secondly, as part of the bushman legend, the Kelly memory helps to forge a national identity separate from “Britishness”. At the same time, however, Australia, even after federation, was still very much part of the empire, and colonial power relations were still in play. Moreover, some Kelly representations which draw on and contribute to the bushman convention are to be found in imperial histories, texts which produce Australia as an exotic faraway land, different from Britain but belonging to it, even existing for its entertainment. The sets of relations – medial, temporal, and political – composing the Kelly memory dispositif at this time thus produce contradictory identities which are attached to and proliferated by the figure of Kelly, and make his memory function in simultaneously radical and conservative ways, as it does in every period. The Australian national identity being forged in these years, with the help of Kelly and the bushman, is not dissimilar to that produced as “other” to the dominant colonial identity discussed in the previous chapter: it is working class, often Irish, and often of convict ancestry. In some ways it is therefore quite radical. However, these class and race identities are firmly depoliticised and are projected into a mythical past. Meanwhile, through Kelly, “Aboriginality” is doubly displaced. In this way the Kelly memory functions as highly conservative.

I will refer to several Kelly representations throughout the chapter, but will concentrate on the police memoir *The Last of the Bushrangers* (1892), the Tait Brothers’ film from 1906, W.H. Lang’s *Romance of Empire: Australia* (1908), and the novel *the Girl Who Helped Ned Kelly* (1923). All of these were popular and influenced later versions of the Kelly story. They are also some of the most interesting Kelly texts with regard to questions of identity.

1. Truth and Myth: Mediation, Temporality, and Power

One of the striking features of the various representations of Kelly between 1882 and 1930 is a dogged insistence upon their authenticity or authority. One only has to look at the names of some of these texts to understand how important these qualities are to them: “The Kelly Gang from Within” (1911), *The True Story of the Kelly Gang of Bushrangers* (1907), *The Complete Inner History of the Kelly Gang* (1929), and “The Kelly Raid on Jerliderie by one who was there” (1913), to name but a few. Exposing the truth of the matter appears to be the main impetus for the continued remembrance of Ned. Each genre or medium has its own qualities which signify veracity. They battle with each other to claim

utmost authority. However, each bid for authority or authenticity also always entails the incorporation of other texts, either in an appropriation of these qualities in the other, or to undermine the other in support of its own.

i. Authority and Authenticity

The Last of the Bushrangers was published in 1892 by Francis Augustus Hare. Superintendent Hare was one of the major players in the Kelly affair, as a policeman who was twice persuaded to lead the hunt for the outlaws. The book is a popular history of the Kelly gang saga, but is moreover a memoir. The thirty years following the Kelly outbreak witnessed a number of police memoirs, this one being the first to be published as a book. As a memoir the book has strong claims to veracity, and many of the details contained within its pages are reproduced in other texts in their own bids for authenticity. Hare tells us, "I claim no more than to tell a plain, unvarnished tale, recalling from the reminiscences stored within my mind, events and incidents of by-gone days. Perhaps, had I written down the facts while the events were still fresh, I might have been able to put more spirit into my narrative, but my aim has been to keep within the record, to extenuate nothing, nor to set down aught in malice" (1-2). Here we clearly see what Astrid Erll calls "the experiential mode of remembering", which takes place in "witnessing genres" and promises to convey "lived experience" (Erll 2006: 166). Like the Hare passage from above, this category of texts draws attention to its "sources in personal memory" and addresses the reader in "the intimate way typical of face-to-face communication" in order to express "embodied, seemingly immediate experience" (166). As seen in the Hare quote, they promise to reject literariness, and to proceed in "simple truthfulness" (166). In a sense the memoir thus has utmost claim to authority because it comes out of personal memory and evokes the "experientiality of a recent past" (167).

However, as Erll points out, these types of text are not as simple or straightforward as they claim to be. Hare's memoir also incorporates a number of other texts, and enters into relationships of authority with them. Parts of the narrative are in large measure repetitions of previous Kelly representations, which are fragmented, added to, synthesised and contained in the book. Each of those texts has its own medial or generic claims to veracity. The first point is that Hare's book is to a great extent a reaction to the findings of a Royal Commission, which was set up to investigate the circumstances of the Kelly outrage, and in particular the conduct of the police forces involved in the pursuit of the gang, and which published a lengthy report in 1882. Of course, the commission was in no way independent; of the eight persons involved in the enquiry, six were Members of Parliament. The report fell far short of condemning the police force as an institution, though some members were severely criticised for their inefficiency, incompetence, cowardice and in-fighting. Although *The Last of the Bushrangers* does not often make explicit reference to the commission report, it can be understood as a reaction to it and a justification of Hare's own actions and

those of the wider bodies of police involved with the Kelly affair. To the extent that the commission is quoted, it is done so selectively, to *support* Hare's self-justifications. For instance, in his attempt to explain away the fact that, at the Glenrowan showdown, while Ned Kelly continued to put up resistance for many hours despite having received multiple bullet wounds, Hare retired from the fight immediately after being shot in the wrist, he cites the commission thus: "To use the words of the Police Commission – 'In the very first volley Superintendent Hare received a bullet wound in the left wrist which rendered his arm useless. The ball passed through the limb, shattering the bone and severing the artery'" (320). An official investigation is of course supposed to be the pinnacle of authority. It is by definition a process that takes place after the events it is investigating have come to an end. But its temporal proximity to events is also a key characteristic, and it is composed almost entirely of testimonials from individuals who were personally involved in the affair.

Because of its weight of authority, Hare does not contradict the police commission, but he does conspicuously omit from his narrative certain police actions that were heavily censured by it. For example, when recounting the fatal shooting of double agent Aaron Sherritt by two members of the Kelly gang, Hare completely ignores the presence of three police officers in the house who, on discovery of the fact that the outlaws were in the vicinity, directly hid under the bed. The commission judged this behaviour as "arrant cowardice" and "shameful poltroonery, which in the army would have been punished by summary expulsion from the service, with every accompanying mark of contempt and degradation" (Hunter 40). The report therefore becomes fragmented and certain of those fragments are selected and incorporated to support the authority of the memoir, whilst the rest is ignored or glossed over.

Pieces of press coverage, from the time of the Kelly events of around 1880, are also incorporated into the book. Towards the end of Hare's narrative, when representing the final showdown at Glenrowan, the author explains that he can no longer recount from his own memory what happened at the scene, having been forced to retire with an injury. Instead he incorporates press coverage of the events, taken from the *Age*. Two whole chapters of the memoir are extracted from the newspaper and synthesised with Hare's representation of his own experience in the rest of the book. Not only that, but, as Hare claims "A few errors have crept in, and these I have corrected in brackets; but on the whole, it is a very fair account of what took place" (273). An interesting relationship of authority takes place here: Hare invokes the authority of the newspaper to aid his narrative, but simultaneously stamps the paper with the authority of his own memory. The incorporation of large quantities of press coverage in combination with the occasional bracketed correction effects a hierarchical relationship between the genres of memoir and press, one based on the temporal immediacy and status of the press as the "fourth estate" and the other based on lived, embodied experience, in which the press is subordinate, in terms of authority, to the police memoir.

However, during his earlier narration of the gang's bank robbery in Jerilderie, Hare comments "I am indebted to the newspapers of the day for refreshing my recollection of the facts that took place after the robbery, as I did not like to trust to my memory as to the numerous incidents that occurred during that exciting time" (157). This sentence acknowledges the failure of autobiographic memory and the need for another textual genre—the press—to take the place of the memoir. Hare thus synthesises press coverage from the time of the events and the police commission report from shortly afterwards with the representation of his memory, integrating three powerful modes of communication into his book.

The relationships between the institutions of the press, the police commission, and the police, though contradictory and often fraught, were fundamentally harmonious. However, *The Last of the Bushrangers* also references another mode of representation, used by participants on the other side of the binary opposition set up initially by the press: the letters written by members of the gang and their sympathisers. At the time of this memoir's publication, Ned's now famous "Jerilderie" letter and other documents had still not been published in full, due to government censorship. The letters are Kelly's own representations of his life and of the persecution he had faced at the hands of the police. Hare makes reference to the "Jerilderie" letter in the following passage: "with regard to the documents Ned Kelly left with Mr. Living for Mr. Gill to publish, it was sent to the Government of Victoria, and I read it. It was a tissue of lies from beginning to end, a wandering narrative full of insinuations and complaints against the police, and of the type familiar to all who have had experience of tales which men of the criminal stamp are in the habit of telling; it is as impossible to prevent these men lying as it is from stealing" (154). Hare then goes on to paraphrase certain sections of the letter, mainly in fact to exonerate the very police action that Kelly attempts to expose. Of Kelly's rendition of the police murders at Stringybark Creek, Hare writes "An account is given in this statement of Ned Kelly's of the terrible tragedy at Mansfield, but it is obviously a string of falsehoods, and it would be quite improper to have it published, but he admitted that the police were not in any way the aggressors at the Wombat, but were surprised and shot down in cold blood" (155-6). (If the letter that Hare is referencing is the same as the one now published in full, it says nothing of the sort.) Here Hare tries to undermine completely the authority of Ned's own memoir, whilst simultaneously lending it authority in order to vindicate the police and to indict its author years after his judicial execution.

A power struggle for authority and authenticity is carried out *between* these texts, which is also manifested *within* each text. The texts incorporate each other, either to appropriate the authenticity of the other or to undermine the other in support of its own. In this sense of conflict, the production process of the memory is parallel to the content of the Kelly story itself, which, since its initial construction by the press, has been anchored in a fundamental

opposition and conflict between forces (the forces of “the Kellys” on one side and of “law and order” on the other). The battles present in and between the media items that reproduce and develop the memory, reinvest the sensation of struggle and opposition back into it, thereby fuelling its continuation. Here we see the lines of mediation within the memory dispositif: through dogged insistence upon their own veracity, these Kelly texts interact with each other to perpetuate a sense of contestation, controversy and division.

It was not only written texts that claimed authority in telling the Kelly story. A new medium brought with it new authentic qualities as well as relying on existing ones. *The Story of the Kelly Gang* was made in 1906 by the Tait brothers and ran for about sixty minutes, something new for the burgeoning film industry. The Tait brothers were well known in Melbourne show business as the owners of the Athenaeum Hall, a concert venue which also exhibited films. Footage was continually added to the original film in its first years, and it was remade in 1910. This movie is considered to have spawned the Australian bushranger film trend, which flourished until 1912, when screenings of many bushranger films were banned. The 1906 film was itself banned in Benalla and Wangaretta in 1907 and in a number of other venues later on; I will discuss censorship in more detail later. Nevertheless it was a hugely successful film, creating fortunes for those involved in its production and distribution and being successfully transported to England and New Zealand. It remained in circulation, in one form or another, for at least the next ten years.

The bushranger movie is, in Bill Routt’s words, a “lost genre.” Hardly any footage remains from either the Tait brothers’ or other early Kelly films. In 2008 the Australian National Film and Sound Archive celebrated the results of a big project to salvage and remaster the 1906 film, which is now also included on the United Nations Memory of the World list. However, after everything, only twenty minutes of footage remain. This is partly due to the bans, and also down to the numerous fires caused by the film support, highly flammable cellulose nitrate. Further, producers did not keep negatives for long, and distributors and exhibitors were indifferent about what became of films after they had stopped making profits. The bushranger films, then, have been lost, and we must “dream them all again” (Routt “Bush Westerns?": 1).

In 1906 the Tait brothers claimed at least partial authenticity for their film, writing in a booklet that accompanied the film screenings, “NOTE – The management, of course, have had to take many liberties in making the great biograph picture of the Kelly Gang, inasmuch as the police are all shown in uniform, whereas they were nearly always dressed in plain clothes; but were this adhered to in the picture the dramatic interest would be lost, and it would be difficult for the onlooker to know which were the police and which were the Kellys. We have also endeavoured to give as nearly a correct location as is possible; but this has not always been convenient. We might state that we have scoured the county to give as faithful a representation as was possible, and we trust that our endeavours to please the public are

appreciated" (Stetson). At that time, what is now our conventional film grammar had not yet been developed, so the filmic authenticity now associated with "realism" could not be relied upon. In this film there were no close ups, very limited camera movement, rudimentary acting, no real editing, and no intertitles. The producers and exhibitors therefore had to incorporate other media to provide an "authentic" experience. There was an on-stage lecturer, who also filled in the time occupied by reel changes, and live sound effects.

Important was the booklet which accompanied the film, sold in the venues for 6d. This pamphlet is comprised of a synopsis explicating the six scenes of the film, and a lengthy newspaper report from the *Australasian Sketcher* of July 17th 1880. The article is entitled "Destruction of the Kellys" and is followed by the newspaper's retrospective of the gang's career. Interspersed in the pages of the newspaper report is a selection of stills from the film itself.

So, integrated into the booklet is a newspaper report from the time of the Glenrowan showdown. Incorporated into *that* is an eyewitness account from a press representative who was on the special train that went to Glenrowan. The film booklet thus incorporates the truth status and the temporal immediacy of the press, which integrates the genre of the personal narrative and the "experiential mode of remembering". The press article foregrounds its own medium, in lines such as "Happening to look into the 'Argus' office...", "I met the representatives of three morning journals...", "In the press carriage we did all we could in case of attack. The representative of the 'Argus', the pluckiest man possible, climbed out through the window," and adds to the sense of "thereness" already implied in the medium of the press. Moreover, the authenticity that comes with the "I" of the eyewitness account is even more pronounced when the journalist foregrounds his proximity and interaction with Ned Kelly himself: "I had several conversations with him, and he told me he was sick of his life, as he was hunted like a dog and could get no rest." The film, then, incorporates the genre of the printed booklet, to aid in the provision of an authentic experience, which film alone could not produce at that time. The booklet borrows the two forms of immediacy associated with the press – truth status and temporal immediacy – and the press article integrates the immediate authority of the personal narrative. There is therefore a layering of three genres of the *print* medium and the authority or authenticity that comes with each, which is inserted into the one *filmic* experience.

The film therefore incorporates the press into itself. But it may also be said that it incorporates itself into the press, likewise in its bid for authenticity. As mentioned, dispersed throughout the newspaper article in the accompanying booklet are stills from the very film that the audience is watching. These stills are illustrations of the text of the synopsis and article, which are themselves illustrations and explanations of the moving picture. One of the stills is captioned: "the actual armour as worn by Ned Kelly". In this

complicated and complete fusion of film and press, the stills merge with the article to give the impression that they were “there” with the journalist providing his first person narrative. The film thereby integrates multiple layers of media authenticity into itself simultaneously.

The newspapers of the Kelly period were vehemently opposed to the gang, whereas these bushranger films were seen by the authorities as showing support for them, glorifying and promoting criminality. In the 1906 film’s incorporation of the press, we see that the particular article used was selected very carefully. It is not easy to find an article that does not use heavily biased language to describe the Kellys, but the article in the booklet emphasises the excitement of events, rather than coming down on one side or another. The film, then, manages to appropriate the immediacy and truth status of the press without appropriating its partiality.

Whether the film intentionally supports and glorifies the gang is difficult to say. Interestingly, though all the different texts, regardless of their medium or genre, claim veracity, those products that are not set up as “serious” - popular novels, films, plays – reveal far more ambiguity regarding the pro/anti Kelly divide than the “serious” histories or memoirs. There is little in the remaining fragments or in the booklet that directly exposes *The Story of the Kelly Gang* as pro-Kelly. The police certainly interpreted it in that way, probably because the majority of its audiences were likely to think well of the Kellys. There are reports from both stage plays and bushranger films of audience members clapping and cheering at the police murders at Stringybark Creek. One reviewer complained, “it is the sort of bellowdrama that the lower orders crave for, and two-thirds of Australia will want to see it – the two thirds that believe Ned Kelly was a greater man than George Washington” (Innes 111). It was, however, the police reaction of a ban that located the film decisively as pro-Kelly. The text itself does not battle with the other texts it incorporates, but with other powerful institutions, to perpetuate the Kelly memory.

The medium of film had to contend with a new form of authenticity: physical accuracy. Though there were few close-ups in 1906, on-screen figures can be seen more closely than they could be at a stage play. There were plenty of photographs and sketches in existence of Ned, and audience members would have been aware of what he looked like, even though the only pictorial representations of the outlaw in the booklet are stills from the film. More than one Australian film scholar has noted with interest that all of the Ned Kellys in the films from that era look completely different, and none of them look like Ned Kelly. The actor from the original 1906 film is described by recent commentators as resembling “Abe Lincoln”, the Ned from the 1910 remake is “shortish and rotund” and looks like “Gimli, the dwarf from *Lord of the Rings*,” and two other films starred Godfrey Cass: “a beefy man, in his fifties at the time, and he did not grow a long bushy beard for the part” (Routt “The Kelly Films”: 4). Bill Routt poses the question of why the film makers of this time were not

concerned about physical authenticity. His answer is that the films provide a kind of *metaphorical* authenticity: “the Neds of the earlier films are a scrappy, higgledy-piggledy lot, finite beings plucked opportunistically from whomever could not get a real job on the day. And in this, they more certainly resemble the man himself and even the films in which they appear – all of them heterogeneous outlaws, spawned in poverty, defying the respectable, rough, unseemly and somewhat uncut.” He continues, “the principle of their selection has been, then, *metaphorical* – a resemblance of the unruly spirit, not the flesh.” (5-6 original emphasis). Routt suggests that in this sense the films are *more* authentic than either the sketches or the printed descriptions because they are closer in terms of social grouping and “spirit” to the bushrangers themselves, of and for “the lower orders.” The films, then, incorporate and appropriate the authenticity – the “gradations of indexicality” - associated with other genres and media, but also bring with them a new kind of authenticity, one of social “spirit”, that, partly through police censorship, comes to be in support of the Kellys. I will return to issues of class and the Kelly memory later on.



Image from *The Story of the Kelly Gang* original booklet, 1906.
© National Film and Sound Archive, Australia.

ii. Romance and Myth

ErlI distinguishes between the experiential mode of remembering and another basic mode of representing the past: the monumental mode, which turns “history into myth” (ErlI 2006: 167). The first is associated with genres such as memoir, the second with certain kinds of novels. Usually the experiential precedes the monumental in time. However, I would argue that in the case of Ned Kelly, both modes are in operation at the same time, and across and between genres.

Erll defines “myth” as “stories which make sense, convey a ‘truth’ of a higher order and which therefore exert normative and formative power” (167). This definition also implies questions of temporality, recalling Levi Strauss’s definition of myth as consisting simultaneously in “reversible time” and “non-reversible time” (Strauss 209), and thereby indicating an intersection between the medial and temporal aspects of the Kelly memory dispositif. Myth “makes sense” because it orders events in a causal, linear, “non-reversible” way. It conveys a “truth of a higher order” through its non-linear temporalities. It is at once historical and ahistorical, timeless.

A good example of this multiplicity of temporalities can be found in W.H. Lang’s *Romance of Empire: Australia*. This volume was published in London in 1908 and was one of a series of books telling stories about different parts of the British Empire. Four chapters are devoted to the Kelly gang. Unlike most modern histories, this text is written in the first person in a conversational style. It is very much in the experiential mode of remembering, relying heavily on temporal proximity and personal reminiscences for its authority. In the “Bushrangers” chapter, the narrator tells us, “now, there have been books and books written about the bushrangers and their doings, but they all read rather like old newspaper reports. I would not have you struggle through them. But I shall tell you about such of them as I knew all about, and those whose country I am acquainted with, almost as though it were my very own” (216). He continues that the Kelly outbreak was the one that “I have the greatest personal knowledge of, and the district in which all the action took place lies daily before my eyes” (217). His personal touch and intimate style are thus the narrator’s weapons against the press in the battle for authenticity, signalled in temporal closeness.

However, this text simultaneously mythologises the Kelly affair by creating a *break* between past and present. The “Bushranging” chapter begins, “Yes, it was a wild enough life in the old digging days, but a happy one too, and the memories surrounding it are the most romantic of any in the whole history of Australia” (212). And, of the Kellys, “They were a wild lot, and they lived in wild times” (220). The narrator then goes on to explicitly establish a disjuncture between the past and the present. About the spot where the gang killed three police officers he tells us, “It looks very peaceful and quiet in the far distance today... You would never suspect that its echoes ever rolled and answered one another back to the noise of guns speaking in anger and drawing human blood” (223). He concludes, “So that was the very end of the Kelly gang, and of bushranging in Australia. The echoes of their fusillades, at the Glen Rowen Hotel and elsewhere, have now ceased to roll among the hills and valleys in that romantic place” (240).

Lang thus creates both temporal proximity and distance from the events. His sentence “So that was the very end of the Kelly gang and of bushranging in Australia”, also stops the movement of time, immortalising the gang. A very similar multiplicity of temporalities is to

be found in Hare's memoir. He begins, "when narrating to friendly audiences my experiences in the early days of the Colony of Victoria in what may be termed the 'gold era', and some of the various incidents which occurred during my connection with the Victorian police, I have often been asked to give the records of them a more permanent form" (1). In his concluding remarks he discusses the relationship of that past of the "gold era" with the present in which he is writing: "under the altered conditions which now exist, and the progress of the settlement, there is no likelihood of another Kelly episode in the history of the colony"; "the habitual criminal in Australia has been taught that, however romantic and exciting the career of the bushranger may appear, as a trade bushranging 'does not pay'"; "while the criminal classes have been shown that the Government of the colony is not to be played with... and that no considerations of economy, no saving of trouble, no sacrifice of time, energy or even life will be allowed to stand in the way when the law has to be upheld by the Executive. To the wisdom of such a policy let this fact bear witness—The execution of the last of the Kelly gang destroyed the 'Last of the Bushrangers'" (326).

In these passages a rupture is manufactured between the Kelly past and the text's present. This is accomplished firstly in the assertion that conditions are so different "now" than they were "then", as to make another bushranger outbreak inconceivable. Secondly, in these sections Hare imbibes romantic sentiment into the past in which the Kellys lived. Erll points out that the monumental mode of remembering is characterised by highly romantic, sensationalist, and hyperbolic language (167-8). This can be seen in the first instance in Hare's use of the phrase "gold era" to describe the Kelly period. This era was already being mythologised and written into the narrative of Australia in nostalgic and sentimental terms, and Hare's use of it, like Lang's, repeats that nostalgic vision of the past. The very fact that the term is placed in inverted commas demonstrates its mythologised nature. The life of the bushranger, associated with a past time, is also described here using expressions such as "romantic" and "exciting". This romanticisation of the past generates a disjuncture between past and present (even though those expressions are used negatively the romantic effect is nevertheless produced). However, the temporal rupture is simultaneously effaced in those same passages of writing, in Hare's use of the present perfect tense—"the habitual criminal in Australia has been taught . . . the criminal classes have been shown". This grammatical choice provides a continuum between past and present—the criminal classes that were there in 1880 are still there in 1892. Lastly, the final line of the book—"The execution of the last of the Kelly gang destroyed the 'Last of the Bushrangers'" does not either create or efface a disjuncture between past and present. Instead it stops time, discontinues temporal movement, in effect rendering the Kellys "timeless".

A single text may exemplify a particular mode of remembrance, but does not constitute a memory in itself. Cultural memories are made of moving constellations of media representations. As discussed in detail, the Kelly texts of this period battle with each other in their bids for authority, and in doing so reproduce the sense of conflict already invested in

the Kelly memory. This conflict builds the sense of excitement and adventure associated with myth so that the mythic is built into the very reproduction processes of the Kelly memory. Truth and myth are not separate. It is in their claims of truth that the texts produce myth, both in their temporal multiplicities, which is one necessary aspect of myth, and in their truth-claims' conflictual nature, which helps to build a story of mythic proportions.

Thus, the ensemble of texts, the power relationships between them, and their temporalities, bring together truth and myth to make a potent memory, with the figure of Kelly as its lynch-pin. Erll points out that myths exert "formative and normative power": like memories, they make identities. It is the roles played in identity construction by the Kelly memory dispositive that I will explore next.

2. The Bushman and the Empire: Identity

Much of the romanticisation of Kelly between 1882 and 1930 is related to the role his memory plays in the burgeoning Australian legend of the bushman. It is argued by Russell Ward, whose tome *The Australian Legend* is still one of the definitive works on the subject, that a specifically Australian outlook emerged first and most clearly among the early bush workers in the pastoral industry, and "that this group has had an influence, completely disproportionate to its numerical and economic strength, on the attitudes of the whole community" (v). The bushman character emerged in relation to his surroundings: the vast, hostile, and forbidding Australian land. Those traits and values that constitute the bushman remain the stereotype of the Australian to this day. Over time, the bushman legend merged with the myths of the gold rush "diggers" and the ANZACs of the First World War - who were also tagged "diggers" - to form what Ann Rigney terms "memorial layers". As quoted in my introduction, in Ward's view the bushman of the myth is regarded as:

A practical man, rough and ready in his manners, and quick to decry affectation... He swears hard and consistently, gambles heavily and often, and drinks deeply on occasion...He is usually taciturn...stoical...and sceptical about the value of religion, and of intellectual pursuits generally. He believes that Jack is not only as good as his master, but...probably a good deal better, and so he is a great "knocker" of eminent people, unless, as in the case of his sporting heroes, they are distinguished by physical prowess. He is a fiercely independent person who hates officiousness and authority - especially when...embodied in military officers and policemen. Yet he is very hospitable and, above all, will stick to his mates through thick and thin...He tends to be a rolling stone, highly suspect if he should chance to gather moss. (v-vi)

Ward asserts that the bushman convention originated in real social conditions in the bush. This may be partially the case, but it was not until the late 1880s and 1890s that the legends of the bush and the bushman came into full force, and this was accomplished by the poets, writers, journalists, and artists, living in the cities. The population of Melbourne nearly doubled from 268,000 in 1881 to 473,000 in 1891, when it was the thirteenth city in the world and the seventh city in the empire (Lines 129). By 1891 two thirds of the Australian

population lived in cities and towns. But poets, writers, and painters began in the 1880s and 90s to create an Australian culture based on an image of the bush. Henry Lawson, one of the “great” Australian national poets, claimed “It was I who insisted on the capital B for ‘Bush’” (Davison 109). Graeme Davidson argues that the idealised image of the bush/man originated in the attitudes and values of these urban cultural producers and in reaction to the conditions of the big cities, with their slums, open sewage, and perceived moral degradation. The depression in the 1890s contributed to the problems facing urban areas and fuelled the romanticisation of the rural interior. A binary opposition opened up between city and bush, in which the city represented all that was corrupt and degenerate and the bush, everything wholesome and “manly”. The image of nature was not usually one with which man lived harmoniously, but one in which he had to battle and survive and, ideally, conquer. This stoic survival and sacrifice redeemed and nourished the physical and moral character of the Australian.

i. The Radical Bushman

In Ward’s view, the bushranger represented the bushman *par excellence*, exhibiting all the traits of the bushman but more so. The bushman is, above all, extraordinarily skilled in tackling nature and is physically tough and strong. He is also rebellious and anti-authoritarian, a loyal mate, working class, often of convict ancestry, and sometimes of Irish ancestry. It is clear how Ned Kelly was able to slot so neatly into such a legend, forming another memorial layer. He became important to it and strengthened its meanings.

Even Superintendent Hare emphasises the Kellys’ bush savvy in his memoir: “they could find retreats over hundreds of miles of impenetrable mountains, amongst which they had been brought up all their lives, and where they knew every road, gully, and hiding-place” (97) and, “it must be remembered that these men were natives of, and were brought up in, the district in which they carried on their depredations; they knew every inch of ground, bushes, and mountains; they had hiding places and retreats known to few, if any, but themselves, and they were acquainted with every track and by-path” (4).

Hare further appears to be very much in awe of the physical endurance, resourcefulness and strength, both of the gang and of Aaron Sherritt, a double agent and boyhood friend of gang member Joe Byrne: “when the outlaws travelled on horseback they never carried anything beyond one overcoat. This had to cover them day and night, and it seemed to me wonderful that men could exist in this manner. Sherritt quite astonished me by the way in which he used to dress in the coldest weather. I asked him if the Kellys were as hardy as he was, and could do without sleep as he could. He said that Ned Kelly was ten times as hardy.” Further, “I hardly think any one out of Australia could possibly conceive the hardships that men of this stamp can endure... He [Sherritt] could go without sleep for a longer period than any other man I ever met, and he said that the Kellys could do the same” (322).

The bushman legend continued to be fashioned well past the 1890s and into the first decades of the twentieth century. The highly popular novel *The Girl who Helped Ned Kelly* by Charles E. Taylor was published in 1929. The foreword to the novel reads as follows, both avowing authority and unabashedly mythologising:

The principal people in the story are the men and women who took part in this biggest drama of the Australian bush. The Kellys are real. So are Superintendent Hare and Aaron Sherritt. For obvious reasons the names of the policemen and of the sympathisers of the gang have been altered.

The exploits of the Kellys have been faithfully recorded, facts hitherto unpublished having been obtained by the author after exhaustive personal investigation.

No attempt has been made to canonise these young criminals or to justify their outlawry, but few people will read the exploits of the gang without feeling a tinge of pity for its ringleader – a brave, though misguided, young Australian, whose superb qualities of leadership, almost unexampled endurance and uncanny bushcraft, would have taken him far if Fate had willed for him a more honest career.

The story is told from the perspective of one (fictional) Jack Briant, an upper class city gent who has chosen to forgo his privileged urban lifestyle and take to the “Kelly country”, doing odd jobs here and there and finding accommodation with his temporary bush employers. Most of the bushmen who give Briant work are Kelly sympathisers, and the protagonist becomes deeply embroiled with the gang and its supporters. Perhaps the principal theme in the novel’s rendition of the Kelly story is the nature of the Australian bush, and the Kelly sympathisers who inhabit it.

More often than not, evocations of natural beauty lapse into almost supernatural, mystical images of the strangeness, enormity, and loneliness of the bush. Of one of the sympathisers it is said, “the bush had swallowed him up” (10) as if nature has the capacity literally to consume man. In a conversation with love interest Nita, Briant mentions that “there are funny shadows in the bush at times,” to which Nita responds “there’s something about the bush that seems to grip you” (93).

The labour and hardship of living with the land is also thematised, and the man versus nature struggle is brazenly evoked in the following sentences: “On the hill-side across the gully, in the centre of a small clearing, stood a hut, typical of the rude homesteads which sheltered the big-hearted men and women who, unmindful of hardship, were fighting a grim battle with Nature for the right to live” (163). And of chief-sympathiser Jackson, at his funeral, “for years he had battled for a living in a spot where Nature had decreed none was to be won” (181).

Hare’s memoir implicitly links the Kellys and their sympathisers with the bushman legend, and the novel, with its far more obvious romanticising tendencies, makes this connection

even more palpable. The phrases used to describe sympathisers, of which the following are a sample, continually conjure up the bushman myth: “the veteran countryman,” “the brave little woman of the bush,” “the grizzled countryman,” (22-23) “this weather-beaten old bushman,” (45) and finally, “He was one of these young-old men often met with in the bush – tall and broad, with a tangled red beard and bushy eyebrows, giving him a fierceness that the kindly quirk at the corners of his mouth belied”(141). The number of times the description “grizzled bushman” or “grizzled countryman” appears beggars belief.

As mentioned, Briant is an upper-class young man from the city; his uncle is one Sir Thomas Russell, who appears briefly at the end of the story. Much of the romanticisation of the bush/man is effected through the protagonist contrasting his experience of city dwellers with the people he encounters in the bush, the result almost always being in favour of the bush folk: “How amazingly different were these rugged dwellers of the bush from the friends whom formally he knew – the placid, cold-blooded city people who had never known danger and were unmoved by the emotions which stirred the Kellys and their self-sacrificing loyalists!” (32-33).

Like Hare, Taylor connects Ned Kelly and his gang with the land to give the impression that the Kellys are so skilled at conducting the perpetual battle with nature that they can manage to live harmoniously, even domestically, with it. One of the gang’s hiding places is described in the following way: “It was as if Nature, in a playful mood, had fashioned a theatre, the arc of timber representing the auditorium, and the rock formation the sides of the proscenium” (9). And again, “The Kellys had many hiding places in the wild Strathbogie Ranges, but none more secure than that to which they hurried after their Jerilderie exploit. High up in the mountains Nature had fashioned a perfect retreat...It was practically a house” (42). Of all the characters in the novel, the Kellys, and Ned Kelly in particular, have the most amicable relationship with nature, again locating the bushrangers as bushmen *par excellence*.

On the other hand, those who betray the gang are shown to have the least positive relationship with the Australian land. While the novel is careful not to make enemies out of the police, many of whom are described as good bushmen themselves, those who work as double agents, or who refuse to help the gang when in need are depicted as antagonistic towards the bush. This can be seen in a conversation between Briant and his love interest Nita’s brother Frank, who is jealous of Ned Kelly and refuses to be of help: ““You don’t like the bush, then?’ ‘Like it? Who does? I’m getting out, too’” (171). Frank and Nita’s father feels so negatively towards his rural surroundings that he is willing to betray the gang for the reward money: “Jacobson and his family were tired of the bush, and this was the desperate way out!” (171). Men who are not willing to continue the stoic survival in the bush are thus seen as cowardly traitors, as less than “manly”.

It is not only the novel's portrayal of relationships with nature that hammer home the bush/man legend: all the bushman traits described by Russell Ward are represented. For instance, Ned Kelly tells Briant, "'I've got the truest friends in the world'" (118), emphasising the collective "mateship" element of the myth. Further, Briant comments, "'Your friends are very loyal to you, Mr. Jackson'" (208), and Jennie, the eponymous "girl who helped Ned Kelly" informs Briant, "'We're only poor, simple bush people, but we do stick to our friends'" (65). The hospitality of the bushman is also iterated, for example Jennie's father says to Briant (in his thick Irish accent – more of which later), "'We're rough, God knows... but ye're welcome to annything we have'" (68).

Of course, the Kellys and their sympathisers are rebellious and anti-authoritarian. Importantly, their working-class status is heavily emphasised. The bushman of the legend has always been imagined as working-class, though not always written into the culture by members of that class. The "real" bushmen came predominantly out of convictism, and their offspring were "native born" men of a similar class position. Transportation meant that Australia was disproportionately working-class in its early years, and the gold rush ensured that this weighting continued.

In *The Girl Who Helped Ned Kelly* Bush people are "poor", "rough", "rugged", "simple", and "grizzled": all adjectives that implicitly ground them in their class. Many of the parts of the novel quoted earlier to illustrate the text's mythologising of the bush/man simultaneously illustrate its reification of the working classes. To give just two examples quoted above: "'We're only poor, simple bush people, but we do stick to our friends'" and "'We're rough, God knows,' he faltered, 'but ye're welcome to annything we have.'"

The contrast in the novel between city and bush, as witnessed by Jack Briant, is also one between the upper and working classes. The comparisons Jack makes that elevate the "loyalist" bush people over "cold-blooded" city dwellers also positively distinguish the working from the upper classes. The poorest characters in the book, and those who endure most hardship - The Kellys and the Jacksons - are the most closely associated with the traits of the bush/man legend (loyalty, hospitality, bushcraft etc), and Ned Kelly claims class status as the reason behind his criminality: "'The bank's been robbing the poor long enough'" (68).

"Irishness", another common component of the bushman legend, is also a pervasive element of *The Girl Who Helped Ned Kelly*. Ned himself is identified in terms of his Irish heritage when the narrator refers to his "Irish sense of humour" (5). Many other characters, on both sides of the law, are identified as Irish; supposed Irish accents abound, and the phrase "the big Irishman" is deployed *ad nauseum*. Here is a brief example of the attempts at an Irish dialect. It is a conversation between Jackson and a police officer who has invaded the Jacksons' home: "'It's Macguire, is it?' sneered Jackson, wrenching himself free. 'Another of the lyin' mob. What d'ye mean comin' here?' Macguire laughed. 'Just to pay a

friendly visit loike,’ he replied in a rich Irish brogue. ‘Sure, you wouldn’t afther wantin’ not to see yer ould friends. And how’s the bhoys? They tell me Dan was here the noight before last’” (30). Kelly supporter Paddy O’Rourke is also given an Irish accent, as demonstrated in this sentence, in which he reproaches Ned Kelly for ordering his little brother Dan to stop drinking: “‘Git away wid yez!’ Cried O’Rourke. ‘A dhrop more won’t hurt the bhoy’” (141). Indulgence in alcohol is likewise part of configurations both of “Irishness” and the bushman.

As mentioned, the bushman legend was the mechanism through which Australian cultural producers in the period 1882-1930 attempted to forge a national identity distinct from “Britishness”. In a sense it could be argued that this identity, with Kelly affiliated to it, was quite radical, since working class anti-authoritarianism, even criminality, and “Irishness” figured in its composition. In the previous chapter, I argued that the press coverage of the Kelly events reinforced a dominant British imperial identity by producing Kelly and his sympathisers as “other”. At the same time, the press unintentionally helped open up the possibility for that “othered” identity to be taken up by a wider community. It could be argued that this was precisely what happened from the late nineteenth century. The flourishing of the bushman myth was caused by and bolstered a radical turn in Australian society.

Leftist nationalist and republican movements emerged from and aligned themselves with the labour and trade union movements in the early 1890s, after economic depression led to massive strikes in all colonies, which were crushed by employers. Anti-British nationalists advocated federation as the road to independence and self government. The famous *Bulletin* newspaper “mocked and lampooned upper-class snobs and flunkies, who were accused of demeaning themselves in the scramble for recognition and honours from the British monarchy and upper class” (Tsokhas 29). In 1871 the Native Victorian Society had been founded, changing its name a year later to the Australian Native’s Association (ANA). Its programme included the promotion of national identity, federation of the colonies, preferences for Australian manufactured goods, and the teaching of Australian history in state schools. By 1900 it had over 150 branches and by 1902 some 20,000 members. The wattle leaf and blossom was chosen as a national symbol, and a national anthem was advocated. The *Bulletin* initiated a competition to find a national song, which drew attention back to Banjo Patterson’s “Waltzing Matilda”, a bushman song in which “crimes against property were treated with good humour and a touch of pity” (32). “Larrikin themes” were promoted by satirists and cartoonists such as James Bancks and Syd Nicholls, who originally worked for “anarcho-syndicalist” publication *Direct Action*.

Irish Catholics were overrepresented in labour and republican movements and in their support for the Australian Labour Party, founded in 1900. Sectarianism had been a feature of everyday life in Australia since the 1860s, and flared up especially around the years of the First World War, with the Easter Rising in Ireland in 1916 and furious rows in Australia over

conscription in 1916 and 1917. Archbishop Mannix was one of the most high-profile opponents of conscription: that controversy saw a high point of sectarianism in Australian history.

Works dealing with Australia's convict period began to emerge, starting in Kelly's lifetime with Marcus Clarke's famous *His Natural Life* (1874). Australia's convict past, previously suppressed, started to be reframed in the 1890s with the help of the ANA. Convicts were often portrayed as poor, desperate, and hungry, or as convicted of crimes they did not commit. The popularity of Price Warung's *Tales of the Convict System* (1892), *Tales of the Old Regime* (1897) and *Tales of the Isle of Death* (1898) was evidence of "the resilience of representations of convicts in the development of a non-British national identity" (Tsokhas 39).

And even bushrangers became part of this cultural "Australianness". Alongside *The Girl Who Helped Ned Kelly*, Carlton Dawe's *The Golden Lake* (1892 cited in Tsokhas) and Rolf Boldrewood's famous novel *Robbery Under Arms* (1888) – based on the Kelly story – featured bushrangers. The advent of film, moreover, gave bushrangers national exposure and dramatic breadth. Until the First World War there were a number of films that featured convicts and bushrangers. Apart from the Ned Kelly films, these included productions about Ben Hall and Frank Gardiner, and film versions of *His Natural Life* (1908 and 1927) and *Robbery Under Arms* (1907 and 1920 cited in Tsokhas). As discussed, film as a medium also signified a potentially subversive culture. Film producers and distributors may have usually been wealthy entrepreneurs, but actors were often "spawned in poverty, defying the respectable, rough, unseemly and somewhat uncut." Audiences also, like many theatre goers and exhibition and side-show audiences, were often partly made up of an urban underclass.

In this way, Kelly's memory during this period functioned in radical ways, challenging to the status quo. The Kelly myth became subsumed into the bushman myth, and thereby into the Australian legend. In turn, through Kelly, the bushman legend was strengthened and its identities were further radicalised, bringing to the emerging Australian identity qualities of anti-Authoritarianism, "Irishness" and working-class criminality. This was in part an unpredictable outcome of the Kelly memory dispositif of previous years (the time of Ned's outlawry). Its "dominant strategic function" (Foucault 195) then was to produce Kelly as the antithesis of the mainstream desirable identity, which, through Kelly, it reinforced. Accidentally, the press simultaneously opened up the possibility for this othered, subversive identity to be taken up by a wider demographic than just immediate sympathisers. Over the years into the early twentieth century, and partly because of the Kelly memory, this alternative identity started to become part of "Australianness".

ii. The Imperial Bushman

The radical streak in the bushman tradition, however, was limited, both in its reach and its duration. And the role of Kelly's memory within it was as conservative as it was transgressive. This was a time of struggle over the national identity. In the 1890s all the Australian colonies were self-governing and in 1901 Australia was federated, gaining independence. It was still a British dominion, though, and retained the social stratifications and regulations bestowed on it by its founder. For instance film, which, along with theatre, commonly involved people of the social groups closest to the underclass subjects of convict or bushranger novels, was heavily censored. As mentioned, *The Story of the Kelly Gang* was banned in certain places. Under regulations imposed in 1912, New South Wales banned all bushranger films, condemning the entire genre to death. In fact, under that legislation, it was even unlawful to depict police uniforms on screen, for fear that this "would have a tendency to diminish the degree of respect in which members of the force [were] at present held" (Bertrand 109-110). The bans on bushranger films lasted until the 1940s. However, an entrepreneur named Harry Southwell made two Kelly films in the 1920s as well as one in 1934. The first of these films, *The Kelly Gang*, 1920, made it past the censors by depicting the Kellys as vicious criminals and sympathising with the police. Southwell maintained this tactic but his next two Kelly films were banned nonetheless.

Moreover, well after federation, film in Australia protected and promoted "the morals and culture of British Australia" (23). British preference was accepted by the film trade from the very first film duty in 1914, and from 1926 British films were free of duty. In that same year, the Australian Branch of the British National Film League was set up under the auspices of the Australian Association of British Manufacturers and Their Representatives, with the aim of "encouraging the empire film industry and ensuring the preservation of British prestige and moral values" (24). Soon after this, the first British film exchange, British Dominion Films, was established.

As the Harry Southwell example demonstrates, there was a large degree of self-censorship in Australian cultural production, as well as strict official censorship. Most of the makers of the Kelly representations used the bushman convention not to push a leftist political agenda but to profit from the new national legend. There was also a strong desire to retain British support and values and a powerful conservatism operating in Australian society. As mentioned, federation did not signify republicanism, and in fact, according to some, it was partly federation that led to the "lost years" of the republican movement from 1901, which lasted into the 1960s (Headon 20). Conservative nationalists, represented by the Imperial Federation League, sought continuities with Britain by means of "the common law, the monarchy, the English Language, and the Anglo-Saxon race" (Tsokhas 30). The ruling classes were loyal to the empire; British investment propped up the Australian economy and politicians espoused the view that "just as the greatness of the United States lay in its

sovereignty, the greatness of a federated Australia would be its enduring membership of the British Empire" (Lines 137). Indeed, in the midst of industrial strife and class conflict, many federation advocates regarded Australian political unity as the only means of preventing one or other of the colonies from going over to socialism.

This conservatism was integrated into the bushman legend and the Ned Kelly memory, both of which in turn reproduced and fortified it. Firstly, this can be seen in the thorough depoliticisation of all the identities associated with the bushman: this is itself a highly political move.

For instance, although *The Girl Who Helped Ned Kelly* is about Ned Kelly and his "poor" "rough" sympathisers, its narrator is an upper class descendent of an English aristocrat. It is Briant who is our primary point of identification and, through him, we observe the goings on of the objectified working classes. Briant also supports law and order, commenting to himself, "I don't want to run foul of the police, who have quite a number of privileges, but many obligations as well." The police feel about Briant: "It was evident that this strange farm hand was a man of education, and that put them at a disadvantage. They felt the handicap which so many men feel when opposed to those of superior upbringing and keener mental equipment" (Taylor 18). The police are as working class as the Kelly sympathisers, and it is seen as desirable to possess the "superior upbringing" of the upper classes.

Indeed, the main idea delivered by the text, in terms of class, is one of consensus. A wealthy squatter named Thorpe is an unlikely Kelly sympathiser and is described as follows: "Thorpe, a farmer with a considerable holding, a man of substance compared with most of his fellow settlers, was one of the most valued of the bushranger's allies, because he appeared to be the most violent of their enemies. Several times he had reported the loss of horses, and each time he accused the Kellys of stealing them" (162). Thus a wealthy squatter can assist the working class Kelly gang, as can aristocratic city dweller Briant, who also admires the police. The authorities and the gang are enemies, but it is not a matter of class struggle. Briant ends up marrying a woman who is at least partly of the bush, and his uncle Sir Thomas approves the match. The bushman may still be located as working class, but class-based radicalism is not present. Those who do indulge in (implicit) class struggle, and the most subversive behaviour, such as Jackson and Ned Kelly, are eventually killed off.

Similar tropes are used in *Robbery Under Arms* and Rolf Boldrewood's other popular works. His main characters are British gentlemen, observers of Australian society. The narrator is invariably a colonial working-class man who has little education and speaks the Australian vernacular. The two character types adapt to each other to form a consensus: on the one hand, the "colonials" aspire to the demeanour of Britishness embodied in the gentlemen. On the other hand, "this Britishness was incorporating aspects of a different, questioning,

even rebellious society as refracted through the voice of an ungentlemanly narrator” (Tsokhas 40). Like Taylor, Boldrewood converts or kills off his most unruly characters. Even in “Waltzing Matilda” the criminal swagman eventually drowns himself in a watering hole. “Irishness” is also almost completely depoliticised in Taylor’s novel, reduced to surface stereotypes of the cheeky “Irish sense of humour”, the “Irish Brogue” and a fondness for alcohol. Subversive elements are contained by the logic of the story.

A good example of the meeting between radicalism and conservatism in the bushman and in the Ned Kelly memory, and the eventual containment of the former by the latter, can be found in the events of the First World War and the legend of the ANZAC (Australian and New Zealand Army Corps). As mentioned, Australia’s involvement with the war, and especially the issue of conscription, polarised the country, fuelling Irish-Australian sectarianism and also the division between radicals and conservatives. Left-wing associations argued forcefully against conscription. The Industrial Workers of the World (IWW) denounced war from the outset: “If the politicians of Australia want war, let them take their own carcasses to the firing line to be targets for modern machine-guns and food for cholera...If they want blood, let them cut their own throats” (Lines 155). While Archbishop Mannix strongly opposed conscription, the Anglican synod voted in favour, declaring the war a religious one which sought to maintain moral order in the world. Labour Prime Minister Hughes held two referendums on conscription, both returning a no vote. Conscription was introduced nevertheless.

The opposition to conscription did not detract from the glorification of the ANZACS. The battle and horrific defeat at Gallipoli in 1915 has become probably the major figure of memory for Australia, apart from invasion, and its importance was identified at the time. As Lyn Innes writes, “here Australians demonstrated to the mother country and the rest of the world and, perhaps, above all to themselves, their heroism and manhood”. The soldiers who fought in that battle, the ANZACS, were portrayed as “legendary...custodians of nationhood” (Innes 99). They were also dubbed “diggers” in reference to the legendary characters of the gold era. The bushman legend had already merged with the gold miner, and now began to fuse with this new digger. The ANZACs were depicted as “larrikin heroes”, cheeky and independent, but brave. Sir John Monash, the Australian General, commented that the Australian soldier was “easy to lead but difficult to drive... [H]e required a sympathetic handling which appealed to his intelligence, and satisfied his instinct for a ‘square deal’” (99). The populist journal *Smith’s Weekly* portrayed him as the cheerful larrikin, “thumbing his nose at authority and pomposity” (99).

The memory of Ned Kelly fitted with these other layers of memory, including the new legend of the ANZAC. This can be seen in the following anecdote from the war told by Bill Wannan:

From the 1914-1918 War comes the allegedly true anecdote about a party of Australian soldiers in France who, one day in 1917, having snatched a brief respite from the trenches, dawdled into an *estaminet*, found a table, and ordered some wine.

At a nearby table a party of British Tommies sat imbibing *vin rouge*, and they had already become exceedingly merry.

As the wine continued to flow, the two groups began to exchange friendly banter, which gradually took on a note of acrimony.

Words grew bitter. Insults were hurled at national honour.

At last one exasperated Aussie called aloud, "Aw, to hell with the King!"

There was a moment of ominous silence. Then a Tommy shouted back, "And to hell with Ned Kelly!" (Innes 100)

In other Kelly representations, the outlaw is described or portrayed as a potential military leader, as implied in the foreword to *The Girl Who Helped Ned Kelly*: "a brave, though misguided, young Australian, whose superb qualities of leadership, almost unexampled endurance and uncanny bushcraft, would have taken him far if Fate had willed for him a more honest career." In Robbit Jon Clow's verse play of 1919, *The Cause of Kelly*, Ned is referred to as "Captain Kelly" and later as "General Kelly". The other members of the gang are labelled "Major Byrne", "Lieutenant [Dan] Kelly", and "Lieutenant Hart" (Innes 122). W.H. Lang writes in *Romance of Empire*, "And what soldiers were lost in them!" (238).

Kelly's absorption into the ANZAC legend helped to subvert that legend and, through it, the Australian legend. However, the militarization of Kelly made his own memory far more conservative, just as the merger of the bushman and ANZAC legends helped to contain the radical meanings of the former. The Gallipoli myth shattered the left-wing radical idealism which had previously uplifted the bushman legend. The war gave Australian conservatives an opportunity to overturn this aspect of the stereotype and by the end of it they had done so. Bushman mateship was transformed into loyalty to empire and by 1916 bush radicals opposed to the war were being abused publicly as "un-Australian" (Carroll 54-56). During the years after the war an Australian professional middle class appeared prominently in public life for the first time. For this section of society, the war generated greater enthusiasm for the empire and for Britain than ever. The "diggers" were incorporated into business interests, and an era of conformity was ushered in (Lines 161).

As described, both Deleuze and Foucault explain that a *dispositif* can produce unpredictable outcomes, and shifts over time. I have suggested that one such capricious effect of the Ned Kelly memory *dispositif* in its initial stages was the creation of the potential for an alternative, transgressive identity to be assumed by the Australian community, and that in some sense this took the form of the bushman from the 1890s. These unintentional effects of a *dispositif* must be reappropriated by it (see Foucault 196). This is exactly what occurred here. With the help of bushranger Kelly's memory, the bushman figure emerged as a potentially radical Australian character. However, over time, conservative, imperial interests infiltrated the legend, which was already somewhat contained due to (self) censorship.

Through them, Kelly became a depoliticised, militarized memory. And in turn, Kelly's memory itself helped to proliferate the bushman as a conservative identity.

Furthermore, much of the radicalism that fuelled the bushman legend in the 1890s and first years of the twentieth century was itself simultaneously very conservative, in its acute racism towards the Chinese and Japanese. The *Bulletin*, for instance, was as well known for its anti-Chinese agitation as it was for its support of workers' movements. This duality can clearly be seen in a letter from Henry Lawson's mother, Louisa, reporting on a typical week's activities: "Mr Bell has gone to the northern districts and in consequence we expected no [republican] meeting in the Domain Sunday but Mr K reports a good one. The speakers were Mr Manley and others...Good crowd, fine day etc. Mr K. attended Mr Collins lecture title Resurrection Myths last evening fair house. Mr K. says it was a splendid discourse. ..I also attended the Anti-Chinese meeting in the same buildings" (Carroll 54-56).

The Australian nation-state itself was based on racism, or, in Charles W. Mills' words, a "racial contract". From federation in 1901, the policy of "White Australia" began. The Immigration Restriction Bill was the main law. It said of Asians "these people do differ from us in such essentials as race and character as to exclude the possibility of any advantageous admixture or intermarriage if we are to maintain the standards of civilisation to which we are accustomed" (Lines 140). During the first decade after federation, further laws were passed to provide for the deportation of "Asiatics" and Pacific Islanders already resident in Australia. They were barred from the electoral roll and from receiving Old Age or Invalid pensions, and excluded from membership of the Australian Workers Union and from employment with the Commonwealth Postal and Telegraph service. The laws also provided for the separate accommodation for White shearers and Chinese employees (Innes 98).

The enduring memory of Ned Kelly, the promotion of the bushman convention, and the development of the ANZAC legend, were all closely linked to the endorsement of a national racial type to be saved from "the coloured curse" (Innes 98). The Kelly memory is in this sense a function of the White Australia policy, helping to forge what from 1901 became an official race-based – White - national identity. The Chinese, for instance, are barely mentioned in any of the Kelly texts from this period. Francis Hare's *The Last of the Bushrangers* describes in some detail his time spent at the diggings during the gold rushes. The Chinese are completely omitted from the memoir, despite the constant intermingling of White and Chinese miners and frequent hostilities between the two groups. The term "chinaman" is scattered here and there in the various texts, to describe a man sent to deliver a message or some such minor thing. At one point in *The Girl Who Helped Ned Kelly*, the protagonist mimics a Chinese accent in an obscure conversation with the Joe Byrne character about being hungry: "'I wouldn't like to eat you, anyway', observed Byrne – 'You're hide's too tough!' Jack laughed. 'Well, as the Chows say, "No cheek, no Clismas box'"'" (Taylor 120). Designation as cannibals was a common strategy of domination of

Aboriginals at this time, and perhaps it is here being conflated with anti-Chinese othering mechanisms. It is perhaps in the treatment of the Chinese by both right-wing and left-wing voices that we can most sharply focus the *simultaneity* of the bushman's – and Kelly's – radical and conservative functions.

iii. Displacement and Double Displacement

To complicate matters further, depictions of Ned Kelly as bushman are to be found in imperial literature, that is, representations made for the British about their empire. The separation of the Australian identity from “Britishness” was carried out not just by and for Australians but to satisfy British appetites for the exotic, romantic, and far flung. In *The New World Of the South* (1913), W.H. Fitchett writes of the police, “they were good officers, familiar with crime and criminals of the ordinary type, but such a gang as the Kellys, concealed in a field so vast and tangled, might well have taxed the wit of, say, a troop of frontier horse from the Afghan border... they were not bushmen”. The Kellys, on the other hand, were “expert riders, to whom the bush was a familiar haunt” (182). Lang, in *Romance of Empire*, describes the gang's haunt in the Wombat ranges: “It was a wild and rugged, scrub-covered spot, with such a dense growth of stringy bark and undergrowth that you would wonder how horsemen reached the place” (223). He goes on to describe their actions after the Jerilderie bank hold-up: “The four boys had held the place against all comers for nearly four days without firing a shot. Then, with the bushman's instinct, they made straight for home – for the ‘Rat's Castle’ or some such cave in the hills.... The gang had passed like a wandering wind in the night, and were safe among their own hills again” (229). Lastly, “The bush was an open book to them, and had been so since babyhood” (221).

In these representations and others, the “wildness” and exoticism of the Kellys, their time, and their place, are dwelt upon. As they were during their outlawry, they are portrayed as untamed. This time, such wildness is heavily romanticised, as part of the bushman mythology. It is part of the mechanism discussed earlier that makes a radical disjuncture between the past of the Kellys and the present of 1882-1930. Lang remarks: “They were a wild lot, and they lived in wild times” and “They were reared in a wild country far from schools and towns” (220). Kelly and the bushman are thereby produced as anachronistic. This tendency is furthered by the appellation of Kelly as “the last of the bushrangers”: Kelly is produced as “the last of his tribe”. This occurs in Kelly representations other than Hare's memoir. Lang writes, “It is the *last*, the most daring and determined, and certainly the most picturesque and romantic outbreak that I have the greatest personal knowledge of” (217 my emphasis). Kelly is also featured in *Twelve Bad Men*, a collection of essays on men who have illustrated “pre-eminence in ill-doing” which was published in England and the United States in 1894. The essays are organised in chronological order and the chapter on Ned, the only bad-man not from the United Kingdom, is the very last. Thomas Secombe writes, “Australia, with its marsupials, echidna, and platypi, its cockatoos, its lyre-birds, brush-

turkeys, and bushrangers, is pre-eminently the home of strange and archaic types of life. The Australian bushranger, recently extinct, was a bandit of a very ancient type... He lived in the scrub and the waste hills, whence he operated against the little oases of civilisation that dotted the far-spreading wilderness" (in Innes 109).

These texts produce Kelly as a bushman, and they produce the bushman as an "archaic" anachronistic identity, even while they claim authenticity via temporal proximity. The bushman identity, with Kelly as a key part of it, is thus created in the present of 1882-1930 and then projected back into a mythical past. As we now know, the past is made in the present, to suit present needs. Astrid Erll describes "the selectivity and perspectivity inherent in the creation of versions of the past according to present knowledge and need", going on to remind us that "memories are retrospective constructs. Remembering always takes place in the present, and is merely a re-presentation of the past, never the past itself" (Erll "Wars": 30). It is very clear that the bushman myth was a product of its times, directly or indirectly coming out of workers' movements and struggles over Australian nationalism. Kelly, other bushrangers, and convict stories from the (not-so-distant) past are taken up in the present because of these goings on, to help form the bushman identity. However, these identities are then projected back into the past, removed from their present context. This "pastification" of the bushman identity helps to obscure the current conditions out of which it arises, furthering its conservative functions.

This "pastification" took place at a time which Australia was exceedingly future orientated, identifying itself with progress. Future orientation characterised many parts of Europe and empire, but settler states has the added dimension of considering themselves to be "new" countries, with Australia and New Zealand even "newer" than the Americas. Lyn Spillman analyses Australia's centennial celebrations, which took place in 1888, even before federation. She compares them with the centennial celebrations in the United States in 1876. She finds that the idea of progress was "more important to Australians" (Spillman 137), who also considered themselves to be the most politically advanced nation in the world. The "ideology of development" was an integral part of the new Australian nationhood. It signified a desire for the conquest of nature, materialised in agricultural and mining developments and the selling off of Australia's natural resources. The Great War confirmed the central role of science in industrial progress, and saw the introduction of Taylorist reorganisation of the workplace to increase efficiency (Lines 167). The bushman - living with nature, rebellious, free-thinking, and free-living - while produced in line with present occurrences and forces was thus created as a nostalgic thing of the past, not part of modernity. This duality is brought into sharp relief when looking at the new medium of film. As Kosmas Tsokhas points out, "this most modern of visual technologies was used to represent to a national audience an Australianness in which horses predominated rather than motor cars, where machines, engineering, chemistry were absent from the very performance that they made possible" (41). For progress to occur, industrial strife and Irish-

Australian sectarianism could not be tolerated. The working classes and the Irishman, though now part of Australian national identity, were displaced into an Australian past. The memory of Ned Kelly, though shifting and adapting to meet the needs of the present, also functions to “pastify” those present forces, displace current radical identities back into the past and eliminate them from the future.

“Aboriginality”, meanwhile, suffers a *double displacement*. This identity is not only “pastified” but is produced as “more past than past”. Through the figure of the bushman, the White Australian is “nativised”. The bushman legend is clearly an appropriation of Aboriginal relations with the land and is used to displace “Aboriginality”. The White bushman becomes Australia’s history. The Aboriginal becomes its *prehistory*. *Romance of Empire* is a history of Australia, its chapters arranged chronologically. Chapter two is devoted to “The Natives”, sandwiched between “Australia’s Geological Romance” and “The First Voyage to Australia.” The “natives” are thus located somewhere in between the flora and fauna of the continent and the human beings who “discovered” it. The Aboriginal is described in the past simple: “It seems strange that the Australian black-fellow should be of so distinct a race, apart from all others... Here, amongst animals that were also of what we now call a primitive kind, he lived, and knew not that he was cut off from the rest of the globe by the risen waters, nor did he care” (9). Lang continues, “The native Australian was the most wonderfully ignorant of the arts of any race in the whole world. And he is therefore most interesting to us, as through him we see what man was so long ago that there is no record of him or his ways” (11). Chris Healy writes that in contemporary mainstream Australian culture, Aboriginals are remembered as an absence, despite the obvious fact of their ongoing presence. We can see this process taking place in Lang’s book as early as 1908. Even Lang acknowledges some continuing Aboriginal presence, however: “To-day there are only some half-dozen of the poor things in all this country-side where the writer lives. They go about dressed like Europeans, always with a pack of dogs at the heels, and always glad to be given something intoxicating to drink. They know of none of the legends of their race. If they kill a crow, or an iguana, or any other disgusting animal, they throw it on a fire for a few minutes and then eat it with much pleasure, tearing it in pieces like wild beasts” (14). This “wildness” is different from the “wild life” of the Kellys, the diggers, and the bushman, which was “a happy one too”. Though both identities are displaced into a mythical Australian past, one is a primitive prehistory, while the other is the direct history of the nation, whose inhabitants Lang describes as “your ancestors and mine” (222). We could say that this form of “pastification” in fact works in the opposite way to mythification. Like myth, it projects into the past, but unlike myth it blocks off propulsion into the future, immortalisation.³

In the other Kelly representations from this period, “Aboriginality” continues to be marginally present, via the black trackers and Native Police. These Aboriginals are of course

³ Thanks to Ann Rigney for suggesting this connection between “pastification” and myth-making.

implicitly acknowledged to be contemporaneous with the White Kelly-bushmen, since they help to seek out and capture them. However, the Aboriginals are still pre-historicised. This takes place through their articulation as superhuman “superbushman”, the predecessors of bushmen like the Kellys. Superintendent Hare describes “the wonderful powers these blacks have in following tracks” (230). He continues, “Ned Kelly said after his capture, the hardest part of their life was constantly keeping guard for fear of surprise. They were dreadfully afraid of the back trackers – I mean the men that came from Queensland – I was told it was marvellous how these men could follow a track across the bush” (227). In *The Girl Who Helped Ned Kelly* the trackers are described as “more than human” (139-140). The Steve Hart Character grumbles “‘Jumpy? Who wouldn’t be jumpy with these blacks on his tracks. We’ve got some show against the troopers, because we’re better men than they are, but you can’t hide from a nigger.’” The narrator explains, “Mention of the blacktrackers who had been brought from Queensland to assist the police in hunting them down, brought an anxious look to every outlaw’s face. Even Ned, most resourceful and courageous of them all, dreaded those dark-skinned wizards to whom the bush was an open book. He knew their uncanny cleverness in picking up the most trivial clue, their marvellous faculty in following tracks that were invisible to white men. Some of the trackers, they knew, were scared of them, but for all that they were a danger that could not be underrated” (209).

The Aboriginal is thus the “uncanny” wizard-like predecessor of the bushman, coming from a different, fabled, era, long before civilisation made bush skills obsolete. Kelly is in this sense aligned with “Aboriginality”, inheriting Aboriginal intimacy with the bush. Hare even makes this connection a physical one. At the final showdown at Glenrowan, when Ned wears his iron helmet, Sergeant Steele is quoted as saying of the figure “I thought he was a black-fellow, and called on the others to be careful” (Hare 301). The bushman takes on the marginality of the Aboriginal, displaces him even further into a mythical past, and severs him even further from the present in which he - in reality - continued to live.

The double displacement of Aboriginality was taking place at a time in which Indigenous Australians were facing the worst conditions yet imposed by colonial forces. In 1886 Victoria began to pursue assimilation policies. Queensland followed suit in 1897, and Western Australia soon after. It is these policies that have recently been described as genocidal. State parliaments passed legislation for Aboriginal segregation, and forced removals commenced: the removal from their parents and the institutionalisation of part-Aboriginal, part-white children. The idea was to prevent those “children, whose blood is half British, to grow up as vagrants and outcasts, as their mothers now are” (Lines 152). The legislation removed all legal obstacles to unprecedented government interference in the lives of Indigenous people. In Queensland Chief Protectors acquired legal guardianship over every Aboriginal or part Aboriginal child up to the age of sixteen. They controlled all property belonging to an Aboriginal or part- Aboriginal, and they could order the removal of any unemployed

Aboriginal to a reserve. The Act, though, made careful provision to ensure the continued availability of Aboriginal labour.

The policy reflected the thinking of the majority of European Australians who were waiting for the Aboriginals' eventual extinction, and was boosted by the double displacement of "Aboriginality" in cultural production. But Indigenous Australians refused to disappear. In the newly settled Kimberlys region of Western Australia Aboriginals maintained an active resistance through the late 1890s and into the early twentieth century. For example, Jandamarra, also known as Sandawara and Pigeon, led a resistance movement of the Bunuba nation. He was an exceptionally skilled bushman and gunman who began a campaign of harassment and intimidation against local settlers, culminating in the Battle of Windjama Gorge, from which the outlaw managed to escape. Pedersen and Woorunmurra write, "here was a unique brand of guerrilla warfare without violence. This campaign instilled fear and confusion into the minds of settlers and police" (Pedersen 150). The armed rebellion was used as an excuse by the police to kill hundreds of Bunuba throughout the district. Eventually, a police recruit and former bushman named Micki killed Jandamarra in a shootout in 1897. By 1905 Europeans had crushed most overt forms of resistance of this kind. Unlike Ned Kelly, and perhaps partly due to his memory, these Indigenous Australian outlaws have been all but forgotten.

After the First World War, the organisers of Australia's future, the boosters and developers, excluded the possibility of any way of life beside the European. Accordingly, post-war state policies aimed at the complete destruction of Indigenous culture: to break the social unit, drive Aboriginals off their land into reserves, split groups into families and families into individuals, and force assimilation of the fragmented remnants. In Western Australia the government segregated Aboriginals in rural concentration camps. In 1927, the City of Perth banned Aboriginals from the central districts, and other towns barred Aboriginals from their streets. In the Northern Territory, the Chief Protector even censored films which might tend to lower Aboriginal respect for the white man. In the words of William J. Lines, "He need not have bothered; celluloid buffoons were no competition for the deadly Europeans Aborigines encountered in their daily lives" (Lines 174).

As discussed in the previous chapter, Johannes Fabian argues convincingly that such exploitative and even eliminatory colonial policies and practices are underpinned by an ideology of allochronism. Colonial subjects were seen as occupying a different, past time, and this facilitated their disenfranchisement in the present. In this case, the Kelly memory, and its layering with the bushman legend, helped produce a double allochronism, a double temporal displacement which produced Aboriginal identity as prehistoric and assisted genocidal policies which lasted for at least the next seventy years.

Conclusion

Between 1882 and 1930 the cultural memory of Ned Kelly was developed via frictions between truth and myth, nation and empire. The different Kelly texts incorporate and struggle with each other to assert utmost authority, via avowals of the temporal proximity associated with an “experiential mode of remembering”. At the same time, and even partly due to their claims to veracity, the Kelly texts collectively produce Kelly as romantic and mythological. The authority-battles between them reinvest the sense of conflict that had already been established at the core of the memory back into it at the level of its production, shaping the Kelly story as myth. As well, the representations involve multiple temporalities, articulating the Kellys as “timeless”, as well as affirming temporal closeness. The reversible and non-reversible temporalities of myth are therefore key features of the memory.

These sets of medial, temporal, and power relations comprising the memory make interventions into identity. During this period the Kelly myth layered with the bushman myth, which itself arose alongside industrial strife and sectarianism and acquired a radical streak. The bushman tradition incorporated bushrangers and convicts and allowed for potentially subversive identities to become part of the Australian identity, separate from “Britishness”. In this way, the Kelly memory functioned in radical ways. However, partly due to official and self censorship, the radical identities of the bushman were contained. Working-class, Irish, and criminal identities were depoliticised in cultural expressions of the bushman such as the Kelly representations. During the First World War, when the Kelly and bushman myths layered with the ANZAC legend, Kelly became militarized and all three were taken over by conservatism. They were used to promote continuing loyalty to empire and to make a nation-state based on racism, becoming indirect functions of the White Australia policy.

The figures of Kelly and the bushman were moreover projected back into a mythical Australian past, thereby obscuring the current conditions of political conflict out of which they arose. With them, the potentially radical working class and Irish identities were likewise cast into history, displaced from the present. In these ways, the volatile effects of the earliest Kelly memory dispositif of 1878-1882 were reincorporated into the status quo. Meanwhile, “Aboriginality” was doubly displaced into prehistory, a function of assimilationist policies and practices unprecedented in Australia in their devastating effects.

From the 1930s, the working class, Irish, even criminal identities that had been domesticated and contained as they were incorporated into “Australianess” became radicalised and placed in an explicitly colonial context. Kelly was to be at the heart of this new kind of politicisation of the Australian past.

1930-1960: High Culture and Deferred Identities

Between 1930 and 1960 Ned Kelly was taken up by a vast array of media and genres: there were several Kelly histories and biographies, chapters devoted to the gang in social and cultural histories of Australia, at least two films, collections in song books and recordings, popular novels, juvenile literature and comics, and various newspaper articles. This was also the time when Ned entered the territory of “high culture”, with Douglas Stewart’s verse play, broadcast on the radio by the ABC in 1942, and Sidney Nolan’s first series of Kelly paintings, first exhibited in 1948. There was even a Ned Kelly ballet titled *The Outlaw* (1951). These products were disseminated against the backdrop of the Great Depression, which hit both the industrial and agricultural sectors in Australia, the recovery from it beginning in the mid 1930s, the Second World War and its aftermath, leading into the suburbanite 1950s.

From the 1930s on, portrayals of Ned begin to shift, and are in certain important ways markedly different from those of the previous stages. This is the phase in which Ned starts to become accepted, even celebrated in print as a national hero for Australia, as the legends established in the previous period are probed by a new generation of cultural producers. At first, assertions of Ned’s positive significance are somewhat tentative or belligerent, but throughout the period a growth in confidence can be witnessed. However, this in no way signals the end of the contestation of the memory. Conflict over the value of Ned’s memory is linked, as it was before, to struggles over the Australian national identity and its relationship with Europe, especially “Britishness”.

This chapter will comprise three closely interrelated sections: the first part deals with chapters dedicated to Kelly within the genre of the social or cultural history of Australia, which proliferated especially after the Second World War. These genres, taking up Kelly at a time when the events were moving out of living memory, look back on the myth-making of the late nineteenth century, discussed in the previous chapter. They locate there a core “truth” of “Australianness”, with Ned at its heart. A national identity is therefore (re)produced out of this dispositif of medial and temporal relations, which are also power relations of generic authority. The second section explores Kelly’s entrance into the domain of “high culture”, in particular Douglas Stewart’s play and Sidney Nolan’s paintings. Indeed historiography can also be considered “high culture” if we take a broad definition such as Gellner’s (more of which later). These artistic works by Stewart and Nolan also reflect upon processes of national myth-making, and at the same time create Kelly and the Australian past as myths of a higher order than in the preceding decades. High cultural producers were part of a concerted effort at this time to define an Australian identity which was unique but at the same time “grown up” and equal in status with European culture. Kelly was brought into this artistic realm as a cornerstone of the new identity, and assumed a new, “serious” form, stripped of “larrikinism”. In one sense Kelly’s memory thus functioned in radical ways, as an attempt to revolutionise Australian culture. However, at the same time this process

removed representations of Ned from the popular or folk culture of which the man himself was part, and fashioned him for an elite audience, at a time when it was politically “safe” to do so. In this sense the memory functioned as conservative. The third part of the chapter examines the identities that are retrospectively invested in Kelly himself, specifically by two historical biographies of the gang. I examine the relationship of those identities with both the past of the Kelly gang and the presents of the texts’ productions, and the political ramifications of their temporal positioning. These texts attempt to radicalise the Australian past and the collective identity in the present. They simultaneously work to create an exclusively White identity, excluding and deferring the many other identities existing within the nation-state at the time, and especially after the war.

1. Ned Kelly and Australian Historiography

From around 1930, Kelly migrates out of first-hand living memory, though the events remain relatively close in time. This temporal positioning helps to explain the nature of the memory during this phase, in which pro-Kelly representations begin to flourish without diminishing its contested constitution. This dynamic is related to a parallel tension concerning the ongoing cultural search for a national identity. Cultural products from this time demonstrate an increasing confidence in an Australian identity, rooted in a unique tradition, but simultaneously reveal insecurities as to the stability of that identity, due to the relatively short duration of that tradition.

A great number of Ned Kelly representations of all genres from this period are concerned with the enduring presence of Kelly, his place within a national tradition, his status as Australian legend. Whereas the products from the previous phase consisted in immediate, personal memories (memoires, eye witness accounts) or myth-making Romances, here they begin to discuss Kelly explicitly as part of the Australian tradition and long-term national memory. In 1938 W.H. Fitchett wrote “In the unlovely gallery of Australian crime, the Kelly gang, no doubt, stand pre-eminent. No other criminals have stamped themselves so deeply on the general imagination. Ned Kelly’s name is almost better known – by the crowd, at least – than that of anyone else in Australian history” (Fitchett 5). By 1942 Clive Turnbull was able to make the grandiose assertion, quoted earlier, “Ned Kelly is the best known Australian, our only folk hero. The explorers, the administrators, the colonial politicians, are little more than names on the map...In a community whose vista is still cluttered with the shoddy and the second rate only one figure is larger than life-size...Surely it is a remarkable man who can thus impress himself upon the national consciousness, who in sixty years can pass into legend!” (1).

Few representations from the 1940s onwards fail to mention Kelly’s entrance into the Australian lexicon. Turnbull writes, “the phrase ‘Game as Ned Kelly’, is part of the national idiom;” (Turnbull 1942: 1) Frank Clune, a well known popular writer, claims in a newspaper

serial that later became the successful novel *The Kelly Hunters*, “Through the years, as the highest rank of an Australian esteem, has come the plaudit ‘As game as Ned Kelly’” (Clune 1954). Turnbull himself introduced a new “Kellyism” when he produced the first bibliography of Kelly representations and dubbed it *Kellyana* (1943). Frank Clune comments on this: “that bibliography was entitled – with a flash of the inspiration that comes to a writer only once or twice in his lifetime – ‘Kellyana’” (Clune 1948: 1). Ned’s memory is also evoked via a connection between “national idiom” and place in this sentence of Turnbull’s, “today, when the Sydney-Melbourne express is approaching Glenrowan, staid travellers peer through the sealed windows and say, ‘This is the Kelly country’” (Turnbull 1942: 1). Ned’s disputed last words – “such is life” – are likewise evoked time and again.

Even obviously anti-Kelly texts assert the bushranger’s impact upon the national imagination. In a social history published in 1953, Kylie Tennant tells us that the gang “made the most permanent impression upon the public memory...Today men who know nothing of their country’s history will express admiration in the term ‘As game as Ned Kelly.’ Businessmen’s methods are compared to his disparagingly. A footballer will declare, ‘If Mrs. Kelly saw her sons playing with that team, she would call her boys inside.’ The Kellys have become the Australian symbol for toughness and cool audacity” (Tennant 187). Tennant concludes her section on the Kellys with the hope that the outlaw may lose his place in the active national memory: “The bushranger remains a semi-mythical figure blending into the deceptive moonshine of the ranges, fading into the forest of tradition, where the modern Australian is quite willing to leave him” (192). In a newspaper article entitled “Bang Goes Ned Kelly” from the Sydney Herald of 1949, James Taylor recommends “Next time anyone tells you you are as game as Ned Kelly consider yourself insulted. For, as a growing accumulation of evidence shows, the Kelly courage is a myth.” Like Tennant’s chapter, this article ends with the plea “is it not time that Australia passed a death sentence on their [the Kellys’] memory? We now call ourselves a nation, and no nation, however immature, can afford an honour roll of its criminals.”

It is evident, then, that by 1950 Ned Kelly had been firmly established within the national consciousness. It is interesting to note, though, that it is these reflexive comments *about* Ned as legend, rather than *primary production* of Ned-as-legend – or the “monumental mode of remembering” (Erll 2006: 167) - that offer proof of his standing during this period. It is therefore partly these discussions about the outlaw’s eminence that are responsible for sustaining his eminence at this time. And perhaps it need not be mentioned that the calls for an amnesiac response to Ned are part of his remembrance; as in previous periods, the back and forth contestation of the memory is in large measure what sustains it.

Many of the commentaries on Kelly’s position within the national tradition form chapters in social or cultural histories of Australia. During the 1940s, and particularly throughout the post-war 1950s, these histories began to proliferate. I showed in my last chapter that

beginning in the late 1880s and 1890s, even before federation, a national myth was actively being written, versified, painted into the culture, revolving around the figure of the bushman. I quoted from Russell Ward's *The Australian Legend* to illustrate the qualities with which the bushman was endowed. Ward's history was published in 1958, amongst a host of other such histories, with titles such as *The Australian Tradition* (1958), *Australia: Her Story* (1953), and *The Legend of the Nineties* (1954). These works comment back upon that myth-making process and attempt to locate the social practices, beginning with the European invasion of the colonies, which allowed for the bushman to be taken up so fervently by cultural producers in the previous century. Ward writes, "this book attempts to trace the historical origins and development of the Australian legend or national *mystique*" (Ward v, original emphasis). The flourishing of the genre of the social history at this time demonstrates the beginnings of an increasing confidence in a specifically Australian culture and society, based in a pride in Australian history. Or, perhaps more accurately, they show a *desire* for that type of confidence and that sort of pride, at a time when Anglo-protestants were beginning to stop calling Britain "home".

In *The Australian Tradition*, for instance, A.A Phillips coins the phrase "the Cultural Cringe", to define an intense Australian inferiority complex over its culture. He discusses an ABC radio programme in which paired musical performances were broadcast, one by an Australian and one by an overseas musician. A listener would guess which one was which, the idea being that the listener often guessed wrongly or gave up, since the local performer would be no worse than the foreigner. Phillips writes, "this unexpected discovery was intended to inspire a nice glow of patriotic satisfaction." He continues, "the dismaying circumstance is that such a treatment should be necessary, or even possible; that, in any nation, there should be an assumption that the domestic cultural product will be worse than the imported article" (Phillips 112). Phillips describes the purpose of his book as "the illumination of the evolving personality and the evolving traditions of the Australian community, as reflected in the works of our writers" (ix). Both the ABC broadcast and the Phillips intervention clearly exemplify the dual tendencies of confidence and insecurity in the cultural tradition and its accompanying national identity.

The chapters in these histories dealing with Ned Kelly differ from the Kelly histories of the previous phase, which were often based in first-hand memory, and were written in a personal, anecdotal style. The dynamic between truth and myth is altered accordingly. John Frow writes that "textual meaning is carried by formal structures more powerfully than by explicit thematic content;...what texts do and how they are structured have greater force than what they say they are about; and...genre – by which I mean the kinds of talking and writing, of imaging and structured sound – is perhaps the most important of the structures by which texts are organised" (Frow 129). The genre of the social or cultural history organises specific relationships between the figure of Kelly, the Australian tradition, and the Australian identity. The history is both generically and temporally removed from Astrid Erll's

“experiential mode of remembering” (Erl 2006: 165), and thus from the type of truth status with which it is invested. In my last chapter I argued that this insistence upon truth was in fact an indispensable element in the development of the Kelly myth. Truth, then, produced myth. These later histories are both cultural and social. They examine the Australian *legend*, and the cultural traditions that expound it over time; they concurrently describe the *historical conditions* that engendered the legend. They do not deny or criticise the mythic but attempt to locate the truth behind the myth, the truth *of* the myth. In this case, therefore, myth generates truth. The fact that the texts are histories and purport to be *about* myth instead of being its primary producers, creates a distance or removal from it. This “scientific” generic and temporal distance is what gives historiography its authority – and here we see the intersection of all three lines of relation within the Kelly memory dispositif - and is therefore responsible for forging a “real”, essential, Australian identity behind the Australian legend, with Ned Kelly now at its centre.

2. Ned Kelly and High Culture

One call for increased confidence in Australian culture, and one reason for it, came from an enlarging class of “high” cultural producers. In 1938 a Contemporary Art Society was formed and the following year an Exhibition of Modern Art took place in Melbourne. In 1940 Max Harris and John Reed founded the *Angry Penguins* journal, which evolved out of the endeavours of a group of artists, poets, and writers of the same name. Meanwhile, talking films, radio, and the establishment of the Australian Broadcasting Commission (ABC) in 1932 brought a more “highbrow” cultural life to many Australians (Innes 151-2). Correspondingly, one of the identifying features of the Kelly memory during the period 1930-1960 is the outlaw’s entrance into the realm of “high culture”. Two items mark this stepping stone: a play written by noted New Zealand poet Douglas Stewart, which was also broadcast on the radio; and the now-iconic series of Kelly paintings by Sidney Nolan, created between 1946 and 1947, and first exhibited in 1948. Mark Finnane wrote in 2007, “When... Douglas Stewart... chose Ned Kelly as his subject for a radio play first broadcast in 1942, he was turning a hero of popular culture into a figure of high culture. The bushranger who had lived by violence and suffered a violent death was now absorbed into another cultural realm, bearing the values of 20th-century myth-makers.” He continues, “Imagining what made Ned Kelly became an abiding preoccupation of a succession of artists from Stewart through to artist Sidney Nolan (the most influential iconographer of all) and the more recent novelists, notably Robert Drew and Peter Carey” (10).

Like the cultural and social histories described above, these high cultural representations show a deep reflexivity about the Australian legend. At the same time they contribute to that legend, by monumentalising Kelly, adapting his story to fit “grand” and “universal” themes. This duality is connected to what Lyn Innes describes as the emerging “search for artistic forms which enabled acknowledgement of the tensions and complexities inherent in

the desire to be both sophisticated and rebellious” (Innes 151). In turn, that double desire is related to tensions over how close or distinct Australian art and identity should be from European and American cultural forms.

i. Douglas Stewart

Stewart in his verse play endows his characters with a clear historical consciousness of a specifically Australian outlaw tradition, and an understanding of the connections between tradition and legacy, myth and power, and their own part in all of this. Joe Byrne tells one of his hostages in a scene depicting the robbery of the Bank of New South Wales,

Once upon a time there was a gentleman named Gardiner,
“Prince of Highwaymen”. And the princely Mr Gardiner, who had
The peculiarly princely habit of borrowing money at the point of a
Gun, never took silver. You should know that, Mackin. The princely
Mr Kelly, by an odd coincidence, has the same peculiarities. (Stewart 113)

Still in Jerilderie, in a bailed-up hotel, Dan Kelly cries,

Drinks on the house! The Kellys have taken Jerilderie,
The old days are back and Ned’s Ben Hall...
But we’ve beaten Ben; Ben had to dodge the traps,
But we’ve got one in the lock-up and one in the bar
Drinking our grog. (127)

Dan continues,

Five of them did it, five men to stick up Bathurst.
Ben Hall’s gang riding at sunset into Bathurst
Like ‘roos or brumbies or the bush itself come in
To addle shopkeepers’ wits, break up their shops
And fill the summer evening with shots and swearing
For a change from snores and cicadas...
Hall, Vane, Gilbert, kings of the road!
They did what they liked, those jokers; and now it’s Ned,
Down on the towns with his gang like a creek in flood. (127)

The gang is thus depicted as being acutely aware of the bushranging tradition of which it is now part, into which it is deliberately inserting itself. At one point Ned is even attacked by another gang member for consciously playing the part of the outlaw, adhering to the rules set out by that tradition. Steve Hart has stolen a parson’s watch and is furious when Ned publicly forces him to return it:

Hart: The God-damned Kellys! They can’t forget Ben Hall,
Power and Thunderbolt, the kings of the road.

Bow to the ladies! Kiss the blooming babies!
Crawl to the parsons and squatters and hope you're a gentleman!
Gentleman Ned! But it's not in the Kelly blood.
You're only a fool. They laugh behind your back. (134)

Through the figure of the Parson Gribble, moreover, there is a thorough critique of the bushranging tradition and Ned's place within it, in the following weighty speech directed at Ned, worth repeating here in full:

Gribble: The Clarkes taken. Ned Kelly still at large.
Piesley hanged; Davis sentenced to death;
Gardiner sentenced to thirty years' hard labour;
Gilbert shot dead; Ben Hall, your king of the road,
Shot dead; Bow and Fordyce sentenced to death;
O'Meally shot dead; Burke shot dead; the gallows
For Gordon and Dunn; Dunleavy sentenced to death;
Lowry shot dead; years of prison for Vane,
Years of prison for Foley; that surly brute
Morgan, whose evil influence smoulders in Hart,
And your brother, too, shot dead like the dog he was;
Fletcher shot dead; one of the Connells shot dead;
Bill Scott, the friend of the Clarkes, murdered by the Clarkes;
And then the Clarkes themselves, brothers like you,
Hanged side by side in that bitter golden prison,
That temple, that Stonehenge the convicts raised
At Darlinghurst of stone like the flame of the sun
To speak for ever of the rites and blood and sweat
And the first harsh gods of Australia, the lash and the gallows. (145)

As strongly as the gang members are aware of the traditions embedded in the Australian past, they are equally busy constructing a future myth of themselves, or a legacy. Ned informs one of his hostages in Jerilderie,

There'll come a day
When you'll tell your grandsons you met the Kellys once...
You'll be proud some day to say you drank with Ned Kelly. (128)

And again,

Ned: We'll pay for the drinks by making your pub famous;
They'll come for miles to see where the Kellys drank. (129)

The Kellys persistently refer to themselves in the third person; they derive power in their present from articulating their tradition and from the comprehension and building of their own future myth. In this sense the characters are doing what the newspaper reports discussed in chapter one did: combining Erll's "premediation" with "prospective memory"

(ErlI “Remembering”: 111-113), industriously entrenching themselves in both their nation’s past and its future, as part of the continuity of the bushranging tradition. Later on, the Kelly gang is exhausted, isolated, and low on confidence, having been in hiding for over a year: a sense of death pervades the entire second half. Even so, the power of legend remains eminent, capable of transcending death. At the final siege at Glenrowan, Byrne versifies to a barmaid and Reardon, the railwayman,

Byrne: there’ll be reason to cry before to-night is over.
But cry for me, the lost bird in the gully,
Not for Ned, for Ned’s got a legend to sleep with,
A legend to meet him at daybreak and ride at his side.
I’d sooner be Ned with his legend to keep him happy
Than Thunderbolt with his half-caste Yellow Long.
He can paint that squawking old crow of a mother of his
White as a seagull; Kate’s the swearing princess;
And Ned himself is Hall and Power and Fred Ward
All rolled into one – the last of the kings of the road.
That’s how he sees himself, that’s why he’s happy.
Thunderbolt’s girl died; but Ned’s is a lady
That can’t be broken and won’t be offered to the worms.

Reardon: And they can’t hang a legend; not when the woman’s
Australia herself. Some rough sort of a vision
Of a land with the sweep of the sky – the enormous country! –
And a life with the same wild burning miles of freedom. (214)

The Joe Byrne character here deliberates on the power of legend to overwrite the real, when he discusses how Ned can “paint” his mother and sister. The play, then, reflects upon the power of myth, its necessary extension into the past of tradition, and into the future of legacy, all within a national context. It is in a sense an example of what ErlI terms the “reflexive mode” of remembering (ErlI 2006: 173). However, this reflexive distance from the myth in no way eliminates its power. On the contrary, the repeated articulation of the bushranging tradition and the central place of Kelly within it - within the realm of high culture - embeds the myth more trenchantly in the national memory, and this play is itself a powerful contribution to the development of the memory. It was a highly popular work and won the Australian Broadcasting Commission’s award for “the best play in any category written and broadcast during 1942” (Innes 162). Indeed it is the play itself that, in looking back at the Kelly past and at the tradition that preceded it, ensures the Kelly legacy in its own present. Different modes of remembering can be present in a single representation, and they work differently according to medium, genre, or domains of culture. These medial aspects, the links and differentiations between them, are all part of the Kelly memory dispositif.

In the response to Byrne's speech quoted above, the railwayman Reardon mourns, "And they can't hang a legend; not when the woman's/Australia herself." These lines suture the myth of Kelly directly onto the Australian nation, a national legend within which the Australian social and cultural histories of the period were busy locating a core truth. In the aforementioned cultural history, *The Australian Tradition* (1966), A.A. Phillips dedicates a chapter to "The Australian Romanticism and Stewart's Ned Kelly." He writes, "In 1943, Ned Kelly's claim to a representative place in Australian tradition was finally established. Before then, the Kelly tradition had held only the rough terrain of popular literature – ballad, journalism, penny-dreadful. In that year the Kellys, with Douglas Stewart as accomplice, crossed the border into the cultivated fields of Art – and they got away with a whacking big swag" (Phillips 137). Part of the reason "they got away with a whacking big swag" is that the play is featured so generously in secondary texts such as *The Australian Tradition*; and the reason it is referred to and discussed in these other texts is precisely that it is a member in "the cultivated fields of Art", and possesses all the cultural capital that occupies that arena. In Phillips' sentence Kelly and Stewart are a team, a union across time and class; it is when the playwright assists Kelly in transgressing those temporal and political boundaries that the outlaw, politically disempowered during his lifetime, can enjoy the fullest memorial power. Here are the relations within the memory dispositif between representations within a particular domain of culture, the power of that realm, and the specific temporalities involved with it. Ernest Gellner writes that a unified high culture is crucial for the provision of a healthy national identity. High culture is what, since industrialisation, unites different sections of society. It could be said that the absorption of Kelly into high culture is in effect a conciliatory meeting of the social divisions that caused the gang's outlawry, and that this development of the memory of Kelly functions in a progressive way, challenging existing hierarchies.

Phillips discusses the place of the Kellys in Australian tradition, Stewart's role in establishing the gang within that tradition, and in doing so himself contributes to those placements. Phillips locates Stewart's play within a specifically Australian Romanticism; he defines Romanticism itself as, "the protest against the gap which yawns between the felt potentialities of the human spirit and the limitations of human circumstance. It is Man's outcry when he finds the straight-waistcoat of civilised living impeding the expansion of the lungs of desire" (129). Phillips uses the figures of Telemachus and Ulysses, as deployed in Tennyson's poem "Ulysses", as labels for the conflicting impulses towards Respectability and Vitality. Thus he repeats Stewart's monumentalising of Kelly, connecting Kelly's story to a "higher", "universal" truth, which had been expressed in European artistic forms. At the same time, he links the theme to Australian writing thus: "The rebellion of Ulysses against Telemachus is a clear tradition of our national legend. It has, indeed, often been felt as a major element in the colonial revolt against English values" (131). He proceeds to speculate as to the genealogy of the Australian Ulyssean spirit, locating its qualities within the figure of the bushman. The author acknowledges that these bush-influences have little to do with the

“suburban placidity” of the 1950s, but insists upon “the power of the Myth in moulding group attitudes, and the place of the bushman in the Australian mythology...The figure of the bush pioneer, enshrined in our myth... flavours the behaviour and the self-portraiture of the tamed Australian suburbanite” (133).

Of the Kelly myth itself, Phillips writes, “The legend of Ned Kelly is an interesting expression of the Australian romanticism – all the more interesting because of our equivocal attitude towards it. We tend to be ashamed of the Kelly story, to shuffle it awkwardly out of sight. And that is strange, because almost every country has its legend of the generous outlaw.” Phillips attributes this uneasiness to an Australian insecurity about the nation’s Ulyssean qualities, connected to matters of time: “Perhaps he is not romantically far enough away in time. A man will cheerfully boast of his great-great-grandfather who was deservedly hanged. He is likely to be more reticent about Uncle Harry who came out of Pentridge last Tuesday. The Kelly legend lacks the mellowing patina of age. We are, too, always a bit uneasy about the strength of our anti-respectable tendencies. We have a bit of a reputation for lawlessness, and it has done us no particular good.” However, it cannot be ignored that, “Despite our uneasy shame about him, Ned Kelly still lives. He has a literature as long as your arm – it has even attained the dignity of a bibliography. A proverbial saying immortalises his name, and he pops into vernacular speech as the natural symbol of Ulyssean rebelliousness” (136).

For Phillips, the main theme of Stewart’s play is a study of the conflict between the Ulyssean and Telemachan attitudes. It is in the character of Joe Byrne, and not Ned himself, that the revolt against respectability is primarily expressed: Ned is too preoccupied with power to be a pure Ulyssean spirit. Phillips correctly points out that the play is not a straight-forward justification of the Kellys: “Stewart’s aim is rather to see the Kellys in the illuminating focus of imaginative creation, to explain them, and to relate them to the spiritual impulses of their period and their country.” Telemachus wins out in the end, but only just; and according to Phillips, this expresses “the check-and-balance in the Australian psychologic Constitution – a check-and-balance which assures a strictly limited monarchy to Telemachus, despite the Ulyssean strain in the national character” (143). Here we can see the triangle of tensions set out above. The play and Phillips’ analysis of it explore the Australian desire for both respectability and rebelliousness. In doing so they both probe the Australian legend and reproduce it, monumentalising Kelly’s story by formulating it as Romance of a higher order, a “mature” version of the romanticism of the “penny dreadful” discussed in the previous chapter. To do this they employ European high cultural forms, but in order to locate a uniquely Australian character.

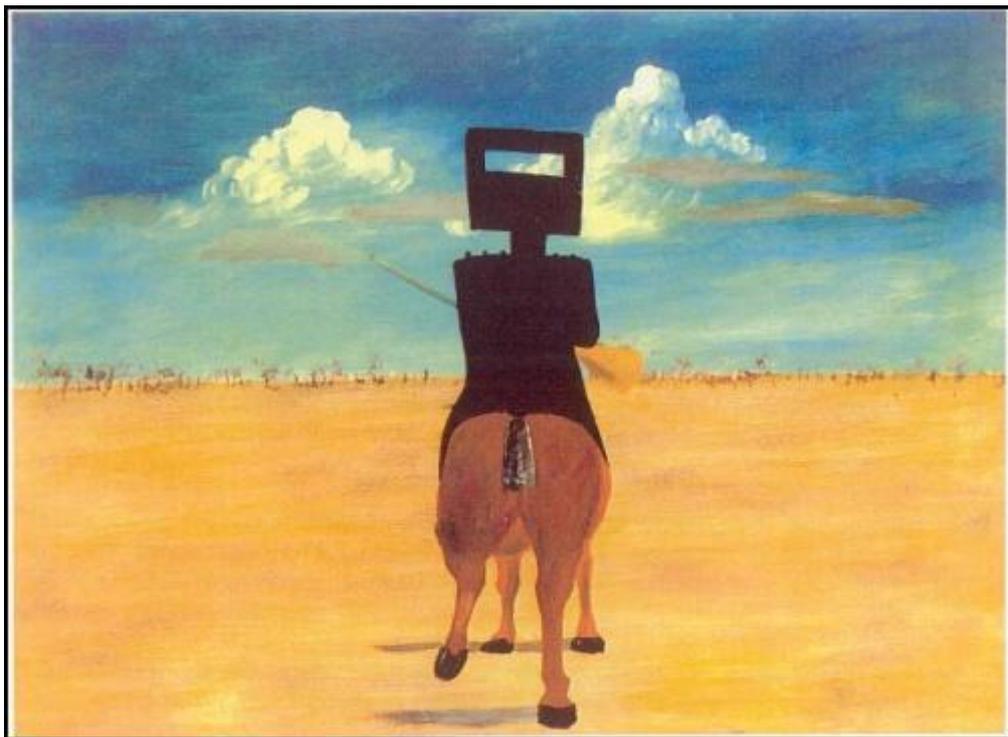
ii. Sidney Nolan

Sidney Nolan's Kelly paintings also demonstrate a preoccupation with Australian tradition and myth, and contributed dramatically to the development of the Ned Kelly legend. Nolan grew up during the years of the Great Depression, during which the early confidence in Australia of the 1890s as a youthful and forward-looking nation waned (Innes 151). When Nolan decided to make a career as an artist he set out, together with a group of peers, to revolutionise the staid and conservative Australian art scene, centred on the city of Melbourne. He was conscripted and sent to the Wimmera in 1942 and, when faced with the possibility of front-line duty in New Guinea in 1944, went absent without leave from the army, living in exile at the retreat of "Heide", owned by his patrons the Reeds. It was from this artist's haven that he produced all but one of his first series of twenty-seven Kelly paintings, perhaps the best known works in his oeuvre. He had travelled the "Kelly country" extensively, and read both the police commission report on the outrage and Kenneally's *Inner History of the Kelly Gang* (1929). He also had a personal connection to the story, his grandfather being one of the police officers involved in the Glenrowan siege.

Nolan was a key member of the Angry Penguins. They were particularly involved in "expressive portrayals of criminals and psychotic types, the interest in myth and the desire for some kind of national identification" (Clark 74). Patrick McCaughey writes, "The impact of the Second World War, and interest in painting as a means of elaborating and celebrating myths and a concern with the socially cohesive value of myths as opposed to ideologies, all had their effects upon Nolan" (McCaughey 11). Artists were interested in how myths operated in society – a version of Modernism - and in 1942 Albert Tucker had written an article called "Art, Myth and Society" for the *Angry Penguins*, as a critical response to "Marxist" notions of the role of art.

Like Stewart, Nolan both mythologises Kelly and reflects upon processes of national myth-making. This is manifested in the paintings through the relationship between the figure of Kelly and the Australian land. It is said that an important impetus for Nolan's subject choice was that it enabled him to tackle the Australian land in his painting, which had been a central part of the national identity since the entrenchment of the bushman myth fifty years before. Landscape painting was avoided by many of this group of modernists as a reactionary and outmoded form, but the relationship between Nolan's Ned and the vividly north eastern Victorian landscape provides "a new identity in the landscape of Australian painting" that is "thoroughly modern". Perhaps the most well-known of all Nolan's works is the 1946 painting *Ned Kelly*, which depicts the outlaw, black and "centaur-like", riding away from us into the wide, sun-lit landscape which he dominates. His form is marked by his now-familiar square black helmet, the pill-box slit not even revealing his eyes, but only the sky. No limbs, but a great rifle protruding from in front of his silhouette. Of the sun-drenched landscape Patrick McCaughey wrote in 1987, "There is no mistaking this landscape for 'a

country of the mind': it is too well-observed, too actual. The security of the space and truthfulness of the tone attest to the reality of the world Kelly imprints himself upon." Despite this "truthfulness" in the depiction of the bushranger's beloved habitat, this Kelly is starkly incongruous with respect to his landscape, looking almost superimposed: "Kelly's dramatic separation from this environment and its actuality create one of the most striking resonances between the figure and landscape in modern Australian art." Here, "a new contract was drawn up between the human and the natural" (9). Within that contract, the figure of Kelly is dominant. The stark black silhouette of the bushranger's armour became an unforgettable symbol, ranked by London critic Robert Melville in "that company of twentieth-century personages which includes Picasso's minotaur, Chirico's mannequins, Ernst's birdman, Bacons' pope and Giacometti's walking men" (Clark 72). Nolan's dominant and dominating Kelly is both a reflection upon the power of legend over the Australian land and landscape, and a crucial contribution to the strength and power of the Kelly myth. The series of paintings was exhibited in Nolan's first solo show in Melbourne in April 1948 and that same year travelled to Paris to critical acclaim. In 1951 Nolan held his first exhibition at the Redfern Gallery, inaugurating his international success. Since then it has become almost impossible to think of Kelly without thinking of Nolan, and vice versa.



Sidney Nolan, *Ned Kelly*, 1946
© National Gallery of Australia, Canberra.

Again, the relationship between reflexivity and myth-making is linked to tensions between the national and international, rebelliousness and respectability. The Angry Penguins perceived Australia as culturally insular and determined to provide "a noisy and aggressive revolutionary modernism," accompanied by an "outburst of internationalism." They

promoted the likes of Mallarmé, Proust, Dylan Thomas, and Faulkner, and the painters were influenced by European expressionism and surrealism. They were unapologetic “angry young men”, the rebels of their day, and faced an equally strong resistance from groups who despised the modernist trends and “pseudo–Europeanism” of Australian art. This antagonism came to a head with the well-known “Ern Malley” Hoax. James McAuley and Harold Stewart concocted a series of incoherent nonsense poems under the name of Ern Malley, and submitted them to *The Angry Penguins* to debunk the journal and protest against “the gradual decay of meaning and craftsmanship in poetry” (Innes 152). Max Harris was so impressed by the poems that he published them all and changed the name of his magazine to the *Ern Malley Journal*. Later, Harris was put on trial for publishing the poems, which were deemed by the police to be “obscene” and “indecent advertisements”, and the magazine came to an end, signalling the decline of modernism and the domination of artistic conservatism in Australia for the next twenty odd years.

These artists thus used European and American forms to explore and promote a uniquely Australian identity. Interestingly, their rebelliousness is linked to their internationalism, whereas, as Phillips point out, Australian defiance is usually connected to a *break* from the “old world” and its stuffy elitist conventions. Of course, these are all matters of class. Nolan and Stewart sought to revolutionise the Australian art world by appropriating bush larrikin Kelly into high culture, in turn “de-larrikinizing” Kelly himself. Many of the new class of artists rejected the writings of publications such as the *Bulletin* for encouraging a crude “larrikin view of life”. Harris himself founded the *Angry Penguins* in order to replace “the pedestrian bush-whackery which gave Australia a novel of unequalled verbal dullness” (in Innes 152). Both Stewart and Nolan examine and contribute to the Australian myth of the land, but they transform the bushman legend into one of a “higher” order, appealing to elite European tastes. Ironically, when Nolan’s Kelly series was exhibited in Melbourne in 1948, “the general public and local reviewers...displayed almost classic indifference.” James MacDonald, critic with the *Age* and former director of the National Gallery of Victoria, stated, “Nolan has a second-rate Halloween or boogie-woogie notion of depiction – particularly in these Kelly daubs.” However, when the paintings were displayed over the following years in Paris and London they were well received by French and English critics. Jean Cassou, head of the Musée National d’Art Moderne, declared that the series was “the work of a true poet and true painter” and a “striking contribution to modern art” (in Clark 73). Only with this deferred European acclaim were Nolan’s Kelly paintings accepted by the anti-Europeanist art establishment as proud examples of Australian national art.

The cultural memory of Ned Kelly thus functioned to help revolutionise the Australian art scene, and through it, internationalise the national identity. Paradoxically, in the process Kelly became domesticated, stripped of his potentially threatening “larrikin” aspect, and thereby simultaneously functioned conservatively. High culture may not be so healthy for national identity as Gellner claims; at least not for everyone in the nation. Sandor Radnoti

convincingly argues that high culture does not create unity within a nation, but rather division, by simultaneously producing its other, low culture: “the high art of our age is paradoxically indeed culture-creating art in that it creates its opposite, mass culture. It generates a culture of life in order to articulate itself in tension with it” (Radnoti 37). In this case, the class to which Kelly belonged is appropriated into the national identity via high culture, only to be excluded by that same, hegemonic, artistic arena.

Also ironic is the fact that Kelly answered Nolan’s “primitivism”: “that well-spring of modernism which served the rebels and precursors of the 1940s in Melbourne so well.” In these narrative paintings, Nolan has figures floating off the ground and policemen falling headlong from their horses: here the artist is engaging “folkish and primitive elements and deliver(ing) a snub to conventional taste and propriety” (McCaughey 9). In the indoor episodes of Nolan’s Kelly story, in particular the work depicting Constable Fitzpatrick accosting Kate Kelly, “primitivist”, folk and faux naïve elements are most evident. In *Constable Fitzpatrick and Kate Kelly*, linear perspective is arrested by wallpaper which hovers like a flat screen; a vase carrying flowers which blend into the pattern of the wallpaper appears to float upon an intangible tabletop; and Kate herself is “as weightless as one of Chagall’s brides” (78). It is interesting that these “primitive” and “folkish” elements are those which attest to the modernity of the paintings, that “primitive” culture being closer to Ned’s own than to the 1940s Melbourne art-scene, in both political and temporal terms: those elements are deferred. Again, it is when Ned’s temporal and political culture becomes appropriated into modern high culture that the disempowered outlaw attains fullest memorial potency, again revealing the intersections between all three lines of relation within the Kelly memory dispositif. This deferral of identity will be the subject of the next section.



Sidney Nolan, *Constable Fitzpatrick and Kate Kelly*, 1946.
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3. Deferred Identities

High-culture producers might have been cultivating Kelly for elites, but in other areas of the culture the Kelly history was becoming more radicalised than it had ever been before. The appearance of Kenneally's *The Inner History of the Kelly Gang* in 1929 was groundbreaking, since, with the one exception of Jon Clow's *Cause of Kelly* (1919), it was the first straightforwardly pro-Kelly statement outside of oral tradition. While previous films, plays, and popular novels had doubtless romanticised the gang, and inserted Ned into an Australian identity via the bushman legend, they were always tentative in doing so due to censorship practices. More importantly, these entertainments never attempted to place the Kelly affair within an explicitly political context. *Inner History* was the first text to posit the gang's behaviour into a context of class conflict, land disputes, police misconduct, and imperial rule (attacking the police was nothing new, but always fell short of accusations of persecution and corruption). This historical biography initiated Kelly into the province of the politicised working-class hero, and throughout the 1940s and 50s this type of representation began to gain momentum.

Certain identities began to be explicitly attributed to Ned: persecuted, Irish, rebel, anti-British establishment, poor man's hero. These identities are still very much with Kelly today. And crucially, these new identities, a politicised version of the characteristics of the outlaw tradition and, to an extent, the bushman, are very close to those which Ned attempted to bestow on *himself at the time of his outlawry*. They were denied him at the time, outside of oral tradition: they had always been there implicitly but had been either lost through censorship or inverted by the press, which insisted that although Ned posed as a hero of the people, he was in fact no more than a common criminal and a coward. The press thereby manufactured a rupture between how the outlaw pretended to be, and how he actually was. Between 1882 and 1930, (self) censorship, political conservatism, and profit motive led ultimately to the conservatism of the Kelly and bushman legends. The texts of 1930-1960, fifty to eighty years *further away* in time from the affair, are actually much *closer* in terms of identity to Ned's own representation of himself. These identities are, then, *deferred*, only able to reveal themselves with the "mellowing patina of age."

It is almost entirely in print that these deferred identities proliferated. The films reproduce the legend but steer clear of a straight-forwardly political approach. More specifically, it is in histories and biographies of the gang, and chapters in histories of Australia, discussed above, that they are found. These were the very genres that were most profoundly anti-Kelly in previous eras. I will use Kenneally's *Inner History* (1929) and Max Brown's *Australian Son* (1948), to explore the identities belatedly invested in the Kelly gang.

The most obvious evidence that these representations approach the gang's representations of itself, and those of its sympathisers, is that they make a concerted effort to reproduce the voices of the participants in the affair on the other side of the law: voices that had been silenced or distorted until then. Kenneally printed a version of Kelly's "Cameron" letter in his book, and much of his material came from interviews with Kelly's still living supporter "Wild" Wright. Brown printed not only the Cameron letter but, for the first time, the "Jerilderie" letter, in 1948; this letter had been written by the gang for the purpose of press publication in 1879, but was censored. Brown also quotes the letters throughout his book to help generate these deferred identities. Clive Turnbull published a pamphlet in 1942 titled *Ned Kelly: Being his Own Story* which consists entirely of an introduction and the "Cameron" letter. As well, throughout this period we see for the first time the active collection and dissemination of ballads that were written and sung by and for the Kelly gang; ballads that too had been published only in part and only within a derogatory context by the press of the time. Almost all histories, chapters in histories, biographies and newspaper articles about the Kellys, print one or more of these ballads. Moreover, they begin to appear in song book compilations, such as *Bandicoot Ballads*, collected by John Manifold (1955). This sort of incorporation of voices that were disenfranchised at the time is of course never complete: the letters are edited to make them more grammatically correct; the ballads are published selectively, and many had probably been already lost from oral tradition. Nevertheless, it demonstrates an attempt to resurrect those prohibited voices and in doing so gets closer to investing the Kellys with the identities with which they wanted to invest themselves, and which their supporters felt they represented, at the time.

Those identities constitute a particularly politicised form of the outlaw tradition, akin to that extrapolated in Eric Hobsbawm's *Bandits* (1969), but articulated before that highly influential book was published. The various strands of this overarching political outlaw identity are difficult to separate from each other, but they can be listed as: persecuted, working class, anti-establishment, and in this case, Irish.

In the foreword to *Inner History*, Gerald C. Stanley writes, "As Peter Lalor and his diggers found it necessary to give armed resistance to police tyranny in Ballarat, so Ned Kelly and his followers found themselves faced with a similar alternative. For his part in shooting down the armed forces of tyranny at Ballarat Peter Lalor was soon after acclaimed the popular hero of his day. For a somewhat similar resistance to persecution Ned Kelly was hanged, but, now that time has dispelled the mists of prejudice from the scenes of the Kellys' activities, their names are coming to be held in far higher respect than those of their official persecutors" (Kenneally 8). Persecution of the Kellys by the authorities, from the police through to the British ruling class, becomes a central aspect of the story at this time. Importantly, the Kellys are portrayed as being representative of an entire section of the working classes, and "official tyranny" takes on far-reaching political ramifications. Of the

history of the Kelly country, Kenneally writes, "The original settlers were hardy folk... and were mainly immigrants from England and Ireland who sought the freedom of a country unhampered by oppressive land and industrial laws. Many of them were obsessed by a sense of the injustice of the laws...It was not remarkable, therefore, that they regarded with suspicion any attempts to assert 'authority', and were quick to resent any interference with what they considered their liberty in a free land" (15). Of Judge Barry's sentence upon Mrs Kelly of three years' imprisonment for the Fitzpatrick affair, Kenneally writes "It was this unique outrageous miscarriage of justice that caused Ned Kelly to offer armed resistance to an administration correctly described as 'Loaded Dice'". When Barry passed sentence on Mrs Kelly, he added, according to Kenneally among others, "'If your son Ned were here I would...give him 15 years.'" Ned had not been tried or even charged: of this Kenneally writes, "It has always been an axiom in British communities that the Court must always consider an accused person to be innocent until he has been fairly tried and justly convicted, but the law and the axiom was not only violated, but also strangled by those charged with its administration. This judicial outburst was tantamount to an open declaration of war on the part of the authority against the elder of the Kelly youths...The hand of the law was against him and his. Sooner or later the authorities would seek him out and crush him. Well, it would be a battle henceforth. He would forsake the peaceful ways of a miner..., and live in defiance of the law. The perjured evidence of Fitzpatrick...awakened in him all the combative instincts of his race. He abandoned his quiet work, and, with his trusted companions, decided to maintain their liberty at all costs" (43-4).

Ned's "race" is Irish: of Ned's father, "Red", the author – himself of Irish ancestry - remarks, "He was the type of young Irish patriot who was prepared to make even the supreme sacrifice for his country's freedom. He was a man whom the landlords and their henchmen regarded as a menace to the continuation of the injustices so maliciously inflicted on the people of Ireland...Like other patriots, he was charged with an agrarian offence...With jury packing reduced to a fine art, the ruling class in Tipperary had no difficulty in securing his conviction, and transportation to Van Dieman's Land." Of Red's life after his release, Kenneally claims, "Irish patriotism was such an unforgivable crime in the eyes of British government officials in the colony of Victoria, that even the serving of a savage sentence would not wipe out the campaign of anti-Irish hatred so well organised in the colonies. John Kelly was continually hounded by the police" (17). With this rhetoric, Kenneally was tapping into a deep vein of Irish folk memory, which was familiar to Ned as he was growing up and would have been familiar to many Irish-Australians at the time *Inner History* was published. Especially after the 1798 uprisings in Ireland, rebel "patriots" – often agrarian protesters such as Limerick's William Wallace - were immortalised in folklore. As Daithi O hÓgáin writes, "1798 in folk narrative is the age of atrocities, of savage government cruelties, and of brave men and women who would not lie down" (Ó hÓgáin 194).

In the above passages we see how certain intertwining identities are attributed to Kelly, rooted in a historical context and social traditions. Ned is fighting a war against official tyranny that finds its national precedent in the Eureka stockade. Ned's antecedents came to Australia looking for freedom and were naturally anti-authoritarian; or they were transported as convicts, victims of their longing for liberty, which had long been denied them by the unjust establishment. Ned embodies his Irish race, one which had since time immemorial been persecuted and oppressed by the British ruling classes; and one which accordingly has developed an innate spirit of revolt against injustice. These overlapping identities are invested in Ned, based in a version of his history and his traditions. They become versions of the traditions and history of Australia.

Almost twenty years later, Max Brown's *Australian Son* was published. Like *Inner History* it was both successful and controversial, and has been re-printed several times. *Inner History* basically marked the end of first-hand accounts of the story, as by that time most of the participants and eye witnesses had died. By 1948 representations were displaying a growing confidence in an Australian tradition and specifically in Ned Kelly's place within that tradition. In the foreword to his biography, Brown writes, "I cannot remember when I first heard of Ned Kelly and the youths who were his comrades who flamed along these sombre hills towards the south-east corner of the Australian continent in the days of the lion rampant. I can imagine that good Queen Victoria – assured, satisfied, and with a tendency towards obesity, yet at the summit of her age- was the perfect emblem of the dominant, middle-aged, middle-class, righteous British Empire of the loud steam age in which they lived. Amid the huzzahs of petty wars for the enlargement of Empire, fought to the accompaniment of music-hall ditties, her plump hand never trembled, her name remained virtue. Yet I suspect that behind the name of evil given these young men was a certain worth little understood then or now, which, in a perverse way, put the seal of manhood on the young Australian nation; and that their fame, which made the bushland ring, will therefore never cease to ring in Australian hearts" (Brown vii).

Brown's story is essentially a social history of Australia, through the lens of the Kellys, and their predicament is grounded firmly within a broad socio-historical context. Brown discusses transportation, Irish-English relations, the gold rush, the Eureka stockade, industrialisation, and the Selection Acts, as a background to the circumstances of Ned's birth and childhood: in all cases, "there is little doubt where the Kellys stood – they were at the bottom of the social ladder" (21). All this is also the backdrop for a startling and seemingly unending list of arrests of various members of the Kelly/Quinn clan. In most cases the defendants were acquitted due to lack of evidence and Brown's stance is that the family was officially persecuted by the authorities because of its social standing and size. He writes of Ned's first brush with the law, an assault charge for which he was acquitted, "he had yet to learn that any offence becomes magnified and immune to normal morality when recorded in an official system; the old saying 'give a dog a bad name' did not express half of

it" (23). One longish section of the book is worth repeating and looking at in closer detail, as illustration of the identities with which Brown invests Kelly. It concerns Ned's decision, after his release from his first spell in prison, to enter into the illegal "cattle doffing" trade. The passage begins with a quotation from the "Jerilderie" letter:

Kelly said "I began to think they [the police] wanted me to give them something to talk about; therefore I started wholesale and retail horse and cattle dealing."

Such was his only excuse for entering the dangerous doffing trade to which the hard economic circumstances of his life were pushing him, but there must have been more to it... Who were the prophets of his day? They were sharp businessmen who employed missionaries, soldiers and trade representatives to subjugate the world to their will. The bravest of them could watch the Union Jack flutter to the breeze in some foreign land with tears in their eyes, or march with fire and sword through Africa without a tremor, for they believed in the machine and their mission to turn unhappy mankind into a herd of milch cows.

But Kelly was not of them and had no sympathy for them for he knew only too well what they had done to his own family, and blood and bone he was of the Australia that had shown its true colours at Eureka and was carrying on as best it knew the age old struggle waged against the princes of Europe.

Yet again came the thoughts that would not let him go – of Jim gaoled at fourteen for the crime of helping his cousin, of his father gaoled, of his uncles, of his mother forced to run a shanty house but with more courage than the greatest in the land, of the cocky farmers ground under by poverty and the eternal pin-pricking of the authorities, of Pentridge and the hulks – and of the opportunities to make a rise for himself and his family that the return to his old haunts placed in his path.

Back came the spirit that had characterised Ireland from the days when its chieftains had refused to knuckle under to English power and Cromwell had distributed 4.45 million hectares of its best land amongst his soldiers – of hatred for authority, of fear and contempt for its traitors. (37)

Again, several identities intermingle as they invest themselves in Kelly. We have the persecution of Ned and his family, and his response to it; the conditions that enabled the oppression and the response, conditions characterised by imperial domination of land and peoples, to which Ned and his tradition are in natural opposition. Ned's own tradition extends across time and space, beginning with Eureka and reaching across to the "age old struggle" against "the princes of Europe", and is informed by an essential Irishness, one which "had refused to knuckle under to English power." Here, a poor and disenfranchised Ned becomes explicitly anti-imperialist, even socialist, and essentially Irish in his rebellious "hatred of authority." Brown, with his even more dramatic prose, connects to an Irish "prior memory"⁴ even more deeply rooted in the Irish past than does Kenneally, referring to the Chieftains, the Elizabethan Wars, and Cromwell's policy of plantation (Ó hÓgáin 178).

This sort of representation is very similar to Kelly's representation of himself in his Cameron and Jerilderie letters, and Brown uses them as a primary mode of investing these political identities in Ned. When Brown recounts the Fitzpatrick affair, after which Ned's mother was imprisoned, he writes, "It is said that when Ned was told his mother was sentenced to Pentridge, he swore he would take vengeance that would make his name ring down the generations. This is no doubt near the truth, for shortly afterwards he wrote: 'When I hear a

⁴ Thanks to Ann Rigney for her idea of "prior memory".

picked jury, amongst which was a retired sergeant of police, was empanelled on the trial..., I am really astonished to see members of the Legislative Assembly led astray...The witness can prove Fitzpatrick's falsehood can be found by advertising, and if this is not done immediately, horrible disasters will follow. Fitzpatrick shall be the cause of greater slaughter to the rising generation than St Patrick was to the snakes and toads of Ireland – for had I robbed, plundered, ravished and murdered everything I met, my character could not be painted blacker than it is at present; but, thank God, my conscience is as clear as the snow in Peru... I have no more paper unless I rob for it. If I get justice, I will cry a go. For I need no lead or powder to revenge my cause. And if words be louder, I will oppose your laws. With no offence (remember your railroads) and a sweet goodbye from Edward Kelly, a forced outlaw'" (46).

Finally, after at least fifty years, Ned Kelly comes to represent the identities which he tried to express during his life time. In a sense, this is the most radical functioning of the Kelly memory so far, since in previous periods voices expressing these political identities were censored or manipulated, and Kelly was portrayed either as a common criminal or a romantic bushranger. The Irish "prior memory" was also prohibited from finding expression during Kelly's lifetime, no matter how hard the outlaw attempted to articulate it in his letters and ballads. Its appearance in 1929 adds force to the deferred radical Irish identity. As discussed in chapter two, the past is always reconstructed to meet the needs of the present, and to an extent it is no surprise that Kelly was taken up in this way at this particular historical juncture. It is obvious that these new representations of Ned Kelly and his saga relate to the current conditions of their productions. Elwyn Lynn asserts that the period in which Sidney Nolan was creating and exhibiting his first series of Kelly paintings was "ideologically" suited to the legend, coming out of the Second World War and the earlier Depression. Graham Seal notes that there was a flourishing of Kellyana around the War. Bill Gammage writes that "in the 1930s and 1940s depression and War kept it (the legend) at the nationalist forefront;" Gammage refers to Billy Blinkhorn's "eloquent protest song", "Poor Ned Kelly", written in 1939, as well as *Inner History*, Stewart's play, Nolan's paintings and *Australian Son*, which "moved oral accounts squarely into the written record and made public the Jerilderie Letter" (Gammage 362). Max Brown writes in his foreword, "Was it the Second World War which gave me a realisation of the validity of my own country? Was it that in the men with whom I lived I found a certain unique Australian character – a promise and threat, which had found expression in the life of Kelly many years before?" (vii). In a post-war edition of *Inner History*, Kenneally adds to his sentence, previously quoted, "It was this unique outrageous miscarriage of justice that caused Ned Kelly to offer armed resistance to an administration correctly described as 'Loaded Dice'. (Australian prisoners of war in Germany, in 1944, were granted a holiday to celebrate the birthday of Ned Kelly, King of Australia.)"

One ballad entitled “Ned Kelly was a Gentleman”, written around 1943 and probably parodied from the Irish song “Saint Patrick was a Gentleman”, runs as follows, and provides a useful basis from which to examine the relationships between the deferred identities generated by the texts and the current contexts of the Kelly texts’ productions:

Ned Kelly was a gentleman;
Many hardships did he endure.
He battled to deprive the rich
Then gave it to the poor.
But his mode of distribution
Was not acceptable to all.
Though backed by certain gunmen
Known as Gilbert and Ben Hall

I think it was a pity
They hanged him from a rope.
They made Australian history
But they shattered Kelly’s hope.
If they’d sent him into Parliament
His prospects would be bright.
He’d function for the masses
If not for the elite.

And perhaps now in Australia
We’d have millions trained with him,
All laughing with a vengeance
At the little yellow men.
If Ned and such guerrillas
Were with us here today
The Japs would not be prowling round
New Guinea and Malay.

Since Ned went over the Border,
There has been many a change,
Yet we may adopt his tactics
Around the Owen Stanley Range.
Poor Ned, he was a gentleman,
But never understood,
We want men of such mettle now
To stem the Yellow flood. (in Meredith and Scott 121)

Again we see the deferred identities: the endurance of hardship, or persecution, working class hero with a quasi-socialist “mode of distribution”, all in the form of an Irish ballad. However, the song also links the past to the present, in its wistful wish that Kelly could have survived and been present for the Second World War to fight “the little yellow men”. Just as the composer’s reference to the “yellow flood” reflects a current fear, those other identities

are not only deferred but contain current concerns. The following lines demonstrate this relationship:

If they'd sent him into Parliament
His prospects would be bright.
He'd function for the masses
If not for the elite.

The first line would read, 'If they *had* sent him into parliament', the use of the third conditional signalling its pastness. However, the other lines employ the second conditional, situated in the present. The implication is that, although Ned is a figure from the past, in a past context since which "there has been many a change", those class divisions of the "masses" and "elite" still exist in 1943, as do, by implication, the conditions and identities involving hardship, Irishness, and persecution. The ballad produces deferred identities for a past figure, and then pulls those identities back into its present to reflect current issues in its current time.

Many of the texts dealt with here exhibit socialist leanings in their representation of Kelly, endowing the outlaw with deferred socialistic identities based in a working class Australian history. This was a time when Kelly was taken up by the left, as part of a continuing struggle to define the Australian identity. Robert Menzies was Prime Minister at the start of the war, and he was unquestioningly pro-British: "He believed passionately that the British had created the highest civilisation and the greatest degree of liberty known to man" (Innes 152). He did not hesitate to take Australia to war to support the Mother Country. However, in 1941 Labour leader and socialist John Curtin took over. He turned to the US for support and told Australians that they could not rely on Britain and that their primary aim should not be saving Britain but ensuring the survival of their own nation. The Labour party won a landslide victory in 1943 and set about trying to create a more egalitarian society, introducing or improving such measures as hospital benefits, old age and invalid pensions, and college scholarships. Menzies re-established his premiership in 1950 and moved to ban the Communist party, but he was opposed by Labour and defeated in a referendum. Universities expanded after the war, and Australian history began to be taught in 1946. A group of radical historians later called the Old Left began to publish labour histories influenced by Marxist ideas. Many Australian intellectuals were members of the Communist party, including Russell Ward and John Manifold. Conservatives such as James McAuley, editor of the right-wing *Quadrant* journal, saw Communism as a threat to civilisation. This group continued to see Britain as the source of its identity, while others witnessed the rapid decline of the British Empire and emphasised the need to nurture an independent identity. They emphasised an Australian tradition which embraced socialism and opposed capitalism, and it was to this end that Kelly's memory was used (Innes 152-4).

However, the Kelly memory's radicalism at this time is in some ways simultaneously its conservatism, a tension related to issues of temporality. The politicisation of Kelly, and, through him, the Australian past, is very timely, "ideologically suited" to the era. This timeliness, though, is precisely what defuses the memory, in partnership with Ned's equally timely incorporation into high culture. In chapter one I addressed Spivak's famous question of whether the subaltern could speak. Now we must ask: *when* can the subaltern speak? Radical pro-Kelly (subaltern) voices could not find expression in previous decades partly due to strict government censorship. Why, then, could the Cameron and Jerilderie letters be published freely by Kenneally and Brown? It was not the case that government censorship had loosened; on the contrary censorship on grounds of obscenity, miscegenation and politics at this time was at an all time high (Innes 151). It is true that this mostly applied to imports, but there must be another reason why the censors no longer prevented publication. We can speculate that it was because these voices had ceased to be a danger to the prevailing order. Virtually all those involved with the affair had died, and social conditions had altered to such a degree that it was now politically safe to hear Kelly's voice: it could have no impact on the conditions that led to his outlawry, since too much time had passed. Again, these linkages between voice, time, and power are those composing the memory dispositif at this time.

Meanwhile, although there were some radical intellectuals making noises during this time, the left-wing forces with actual political power were not actually very left-wing. For instance, Brian Fitzpatrick celebrated the struggles of labour against capital in his *Short History of the Australian Labour Movement*, but in 1946 claimed that the Labour party emphasised "nation-building through a capitalist economic system" at the expense of socialism, and had "enlisted industrial workers under banners attractively splashed with socialist slogans for the task of Australian nation-building for others' profit" (Bongiorno 370). The Liberal party successfully conflated socialism with communism to exploit the Red menace and all but extinguished remaining socialist elements of Labour (Macintyre "Socialism": 596). Industrial relations by this time had become a specialised component of company management (Macintyre "Industrial Relations": 343). The onset of the Depression was associated with industrial defeats and significant losses in trade union membership. The war saw the revival of unions, but over the following twenty years there was a bitter political struggle, which ultimately weakened radical influence and hindered union progress (HD 648).

Ann Laura Stoler addresses a not unrelated matter in her discussion of colonial history and the remembrance and forgetting of the colonial past. She quotes Nietzsche's warning against "idling in the garden of knowledge", and continues, "what animates effective rather than idle colonial history is perhaps not its timeliness – how well it fits current politics..., but how much it disrupts the stories we seek to tell, what untimely incisions it makes into received narratives, how much it refuses to yield to the charm of heroes – subaltern or

otherwise" (Stoler 11). She goes on to cite Nicholas Dirk's observation that the academic rush to study colonial India in the 1980s came at a time when it had become "safe" for scholarship. Politicising the Australian past and identity via Kelly did not have solely radical functions, just as the elevation of Kelly into high culture was equally domesticating and revolutionary. It happened at a time in which it was safe to do so, when there was virtually no possibility of its leading to any disruption of the status quo. The deferred identities came at a time too far removed from the events to have any impact upon them, and when they fitted with an Australian narrative produced by a left-wing itself contained by the faux-left of the Labour party. The identities, though in themselves quite radical, are neutered by their politico-temporal positioning.

Moreover, as in the previous period, even the far-left groups expressed a deep racism in their articulation of "Australianness". This can clearly be seen in the ballad quoted above, which combines socialist values with a profoundly anti-Japanese sentiment. That case is especially extreme due to the ongoing military conflict with Japan: usually the matter of race reveals itself slightly differently either than through explicit racism or the political impotence of the other deferred identities discussed above. Rather than hovering in a politico-temporal wasteland, the deferred Irish identity actually functions to overwrite and itself defer other current ethnic and racial identities existing in 1930-1960. A recurring and unsettled question in Australian historiography involves the relationship between the Catholic Irish and their descendents, and the Anglo-Australian Protestant establishment. On one side it is claimed that the Irish were systematically disadvantaged, and excluded from the central sources of power and influence before the Second World War. But it is also claimed that the Irish exerted a "galvanic" influence on Australian life and identity. In tandem with the bushman figure, the Irish were seen as being prone to undermine established hierarchies and authority, being innately "predisposed to challenge and dissent", and thus emerged as the main carriers of a radical temper in Australian politics. During the post-Second World War period, Irish-Australians were more skilled than their predecessors, often holding tertiary qualifications. They were more mobile, earned higher incomes and endured lower unemployment levels than other Australians. At this time those of Irish descent were clearly over-represented in the upper ranks of the Labour Party apparatus. Eric Richards asserts that one feature of the perceived persistence of Irish identity on Australia has been the willingness of people from very mixed backgrounds to adopt their partial Irish origins as their "essential identity." For example, Arthur Calwell, minister in charge of immigration immediately after the Second World War, was extremely conscious of anti-Irish currents in his own life, although he was "at best half-Irish". He was in part animated by "an ingrained Anglophobia" and part of his political mission was to make Australia less English (Richards 351). Calwell was responsible for the post-war policy of extensive European immigration from countries such as Italy and Greece; he coined the tag "new Australians".

Those post-war immigrants from Italy and Greece faced intense discrimination on their arrival in Australia. While not subject to the White Australia policy, they were “not quite white” (Templeton 354), and are in fact still referred to as “wogs” even by many liberal Australians today. During the war, thousands of Italians were interned, many of whom were anti-fascist. They formed a new ethnic minority, a new underdog class. The social impact of immigration, and the needs of these migrants, especially those who did not speak English, were recognised only gradually (Lack 338). Although they faced much hostility, they were considered to be far more desirable than the “yellow flood” from Asia which was feared could break out at any moment. Calwell’s immigration policy itself was part of an attempt to eschew the “yellow peril”; he is now famed for his pun “two Wongs do not make a White.” Both Chinese and Japanese were affected. Japan and Australia were at war from 1941 to 1945. Ninety-seven per cent of registered aliens of Japanese descent in Australia were imprisoned, compared with thirty-one percent of those of Italian and thirty-two per cent of those of German descent. From 1946, almost all Japanese-born Australian residents were forcibly returned to Japan, and the Japanese community was virtually eliminated. Most European internees were permitted to stay. Eric Andrews shows that Australian attitudes towards the Chinese improved after the Japanese invasion of 1937. This did not affect immigration policy, however. During the war Chinese refugees were granted asylum and many contributed to the war effort, but Calwell ejected them at the war’s end. The numbers of Chinese in Australia hit a low point of about 7,000 in 1947 (Antonia Finnane 123).

To be fair to Max Brown, he does pay some little attention to the Chinese in his biography, and even aligns Kelly with the Chinese in a rather radical move. He puts the following words into Ned’s mouth: “‘If I had a pigtail,’ observed Ned, ‘I’d go home to China. One Chinaman is worth all the bloody Europeans living’” (201). As for the rest of the Kelly representations, the Chinese are almost entirely omitted, in line with immigration policy. Although the Irish of Ned Kelly’s day certainly experienced severe injustice, due to imperial power relations, Irish-Australians from 1930-60 were not only integrated but the Irish influence was being celebrated, and they enjoyed in general a decent standard of living, particularly in comparison with the new European immigrants, not to mention Asians who were barely even permitted to exist in the country. In fact, the huge wave of post-war immigration helped put an end to Irish sectarianism in Australia, showing that the Irish deferred identity is as “safe” as the others. This “safe” deferred Irish identity, then, overwrites other ethnic identities and tensions, proving to be not so safe for those groups within the nation. Striving towards something like Gellner’s notion of a unifying national high culture, these leftist histories and biographies attempt to erect a homogenous national identity, investing the figure of Kelly with a number of characteristics which in turn become strands of a national identity. However, rather than including everyone in the nation, they ignore and exclude many different groups, reinforcing the cultural divisions posited by Radnoti in his analysis of the social organisation of culture referred to above.

This is to say nothing of the position of Indigenous Australians. Again, to the credit of Brown, as well as *Australian Son*, he wrote *Black Eureka*, a history of the 1946 strike by West Australian Aboriginal stockmen. Clive Turnbull, as well as publishing Kelly's "Cameron" letter, also wrote a history of Tasmanian Aboriginals. However, in terms of the Kelly representations, Aboriginals are barely mentioned, in fact less so than in the previous two periods. Indeed, Brown heads a six-page section of his biography "Black Trackers", which then almost entirely omits the trackers, focussing attention instead on the actions of the White police. "Aboriginality" is barely even articulated to be displaced into a prehistoric past, as it was in previous decades. It is almost overwritten entirely, or perhaps deferred into an uncertain future. It could therefore be argued that the deferred identities which the Kelly texts effect include an outmoded Irish radicalism that is in fact a function of a continuing White Australia policy, positing a deferred Irish subaltern identity over and on top of multiple present-day subaltern identities.

During this period, Aboriginals faced the fiercest attack on their civil rights to date. Assimilation had been the aim of government policy towards Aboriginals since the late nineteenth century, and was the declared objective from the 1950s, defined at a federal and state gathering in 1951 in the statement that "all persons of Aboriginal blood or mixed blood in Australia will live like white Australians do" (SM 42). In practice this meant the forced removal of over 100,000 mixed-race children, a practice designed to break down separate Aboriginal identity and "breed out" Aboriginal blood. Meanwhile, the expansion of universities and production of history did not signify increased attention to Aboriginal history or the history of White-Indigenous relations. While there were a few attempts at this, including Brown's and Turnbull's offerings, historiography until the 1960s tended to ignore the existence of Indigenous inhabitants altogether.

"Aboriginality" did not disappear altogether, however. In fact, it was being appropriated into "high culture" in the same way as the Kellys. "Abo art" eventually became the epitome of kitsch, but from the 1930s until the 1950s it was being incorporated into high modernism. In 1938, anthropologist Frederick McCarthy published *Australian Aboriginal Decorative Art*, which sold over 100,000 copies. He was also involved in the Australian Museum exhibition *Australian Aboriginal Art and its Applications*. By 1955, the Martin Boyd Pottery in Sydney employed fifty people to decorate ceramics with Aboriginal designs. In 1954 the ballet *Corroboree* was commissioned for a visit from Queen Elizabeth II and Prince Phillip. While this might appear as progress for Aboriginal people in Australia, the contrary is true. According to Anna Haebich, the coincidence of "Abo art" and the high point of assimilation policy was no accident. Abo art was a "hybrid transgression" of modernism that stole from indigenous people. Everybody involved with these productions was non-Indigenous, and "Aboriginal custodians were not financially compensated for the commercial use of their cultural property, which was often misinterpreted and misused" (Healy 88). Just as the bushman legend appropriated Aboriginal relationships with the land in order to nativise

White Australians, “Abo art” appropriated Aboriginal art to lend sophistication and gravitas to White Australian culture, at the same time eradicating Aboriginals themselves from a national present. Both Ned Kelly’s White working-class culture and Aboriginal culture were taken by high culture. Both functioned to exclude Aboriginal people further from the national identity. Bourdieu argues that the “subordinate” classes’ incomprehension of high culture has been similar to that of colonised natives “awed” by colonial power, and that the dominant classes’ fear of the masses has echoed the irrationality and childishness which was once attributed to “primitives” by the colonising Western powers. Here we see that both White working classes and colonised subjects become disenfranchised through the power relations involved in “high” cultural production and consumption. But the analogy between the two categories itself creates a hierarchy with the White working classes above the colonised subjects. Australian high art of this period repeats this hierarchy of disenfranchisement: while the figure of working class, Irish Catholic Kelly becomes the symbol of the nation, however domesticated, it is *only* Aboriginal symbols that are incorporated into the national identity. Aboriginal figures, present or past, are thoroughly excluded.

Conclusion

Between 1930 and 1960 Kelly representations across genres, but particularly in biographies and histories of the gang and Australian social and cultural histories, produce political identities which are retrospectively invested in Ned. During Ned’s own lifetime the expression of these identities was politically radical, and was prohibited. Since they are deferred they are necessarily neutralised in terms of their political impact upon the past. They relate to current concerns but are politically safe in the present also. The radical Irish identity is an outmoded subaltern one which overwrites and effaces current existing subaltern identities themselves being denied at this time. The identities invested in Ned become part of an ongoing project to construct a unified white national identity, which found expression in social and cultural histories of Australia. This genre, in attempting to locate a truth behind the white national legend, produced that truth, the truth of the myth of the white identity, based in a unique Australian tradition. His entrance into high culture propelled Ned across political-temporal boundaries, a process by which the outlaw, disempowered due to his social standing during his lifetime, is empowered in memorial terms via the cultural capital of high art. The figure of Kelly is used to revolutionise stuffy or immature Australian culture, but becomes domesticated in the process, helping to dull the sharp edge of a rebellious working-class Australian identity. Cultural capital is generated by and generates secondary literature, often in the form of the aforementioned histories, and together they suture the myth of Ned Kelly onto the truth of the White national identity. In short, via the dispositif of medial, temporal, and political relations, certain radicalised identities become belatedly invested in the figure of Kelly and his Australian past, which also become the function of a conservative project to develop a safe, whitewashed Australian

identity in the present. As will be seen next, the 1960s witnessed another development in the memory, as Kelly was taken up by the counter culture and by women.

1960-1990: The Bushman Breaks Down

Between 1960 and 1990 there was no letup in the perpetual flow of Ned Kelly representations which had begun while the outlaw was still alive. Indeed, in terms of items devoted entirely to Kelly, as opposed to his incorporation into various histories, there was even an intensification of media enthrallment. The memory remained contested, though pro-Kelly representations dominated, apart from in the press, which aired both sides quite equally. This was the time in which Ned really entered the academe, inaugurated by a conference dedicated to him held in Wangaratta in 1967, the proceedings of which were published as *Ned Kelly Man and Myth* (1968). From that moment onwards, academics began to pay close attention to Kelly as both historical figure and Australian legend.

Academic books and articles were not the only media to take up the subject matter. In 1970 the Tony Richardson film *Ned Kelly* was released, featuring Mick Jagger as the man himself. This was a relatively big production involving an international superstar, and it garnered a lot of attention for the bushranger both at home and abroad, as well as causing a fracas for having as lead and director not only non-Australians but Britons.

The 1970s and 80s also saw the establishment and expansion of Kelly tourist sites and attractions, partly due to the success of the Mick Jagger movie, and partly in line with a broader national drive to encourage international and internal tourism. The town of Glenrowan, which before 1970 had not even boasted a commemorative plaque to the gang, in a few short years turned into one big Kelly gang tourist hotspot. The town of Beechworth likewise began to capitalise on and contribute to the tourist enthusiasm for Ned, as did others, and the Old Melbourne Gaol was saved from destruction in 1972 only because of its Kelly connection. This period also witnessed an increase in cases of theft of Kelly objects, relics, and, rather gruesomely, even physical remains. In 1970 the Colt rifle Ned used at Glenrowan went missing from a special display in Melbourne. In 1976 a huge statue of the outlaw in his armour was stolen in Glenrowan; and on 12 December 1978 Kelly's very own skull was stolen from Melbourne gaol.

Important for the development of the Kelly memory was the centenary of Ned's execution in 1980. This proved to be an occasion of intense media interest, acting as a memory "cue" and spawning a host of newspaper articles and letters, all manner of memorabilia, various re-enactments and at least two well-publicised television programmes. During that year a significant number of books from the previous two decades were re-issued, including *Ned Kelly Man and Myth*, catalysed by the centenary. For this reason there is no straightforward progression in the contents of the Kelly memory between 1960 and 1990: the kinds of representation that were circulating in the counter-cultural 60s and 70s were also on offer during the more conservative 1980s. Developments within the period are discernable, however, such as a focus on the Kelly women beginning in the 1980s.

I will not be discussing here either the globalisation or commodification of Ned's story, issues raised by the Mick Jagger movie and the centenary. These aspects become more pronounced from the 1990s and will therefore form part of the following chapter, although, as I hope has become obvious, both themes have been present from the beginnings of the memory.

By far the most dominant trend in Kelly representations of the period is the continuation and development of the social bandit identity. This identity had already been attached to Ned in the previous period, in fledgling form, long before Hobsbawm's *Bandits* (1969) had been published. From the 1960s it really takes off. The social bandit construction as applied to Ned involves working class, rural, and Irish identities, all operating under an umbrella rubric of suffering under and struggling against British imperialism. These were the decades of counter culture: the New Left and radical student movements were in swing, and came together to protest Australia's involvement in the Vietnam War. The social bandit was a popular figure and Ned came to embody that identity for the nation. Ned Kelly as social bandit will thus form the first, and longest, of three sections in this chapter.

Alongside the social bandit identity, and integral to the Kelly story, is the theme of the legal system and law. Pro-Kelly products in every stage of the development of the memory have highlighted Ned's persecution at the hands of the enforcers of the law - the judiciary and in the particular the police - and also the unfairness of specific legislation such as the Felon's Apprehension Act of 1878. In all three decades of the period 1960-90, Kelly media items circulated that concentrated solely on Ned's trial, its fairness and legality. The relation of these trial texts, which concentrate on one moment of what Benjamin calls "law-preserving violence" (Benjamin 1987: 285), with the social bandit representations, brings into focus a set of tensions and complexities vis-à-vis the out-law's relation with the law itself, the legal system *tout court*, which also underpins notions of society, and the nation he has come to represent. The theme of law will therefore constitute the second section of the chapter.

The 1980s saw the publication of two books, both historical novels, which concern themselves with the female participants in the Kelly affair: *Sister Kate* (1982) and *Ellen Kelly* (1984). During the late 1970s and early 80s women's movements were making themselves heard, and "herstory" was being written into the nation. These woman-oriented texts pay close attention to issues of sexuality, especially feminine sexualities. Masculine sexualities were not neglected in this phase, however; in a period when a gay movement in Australia was also beginning to make waves, the (hetero)sexuality of the gang members began to come under closer scrutiny, explicitly in the form of debates in the press and implicitly with the über-camp figure of Mick Jagger starring in an important international media screening of the legend. The third and final section of this chapter will thus deal with the themes of gender and sexuality.

We have seen that, from the 1880s onwards, the identities invested in Kelly and those of the Australian nation have, in a two-way dynamic, fused into each other so that by the 1950s Ned had become the most prominent icon of the nation. The previous chapter argued that the deferred subaltern identities attached to Kelly of a “bog” Irish selector’s son, persecuted by and raging against the British imperialist establishment, served to radicalise the Australian past. In the process they ironically and unfortunately functioned to assemble a conservative national identity characterised by Whiteness and hyper masculine heterosexuality in the present of the period 1930-1960, universalising those qualities and thereby reproducing strict inside/outside divisions as regards the national character, with the representative body of Ned as the container for that which was “inside”.

From the 1960s onwards the figure of Kelly started to malfunction as a policeman of the national identity, even while he continued to reinforce its borders. To a certain extent, this breakdown was the “dominant strategic function” (Foucault 195) of the memory dispositif at this time, when Ned was taken up by the counter culture. In other ways, however, it was an accidental consequence of the system of relations within the Kelly memory dispositif, which worked just as conscientiously to shore up the established national identity.

With regard to race, gender, and sexuality, even the legal system and the idea of society which rests upon it, the identities invested in Ned began to break down and reveal other identities existing in the nation’s present that they had hitherto served to conceal, “pastify”, or defer. The social bandit identity, with its powerful focus on British imperialism in Ireland and land rights in Australia, both obfuscates and draws attention to the missing histories of Indigenous Australians, invasion, dispossession, and Aboriginal struggles for land which were gaining momentum in the 1970s and 80s. Ned’s position regarding the legal system, the tensions surrounding whether he is inside or outside the law and society, again makes us consider the meaning and implications of a national identity that has such potentially anarchistic underpinnings. Lastly, the focus on sexuality and in particular homophobic accusations that members of the gang were gay, and responses to these, force us to perceive the thoroughly queer nature of the Kelly legend in its entirety and of the seemingly hyper-heterosexual masculinity of the Australian legend itself. In all three cases, the particular set of medial, temporal, and political relations of the Kelly memory dispositif, breaks down “present” identities, and also produces a temporal “line” which reaches back into the past to make us realise that those identities always contained that which they tried to expel.

1. Ned Kelly as Social Bandit and the Memory of British Imperialism.

In 1969 Eric Hobsbawm’s *Bandits* appeared, postulating the theory of the social bandit. A form of this social bandit identity had already been attached to Ned Kelly through

representations from the 1940s and 50s. It gained strength and sophistication from the Kelly conference of 1967 onwards, and after the publication of *Bandits* the name of social bandit was overtly applied to Kelly, in John McQuilton's *The Kelly Outbreak 1878-1880: The Geographical Dimension of Social Banditry* (1979). A social bandit is one whose personal transgressions of the law express in extreme form the sentiments of a group or class of oppressed people. His or her actions are thus fundamentally political (Hobsbawm allows the bandit to be a "she" in rare instances), although they do not amount to an organised political agenda: s/he is a type of primal revolutionary.

Hobsbawm shows that social bandits have existed all over the world, from England to Spain to Eritrea to Cuba, from the time of Robin Hood until well into the twentieth century. A great many of the representations of Kelly from the period 1960-90 describe and produce Australia's very own social bandit with his own Australian flavour. As in the previous period, the themes that inflect Ned's social bandit identity are to do with his "Irishness" and his rural working class background. The oppressions faced by the group of people he represents concern racial inequality, poverty, police persecution and, importantly, the unjust distribution of land. All of these oppressions and identities are related to the evils of British imperialism: imperial rule and colonisation are the rubric under which all other, very much interwoven, parts of the social bandit subject operate. What follows first is an elucidation of the different parts of Ned's identity as social bandit; then I will discuss the "present" context of this social bandit assemblage, and, finally, I will show how the social bandit texts point towards missing Aboriginal histories and, partly by accident, help to break down the Whiteness of the Australian identity.

i. Ned Kelly: Social Bandit

Manning Clark, perhaps Australia's best known historian to date, whose enormous three volume *A History of Australia* (1962-87) also features Ned, gave a paper at the Wangaratta conference in 1967. Clark is known for his unconventionality both politically and as a historian, and for his epic themes and language. He writes: "Mad Ireland had fashioned Ned...The boy probably drank in with his mother's milk that great confusion in the minds and the hearts of the Irish on questions of behaviour. The laws of God, reinforced by the harsh laws of man, forbade them to steal or murder...But in the pot-houses and the snugs, and out in the fields of the Emerald Isle, a man was a hero if he told one of the oppressor's of his people to have his coffin ready... He seems to have sensed that the English had repeated in Australia their abominations against his people" (Clark 1967: 16-17).

In 1980, centenary year, Professor John Molony published *I am Ned Kelly*, and he seems to have been influenced by Clark's linguistic flair. He writes, "The stories Ned heard were not about that recent Act of Union by which England wedded Ireland to a marriage of inconvenience, whose offspring were death and dishonour, but about that longer history

when the Irish Catholics 'were persecuted, massacred, thrown into martyrdom and tortured'. The details filled the softness of the brogue with horror in the child's mind as he heard of the tortures of his people as they were rolled 'down hill in spiked barrels', of the wheel. These stories included too, the massacre of Vinegar Hill and the other fruitless rebellions of Ireland" (Molony 12). These passages are representative of the treatment of Kelly's "Irishness" at this time. They posit a long bitter history of English imperial domination in Ireland, which power relations are continued in the making of Australia itself. Ned's "Irishness", an ethnicity crafted around themes of imperial persecution and rebellion, is here an essential part of Ned's identity and that of the Australian nation.

A related strand of the Australian version of the social bandit identity, embodied by the figure of Ned, concerns the matter of land distribution, specifically the inequality between wealthy "squatters" and poor "selectors". This problem also finds its roots in the British class system and imperialism. In *The Geographical Dimension of Social Banditry* McQuilton writes, "The existence of social banditry in Victoria in 1878 cannot be explained without placing the Kelly Outbreak in the context of its times, namely the European occupation of North Eastern Victoria during the nineteenth century. This was a period of dramatic change...The squatters of the late 1840s, firmly established as a political and social elite, could not have envisaged the sudden and dramatic changes... that would follow the discovery of gold and the development of an agrarian ideal based on the very real necessity of finding a livelihood for a restless digger population. Selection was the most abrupt of changes in the utilization of Victoria's rural resources during the nineteenth century. It was a landscape process that was bound to have the most profound social results" (McQuilton 4).

Squatters were the "pioneers", the first Europeans to take possession of the continent and who by the 1840s had monopoly over the land. The Land Acts or "Selection Acts", passed between 1860 and 1884, were ostensibly intended to settle the "small man" on the land and to encourage agricultural production. They were presented as equalising and redistributive, but there was another political dimension to their design. According to McQuilton, land reform was used principally as a political weapon by liberal, middle class urban groups in an attack on the land-owning squatters. This created two distinct social classes - selectors and squatters - in rural areas, defined selection as a socially and geographically radical process, positioned the groups in open competition for Victoria's resources and placed them in a state of potential political confrontation. The squatters, occupying positions of power, with ready access to capital and detailed knowledge of the quality of land on their runs, were formidable opponents. McQuilton tells us that over eighty per cent of them obstructed selection in a variety of ways ranging from the use of legal loopholes to harassment and outright corruption. Squatters in North Eastern Victoria were cosy with the police and many of them were magistrates. They would frequently impound cattle and horses belonging to the small farmers, making it difficult for them to

pay off their selections. The selectors fought back by stealing and selling on livestock belonging to squatters; it appears that stock theft was rife in the Kelly country and that Ned was at one point a leading figure in the cattle dealing racket. The squatters formed the Stock Protection Society, which offered rewards to police officers who gained convictions for stock theft, rendering the police force less than neutral.

Kelly in his “Jerilderie” letter devoted some space to decrying squatters and McQuilton quotes him on it: “Whitty and Burns [two local squatters] not being satisfied with all the picked land on the Boggy Creek and King River and the run of their stock on certificate ground free and no one interfering with them paid heavy rent to the banks for all the open ground so as a poor man could keep no stock, and impounded every beast they could get, even off Government roads” (34). For McQuilton, then, Ned Kelly expressed in exaggerated form the feeling of the selector classes of North Eastern Victoria that their chances for self sufficiency and survival were being denied them by a class of powerful elites, allied with political elites, who were continuing the injustices of the English class system into the “new world”. The question of inequitable land distribution, linked always to British imperialism, is to be found in virtually every Kelly media representation of this period.

McQuilton also adheres to a theory put forward by Ian Jones in his lecture at the Wangaratta conference, that Ned and his sympathisers were planning to create a republic of North Eastern Victoria, and were therefore virtually revolutionaries at war with the empire rather than simply being outlaws, let alone mere criminals. From the late 1960s, journalist and television and film producer-director Ian Jones became, and remains, the eminent Ned Kelly scholar, a veritable Kelly guru. Almost every single printed Kelly item from the period 1960-90 gives acknowledgement and thanks to Jones. Jones co-wrote the screenplay for the Mick Jagger movie; he co-wrote the four part TV mini-series *The Last Outlaw* aired in centenary year and now available on DVD; he wrote the introduction to the screenplay for TV drama *The Trial of Ned Kelly* aired in 1977. There are few Kelly media products from this era in which Ian Jones was not involved. His republic hypothesis was highly influential and contributed greatly to the social bandit identity as it applies to Ned. Despite this, his work on the outlaw has never itself been the subject of detailed analysis, until now.

At the beginning of his lecture Jones presents the social bandit understanding of Ned: “We shall look at the way in which Kelly’s personal rebellion became associated with a broader rebellion of the selector class in the north-east, centred on the Irish-Australians of the immediate Kelly country. We shall see how Kelly eventually rejected the support of these people in his personal rebellion – the greatest moral judgement of his life – and how, at the end, the rebellion of these selectors was resolved, more than a year after the destruction of the Kelly gang” (Jones 1967: 154). The legend of the republic of North Eastern Victoria took off, outside oral tradition, only from Jones’ thorough account of it in 1967, though it does appear in J.J. Kenneally’s 1929 biography. Jones says, “Whether this was Ned Kelly’s

concept, Joe Byrne's concept; whether it had filtered through from the ideas of American Republicanism given to Ned Kelly by his American step-father George King; whether it sprang from some politically-minded person among the sympathisers trying to realize, in this growing rebellion in the north-east, the great promise of Ned Kelly, the figurehead; whether Ned Kelly was trying to fuse this movement into a second Eureka Stokade, we will never know...But the fact is indisputable that, by the beginning of 1880, the rebellion was taking shape" (169).

According to Jones, the tragic events at Glenrowan were not driven by desperate madness: an army of selectors was waiting in the bush to join forces with the Kelly gang after a special train carrying police travelling towards them from Melbourne had been derailed and a rocket signal had been given. Jones tells us, "We know that the plan was to destroy the train. This was a ruthless and brutal act, but it wasn't a criminal act. This was an act of war. If we are making a moral judgement of Kelly, we have to look at his plan in this light. This was the act of the Maquis who blew up German troop trains and moved in with grenades and tommyguns to mop up the survivors, or who, when the Germans were fleeing from Paris, tossed Molotov cocktails into open troop trucks. Brutal and ruthless, but war!" (172). The plan failed. Jones claims that Ned made a moral decision to instruct the selector sympathisers not to enter into battle after timings had gone awry, the train had not derailed, and a bloody siege had begun: "Ned Kelly made the moral judgement that, because the plan had miscarried and this would not be an easy victory, he could no longer involve these people (who had their own worries and fears for the future) in his personal rebellion. Kelly turned the sympathisers back, ordered them to take no part in the fight, and prepared to return to the inn" (173).

Jones' account, like McQuilton's, and in differing respects like the two books dealing with the Kelly women, expands the established Kelly narrative, discussing events that transpired not only years before Ned's outlawry but also after he was killed. Jones states that the region remained dangerously unsettled for a year after the destruction of the gang, with violence between the selectors and the state barely kept at bay. What prevented another uprising was the arrival of a bone fide good policeman in the area, Robert Graham, who understood the importance of land ownership to the poor Irish-Australian farmers and who worked closely with Ned's mother Ellen Kelly to keep the peace. McQuilton informs us that by the end of the 1880s selection had proved successful and the threat of rebellion in North Eastern Victoria was over. Jones ends his lecture, "The gathering and turning back of the sympathisers at Glenrowan is irrefutable and, on this basis alone, we would be justified in saying that Ned Kelly, the man, was infinitely greater than his legend, a man of greater nobility and moral courage than anything we have even hinted at in the past" (182). Through these medial lines of relation, by the 1980s Ned Kelly had been firmly entrenched in Australian national consciousness as a radical, anti-imperialist rebel.

ii. Back to the “Present”: Mediation and Power

The use of the figure of Kelly to radicalise the Australian past took off in the years after the Second World War, as discussed in the previous chapter. It continued in earnest throughout the 1960s and 1970s, in partnership with the counter culture. Australia went to war in Vietnam in 1962 at the behest of the United States. In 1964 a conscription scheme was introduced, dubbed by the Labour opposition, “the lottery of death”. Though the war was not especially unpopular for the first few years, opposition started to mount from the late 1960s, with radical student groups and leftist movements coming together with women’s group Save Our Sons to protest. The biggest demonstration against the war was the “Moratorium” campaign of 1970, which was nationwide. In 1972 the Labour party was elected with Gough Whitlam as its leader and Australian troops were withdrawn from Vietnam. The counter culture, though, continued through the 1970s.

The “New Left” describes a radical political movement in Australia beginning in the 1960s and a type of radical historiography which took place in the 1970s. Its second wave in the mid 60s linked up all kinds of radicals, unifying themes being anti-racism (especially with regard to the White Australia policy, which, yes, was actually still ongoing until 1973) and anti-nationalism. Some of its members criticised the “Old Left” which preceded it, attacking histories such as Russell Ward’s *Australian Legend* (1958) as racist and counter-revolutionary. Humphrey McQueen even went so far as to call Henry Lawson, national poet and one of the founding fathers of the Australian legend back in the 1890s, “a fascist”. By the 1980s the New Left had been dispersed, its traces remaining in a number of radical histories including labour histories.

Although none of the producers of Kelly products from this period was directly associated with the New Left, it is clear that, through Kelly, they were intervening in related constructions of the Australian past and identity. They situated their past firmly within the structural inequalities necessitated by colonialism, at a time when British colonies in Africa and the Caribbean were rapidly gaining independence, and affirmed a national identity not only separate from “Britishness” but *in opposition* to it. Interestingly, in the period 1960-1990, the content of the Kelly memory seems to converge across media, with the social bandit dimension appearing in the film and television versions of the Kelly story as well as in most genres of the print medium. In previous phases of the development of the memory, the content of the Kelly story tended to differ to some degree according to medium, so that, for instance, from the time of the events until the 1920s, printed material was far more negative about Kelly than theatre or film (which productions were quickly banned). In the period 1930-60, on the contrary, the film *The Glenrowan Affair* was much tamer politically than the Kelly historical biographies and chapters in Australian histories that were circulating. No doubt the content convergence between 1960 and 1990 had something to do with Ian Jones, one of the biggest proponents of this social bandit interpretation, being

so heavily involved with so many different Kelly media products, contributing his own historical research as well as his skills within the film and television industries. As well as his copious work on Ned Kelly, Jones has also emphasised Australia's convict past, again positing a national identity born out of suffering at the hands of the English and resisting against it.

The 1970 film *Ned Kelly*, with false Irish accents everywhere and a striking protest-folk soundtrack, fits neatly into the social bandit "genre". Ned, wearing a green scarf, makes the following speech after the gang has successfully robbed a bank: "Fearless, free, and bold, that's how we'll live. But first we have to fight, take up our own colour, the green flag of Ireland. Ah the gamey shamrock. Declare war on the whole English world, until this is our land and our law. And then our oppression and our suffering, these will perish like the frosts melting on the green lawns of Ireland. Friends, let's drink to it: to our republic, to the republic of Victoria!" *Ned Kelly* appeared at the beginning of what is considered a renaissance in Australian cinema, boosted by government initiatives and funding for the national film industry, which began to make films with "Australian" content for international audiences. Historical films such as *Picnic at Hanging Rock* (1975) were popular and nostalgia was financially lucrative. Films of a slightly transgressive nature were also produced in Australia at this time, for instance *Pricilla Queen of the Desert* (1972), which was about gay transvestites. The acceptance by the censors of mildly transgressive material is a sign of the counter cultural times. By this time film censorship on the grounds of political incitement had been significantly lifted, and the debates centred on issues of obscenity. Most major churches took the stand that adults could themselves choose between good and evil without force of government authority. Women's organisations with a conservative moral agenda had lost membership and power and the new groups catering for women, such as Women's Liberation and the Women's Electoral Lobby, saw censorship as part of the repressive establishment they were trying to break down. Ina Bertrand tells us that politicians, apart from the Democratic Labour Party, "were realistic enough to see that stricter censorship was not a vote-catching platform" (190). So the Australian film industry was allowed to welcome, to a limited extent, the "permissive" society of the 1960s and 1970s.

David Thorburn's notion of the "consensus narrative" also helps to explain why film at this point was able to be somewhat politically subversive without facing the wrath of the censors. He argues that most cultures have one core medium of consensus, expressing the society's hegemonic beliefs and values, and that it changes over time. The theatres of ancient Athens and Shakespeare's England were such institutions, representing stories and myths that articulated and reinforced the dominant belief-systems of those societies. In the nineteenth century, the novel performed some of these same functions; writers such as Charles Dickens or Victor Hugo or Harriett Beecher Stowe wrote novels that embraced dominant values while appealing to their readers' social conscience. The movies during the

era of the studio system performed this function in American society and were recognized as so important that the government gave away free tickets to the poor during the Depression and classified Hollywood as an "essential industry" during the Second World War. In Australia too, as we have seen, film after 1912 was very limited in the range of ideas it could express. Since the 1950s, television has been the "consensus" medium for American culture, and the same could be said for Australian culture. The shift from film to television as the consensus medium meant that film was liberated to be more experimental and transgressive, expressing ideas that would not necessarily be unproblematically embraced by a majority. The 1980 television mini-series *The Last Outlaw* was co-written by Ian Jones and certainly articulates the social bandit version of Kelly. However it is true to say that it does so in a watered down way, and that the film is much more aesthetically creative, its soundtrack adding much to its anti-establishment feel. It is thus both temporal and political aspects which allow for a large set of different media products articulating a radical and anti-imperialist Australian history and identity, revolving around the figure of Kelly, revealing the intersection of all three lines of relation within the Kelly memory dispositif. This spectrum of texts points to the violence and structural inequalities of Australia's colonial past.

iii. What's Missing?

Another reason for the anti-imperialist thrust of the film *Ned Kelly* was its director's political stance, especially towards the ongoing "Troubles" in Northern Ireland. Tony Richardson quit the UK Workers Revolutionary Party and became one of the founding members of the Workers Socialist Party in the early 1970s, partly because he felt that more attention should be given to the British occupation of Northern Ireland. As Lyn Innes points out, the film emphasises the class divide between Irish-Australians like the Kellys and Protestant British Australians, who were given decidedly upper class English accents and were seen as powerful members of the establishment (Innes 212). When Manning Clark was delivering his lecture in 1967 the period labelled "the Troubles" had begun only the previous year. When Molony's book came out in 1980 the hunger strikes had started. The legacy of empire was making itself felt with extreme force in Northern Ireland, and the power of television was bringing the news to an Australian public, thousands of miles away but connected by that same legacy.

However, sectarianism had ceased to be felt, at least as an everyday influence, for some time in Australia. In the decades after the Second World War the nation became so ethnically diverse that the old enmities and identities no longer seemed so relevant (Knightly 56). In fact, as discussed in the previous chapter, it was only after Irish sectarianism had ceased to be strongly felt in Australia that it began to be incorporated into the national identity via cultural memories such as that of Ned Kelly.

Meanwhile, another case of British Imperial legacy was being felt much closer to home. That is, the legacy of the actual invasion of the continent and the dispossession and colonisation of the people living there. As discussed at length in my first chapter, nineteenth-century colonists tended to espouse the view that it was “the design of providence that the inferior races should pass away before the superior races” (Broome 98). A hundred years later, Aboriginals had not passed away, and their struggles against ongoing structures of colonialism were beginning to enter Australian public culture: “The mid 1960s witnessed the emergence of a new phase in Aboriginals affairs, as Aboriginal groups pushed for both equality and also specific Aboriginal rights” (Broome 334). Chris Healy writes, “through various movements and achievements around land rights and forms of self-determination in the 1970s, indigenous people established what Tim Rowse has called the ‘indigenous sector’” (103). As well as the legal battles lost and won around land rights (more of which later), the establishment of all-Aboriginal organisations and publications, the 1965 Freedom Ride, the 1967 referendum, the 1972 Tent Embassy, and the establishment of a Black Panther party in Brisbane in that same year, all helped to “put race relations on the political agenda” (Healy 31).

One of the features of the New Left was its anti-racist stance. The movement helped campaign for Aboriginal rights, supporting a number of Aboriginal organisations, especially in the 1970s and 80s; it opposed the White Australia policy and aided the initiation of Aboriginal histories. However, though more visible, “Aboriginality” as it was (re)produced remained firmly “outside” of the Australian identity. Separate Aboriginal historiography, written by whites, though probably well intentioned, functioned to compartmentalise and cordon off Indigenous histories and identities; the very name of “Aboriginal” indicates and produces its otherness to “Australian”.

Despite their fixation on colonialism in Ireland, the Ned Kelly representations from 1960-1990 neglect to deal with the colonisation of Australia itself. In fact, they almost tend to treat the colonisation of Australia as simply a continuation of Irish suppression rather than involving the dispossession, domination, and often death of people who were actually living on the continent. One aspect of Australia’s colonial past is dwelt on excessively at the expense of another, far more relevant one. In *Multidirectional Memory*, Michael Rothberg describes the model of competitive memory as a “zero-sum struggle” between different memories (3). He uses as an example the common claim that the perpetual remembrance of the Holocaust comes at the expense of forgetting colonialism. However, in this case it is the remembrance of British imperialism itself that leads to *its own mis-remembrance*.

Aboriginals and the colonisation of Australia are hardly mentioned at all in the Kelly texts of this period, but when they are it is in the following manner: “Kelly... was native to the land, and thus his restless spirit, in the manner of the dark ancients who had gone before, was entwined with those ranges and valleys” (Molony 1). And, “It was well for the blackman to

leave that country before the new ones came, because his cup of sorrow was already overfilled” (Molony 2). This exemplifies Chris Healy’s point in *Forgetting Aborigines*, discussed previously, that in mainstream White culture Aboriginals tend to be remembered as an absence, despite their obvious ongoing presence. This mnemonic strategy facilitates the extraordinary social and economic inequalities between White and Indigenous Australians.

The peculiar way that Aboriginals are (non)represented is an instance of what Ann Laura Stoler – drawing on Foucault - calls “colonial aphasia”, as described in my introduction to this work. She writes that “it is not so much a loss of memory, but an occlusion of knowledge that is at issue. Aphasia is rather a dismembering, a difficulty speaking, difficulty generating a vocabulary that associates appropriate words and concepts to appropriate things” (13). Aphasics are “often ‘agrammatic’, displaying difficulty comprehending ‘structural relationships’”. Stoler argues that the concept of colonial aphasia highlights “a simultaneous presence of a thing and its absence, a presence and the misrecognition of it”, a feature of the relationship between French historical production and the colonial situation. A similar condition characterises Australian memory culture, exemplified in these early postcolonial Ned Kelly representations. Here, the Australian colonial past is both present and absent. It is “dismembered”, turned into fragments with one fragment (Irish) occluding another (Aboriginal). Stoler terms these fragments, “individuated colonial histories”. They render the past “safe” by obscuring the ways in which forces both traverse and create new spatial and temporal boundaries. Although the structures of colonialism are dwelt upon and made to explain Kelly’s actions, the “structural relationships” between different moments of colonialism or even different aspects of the same moment, are not comprehended.

Thus, although these social bandit Kelly media seek to radicalise and disrupt the Australian past and identity, via a critique of colonialism, it is this very critique that renders their function conservative. Their remembrance of colonialism is also their mis-remembrance of it, with the result of shoring up a White national identity. However, we can further make a *third* flip between conservative and radical identity-functions, and argue that the text’s aphasia does not *only* function to whitewash Australian identity and reinforce its racial borders. It also brings with it the startling apprehension of something missing within the national history and identity, rupturing the Whiteness of that identity. This third side of the coin involves three elements: the excessive presence in the Kelly items of British imperialism and colonialism; the virtual absence of the invasion and colonisation of Australia itself and the dispossession on which the nation was founded; and an eerie presence-absence of Aboriginals and “Aboriginality” in the texts, necessitated by the pesky figure of the black tracker, who refuses to leave the Kelly narrative alone.

As has been traced throughout this thesis, the black trackers and Native Police have always been an uneasy aspect of the Kelly memory, and their portrayal has become increasingly awkward over the decades. From the middle of the twentieth century the texts really have not known what to do with them, and have attempted to sideline them as much as possible. 1960-90 saw the dominance of pro-Kelly perspectives. The trackers were on the other side so the rather anti-police media products could not exactly extol their virtues. At the same time, this was the era of multiculturalism and it was therefore not acceptable to be openly or crudely racist in public (luckily John Howard changed all that in the late 1990s), and these pro-Kelly representations were mainly produced by those on the left so it would have been even less agreeable. Attacking the trackers in any way could easily have been interpreted as racism in a country where racial discrimination is so blatant. A minority of the representations attempted to solve this problem by ignoring the trackers altogether in the hope that they would go away. The endeavours of the remainder cumulatively amounted to a three-pronged approach: the texts featured the trackers but in a virtually silent, spectral way; they also, in an equally mystical configuration not dissimilar to the texts discussed in chapter two, mythologised the Aboriginal trackers, and “Aboriginality”, as inordinately, almost superhumanly, skilled in bushcraft, and in tune with the land. Explicitly or implicitly, this aligns Ned, the master bushman, with Aboriginality. Finally, there was a tendency to impute racism against the trackers to the White police, thereby further demonising the police without having to pay more particular attention to the trackers themselves or condemning Ned who tried to annihilate them.

In *Saint Ned* (1980), Keith Dunstan dedicates the following four sentences to the trackers: “The Queensland government thought it could solve the problem. It sent down a police inspector and its most brilliant band of black trackers. They could track at high speed even on horseback. The Police Commissioner, Captain Standish, a staid Englishman and member of the Melbourne Club, did not believe any black man had the skills of an educated white, and never really gave them a proper chance” (44). A reproduction of a photograph of O’Conner and his “trackers” – in fact they were police - is included on the same page. This example demonstrates all three of the tendencies to re-present-absent Aboriginals in the Kelly texts. The trackers are mentioned but only incredibly briefly, they have “brilliant” superhuman bush skills, and a White, English, upper-class police commissioner has racist attitudes towards them. The nineteenth-century faded black and white photograph adds to their uncanny presence-absence.

A single sentence from the Ian Jones lecture will further demonstrate the (non) position of the black trackers in the memory at this time: “On receipt of the news [that the Kellys had murdered Aaron Sherritt], a special train would leave Melbourne and pick up at Benalla the major body of police and blacktrackers and horses” (Cave 171). Firstly, “blacktrackers” becomes a closed compound noun here, as occurred often in the nineteenth and early twentieth century mentions of the Aboriginal police and trackers. As noted in chapter one,

this obscures their identity either as black or as trackers, whilst essentialising their racial identity. Secondly, in the phrase “the major body of police and blacktrackers and horses”, the Aboriginal men are squeezed in between police (read: White humans) and horses, an easily glossable space between man and beast. When we consider that all the animate occupants of the train were on their way to intended death, this linguistic chain becomes somewhat disturbing. It is also worth mentioning that horses receive vastly more attention in the Kelly memory during this period than the trackers.

Something comparable occurs in the audio-visual Kelly texts. Take the speech quoted above from Tony Richardson’s film, in which Ned affirms his Irish rebel identity, and vows to fight the English. After Ned has finished delivering his anti-imperialist panegyric there is a sudden cut to police barracks, where two senior officers are walking past a row of mounted police. The camera follows them, panning down the line of White police, until it comes to rest, briefly, on a group of stiffly uniformed Black police. We hear one senior officer say to the other: “These men can track at a gallop, Commissioner, they can pick up signs no White man can see.” The Aboriginal troopers are a kind of spectral background presence; they never speak but are sometimes spoken about. They have mystical powers. They are a disconcerting detail, haunting the film and the version of history it presents.

The Queensland troopers are introduced in an almost identical way in Ian Jones’ mini-series *The Last Outlaw*, aired in centenary year. The setting is busy Melbourne with a soundtrack of patriotic-sounding brass-band music. A close up on White Inspector O’Conner in full gleaming uniform, who, saluting, commands, “Troopers, present arms.” The camera moves to show the crowd which has gathered to watch the pomp and circumstance, then pans in medium shot over a row of six black trackers, also in smart red and blue uniform, armed and erect, identical, in front of a pillar-box red shining new Melbourne steam train. That is about it for the Native Police characters themselves, none of whom is given any lines or much more screen time. In fact, in this case, at no point does the camera even rest on a black character in focus. The remainder of the fairly long scene consists of a conversation *about* the amazing bush skills of troopers by the Kelly clan. They are not heard, only fleetingly and fuzzily seen, mainly talked about like legend themselves. In contrast, a different scene in the same programme depicts Joe Byrne purchasing rockets from Chinese sympathisers, completing the transaction in fluent Cantonese. Indeed, beginning in the later part of this period, Ian Jones made a concerted effort to investigate and publicise the historical connections between the Kelly gang and the Chinese communities in the region, and his work is in that sense expressive of multicultural policies that developed between the 1970s and 1990s (more of which in chapter five). Meanwhile, the audio-visual and the written texts together produce Aboriginals as a kind of subliminal message, flickering in and out of the Kelly memory, indicating the linkages between the medial and political aspects of the memory dispositif. “Aboriginality”, in Benjamin’s words, “unexpectedly thrusts itself, in a moment of danger, on the historical subject” (Benjamin 2005: 3).

Because of the black trackers, then, “Aboriginality” can simply not be wholly omitted from the Kelly memory, especially since many of the texts are produced by Kelly historians – such as Ian Jones - with a keen eye for historical accuracy. Although, in Stoler’s terms, colonial aphasia involves the absence of a thing that is present, with the Native Police their absence is also their presence: they are not consigned to oblivion. Indigenous Australians rather haunt the memory, disrupting the Whiteness of Australian history and identity. When the trackers’ presence-absence is combined with compulsive repetitions of the evils carried out by the British Empire in Ireland, harms towards the Irish rural working classes that were continued in the “new world” throughout the nineteenth century, the effect is a piercing realisation that there is a gap (chasm) in understanding of the Australian past. In a sense, then, the Kelly memory is “multidirectional” in spite of itself. Rothberg writes that rather than working in a competitive way, cultural memories connect with each other, bolstering each other in solidarity. In this case, colonial aphasia – the memory of British imperialism leading to its own mis-remembrance - unintentionally exposes national historical aporias, albeit in a patchy and distorted way.

As should have become apparent, a complex arrangement of temporalities is at work here, which intersects with the medial and political relations of the memory dispositif to disorient the Australian identity. The social bandit texts dwell on the *memory of* a period of imperialism which *preceded* the Kelly outbreak, on the other side of the world (Ireland), which power relations were brought across the globe into the present of the Kellys as *legacy*. The British colonisation of Australia is thus seen as a *continuation* of its occupation of Ireland and the texts ignore the new invasion and colonisation of actual Australia. The Irish are presented as a race whose memory of injustice is unyielding and resentful. These racial-temporal configurations connect implicitly to the “present” of the Northern-Irish “Troubles”. We could perhaps say that there is an excess of temporalities that is penetrated by the absence or *non-temporality* of the Australian genocides of Aboriginals. This draws attention to “*present*” Aboriginal struggles, which, as we shall see, were demanding more attention in 1960-90 but which however also appear as absence in these Kelly items, while the land issue is portrayed as an essentially Irish matter, again brought over to Australia from another place (Ireland) and a preceding time. In considering this multiplicity of temporalities and their political implications, we might add another dimension to Rothberg’s multidirectionality of memory and observe that within memory, time works in many directions, and that these “tangles” of relations intervene in group identities.

These relations function to break down the racial borders of the Australian identity, even while reinforcing them. Ernest Laclau writes that “the very possibility of the subject/object distinction is the simple result of the impossibility of constituting either of its two terms. I am a subject precisely *because* I cannot be an absolute consciousness, because something constitutively alien confronts me; and there can be no pure object as a result of this

opaqueness/alienation which shows the traces of the subject in the other” (Laclau 21 original emphasis). In this case the Kelly memory dispositif accidentally shows us the traces of the other in the subject, illuminating the instability of the Australian identity and the failure of the exclusions necessary to its existence. As mentioned, this sense is heightened when taking into account the attention in the texts to questions of land and land rights at a time when Aboriginal struggles for land rights were beginning to be more heard, bringing jarringly to consciousness appropriations carried out in the past into the Australian legend as well as of the actual land. As we know, the bushman character, central to the White Australian image of itself since the 1880s, clearly came out of Indigenous relations to the land, which it served to overwrite. This assemblage of temporalities therefore does not only help to corrode the symbolic boundaries of the national identity in the multicultural “present”, but demonstrates that the outside has always been inside. It exerts a “retroactive necessity upon the conditions of its emergence” (Butler 38), positing the possibility that Australian identity has always been a violently exclusionary construction.

2. Law and Out-Law.

Matters of law are imminent to the Kelly story. The social bandit interpretation of Kelly brings these issues further to the fore, emphasising his persecution at the hands of the legal system and those who enforce it. There is also another type of text that appears between 1960 and 1990, which deals solely with legal issues, specifically with Ned’s trial. These representations were produced by lawyers and assess whether or not the outlaw got a fair hearing. As mentioned, the social bandit texts tend to protract the standard Kelly narrative, discussing events before and after the gang’s outlawry. These trial texts, on the contrary, as it were “crop” the narrative, concentrating on the trial itself. Both in themselves and especially in constellation, these two “genres” focus a tension pertaining to Ned’s relationship with the very notion of law and therefore with the idea of society and the nation that he has come to represent.

The trial texts, written by lawyers, not only “crop” the narrative temporally speaking, but also attempt to limit Kelly’s meanings to within legal parameters of subject-formation. In this sense they are at first glance exactly the opposite of the social bandit texts, ignoring altogether the broad structures of inequality upon which the law is based and which it supports. Law professor Louis Waller gave a lecture at the 1967 Wangarrata conference titled “Regina v. Edward Kelly”. It was the first time Kelly’s trial had come under such close scrutiny by a lawyer, though its legality had been discussed previously, notably by J.J. Kenneally (1929). In lawyerly fashion, Waller presents his opinion of the trial as objective, assessing in great detail the particularities of the case and citing piece after piece of legislation from English law and its Australian application over the years. He explains that, although the law had not changed very much in Australia between 1880 and 1967, there were two significant differences: “In 1880, a man standing trial for a felony like murder, was

not competent to give sworn evidence in his own behalf. His mouth was closed, as Kelly's counsel was to say in his speech to the jury" (108) (though he could give unsworn evidence if he liked). Secondly, in 1880 there was no option to challenge a conviction before a Court of Criminal Appeal and the processes of review available were "meagre". Ned therefore did not give any evidence on his own behalf and was not able to appeal his conviction. Waller stops short of accusing Judge Barry of acting illegally, or of accusing anyone of perjury. According to Waller, Ned's barrister could have put the case for self defence by trying to persuade the jury that the accused believed Constable Lonigan's intention was not the lawful arrest of Kelly but to shoot him down in cold blood. A thorough examination of the sole eyewitness's testimony (the less-than-neutral Constable McIntyre) could have corroborated this view. This line of argument was not pursued, though it was evident that the prosecution was concerned about its potential. Waller thus concludes that Kelly was not given a fair trial, though he also points out that, while a self-defence argument might have obtained an acquittal for Kelly on this one charge, he was also implicated in two other police murders.

The Trial of Ned Kelly is a book written by Supreme Court Judge John H. Phillips and published in 1987. This work also has pretensions to objective reporting and analysis of the facts as they are known from existing documents. However, it is simultaneously a highly literary undertaking, dramatically recreating the trial, giving details that could not possibly be known, and imputing emotions to the various participants. Like Waller, Phillips does not go so far as to accuse any representatives of the law outright of acting illegally but he does conclude that Kelly did not receive a fair trial. He states, "Sir Redmond should have told the jury that it was for them to decide whether the police were acting as ministers of justice or summary executioners and then reviewed for the jurors the evidence relevant to this issue. Instead the matter was put to the jury in terms that were conclusive in favour of the Prosecution. Accordingly, the conclusion is inescapable that Edward Kelly was not afforded a fair trial according to law. Whether the result would have been any different had the jury been correctly directed is, of course, entirely another matter" (94).

Phillips meditates much, as do the other trial texts, on the wholly inadequate defence council provided for Kelly. The highly competent anti-death penalty solicitor working for Kelly, David Gaunson, wanted to instruct one Hickman Molesworth, also a very experienced and successful lawyer. However, the Kelly family were having difficulty in procuring the necessary funds to secure Molesworth, and for this reason Gaunson kept trying to defer the trial until monies could be obtained. Judge Barry refused to grant any more Crown money for counsel than the usual seven guineas provided, about a tenth of Molesworth's fee. Eventually, time caught up with the defence and Gaunson was left little choice but to instruct Henry Bindon with just ten days left before the trial. Phillips writes, "The die was cast. Edward Kelly, on trial for his life for murder, would be represented by the most inexperienced barrister in the colony" (33). Although both these texts conclude that Kelly

did not receive a fair trial, their primary function is fundamentally conservative, due to their strict focus on legal matters. On the whole they produce the figure of Kelly as existing solely as a subject of the English legal system. They interrogate specific pieces of legislation and their application by particular agents, but their purpose is not to question the law itself but to limit identity to within legal boundaries. They therefore work primarily to contain Kelly's subversive meanings.

However, this kind of containment ultimately fails, and Kelly's meanings spill over to provide the possibility of a critique of the law from a subject position outside of it. The odd sentence dropped in here and there unbalances the texts' "generic" functions. At one point, for instance, Waller writes, "in October 1880 Edward Kelly was not just a man standing his trial for the capital offence of murder. He was also a man who had been put outside the law, labelled 'outlaw', by a legal process which had never been imported into Australia as part of the common law heritage, and which had been introduced by special legislation enacted in great haste in 1878 [Felon's Apprehension Act]." This one sentence singlehandedly pushes the limits of the law, positioning Kelly as both inside and outside of its reach.

A third trial text, also called *The Trial of Ned Kelly*, appeared in the decade between the publications of the two works discussed above. It was a tele-play first produced on location at the Old Melbourne Gaol and transmitted from ABC-2 Victoria on 12 September 1977. The play was created with the help of Louis Waller and of Ian Jones, who also wrote the introduction to the script. It has Jones written all over it, and is much more forceful in its critique of the legal system than the other two representations. Although it too hones in on Kelly's trial, it is actually a combination of the social bandit and trial modes of Kelly representation. It therefore sharply focuses the complexities of Ned's identity vis-à-vis the law.

All the action takes place either in various interiors of the Melbourne Gaol, mainly the court room but also Kelly's cell, or at the spot at Stringybark Creek where the police murders occurred, and, temporally speaking, between the moment of Kelly's execution, the day of the trial, and the time of the murders. In this case it is an actual character within the text that provides a subject position inside and outside both time and the law. The ingenious narrator figure is at once a "present" day commentator and a participant in the trial. Jones says of him, "The Narrator...constantly reminds us that we are not watching a mere murder trial. We are watching an Irishman who was quite capable of shaking British rule in Victoria being paraded through a hollow ritual of British justice before being led to his inevitable execution" (viii). The narrator is by no means portrayed as objective: wearing modern attire and seated with the spectators in the courtroom, he provides a counterpoint to the superficially indiscriminate workings of the legal machinery, indignantly pointing out biases and interjecting frequently with his own point of view:

NARRATOR: To the Irish selectors of Victoria's North East and indeed amongst common folk everywhere – Ned Kelly was a hero. He'd become a legend in his own time. The convict's son who had risen up against his unjust persecution and the wrongful imprisonment of his mother. *(More solemnly)* But in Melbourne town, in courts dispensing the *(pointedly)* 'Common Law of England' – the powers that be were bent on bringing this *(pointedly)* 'Irishman' to justice.

CLOSE ON the JUDGE as he listens to BINDON'S [defence] submissions, from time to time taking notes.

NARRATOR: *(Voice over)* The Judge was His Honour Mr. Justice Sir Redmond Barry, K.C.M.G. – himself an Irishman. Well by birth at least. He was educated in Kent and raised an Anglican...There was little doubt where his sympathies lay. He was chancellor of the University of Melbourne, Founder of the Public Library, the Art Gallery and the Athenaeum and...*(almost reverently)* thrice President of the Melbourne Club.

Oh, I might also add that Barry was the same judge who sent Kelly's own mother to prison for three years...

BARRY looks up as if incensed by the NARRATOR'S innuendo.

NARRATOR: ... for 'aiding and abetting' in the alleged attempted murder of Constable Fitzpatrick – the affair that had sparked the whole business off. Not that I'm suggesting that Sir Redmond should necessarily have disqualified himself from the case...

BARRY grudgingly accepts the NARRATOR'S apology and returns to his notes. The NARRATOR continues quietly – as if behind BARRY'S back.

Suffice it to say he already had more than a nodding acquaintance with the situation. (6)

We see that the play slips almost seamlessly between critiquing particular aspects and applications of the law and deconstructing the law itself, as a function of imperialism and class and race inequalities. Each of the three trial texts climax with their representation of what Waller calls, "one of the most extraordinary episodes in the history of the administration of the criminal law in Victoria" (120), and what Frank Galbally describes as "a truly incredible moment in the history of Australian law" (in Dunstan 74). It is the final exchange between Judge Barry and Ned Kelly, during what should have been the straightforward routine of passing the sentence of death, a small part of which I quoted in chapter one. Below is a longer section of it pieced together from a number of different sources:

JUDGE BARRY: what have you to say, why the court should not pass sentence upon you?

KELLY: Well it is rather late for me to speak now... No one understands my case as I do, and I almost wish now that I had spoken; not that I fear death. I fear it as little as to drink a cup of tea...

JUDGE BARRY: Edward Kelly, the verdict is one which you must have fully expected... The facts against you are so numerous and so conclusive, not only as regards the offence which you are now charged with, but also for the long series of criminal acts which you have committed during the last eighteen months, that I do not think any rational person could have arrived at any other conclusion...It is painful in the extreme to perform the duty which I have now to discharge, and I will confine myself strictly to do it. I do not think that anything I could say would aggravate the pain you must be suffering.

KELLY: No; I declare before you and my God that my mind is as easy and clear as it possibly can be (sensation in the court).

JUDGE BARRY: It is blasphemous of you to say so...

KELLY: I dare say the day will come when we shall all have to go to a bigger court than this. Then we will see who is right and who is wrong...

JUDGE BARRY: Unfortunately, in a new community, where society has not been bound together so closely as it should be, there is a class which looks upon the perpetrators of these crimes as heroes. But these unfortunate, ill-educated, ill-prompted youths must be taught to consider the value of human life... It is remarkable that although New South Wales had joined Victoria in offering a large reward for the detection of the gang, no person was found to discover it. There seemed to be a spell cast over the people of this particular district, which I can only attribute either to sympathy with crime or dread of the consequences of doing their duty. For months the country has been disturbed by you and your associates, and you have actually had the hardihood to confess to having stolen two hundred horses.

KELLY: Who proves this?

JUDGE BARRY: That is your own statement.

KELLY: You have not heard me...

JUDGE BARRY: ... It has also come within my knowledge that the country has expended about £50,000 in consequence of the acts of which you and your party have been guilty. Although we have had such examples as Clarke, Gardiner, Melville, Morgan and Scott, who have all met ignominious deaths, still the effect has, apparently, not been to hinder others from following in their footsteps. I think that this is much to be deplored and some steps must be taken to have society protected. Your unfortunate and miserable associates have met with deaths which you might envy... I cannot hold out any hope to you that the sentence which I am now about to pass will be remitted. I desire not to give you any further pain or to aggravate the distressing feelings which you must be enduring.

His honour then passed the sentence of death and concluded with the usual formula: May the Lord have mercy on your soul.

KELLY: Yes I will meet you there where I go.

Astonishingly, Justice Barry died only twelve days later, after a "short and unexpected illness" (Simpson 50).

This verbal battle brings out not only the injustice of Kelly's trial, during which he was judged for crimes for which he was not even charged (such as horse stealing), but also illuminates the relationship of the law itself with the society which it underpins and "binds together", in this case a self-governing colony of the British Empire. Ned Kelly is a man placed outside the law by law, killed by the law after leading a rebellion against the British state, whose law is the foundation of the nation that he has come to represent.

This set of contradictions has always been a part of the Kelly memory; however it is brought most sharply into relief during the period 1960-90, with both the trial and the social bandit emphases. The tension is to be found both within each of these “genres” and between them, indicating another important set of medial relations within the memory dispositif. As the above quotes demonstrate, Waller and Phillips, two lawyers, each make brief mention of the bigger question of the nature of law itself whilst zeroing in on a single part of the legal process. The formula of the Kelly social bandit representations discussed in the first part of this chapter is to chart Ned’s legal journey, from a young man trying to live within the parameters of the law despite its unjust application by the police and judiciary to a man forced by that legal system to fight against its very being. Once outlawed, the social bandit does not live within the “positive law” created by man, but according to another, “natural law”, a code of conduct to which Ned unfalteringly adheres. Together these two genres locate Kelly in an oscillating and turbulent position on the inside/outside border of the law and by extension of the nation whose identity has become synonymous with his own. Ned at this point thereby becomes ever-so-slightly dislocated from the Australian nation, as we come to question how a figure perhaps guilty of treason can represent in any straightforward way a nation which, let us not forget, *still* has the British monarch as its head of state. It is this fundamental disjoint between Ned and the nation, made so obvious by the press at the time of the events and subsequently smoothed over, that makes Kelly remain a potentially radical figure despite his repeated sanitisation and often conservative functions. This incongruence was made even clearer in 1980 by the refusal of the state to mark the centenary of Ned’s death, an act of omission that reminds that, though Kelly is considered an Australian national hero, he has ever been officially recognised as such.

There must surely be reasons why this attention to legal questions occurs in Kelly media products from this particular period of 1960-90. Can it be, for instance, a pure coincidence that the Felon’s Apprehension Act, implemented because of Kelly in 1878, received so much coverage in the years around 1971, when British law had seen another piece of legislation hurriedly pushed through parliament to allow for internment without trial in Northern Ireland? The 1878 Act allowed for eleven people to be remanded in custody for four months without trial, and the representations of this phase devote a significant amount of time and attention to this matter.

These were also years in which other new Acts of Parliament, as well as a landmark trial, received interest from news media closer to home. In 1967 a very important and now famous referendum approved two amendments to the constitution relating to the Indigenous population. It revoked the power of states to make “special” laws for Aboriginals (known as “race power”) and the obligation of states not to include Aboriginals in their population statistics (known as “statistics power”), thus further equalising in law Indigenous and non-Indigenous Australians as citizens. Throughout the 1960s Aboriginal reserves were

revoked in New South Wales and Victoria, leading to protest. In 1970 the Victorian government passed the Aboriginal Land Act, giving residents of the Lake Tyers reserve security of tenure. After four years of attempts to stop bauxite mining on the Gove Peninsula, the Yolngu people took the Federal Government, and the Nabalco Mining Company, to the Northern Territory Supreme Court. This was the first time an Aboriginal group had taken such court action. The Yolngu claimed the mine was illegal because it was on their land and they had not approved it. In 1971, Justice Blackburn rejected their claim, stating that while Yolngu "customary law" included rules about land ownership, it had no legal significance, and hence Australian governments were not bound by it. On Australia Day 1972, the Tent Embassy was established in response to the McMahon Coalition Government's refusal to recognise Aboriginal land rights, leading to the establishment of a new general purpose lease for Aboriginals which would be conditional upon their "intention and ability to make reasonable economic and social use of land." The 1976 Aboriginal Land Rights Act (Northern Territory) was the first Australian law which allowed a claim of title if claimants could provide evidence of their traditional association with land. The Aboriginal Councils and Associations Act was passed in the same year.

Thus in the period 1960-1990 Indigenous Australian groups were fighting in the courts to get their rights as citizens recognized in law, most particularly with respect to land. Ground was lost and won throughout these decades and legal struggles of this nature are still ongoing. Like the outlaw Ned Kelly, however, "Aboriginality" is situated precariously in relation to Australian law. The 1976 Land Rights Act was a groundbreaking example of Aboriginal groups gaining power through the courts. However, it forces these groups to prove continuity with land to representatives of a legal system responsible for displacing these same groups from that same land, severing continuity. As Michael A. Murphy writes, "Legislative bodies are regarded with particular suspicion, even hostility, evoking memories of historic disenfranchisement or strategies of... assimilation and the loss of indigenous rights" (Murphy 185). It does not seem logical to petition for the sharing of power to a system responsible for deliberately removing that power; perhaps it is the case that, as with Kelly, it is the legal system itself, and not its individual components, which is at stake in these battles, and always has been. Laclau formulates a related argument in terms of the "form" versus "content" of oppression. While legal reformists attempt to gain more equal rights for particular groups within the existing structures, it is the structures themselves which ultimately need dismantling in order for a subordinate identity to be freed from its oppressor (Laclau 31). Kelly's dislocation from the homogenised White national identity, no matter how slight, allows for his memory to connect with or "stick to" "present" Aboriginal struggles and suggest the illegitimacy of the Australian state itself. In this sense, again and almost in spite of itself, the memory is multidirectional: the past of Kelly's trial links to "present" day Aboriginals' legal battles and then back again to the historical origins of an illegitimate state. Again, here is another intersection of the medial, political, and temporal

lines of relation within the Kelly memory dispositif, which plays a part in the constitution of national identity.

3i. Ned Kelly: Herstory.

As well as campaigns for Aboriginal rights, the years 1960-90 saw the rise of White women's movements, feminist academic scholarship, and the writing of White women's histories. Aboriginal feminine identities meanwhile were generally overlooked. The later decades also witnessed the emergence of a fledgling male gay rights movement, with Sydney building a reputation as a gay capitol rivalling San Francisco (Innes 187). It was in this context that two books focusing on Kelly women were published: *Sister Kate* (1982) and *Ellen Kelly* (1984). Interestingly, both works are historical novels and not straightforward histories, and are in this sense very different from the academic social bandit work done on Kelly and the trial texts discussed above – all produced by men. In fact, virtually the only work in this period made by women about Kelly women is fictional, while the majority of the Kelly texts produced by men are “factual”. It could be argued that the choice to represent the Kelly women using fictional genres is problematic, since they lack the authority associated with “factual” genres, and thus align “femininity” with this “deficiency”. Rigney points out that historical fiction - which has a long female tradition – was considered at that time to be “something of an embarrassment” (Rigney 2004: 362).

However, while the novels might generate doubt as to their authority in conveying the historical facts, they also provide vivid and absorbing accounts of the possible lives of working-class women in Kelly's time in North Eastern Victoria, which, as Rigney also shows us, can be just as important for memorability as projecting historical accuracy, if not more so. Actually, although these works are not factual, nor can they be straightforwardly considered fictional. They both coalesce genres in interesting ways, opening up a space for female subjectivities within the Kelly story and, by extension, the Australian identity itself. This hybridity can be seen on the back cover of *Ellen Kelly*, which combines a bid for authority with the sentimentality of certain kinds of fictional writing: “The life of Ellen Kelly has never been documented... This novel researching the life of Ellen Kelly and her family has depicted the life through the eyes of Ellen, and has been the most accurate in historical facts. It expresses the feelings of a woman and a mother, which are the same as mothers all over the world” (140). The novel charts Ellen's long life, from her childhood migration from Ireland to Australia, to her marriage to Red Kelly, to her three years of imprisonment during which the entire Kelly outbreak took place, to her role in subduing rebellion in the years after Ned's death and her unofficial career in midwifery, to her eventual ownership of her land, to the brink of her death in 1923.

The novel conveys the hardships suffered specifically by the women of the Kelly-Quinn-Lloyd clan, for instance with respect to the perpetual toil on the land necessitated by the almost

constant imprisonment of nearly all the male members of the family. This is not the only labour Ellen was to endure. As the above quotes indicate, the hand dealt to female members of the clan is most strikingly portrayed by the book in terms of childbirth and rearing. Ellen had no less than twelve children, and when she was not giving birth to them, she was taking care of the offspring of her various relatives; poor Ellen not only had to endure a steady stream of births but also an interminable succession of family deaths.

Feminine sexuality is therefore a central element of the novel. And it figures not only in the physical aspects of pregnancy and childbirth. For example, the matter of Ellen's illegitimate child and the legal issues surrounding it are discussed. Ellen says, "I... gained myself a bad reputation, this time as a prostitute for a change" (47). Ellen was deserted by the father of the child and, remarkably, she went to court under the Matrimonial Statute. She says, "Clever William! He obviously thought I would be too ashamed to go publically to the court, but he was wrong!... Some virtuous people elevated their noses and ostentatiously stepped aside, when I rode to Benalla to see Mr. McDonnell, the solicitor. It is so easy to preach virtue and morality with a full stomach!" (51). The question of sexual power relations and rape is also raised, when Ellen's daughter Annie herself becomes illegitimately pregnant with a policeman, in the following exchange:

"It's Flood, Ma. He was always after me. He never left me alone. He pushed himself inside and threatened me, if I...if I did not..."

I was seized with horror. "Annie, you did not..." I whispered. She nodded.

"I could not have prevented him from doing it, Ma... he was... so strong... you wouldn't understand..."

... "Yes, Annie, I understand. Now, you listen to me...Nothing will happen to you here with me. As for Flood," I clenched my fists, "there is nothing we could do at the moment...Nobody would back you up – but his turn will come one day, I'm sure of it!" (61).

The issue of rape is in fact ongoing throughout the Kelly memory, as the gang members are often congratulated for managing not to rape anyone, though cousin Tom Lloyd was charged with attempted rape (he was acquitted). This is the first time a feminine perspective on the matter becomes part of the story.

This emphasis on sexuality is one reason I would argue that *Ellen Kelly* is in some regard a confessional novel, even though it is not autobiographical. Susannah Radstone writes that the confessional novel is defined by its concerns with "sexuality and suffering, the construction of 'becomingness', and a first-person mode of narration" (Radstone 2008: 56). From the 1960s, and especially throughout the 1970s and 80s, there was a phenomenal surge in specifically women's confessional writing, including Marilyn French's *The Women's Room* (1978) and Erica Jong's *Fear of Flying* (1973). They were sometimes seen as "undisciplined autobiobiography" just as these women's Kelly texts could be seen as undisciplined, unauthoritative, histories.

Sister Kate fits even more comfortably within the confessional novel genre. Kate Kelly is a female figure who has from the start sparked the imagination of Kelly memory producers, despite the fact that Ned's eldest sister Margaret Skillion probably provided more active assistance to the gang. I gave a newspaper description of Kate in chapter one, outlining the romanticisation she had already been subject to while the events were ongoing. The priority given to Kate may have something to do with the fact that she was unmarried, and attractive. This novel is much looser with the historical facts than *Ellen Kelly*, probably partly because little is known of Kate's life after her departure from Victoria shortly after Ned's execution, other than that she lived in New South Wales, appeared in side shows about the gang, changed her name, married, had six children, and was found drowned in 1898. The novel ends with her drowning in an alcohol and laudanum fuelled semi-suicide.

This text is very explicitly interested in feminine sexuality. In its early stages, the book describes the young Kate's sexual awakening with gang member Joe Byrne: "I do not know the words to describe that first experience of love, and the memory is confused now, so much that is dreadful has come between. It was clumsy, awkward on my part; I had watched the animals on the farm but I did not realize how like a frog a person could become. It was warm. Rough and tender, but warm" (40). And later, anticipating her drug-induced drowning, "I was half drowned by my body's ebb and flow, drugged almost to insensibility by the rising juices of my desire... Jo came to my hut and left early. The two nights blur into one in my memory, leaving impressions only of his lean young flesh, easily confused with later memories when we loved often: the slipperiness of loving bodies and yet the way they cling and cleave, the mysteries in what is in fact so commonplace" (42).

Kate leaves Victoria, shunned by the family for profiteering from Ned's death at fairs and exhibitions, with a man who treats her badly, but "by the time he reached Adelaide again Kate would have disappeared, having changed her name, and he would not knowingly set eyes on her again" (79). She then goes it alone, tries to make a career as a showgirl and spends some time working successfully as a barmaid and living with two close female friends, one an alcoholic and both prostitutes. She goes on to work for a quasi-likable circus leader, who allows her to work with her beloved horses in return for sexual favours. During the last part of her life Kate marries into a respectable family that restricts her freedom; she suffers from chronic post-natal depression, becomes gradually addicted to alcohol and laudanum and increasingly lives in a fantasy land with her dead first lover, the manner of whose death has permanently traumatised her: "'Don't be angry. Joe?' She wheedled, and twisted round where she sat, clasping the trunk of the old willow, pressing her lips to its roughened bark, swooning into an open-mouthed kiss, her hand between her legs rubbing and pushing, imitating and finally achieving some sort of lover's release, a furtive, shuddering climax that often left her crying weakly, struggling to hold the picture of the tall young man rushing towards her with the garland of eucalyptus leaves in his dull gold hair" (138).

This last quote demonstrates the novel's concern with both sexuality and suffering, as well as exemplifying the temporalities of the confessional novel. Radstone explains that the temporality of the confessing subject is forwards and future oriented, but also marked by a series of "backward turns" (71). It is about the relationship of the subject with the past which burdens her and the promise of the future. However, with women's confessional writing the subject often does not eventually find happiness but more suffering, as is the case with Kate's grizzly decline. Kate's continual psychic returns to her past, to her relationship with the brutally killed Joe Byrne, whose fire-charred body was strung up to be photographed by the press, produce a temporality which is both forward moving and cyclical. Non-linear temporalities are often aligned with the feminine, due to female experiences both with their biological cycles and with "the cyclical and repetitive rhythms of the everyday and... the dailyness of domestic and childrearing tasks, which place women outside the linearity and future-orientation of work in the public sphere" (72). *Sister Kate* as a work – like the confessional novel – which combines linearity and cyclicity, masculine and feminine temporalities, creates space for the feminine within the very masculine Kelly memory. This is aided by the book's technique of switching between the first and third person, which introduces another rhythm within the narrative's forward movement. *Ellen Kelly* contains an even more obviously multiple narrative strategy, by concluding each chapter with a paragraph giving "historical" information, for example about the Selection Acts, Fitzpatrick's background, the conclusions of the reward board and the royal commission, and so on. The temporal movement thus flips between a subject deeply situated within historical forward movement, though returning regularly to the past, and an "objective" omniscient subject which is both removed from temporality and provides another sort of cyclical rhythm. Balcareck's work is both women's history and women's confessional novel. It combines feminine and masculine temporalities, opening up a space for the feminine within a male-dominated national identity. The fact that both works extend their narratives far beyond the moment of Ned's death until the deaths of their respective female eponymous characters allows for females to take over as representatives of Australia where a man left off.

ii. "Perfumed Ned was no Pansy"

These Ned Kelly "women's texts" successfully draw attention to the very important role women played in the Kelly affair and to the kinds of lives women of a certain place and class lived in the late nineteenth century, histories that had been very much sidelined. These generic, temporal, and political (feminist) relations of the memory dispositif demand space for women within the national history and identity, and to alter the identity to make it more "feminine". However, they do not on the whole subvert the national identity, nor do they call for its deconstruction or destruction. In this sense, as has been alleged of women's confessional novels, they are "reformist, rather than radical" (Radstone 2008: 59). This kind

of destabilisation does occur, though, through the relations of the memory dispositif during the period 1960-90, also partly through the women's texts. Kelly's masculine heterosexuality becomes undermined and this in turn begins to break down the hitherto seemingly rigid gender and sexuality divisions of the Australian identity, which has been construed as masculine and heterosexual to the absolute extreme.

It was during this period that rumours began to circulate that Aaron Sherritt, possible double agent and gang-member Joe Byrne's best friend (murdered by Joe Byrne and Dan Kelly), had threatened Byrne's mother that he would "kill him [Joe] and before he's cold I'll fuck him" (*Man About Town*), and had furthermore accused the gang members of engaging in homosexual activities. Bedford addresses this possibility in *Sister Kate*: "Also they [the other gang members] loved my brother. They loved him as much as men can love other men without it being the disgusting thing Aaron later suggested. I do not know what physical release men can find together, but I cannot believe it is the mockery Aaron made it out. Not that I think they loved like that – yet, maybe they did. They had all been in prison where they say such things are common, and they lived without women for long stretches. It horrified me when Aaron suggested it, but now I hope there *were* the times when they moaned away their need and their fear in each other's arms. Love is where you find it, and we cannot always be the ones to choose..." (38-39).

The above quote is rather unusual, since its suggestion of homosexuality is not intended as an attack on the gang. Also during this period there appeared a running argument in the newspapers about Ned and the gang's sexualities, in which anti-Kelly participants accused the Kellys of being gay and Kelly supporters defended their heteronormativity. Both sides of the debate exhibit anxiety about the sexuality of the Australian identity itself, and rightly so given their outlook, since the same debate makes patently obvious the usually obscured male homosexuality of that identity.

In these exchanges, homosexuality, transvestitism, and general "perversion" are conflated. L. V. Kepert cites in the *Sydney Morning Herald* in 1965 "some serious psychological historical work in Sydney which claims a strong vein of homosexuality and transvestitism among the Kelly gang" (in Ryan 112). An important participant in the scrap, curator of *The Australian Language* Sidney J. Baker, writes, "I have little doubt... after examining all the evidence that they were a group of homosexuals" (113). In *The Sydney Herald* in 1966, Baker goes on to describe how the gang wore a lot of perfume and high heels, frequently dressed up in women's clothing, wore red roses, danced with other men at festivities and that Dan and Steve might have died in each other's arms. Douglas Stewart and Frank Clune rushed to defend the Kellys against such appalling allegations. Baker returned a tirade against the "white-washers and Jerilderie hillbillies" and described the "moronic" Ned as "a murderer, a thief, a liar and a lout." Interestingly, the type of phrenology-based interpretation that was popular at the time of the Kelly outbreak finds new form in the new psychological turn of

Kelly analysis. A dominant mother theory is added to the homosexuality of the complex-ridden Kelly, along with such statements as “compulsive psychopathic murderer”, “an overlay of megalomania” and the allocation of a new physical phenomenon of “alexandrite eyes” that “sometimes glowed crimson when he became excited” (113). Norman Lindsay, one of Australia’s most well known artists and writers, hit back to protest Ned’s masculinity and heterosexuality, explaining the perfume, dandy clothing, and strong motherly ties in terms of a (masculine) culture of late nineteenth-century Irish-Australian youthful flashness. Lindsay repeated his remonstrations before his death in the article “Perfumed Ned was no Pansy” (1979).

Both sides of this debate attempt to shore up the heterosexuality of the Australian identity: those accusing the Kellys of homosexuality try to detach and expel Kelly and his sexual ambiguity from the heart of the nation. Those defending him as a national hero attempt to render his heterosexuality intact. But both sides reveal an intense anxiety over the national identity, which has been so over-masculinised and has expunged women to such a degree that it really has no recourse but homosexuality. As has been outlined in previous chapters, the Australian legend has revolved around notions of male “mateship”, the idea that groups of White men came to the continent and forged a nation by working collectively, loyally sticking together through every hardship. This ideal, a central aspect of the bushman tradition, has been applied to outback shearers, drovers, and bushworkers, extended through both world wars and endures today, embodied particularly in sportsmen. The fact that the legend has almost entirely excluded women was criticised during the phase 1960-90, notably in Miriam Dixon’s seminal feminist work *The Real Matilda* (1976), alluded to in my introduction. On the surface this identity appears to very successfully maintain its borders, encircling a hypermasculine heterosexual interior. However, the undermining of Ned’s heterosexuality at this historical juncture points to the instability of that boundary, which was in fact always already flimsy. The (White) Australian identity has expelled its female other to the point where its other (male homosexual) other has well and truly revealed itself as “within”. In a similar way to Laclau, Ross Chambers describes the logic of difference: “identity can only exist in, and as an effect of, a structure of differences that makes ‘identity’ something that cannot be self-identical” (170). Since identities are forged through differential relations, they can never be fully distinct from each other. In Chambers’ words, “No straightness without gayness and no gayness without straightness” (168). The more Sidney Baker detaches Ned’s gayness from Australia’s straightness, the more Australia’s gayness becomes apparent; the more adamantly Norman Lindsay affirms Ned and the nation’s straightness, the more gay they both reveal themselves to be.

The third and final way Ned Kelly’s sexual borders break down between 1960 and 1990 is through the 1970 film appearance of Mick Jagger as the man himself, which, even had there not been the women’s texts or the queer newspaper debate, would have singlehandedly undermined Ned’s heteronormativity beyond all repair. One critic wrote, “At five feet six

inches and nine stone, a Ned Kelly he definitely wasn't. Ned stood five feet eleven inches, a superbly fit twelve stone. The best laugh came when weedy Jagger was supposed to have subdued four (policemen) in a fist fight" (Dunstan 86). Another reviewer wonders that the seemingly immortal Kelly "appears stronger than ever after surviving a kiss of death that would have proved lethal to lesser men – his cinematic representation by an English pop singer who, apparently, feels more at ease in little white dresses, reminiscent of first communicants of the Kelly era, than in bush gear" (87). Note also that Jagger's Englishness adds to his inadequacy as a man, as opposed to a "real man" like Australian Ned Kelly. It is true. Little Jagger minces and pouts and preens. Worse for the poor Australian icon are the pitiful attempts to masculinise Mick, by giving him an Amish-looking beard and a half-hearted female love interest. In fact, in some way, it is these attempts to de-queer Jagger that again do the most damage to the heteronormativity of Ned. If the movie had been a straightforward camping up of the story, it could have been compartmentalised and sidelined as an eccentric parody. This was not an option, since it was a big production involving an international superstar. Although it was not in a "medium of consensus" it thus had to appeal to the mainstream and it is this contradiction that really unsettles Ned's sexual identity. A close reading of one particular scene will further draw out this tension.

The film highlights a number of the key events in the Kelly narrative with set-pieces played out to folk music, interspersed with minimal dialogue. One of these set-pieces depicts a bare knuckle boxing match which Kelly, before he was outlawed, fought and won with future sympathiser Isaiah 'Wild' Wright. Wright was much bigger than Kelly and by all accounts it was a gruelling twenty-round match. This historical event finds its way into most of the audio-visual versions of the story, as an early, easy, and exciting way to demonstrate Ned's masculine strength and bravery. The scene functions in the same way in the Jagger film, but at the same time continually undercuts notions of masculine heterosexuality. The setting evokes the atmosphere of a fair, with a big crowd gathered and a bright red banner announcing "The Greta Championship". The sun is out and the grass is green. The music begins and it is a sleepy folk ballad, crooning "Will you come and share with me/All the pleasures of a Sunday afternoon?" The fight begins with vicious punches, Isaiah Wright wearing a blood-red costume, only the sounds of fists meeting flesh penetrating the leisurely music. The longer the match goes on the more difficult it is to watch, with members of the crowd joining in to create a seething mass of bleeding and sweating male bodies. The camerawork, shaky and blurred, is disorienting. At one point Ned is dragged by a group of men through the mud by what is left of his shirt. Meanwhile the ballad continues, "Your body warm beside me/My head upon your breast/Are the pleasures of a Sunday afternoon." Diegetic sound returns at the very end of the scene, when Wright slumps to the ground, grunting, and Ned, victorious, kisses him on his bare stomach. Clearly, the scene which establishes Ned's masculine heteronormativity simultaneously undermines it, and that subversion dominates the narrative. The weedy figure of Jagger fighting such a hulk of a man, intentionally or not, makes a mockery out of the masculinity of not only the entire

Kelly memory, but of the Australian identity itself, based on sports, violence, and male bonding.

Conclusion

The system of medial, political, and temporal relations that composed the Ned Kelly memory dispositif between 1960 and 1990 started to corrode the borders of Kelly's established identity even while reinforcing them, in terms of race, sexuality, and law, and ultimately of the Australian nation itself. This is achieved partly through Kelly's continuing attachment to the national identity and partly through a very slight detachment from it. Since the 1880s the identities invested in Ned and those of the nation became sutured onto each other so that Kelly became the most prominent symbol for the national identity. The undermining of Ned's identities thus signals the undermining of the dominant national identity. At the same time, Ned's detachment from the national identity, brought about by the illumination of a very contradictory relationship the outlaw has with the nation-state, allows for the potential revelation of the illegitimacy of the Australian state and the violence of its national identity.

The gathering strength of the social bandit identity for Ned ultimately points towards gaps in the national history. These texts emphasised the role of imperial domination in Australia's history to excess in terms of the Irish. However, they also absented almost completely any discussion of imperial domination and destruction of the groups of people who lived on the continent before European invasion. This contradiction, coupled with an eerie presence-absence of the black trackers who played such an important role in the Kelly historical events cannot help but generate a shock to the system and a jarring apprehension of something missing in the Australian history and identity, thereby helping to disrupt the Whiteness of that identity.

The masculine heteronormativity of the Australian identity, also manufactured to utter excess, is similarly undermined. The appearance of Kelly "women's texts" draws attention to the important role of female participants in the affair, and creates a space for feminine subjectivity within the memory and national identity, that does not however bring into question the sexuality of the Kelly and Australian legends themselves. The anxious newspaper debates about the psycho-sexuality of gang, in tandem with the Mick Jagger film, do, on the other hand, break down heteronormative identities.

These disruptions of identity arise at this time partly along the grain of the counter-culture, which described itself as anti-nationalist, anti-racist, and included a women's movement and a gay movement. They are partly, however, also an accidental consequence of the (subjectless) strategy of the Kelly memory dispositif, which simultaneously worked to keep the borders of national identity intact. The contradictions which generate these disruptions

in the “present” of 1960-90, a particular alignment of identity imbalances, produce what we might call a temporal “line of force” (Deleuze 160), which stretches back to the beginning of the memory and brings to consciousness the fact that the identity was always contaminated by that which it tried to exclude. From the 1990s onwards the detachment of Kelly from the nation continues as he is thoroughly globalised and commodified, but, as we shall see, he also functions in some of Australia’s most pressing contemporary battles.

1990-2010: Ned Kelly and the Global Nation

In October 2000 a journalist wrote, “the Kelly legend is in better shape than at any time since he uttered those immortal words ‘Such is life’” (Gray 2001). In 2003 Ian Jones wrote, “we are seeing an... extraordinary... resurgence of the Kelly phenomenon. As this edition goes to press the flow of Kelly literature is becoming an avalanche” (Jones 2003 [1995]: 303). As the premier Kelly expert points out, this avalanche was triggered by the publication and international success of Peter Carey’s novel *True History of the Kelly Gang* (2000) and by Gregor Jordan’s film starring Heath Leger (2003), as well as by Ned’s inclusion in the opening ceremony of the Sydney Olympics in 2000. These constitute just a tiny fraction the mass of Kelly products that have materialised in recent years. There have been other novels, notably Robert Drewe’s *Our Sunshine* (1991), another film, *Reckless Kelly* (1993), numerous television appearances including documentaries and advertisements, several contemporary artworks, newspaper articles, educational literature and activity books, academic work, tourist sites and heritage trails, not to mention the innumerable uses he has been put on the World Wide Web, including websites devoted entirely to Kelly as well as features on *Facebook* and *YouTube*. Jones also tells us that, since the mid 1990s, “there has been a millennial change in Australian attitudes to Ned Kelly” (Jones 2003 [1995]: ix), meaning that public opinion has swung in favour of the outlaw, though still “there have been attempts to reverse the pro-Kelly tide” (303). Although still contested, Ned has become more “respectable”, more user friendly, over the past three decades.

A pair of apparent contradictions will frame this chapter: on the one hand, during the period 1990-2010, we see probably the most intense globalisation of the Kelly memory, from the Booker Prize winning Peter Carey novel to the countless roles he has played on the Web. On the other hand, probably partly though not wholly due to Kelly’s increased respectability, his memory has recently functioned in its most obviously nation-centred ways. Often these seemingly contradictory trends operate simultaneously, with representations expressing concerns with Australia’s place as a nation within a global arena. The Sydney Olympics opening, for instance, both showcased the Australian nation to the world and spoke to Australians about their own history and identity. The Leger movie also was an attempt to address, shape and represent Australia. The two movements within the memory, therefore, the global and the national, do not work against each other in this case but are part of the same processes.

A very much related apparent paradox is that, since the 1990s, the memory has become even more commodified than in past decades; commercialised, “Hollywoodised” and dispersed over the Web. At a first glance it appears as if it has thereby been emptied of meaning, or at least evacuated of the fraught and contested national meanings it had acquired in the past: trivialised. The memory seems to occupy the “eternal present” of “pure capitalism”, proliferating privatised, consumerist identities, unfettered by national

borders. Moreover, since the 90s, the Kelly memory becomes self-aware *as* cultural memory, just as the legend was marked by its reflexivity in the period 1930-1960. This has to do with the emergence of what has incessantly been termed the “memory boom”, both in popular culture and in universities. With the rise of “Memory Studies”, academic articles have been published specifically addressing the functions of the memory of Kelly, for instance Graham Huggan’s “Cultural Memory in Postcolonial Fiction: the Uses and Abuses of Ned Kelly” (2002). Two novels about the bushranger, Peter Carey’s *True History* and Robert Drewe’s *Our Sunshine* are, as Huggan himself indicates, concerned with the uses to which Ned’s memory has been put as well as their own place in sustaining and fabricating that memory. *Reckless Kelly* is a parody on the commercialisation of the memory. One might expect this mnemonic self-awareness to create a cool and ironic postmodern distance, and in combination with its dispersal on the Web and its commercialisation, to relieve the tension that had been built around and through Kelly’s memory with respect to questions of identity.

However, in fact, this self-awareness does not reduce the power of the cultural memory; nor does Kelly’s increasing respectability mean that he is not used in radical or conservative ways; nor does his increased commodification and commercialisation signify only a trivialising and emptying of his memory. In fact Kelly is during this period attached, at times overtly and at others tangentially, to the most urgent and fraught issues of our day, and the memory is developed through its involvement in these matters: commodity and ideology are in no way divorced here. Again, the Kelly representations are often concerned with the Australian national response to global political, cultural, and economic forces. I will look at three of these political uses: the first two, very much related, are the matters of reconciliation and the “History Wars”, and the third is Kelly’s uses in post 9/11 terror and anti-terror discourses. This dispositif of texts, temporalities, and power relations plays a part in constructing group identity, to form a composite identity, both consumerist and ideological, strongly national and situated globally.

The chapter will comprise two parts. Section one will deal with the first side of the apparent paradox outlined above, Ned Kelly and the global “memory industry”. I should point out here that the memory has from the outset been both global and commodified; as will have become apparent in the previous chapters of this work, these traits are nothing new, but they are intensified at the current time and are now two of the most notable features of the memory. The second section will concern the second part of the contradiction: that the memory is at least as deeply ideological and national as it ever has been, if not more so - firstly in terms of reconciliation, secondly the “History Wars” and thirdly the post 9/11 climate of terror, terrorist hysteria and state repression.

1. Ned Kelly and the Memory Industry

Graham Huggan wrote in 2002, “the sheer quantity of Kelly material currently available on the market testifies not just to the durability of the legend but also to its continuing profitability as a commodity circulating within an increasingly globalised memory industry” (143). At a first glance at the massive array of Kelly products up for grabs, it appears that the memory has become almost entirely divested of meaning, a floating signifier, completely dehistoricised and attached almost randomly to products and events and in some truly bizarre constellations.

i. Globalisation, Commodification, and Ned’s Divestment of Meaning

Kelly tourism is thriving, with towns such as Glenrowan sustaining themselves economically almost entirely through Ned’s memory. One anti-Kelly journalist complained in 2003, “There is a... reason to offer an ersatz and fictionalised version of the Ned Kelly story. It is history which drives much of Australia's tourism, but with Kelly, it's a certain kind of celebratory history. Kelly means money. Or to put it more bluntly, Kelly is good for the Victorian economy. With the new film, Kelly country is set to boom. Go to any out of the way northeast Victorian country town and there is all kinds of evidence -- much of it tacky souvenirs -- of people wanting a fragment of Kelly's past. Glenrowan exists today because it cashes in on Kelly's last stand in 1880” (Bantick). A Kelly touring route has been set up, whose logo is a version of Kelly’s helmet, loosely based on the Nolan shape, and the “celebratory history” it profits from takes on many peculiar manifestations. The strangest place the route took me to was a wine tasting event that was named after Kelly and even had an engraving of his mask on the free wine glass we were given as a souvenir. This event was actually scheduled for the bank holiday weekend celebrating the Queen’s birthday, the height of irony given Ned’s furious hatred of the British monarchy. This history is jarringly dehistoricised.

All along the Kelly touring route pubs, motels, restaurants, and diners call for business using the sign of the Kelly armour. Shops abound selling untold quantities of Kelly tat, from tea towels to key rings to stubby holders to quilted masks. Ned’s memory has always involved a large amount of commodity fetishism, not least caused by police at the Glenrowan siege in 1880 pilfering the outlaw’s belongings as mementos. This fetishism appears to have reached its pinnacle with the amount of Kelly junk currently on the market. Like the logos mentioned above, an image of Kelly’s helmet adorns most of the souvenirs. The memory of Ned has been reduced to an icon: an empty image severed from history. Ironically, most of the helmet images are derivatives of the Sidney Nolan rendition discussed in chapter three: then, that modern artist was attempting to understand the man and the myth and their place in Australian history and identity, the meaning behind the mask. Now, there is only a void behind the helmet; an absence to be filled by Ned Kelly spare ribs from the Ned Kelly

diner, Ned Kelly wine and Ned Kelly cork screws. We might say, with Baudrillard, "History itself has become a dustbin" (263).

Moreover, the plundering and souveniring that took place during and just after Ned's lifetime finds another correspondence today, since what were then souvenirs are now relics, and fierce battles over who owns what are raging, signalling, in Graham Huggan's words, "a renewed struggle over the privatization of cultural memory" (149). Since the recent surge of enthusiasm for Kelly, forgotten objects have been reappearing all over the place. The green sash that was given to a young Ned as a reward for saving a drowning boy, and which he wore at Glenrowan, went on display in 1999 after being forgotten about since 1980, when it was first given to the National Trust. It had originally been pilfered by the school teacher who betrayed the gang, Thomas Curnrow. A Kelly death mask was put on display at the State Library of Victoria in 2001 after lying in a former history professor's office for thirty years. Two newspaper articles refer to a display at the Old Melbourne Gaol in 2000 of the wooden beam from which Kelly was hanged to death, after having been hidden away since capital punishment was abolished in Victoria in 1975 (Mitchell). Another newspaper article from 2001 claimed that "Banks robbed by Ned Kelly could be asked to hand over their money to save his armour" (Terry Brown). A shoulder plate, privately owned after having been souvenired by Constable Gascoigne at Glenrowan, was up for auction at Christies, which had to apply to the Cultural Heritage Commission for an export permit. The State Library, concerned about commercial interest from Ireland and the United States, asked the banks to buy the shoulder piece so that it could remain in Australia. The item was expected to sell for up to \$200,000: "A Ned Kelly painting sold for \$1.325 million last year...a painting whipped up on a piece of masonite...you can see \$150,000 to \$200,000 for a genuine piece of Kelly history is not such a lot".

The longest and most reported upon battle over a Kelly relic in recent years has been between the National Trust and one Tom Baxter, who in 1998 announced he had in his possession Ned's skull, after it had been stolen from a display case in Old Melbourne Gaol in 1978. The police even raided Baxter's residence in Western Australia, unsuccessfully, for the skull. Baxter repeatedly publicly declared that he disputed the custodial right of the National Trust, and wanted to hand it over to descendants of Kelly for a proper burial (Ned was never given a family burial; he was buried in an unmarked grave on prison grounds. Indeed, what are thought to be his remains have very recently been found and have contributed to the fetishisation of the memory). For years the National Trust was resolute about its claims to own the skull and wanted it back unconditionally, but finally agreed to strike a deal with Baxter, though the state has final jurisdiction over the remains of executed prisoners. Baxter has now finally returned the skull. The gaol property manager, in a morbidly ironic statement, told one reporter that if the panel decided to return the skull to the National Trust it would not go on public display: "In the 1970s that was acceptable, but we don't

think it's in our interests or the interests of people visiting to have bona fide human remains on display" (Jean Kelly). Obviously all parties were keen to avoid poor taste.

In 2000 Peter Carey was quoted in the *Melbourne Herald Sun* pleading that the old Kelly homestead in Beveridge be preserved as a relic. The article ends with Carey's quote, "whether or not you want to put a carpark and a souvenir stand next to it I don't know. But it needs physical preservation before it crumbles into dust" (O'Connor). Carey distinguishes here between contemporary memorabilia and relics, but both are part of the ownership of what has become a memory fetish. Indeed, in this case, historical artefacts have become almost identical with present-day commodities, the only difference being that the former are more expensive. At least until this year: in March 2010 Sidney Nolan's painting of Ned Kelly, "Expert Marksman", sold at auction to an anonymous bidder for AU\$5.4 million, the most expensive Australian work ever to be sold. The history of the Kelly affair is reduced to a scattering of objects, whose value lies in the profits they can generate in the global market place, along with all other objects.

The Kelly memory is not only used to advertise itself or its geographical origins: it has over the past few years been used for and partly constituted by adverts for a whole range of products, including Weetabix, Bushell's Tea, Nurofen and, most recently, Coca Cola. Each of these adverts relies on the iconography of Ned's helmet. All of this speaks to "the increasing commodification of memory as the function of a consumer-driven late-capitalist society in which historical consciousness has been eroded by nostalgia – a society of the souvenir as much as the spectacle,... an ever-growing number of commercially viable memorabilia and pseudo-historical reconstructions" (Huggan 150). The 2003 Heath Leger film, though basically a commercial and critical flop outside of Australia, was a glossy and expensive Hollywood feature, and is very much an example of Huggan's nightmare vision. It boasts four big stars: Leger, Orlando Bloom, Naomi Watts, and Geoffrey Rush (Leger and Rush being originally Australian). Produced by Universal Studios, the DVD was sold and distributed by Universal Pictures. The movie is supposedly based on the novel *Our Sunshine* but, save for the presence of a caged circus lion – a trope taken from the novel – it is difficult to discern much of the influence of the book on the film, especially in terms of social critique or a history of political conflict. For instance, despite the film's eagerness to denote "Irishness" in its main characters, mainly via some eyebrow-raising accents, it almost entirely deradicalises the "bog" Irish component of the existing memory. Lyn Innes writes, "In this new and post-Celtic Tiger cinematic version, the political edge of the Richardson film and the 1980 *Making of a Myth* is dulled – in all senses of the word. Like earlier films it includes plenty of Irish jigging, fiddle-playing, and singing, but it is a static stereotype of Irish cultural production, rather than one tied to politics and history." She continues, "the film moves away from presenting the drama as a class or political conflict, but rather gives us a Kelly look-alike hero with a heart of gold... It is the tragedy of an individual we see, not a critique of society" (213). As I shall argue later, I see the film as heavily political, but I agree

with Innes that it empties Ned's memory of any progressive potential, replacing it with a bland variant of a wild-west oriented historical biopic and replacing solidarity with individualism. It is at once generic and nostalgic, generalising itself in space to appeal to a US audience and in time to generate a non-specific yet pervasive sense of nostalgia. This romanticism is captured most obviously in lingering shots of Australian wildlife: desolate landscapes with birds of prey swooping majestically overhead, cockatoos flitting by, wallabies peering shyly out of rushes and long grass.

In DVD form, *Ned Kelly* is not unforthcoming with special features. These media accessories are part of a sophisticated advertising campaign for DVDs to sell themselves as well as the entire production apparatus of the film. One of the special features is titled "Ned Kelly in popular culture" and is basically about the film itself. With special features, the product and the advert for it are one and the same thing. Moreover, promotion of the film and DVD has managed to effectively infiltrate cyberspace: of the first five hits called up by a Google search for "Ned Kelly", three refer to the film and not to the historical figure. Kelly has become a Baudrillardian simulacrum: not only has representation replaced reality; representation *is* reality.

Obviously the World Wide Web is a major part of all modern forms of globalisation, both economic and cultural. And, while the utopian dream of the Internet in its beginning stages was a world untainted by corporate greed and an end to passive consumption, the Web now runs on advertising. Indeed, with the onset of the current "credit crunch" Internet advertising has flourished at the expense of all other forms of advertising. The bigger websites devoted to Ned contain advertising as well as shops from which to purchase Kellyana. The *Ironoutlaw* shop sells books and DVDs, a CDrom of the *Ironoutlaw* website itself, men's and women's *Ironoutlaw* T-shirts, a Ned Kelly belt buckle, drinks holder, a limited edition print of a photograph of Kelly, a Kelly poster, the catalogue from the 2001 Ned Kelly Exhibition and a coaster set. *Ned Kelly's World* sells Kelly badges, bells, stubby holders, butter knives, cake forks, letter openers, glasses, stickers, rubbers, thimbles, placemats, caps, pocket knives and socks, among other items. These goods can circulate all over the world, as does the capital required to purchase them; payments are made instantaneously. We see David Harvey's space-time compression and the intersection of all three of the medial, temporal, and political lines of relation within the Kelly memory dispositif: "The interweaving of simulacra in daily life brings together different worlds (of commodities) in the same space and time. But it does so in such a way as to conceal almost perfectly any trace of origin, of the labour processes that produced them, or of the social relations implicated in their production" (300). Modern media, inseparable from commodities, exist and contribute to a flattening of time and space which obscures from apprehension the conditions of production and consumption of those commodities.

It has often been said that the Internet allows its media consumers to also be its producers, thereby introducing a more open, democratic, horizontal form of communication that brings people together from all around the world. Andrew Hoskins and William Merrin both use the term “prosumer” to encapsulate just such a merger (Hoskins 91). Whilst most sites devoted to Ned follow the more traditional top-down approach, he does show up on some of the more Web 2.0 interactive type of site, on which users build communities or networks. One might think that this would infer an active engagement with and contribution to Kelly’s memory as opposed to its emptying out or passive consumption. On *Facebook*, for instance, Ned Kelly has almost 5000 fans, from Australia, the US, UK, Ireland, India, France, Switzerland, Norway, Finland, Sweden, Spain, Croatia, Hong Kong, Turkey, Indonesia, Morocco, Italy, Greece, Czech Republic and Mexico, among other places. He also features on sites built to allow users to create fan clubs or pages about themselves, such as *Fanpop*, *Community Livejournal* and *Squidoo*.

However, these networks are so loose they are almost non-existent. Fan clubs are started on *Facebook* only for members to make one comment and then disappear. I joined *Facebook* for the purpose of accessing the Ned Kelly fan club, divulging a number of personal details in the process. When I got there I found it very difficult to understand what exactly it consisted of. There were the 4905 members who all had their own profiles and networks, which I could request to join if I so desired. Then there were fifty-four photographs members had posted relating to Ned – predominantly pictures of people’s tattoos of Kelly, photos or sketches of his armour, and also pictures of Kelly himself. Finally there were twenty-eight comments from members about the photographs – very short snatches of conversation about somebody’s tattoo or a place associated with Kelly, for instance “woww..what an awesome tattoo ***” and “yeah dats right hes a fricn legend xoxo”. That is the extent of the community created. The others sites mentioned above are even more random. Kelly communities are formed, a couple of people join and then they lie inactive for months on end, only to be dragged up from cyberspace abyss by somebody writing their PhD thesis. A Google search for Ned Kelly will bring up forum discussions that are years old, so called “dead pages”, and conversations that sometimes span many months with very intermittent contributions. Andrew Hoskins writes that, with the emergence of 2.0 applications, memory is necessarily networked and is made in an “ongoing present”. The temporality of the Internet is “continuous” and “emergent”, as opposed to more traditional media technologies, which render our experience of events as “punctual”. The Internet is also intensely archival, but the archive itself becomes part of the continuous present: “digital networks simultaneously enable a massively increased availability of all-things-past (which Chris Anderson calls ‘the long tail’) and the heightened connectivity of, and in, the present.” The excavated forum discussions about Ned can be seen both as always already archival and part of an ongoing present, connecting me with the other networked participants in the conversation. However, these Kelly archives have nothing to do with the history of Kelly and the connectivity is so weak and transient as to be virtually

phantasmagoric. This kind of memory is highly individuated and completely dehistoricised. These social networking sites do contain advertising, of a type that allows companies to know exactly who they are addressing, thereby reducing all identities to targets for sales pitches. Perhaps through this technology the production of the memory has become more democratic, then, but it may also have become more trivial and vapid.

Ned's appearance at the 2000 Olympics was perhaps the memory at its most trivial and vapid. It has been said, "In the 2000 Sydney Olympic Games Opening Ceremony, the Nolan Ned Kelly achieved its popular apotheosis, becoming a kind of modern, corporate totem of the medieval 'Lord of Misrule'" (email correspondence with Peter Findlay). During the "Tin Symphony", scores of Ned Kellys marched around the stage carrying giant sparklers. They wore huge square helmets deliberately modelled on Nolan's Kelly image. Not only does this spectacle represent the pinnacle of surface, iconic Kelly, but its self-referentiality borders on tongue-in-cheek postmodern campery. This self-awareness and its accompanying frivolity is a feature of the Kelly memory at the present time. Many of the tourist sites and memorabilia, for example, are self-consciously tongue-in-cheek. One shop in Glenrowan sells humorous cartoon prints starring Ned. In one of them Kelly is in bed wearing his helmet, with a perplexed-looking woman lying next to him. The caption reads, "be safe, wear a WHAT?" The array of Ned Kelly cafes, diners, and pubs all have a cheeky, jokey feel to them, and the *Indiana Jones* typefaces are so overused for absolutely everything along the touring route that I can only imagine that, at least some of the time, they are deliberately kitsch. The amazing animated Ned Kelly museum in Glenrowan, though put together with a huge amount of skill and care, is clearly tongue-in-cheek, offering a bewildering mixture of Halloween and Wild West aesthetics to its visitors.

The 1993 film *Reckless Kelly* is the epitome of the recent camp, kitsch and seemingly shallow remembrance of Kelly. Produced by and starring Yahoo Serious, best known for his role in the equally farcical *Young Einstein*, the Kelly of this modern-day version is a bank robber, pop cultural hero, publican, and video shop owner. When a Japanese corporation threatens to take over his store, Kelly must raise a million dollars. The gang's rule of only robbing the rich to give to the poor means he must go to Hollywood, either to rob banks there or become a movie star. "Whatever". This Kelly rides a motor bike and his helmet is made out of a dustbin. In the words of the blurb on the VHS cover, "As Kelly, Yahoo fires off his sunny sense of humor at high culture, low culture, gun culture, movie culture, big-business culture, biker culture – everything but yogurt culture. In the crowd-pleasing spirit of *Ace Ventura: pet Detective* and *Naked Gun 33.3: The Final Insult*, *Reckless Kelly* is crazy fun for everyone!" Unique among the Kelly films, it does not attempt to render the actual events of the Kelly affair, let alone claim to remain in any way historically faithful. The movie takes us out of Australia into the US entertainment industry that produced it, and is in many ways pure, surface farce, with very little to do with Kelly himself or any of the meanings he has come to represent past the purely commercial.

Andreas Huyssen links the phenomenal surge of interest in memory matters of recent decades to an epochal change in temporality in the “western” world – associated with postmodernity. Whereas, as discussed in chapter two, the temporality of “modernity” was future-oriented, our current temporality is very much turned towards the past. Our obsession with the past is at the same time driven by a fear of forgetting, a fear produced by the postmodern “time-space compression” mentioned earlier. Huyssen asks “once the memory boom is history, as it no doubt will be, will anyone have remembered anything at all?” (21). The changes in temporality are fundamentally linked to both new media technologies and to the late capitalist economy, which infiltrates and commodifies every area of life. Here we can see a memory dispositif writ large: the connections between media, temporality, and advanced capitalist power relations produce a generalised obsession with memory and amnesia.

To conclude this section: Fredric Jameson writes that in the past decades we have experienced a “crisis in historicity”; “an alarming and pathological symptom of a society that has become incapable of dealing with time and history.” According to Jameson, postmodern cultural production amounts to “‘heaps of fragments’” in a society which is unable to organise itself temporally; “the disappearance of a sense of history...in which our entire contemporary social system has little by little begun to lose its capacity to retain its own past, has begun to live in a perpetual present.” The memory of Kelly could easily be seen to exemplify and contribute to this problem. It has been completely fragmented, decontextualised, and dehistoricised; flattened into icon or surface image, fetishised in relics and souvenirs; it has become simultaneously kitsch spectacle and earnest nostalgia. The Kelly past has perhaps been cannibalised by the “perpetual present”, a temporality both mirrored and produced by the Internet. For Huyssen, this eternal present is both expanding and contracting, with anxiety-inducing results: “the shrinking extension of the present points to a great paradox: the more the present of advanced consumer capitalism prevails over the past and the future, sucking both into an expanding synchronous space, the weaker its grip on itself, the less stability of identity it provides for contemporary subjects” (23). We could say that in one sense the development that we identified in chapter four - of the figure of Ned becoming detached from the Australian nation - is intensified, as he belongs more and more to the globe. However, where this dislocation in the previous period was somewhat radical, here it is exactly the opposite. Giorgio Agamben in his discussion of the concept of the dispositif notes that our contemporary époque bears witness to an “extreme proliferation in processes of subjectification”, linked to the fragmentation of time, space, and culture. Of this phenomenon he writes, “this may produce the impression that in our time, the category of subjectivity is wavering and losing its consistency; but what is at stake, to be precise, is not an erasure or an overcoming, but rather a dissemination that pushes to the extreme the masquerade that has always accompanied every personal identity” (15). Whereas the 1960-1990 saw a “wavering” of exclusionary categories of subjectivity, or

potential “desubjectification”, the current medial, temporal, and political relations of the Kelly memory dispositif produce highly individuated and fragmented identities, identities reduced to consumer or spectator which, despite the claims of social networking websites, allow for no real sense of community or solidarity. In Agamben’s words, “what we are now witnessing is that processes of subjectification and processes of desubjectification seem to become reciprocally indifferent, and so they do not give rise to the recomposition of a new subject, except in larval or, as it were, spectral form” (21).

ii. Privatisation of the Nation

All of the above is true. But it is not the whole story. The globalisation of Ned’s memory does not signal an end to his importance in the national identity; nor does its commercialisation and commodification necessarily mean only trivialisation and superficiality; nor does the memory’s self-awareness, even an ironic or playful one, necessarily de-intensify the meanings and political identities it has come to stand for and reproduce. Indeed, looking at the Kelly memory over the past twenty years shows us how much the commercial and the national-ideological are intertwined, as a further consideration of several of the examples given above will make obvious.

Take the Kelly touring route, which is financed by a collection of local municipalities and supported by Tourism Victoria and a federal grant. Glenrowan is included in the Australian Government’s National Heritage List, through a programme called “Gifts to the Nation”. Beechworth, likewise on the touring route, also sells itself through a project called “Echoes of History”. Its promotional leaflet claims, “Beechworth is a mini story of Australia...The Beechworth Historic and Cultural Precinct is integral in the fabric of Australian history.” Ned Kelly tourism is part of national heritage and vice versa; and the internationalisation that the route strives to bring about is also dependent on an intense nationalism that sells Kelly globally. Huyssen tells us that, “although memory discourses appear to be global in one register, at their core they remain tied to the histories of specific nations and states”, but also that, “national memory debates are always shot through with the effects of global media” (17).

The same can be said of the Ned Kelly relics. Again, the markets and the national identity are inseparable. The fact that Kelly’s belongings and even body parts were stolen by police in 1880 shows that they knew how important Ned’s legacy would be for the Australian colonies, which is why they were deemed to be valuable in the first place. As discussed in chapter one, that legacy was being built by the press even as the events were ongoing, an institution which, then and now, demonstrates very well the connections between the state and the private sector. The fact that the National Trust is now showing such an interest in them increases their importance for the nation. It also indicates that the Trust knows how commercially valuable the relics are, which is why it asked the privately run banks to

purchase the shoulder-piece of armour, to put on display at the State Library, so that the piece would remain in Australia and not be bought by a US or Irish concern. It is the overseas commercial interest that creates the national interest and vice versa. The point is that the nation has been so entirely privatised (globally) that it is impossible to separate the commodification of the memory from issues central to national identity.

Tom Baxter, the private individual claiming to be custodian of Ned's skull, to the fury of the National Trust, uses strong nationalist arguments to justify his possession of it. He writes, "Ned's execution was followed by an act of butchery in which his scrotum was removed, a cheek cut from his face, his head removed and his brains taken out...Is our country ready to gather up these body parts for a proper burial? We need to ask: is Ned Kelly, as a national figure, worthy of a funeral?" Baxter continues in a left-leaning nationalist vein: "Ned Kelly's legacy is a lesson to Australia not to accept injustice – to fight against tyranny and oppression despite the odds. There are very few historical figures with such a powerful and pervasive influence on Australia's myth and legends and our sense of national identity...The same issues are relevant today – social justice, land rights and republicanism. Ned Kelly should be recognised as a father of the Australian republic" (Baxter 1999). It is an appeal to national identity to endorse the protection of the skull-fetish from the National Trust and to remain in the hands of a private individual. According to Baxter, it was representatives of the state (the police) who butchered Ned and turned his barely deceased body parts into fetishes. The skull-fetish, intensified in meaning and value through this custody battle, must be saved by the nation from the state through privatisation. Again in Huyssen's words, "There is no pure space outside of commodity culture, however much we may desire such a space... the problem is not solved by simply opposing serious memory to trivial memory... for this would only reproduce the old high/low dichotomy of modernist culture in a new guise" (19), a culture discussed at some length in chapter three.

As an example of the contemporary fixation on the past, Huyssen refers to "the postmodern historical novel with its uneasy negotiation between fact and fiction" (14). *Our Sunshine* and *True History* fit very comfortably within this genre, especially the latter work. They comment upon these very processes of the custodianship and commodification of Ned's memory, its manipulation of history, and the violence that lurks beneath. These texts are acutely self-aware; they play with ideas of cultural memory, but through visceral and brutal language that reminds us of the devastation that can accompany its formation and use. They both deconstruct and participate in the commodification of the national history and identity, exemplifying both Astrid Erll's "deconstructive mode of remembrance" and perhaps some other memory mode, the "profiteering mode".

The narrative of Robert Drewe's *Our Sunshine* (1993) skips between the hours prior to the final siege at Glenrowan and previous moments that Ned remembers from his life, through which the Kelly legend is "not just effectively dismantled but violently torn apart" (Huggan

144). Via this narrative strategy, Ned attempts to claim ownership over his own memories. However, these themselves are often second hand, “belated”: as Graham Huggan points out in his very interesting article “Cultural Memory in Postcolonial Fiction”, “even the most private of reminiscences has been reassigned in advance as public property, as in the ironically patriotic claim – *our* sunshine – implicit in the novel’s title.” Much of the belated or reused feel of Ned’s memories comes from his repetition of the press construction of his legend; meanwhile the man himself “may as well be made of smoke” (Drewe 188). At one point the outlaw recites a litany of primordial-sounding names given to him by the press:

Devil incarnate of the antipodes, Satan’s right hand, our Mephisto, the Vulture of the wombat ranges, beast of prey, outback monster, rural sadist, flash young ghoul, savage yokel, bog-Irish fiend, homicidal maniac, corpse robber, cheap assassin, man of blood, bog butcher, jumped-up bush butcher, brute creation, crawling beast, jungle gorilla, creeping thing, reptile, viper in society’s bosom, sewer scum, vermin, bog worm, peat maggot... pack wolf, shark, spineless jellyfish, strutting rooster, scrub bull... cut-rate highwayman, champion of the... street-corner loungers, evil marauder, predator, common thief, desperado, thug... Things he’d been called by the gentlemen of the press, *ta rah!*... A corner of the faintest memory flickered. Hadn’t dad called him Sunshine? (8-9)

Like the actual press of the time and like Kelly himself in his letters, Drewe employs sinister and often grotesque animal imagery, which refers not only to the violence of both the gang and its pursuers, but also to the predatory aspect of the legend itself, and those who continue to compete for and exploit Kelly’s legacy. Huggan claims that the terror conveyed in the violent imagery points to the fact that, beneath the shiny surface of Kelly “memory games” is “a deep structure of colonial trauma”, captured in hellish descriptions of transportation: “a greasy winter shore bisected by a loamy rivermouth, a city’s slimy bay, froth-stained with tar and sawdust, phlegmy flotsam, puffy things with pecked-out eyes. And on the high-tide line, strings of smelly sea-grapes pretending to be rosaries” (145).

This colonial trauma is suggested in passages in which the narrative switches from first to third person, for example in the following gruesome quotation in which Ned imagines his desecration, his own remembrance entering him through his legendary armour and eating him from the inside: “Why are parrots pecking his shins? Lorikeets scaling his legs, parakeets dancing up his calves, hanging from his kneecaps. Feathery body heat rustling in his pants legs worse than mice. Hot beaks nibbling at his veins, claws gribbing. Any deeper and they’ll be pecking his bone marrow. Creeping up and ripping his foreskin off, Holy Mother! In the rising light, he gets to his feet, whacks and whacks his shins with his rifle butt to smash the little pecking parrots” (Drewe 193).

This and other evocations of penetration, mutilation, and castration tear away the macho bravado of the memory. They also remind us of the appropriative discourse of claim and counter-claim, of custodial rights surrounding competing versions of the legend. For instance, in a scene pulled from Ned’s childhood memory the severed head of infamous

bushranger “Mad Dog” Dan Morgen is paraded through the streets of Melbourne. Likewise, after Ned’s capture at Glenrowan, the police-officer guarding his barely conscious bullet-riddled body, claims it for the police: “The officer pours himself a brandy, then pours him [Ned] a shot and holds it for him while he sips. ‘You’re ours,’ he says” (199).

Finally, as Huggan suggests, Drewe himself “self-ironically” repeats these predatory and invasive tactics: “By metaphorically penetrating the body of Kelly – by aggressively inserting itself into the corpus of Kelly folklore – Drewe’s novel fulfils the contradictory tasks of reanimating a worn-out legend, thereby ensuring its transmission to the ‘grandchildren of the next century’ (2), while wrenching it free from the collective memory on which it feeds – and tearing it apart” (146).

True History of the Kelly Gang is a highly self-reflexive rendition of the Kelly story which, according to Huggan, “emphasises the ambivalent and, above all, commodified status of Kelly as national icon and anti-imperial resource” (146). It plays with historical sources and blurs the boundaries between the oral and written, fictional and non-fictional, “thereby maintaining a dynamic balance between competing versions of the historical past” (147). This is indicated initially by the novel’s title, which insists upon truth but, via the deliberate absence of the definite article, denies the possibility of a single truth. The form of the book also very obviously plays with ideas around historical documentation and fictionality. Set after his death, it is a fictional letter that Kelly wrote to his fictional daughter before his capture and passed on to the school teacher who has betrayed him and subsequently handed the document over to the police. It is inspired by the real letters Kelly wrote, and simulates the erratic grammar, humour, and anti-English rhetoric of those original documents. It is divided up into “parcels”, each of which begins with commentary from the police authorities about the condition and content of the portion of the letter. In its knowing play with fiction and non-fiction, this book fits neatly within the genre of postmodern historical fiction, and both encapsulates and interrogates Huyssen’s vision of the contemporary fixation with memory.

The prologue, written after the Glenrowan siege, mentions “the wholesale souveniring of armour and guns and hair and cartridges that occurred at Glenrowan on June 28th 1880” (4), indicating the novel’s interest in the morbid commodification of Kelly’s memory as it was being made. This fictional prologue is marked as an “undated, unsigned, handwritten account in the collection of the Melbourne Public Library”, however, we are to assume that it was written by Curnow, the man who betrayed Kelly and to whom, at the height of irony, Kelly entrusts his memoirs. Huggan comments that “Carey, who, like Drewe, certainly cannot be accused of not being aware of capitalising on Kelly’s legacy, seems himself to have taken on the role of a latter-day Curnow” (148), since in this context the manuscript emerges as the most valuable of souvenirs from the siege at Glenrowan. The playful fictional memoirs and the suggestion of their commodification does not detract from the force of

memory, as indicated in the epigraph from Faulkner: "The past is not dead. It is not even past."

Kelly's Irish ancestry in particular is a major pre-occupation of *True History*. Huggan observes a "doubling" of the narrative, whereby Kelly's own memories and his subjective memories of Australian colonial history encounter distant folk memories of an Irish ancestry. Nostalgic folk memory can be misinformed and dangerous, as suggested when the mystery of Steve Hart's and Kelly's own father's transvestitism is finally solved, something Ned has been wondering about for the better part of the narrative. Kelly's fictive wife catches Steve in full drag and blackface, "like the Dame in the pantomime" (Carey 329). To everyone's surprise Mary is so disturbed by the sight she physically attacks the gang member. Steve explains that "its what is done by the rebels...as I'm sure you heard your own da relate. Its what is done when they wish to scare the bejesus out of the squatters." Mary replies, "There ain't no squatters in Ireland Steven Hart." Mary, who, unlike the gang, was born in Ireland, then relates one of her own childhood memories of men dressed in drag, Sons of Sieve, terrorising her father in the night for stabling a horse belonging to a lord. Kelly's own perception of ancestral memory is deeply riven. He scorns Steve Hart who lives in stories of rebel Irish martyrs: he writes, "Hart began to sing some mournful song in the old language I told him to be quiet we would write our own damned history from here on" (294). At the same time, Kelly is by no means immune to such "anti colonial revenge nostalgia" (Huggan 147), as when he describes how strong a man encased in the armour he is making would be, "No munition could injure him or tear his flesh he would be an engine like Great Cuchulainn in his war chariot they say it bristled with points of iron and narrow blades with hooks & straps & loops & cords" (Carey 389).

Memory is thus again seen as a violent and destructive force, as further indicated in images of memory as a parasite, bruise, or tattoo. At the start of the narrative, for instance, Kelly recounts a story of treachery told to him by a policeman about his father. He comments, "The memory of the policeman's words lay inside me like the egg of a liver fluke and while I went about my growing up this slander wormed deeper and deeper into my heart and there grew fat" (13). Both novels endeavour to bring to the fore not only the violent history behind the figure of Kelly but the potential violence of cultural memory itself.

These works are not examples of a "crisis in historicity" but are rather about a crisis in memory. They do not suffer from nostalgia or invoke an eternal present. Instead, they deconstruct the processes of memory-making and the power relations involved therein, in terms of both the nation-state and business interests. At the same time they are very much a part of the dispositif they expose. Their self-referentiality does not make them trivial but nor does it make them innocent. *True History* was a massive international success, winning New Yorker Peter Carey the Booker Prize and the Commonwealth Writers Prize. Indeed, Carey's book not only profited from the existing Kelly memory but, as Ian Jones notes, was

largely responsible for the recent explosion of all things Kelly, contributing greatly to the development of the memory in recent years, and therefore to the competition and commodification of it which he critiques. Robert Drewe is also a nationally and internationally award-winning journalist and fiction writer. His Kelly novel, though less successful than Carey's, sold its rights to Universal Pictures which produced one of the main and most commercialist contributors to the Kelly memory in recent years, and again triggered a proliferation of Kelly products. Even Huggan's penetrating article is not exempt from processes of commercialisation and exploitation, though on a much smaller scale. Universities are by no means untouched by market forces and their privatisation has escalated since 1990. Academics often build their careers on historical violence and destruction. At the same time they are still involved with some of the most fraught national-political issues of our time – as will be seen in the following section.

2. Reconciliation, the "History Wars", and Ned Kelly post 9/11

Huggan describes *Our Sunshine* and *True History* as postcolonial fiction, meaning that they present memories of the devastation of transportation and British imperialism in Ireland and of the Irish in Australia, and deconstruct colonial nostalgia. He also writes that, "the national narrative embodied in Kelly – and, through Kelly, enshrined in the Australian legend – is embarrassingly exclusive, and that the history of Aboriginal genocide and dispossession – increasingly institutionalised in a number of official events, museum exhibits and state memorials – now constitutes the most significant form of memory work being undertaken in postcolonial Australia today" (149). Further, he critiques the export of "a variety of nation-based outlaw mythologies to a transnational memory industry – an industry in which nostalgically rebellious figures...circulate as iconic representations of an oppositional history that disguises other, probably more significant oppositional histories, ensuring that these latter remain ignored or inadequately understood" (150). Lastly, "It is certainly tempting, in the current postcolonial conjuncture, to see the resurgence of Kelly folklore as a form of collective repression that shifts the problems of a rapidly changing multi-ethnic society back into a romantically 'Celticised' past" (153). For Huggan, the two Kelly novels are not guilty of such charges because they "deploy the deconstructive, rather than recuperative, potential of cultural memory... Novels such as theirs confirm the value of a sustained critical engagement with the Kelly legend, joining it to a wider historical struggle to counteract those nostalgia-ridden narratives of sanctified victimhood which continue to block access to Australia's colonial past". We could say that these novels deconstruct the colonial aphasia described in the previous chapter, in terms of the mythologisation and integration of Irish rebel fantasies into the national identity that had begun after the Second World War. However, in their basic exclusion of Aboriginals and the Aboriginal dispossession that accompanied colonisation, they too perpetuate that aphasia.

It is true that remembrance of Aboriginal dispossession and “Aboriginal affairs” as a generality have become increasingly institutionalised since the 1990s. This is related to two events and their aftermath. In 1991 the Council for Aboriginal Reconciliation was established, after a Royal Commission appointed to investigate Aboriginal deaths in custody found that Indigenous disadvantage was a product of the history of dispossession. Since then, the term reconciliation has been common currency in Australia. The concept of reconciliation is of course not exclusive to Australia and is most strongly associated with the South African TRC. We again see the mingling of the national and the global: a national expression of global processes involving the “international community”. The second event to push the question of invasion and Aboriginal dispossession further to the public forefront was the publication of the “Bringing Them Home” report on forced removals, published in 1997, the year after John Howard became Prime Minister. Among other things, the report concluded that “Indigenous families and communities have endured gross violations of their human rights. These violations continue to affect Indigenous people's daily lives. They were an act of genocide, aimed at wiping out Indigenous families, communities and cultures, vital to the precious and inalienable heritage of Australia” (*Bringing Them Home*). The report recommended reparations and an official apology. The publication of this report was followed a furious denial of genocide and dispossession, headed by “public intellectuals” closely associated with Howard such as Keith Windschuttle, leading to the so-called “History Wars”, which are deeply connected to questions of national identity.

The Kelly memory has, like its expression in Huggan’s article, simultaneously attached itself to, incorporated and repressed these themes of genocide, dispossession, and reconciliation and has, like almost all areas of popular culture in Australia, tacitly entered into the “History Wars”.

i. Reconciliation

In 1994 Deborah Bird Rose published an article titled “Ned Kelly Died for our Sins”. Along with a section of her book *Dingo Makes Us Human* (1992) it is the first and only text to devote itself to Aboriginal representations and interpretations of Ned Kelly. It can be seen as a genuine attempt at a form of cultural reconciliation. Rose, an anthropologist, details two Kelly stories told to her by Yarralin people from the Victoria River District of the Northern Territory, stories told in English and that envision Ned as a “moral European”.

The first story runs as follows, recounted very briefly by Rose: “Ned once visited Wave Hill station [the local cattle station] long before any whitefellows had come into the Victoria River District. There he taught people how to make tea and cook damper. Although there was only one billy for tea, and one little damper, everybody got fed.” In the second story, Ned is in Australia at the beginning of the world, specifically at Crawford Knob in Karangpuru country. The whole world is covered in salt water. Ned and his friend, Angelo, travel around

in a boat, looking for land. They begin to make rivers and this leads to the separation of water and earth. There is dry land now and the two men begin walking. They encounter some blackfellows, have a small conversation in English, and then keep walking on to a place called Wyndham, a European settlement. The whitefellows at Wyndham see that Ned and Angelo are different from them and call out four police. Ned, of course, shoots the police, and then the duo turns back towards Crawford Knob. Captain Cook comes down to Mendora beach in Darwin, travelling from England via Sydney Harbour. He has a revolver. Ned Kelly, having lost his mate, is in a boat travelling to England. Captain Cook meets Kelly and cuts his throat, buries and leaves him. Then there is a massive earth quake and all the white men tremble with fear.

Not only is Ned a moral European, set against the immoral Europeans (Captain Cook, the police, and the settlers of Wyndham): he is “Dreaming”, present at the beginning of the world and involved in its making. Dreaming life involves ways in which many Aboriginal groups construct the past. In the beginning, the world was covered in salt water. The waters pulled back and the earth was exposed. Out of holes in the earth came all the life we now know. All animals, the rainbow, the sun, the moon, flying foxes, took on human form and walked the earth. These original beings are now called Dreamings. They “demarcated a spatially identified moral universe” (179). They travelled around, marking out country, speaking different languages and doing things differently in different places, “naming places, creating places, and carrying out ceremonies.” They established the “moral principles and laws through which the cosmos can be sustained as a living system” (179). At some point, most of the Dreamings became fixed, in place and shape. Their travels are demarcated in real geographical space and all along their route are Dreaming sites, important places in which the law they initiated is localised.

Rose continues that, following Yarralin peoples’ usage, it is possible to differentiate Dreaming life from ordinary life through a temporal distinction. Ordinary life is the present within which we exist, and Dreaming precedes it. Ordinary life is characterised by temporal sequence, birth and death. In contrast, the Dreaming does not die or get washed out; it has the potential to live forever. It is characterized by continuity and endurance. These two temporalities can be seen as akin to Levi Strauss’ irreversible and reversible time. Rose says that many of the Yarralin she spoke to contrasted the value they placed on continuity to the disregard Europeans seem to have for it. The point at which Dreaming became ordinary is only about a hundred years go, or three generations, but this change is “ragged” because it is relative to the speaker. Rose quotes Tim Yilngayari: ““Oh, my mother was never born. She came out from Dreaming”” (180). Dreaming can be conceptualized as “a great wave which follows along behind us, obliterating the debris of our existence and illuminating, as a synchronous set of images, those things which endure.”

In Dreaming, synchronicity is an important feature. Some say, for instance, that Jesus, Adam, and Moses all lived on the one same day. This is opposed to ordinary life in which the concepts of before and after are contingent on the temporal locus of now. In Dreaming, the only temporal markers from which to define a before or after are major disjunctures, such as when the Dreamings who used to walk in human form became fixed in place and shape. Within each period encircled by these ruptures synchrony prevails. So Ned and Captain Cook are present at the same time. However, sequence does exist in Dreaming, defined as *space*. In Yarralin, most Dreamings travelled east to west, so before means all the sites west of Yarralin and after means those east of Yarralin: "Before and after are contrasts which are contingent on the spatial locus of the speaker... The geography remains fixed, as are the tracks. Only the spatial locus of the speakers in ordinary time moves around" (181).

Lastly, Rose explains that in Dreaming, events are organised both spatially and morally. Moral principles are asserted through key events, which are Dreaming actions with specific moral content. They are open ended, so that other events, persons or images may be conflated with the key event if they share the same moral content. Key events thus attract and accommodate specificity, and events in the present, if determined to be memorable, are drawn back into Dreaming by being conflated with Dreaming events, as is the case with the Ned Kelly stories. This recalls Ann Rigney's definition of a site of memory as a "self-perpetuating vortex of symbolic investment," in which a memory site may attract other memories to it, forming "memorial layers" (Ann 2005: 18). As has probably become apparent, in Dreaming objectivity is not privileged and reality is defined not through fact but by meaning. For Rose, this is part of the reason why Ned "provides a superb bridge between cultures" (184). As "myth-dream", Kelly – both invader and outcast - stood up for the oppressed, fought against the ruling classes and encodes "the longing to belong and the fear that white Australians will never belong – will always be castaways in the continent of Australia".

According to Rose, then, the Yarralin conceive of two continuous temporalities, Dream time and ordinary time. Events in ordinary time can be sucked back into Dreamtime, and Dreaming has the potential to last forever, so that the two temporalities can overlap and co-exist. The idea of heterogeneous temporalities existing simultaneously in Australia today would certainly disrupt notion of an eternal present of capital flows and a pure consumerist identity. As Partha Chatterjee tells us, "people can only imagine themselves in empty homogenous time; they do not live in it" (927). In fact, this temporal heterogeneity introduced into the memory dispositif by the Yarralin stories and by Rose's article, allows for multiple, synchronous identities, without being guilty of internal allochronism (see Fabian). In Rose's account, the Yarralin do not inhabit a past time removed from modernity but conceive simultaneously of Dream time and ordinary ("modern") time. Rose claims that, as well as resurrecting Kelly the historical figure, the Yarralin people have given birth to an indigenous Ned Kelly: he was there at the beginning of the continent, he helped make it and

he fought against those who invaded it. She concludes, “Ned Kelly stories suggest that it is **we** who are in dire need of radical change. The last thing we would expect, or be prepared to hear, from a position of power, is that the dispossessed claim to have indeed understood. That they have accepted. And that **they** are offering **us** redemption” (185). Through this intersection of the medial and temporal aspects of the memory dispositif, Kelly is able to function in progressive ways, producing the nation itself as both White and Indigenous. In chapter three I demonstrated how the Kelly memory dispositif between 1930 and 1960 generated deferred radical Irish and working-class identities, which function to overwrite and possibly defer Aboriginal identities. Finally since the 1990s these deferred Aboriginal identities have attached themselves to the figure of Kelly, who is now able to become a site for their proliferation.

Rose claims that, according to these Yarralin stories, social justice “is not to be achieved through the destruction of the past, but rather through recognition” (185). Rose’s account of the Yarralin representations of Ned involves mutual recognition and negotiation. Many other Kelly representations from the 1990s onwards refer to Rose’s work, though always only fleetingly. In a review of *True History*, Cath Kenneally describes how Carey risked, though ultimately managed to avoid, sentimentality in giving a voice to Ned: “the challenge is the towering iconic status Kelly has acquired... not just among us Anglo-Celts; the Yarralin people have also adopted a Christ-like figure into their Dreaming”. In *Tell ‘em I Died Game*, Graham Seal writes, “But is Ned Kelly relevant to the new Australia? Can Aboriginal people, for instance, identify with an Anglo-Celtic Bushranger? It seems that Ned Kelly has developed connections with indigenous people... In the Northern Territory, Aborigines have adopted Kelly into their cultures, in some cases significantly conflated with Jesus Christ, other biblical figures and Captain Cook” (153). In the final pages of *Ned Kelly: a Short Life*, Ian Jones writes, “In the farthest corner of the continent from the Kelly Country, the Yarralin Aboriginal people of north-western Australia have taken Ned Kelly into their Dreaming... This Dreamtime figure who evokes Jesus, Noah and Moses is also present in the age of European settlement... He... dies as a champion of the Aboriginal people – a white man who was a shaper of the black man’s land. The Aboriginal people affirm that Captain Cook is long dead while Ned Kelly – because he is concerned with freedom, dignity and true justice – lives on” (305).

“Aboriginality” is incorporated into the Kelly memory in other ways too. Two instances from Tom Baxter’s campaign to give Ned a proper burial are exemplary. A very short article in the *Melbourne Herald Sun* states that “Aboriginal activist Patrick Dodson is backing a campaign for a proper burial of bushranger Ned Kelly... Tom Baxter... said Mr Dodson and author Thomas Kenneally were prominent supporters of his campaign. ‘We are simply going to go out and advocate that this great Australian needs a dignified and simple funeral,’ Mr Baxter said. A spokesman for Mr Dodson confirmed his support for the campaign” (“Kelly Burial Backed”). The second example comes from Baxter’s article, previously mentioned. He

writes, "In the Kimberly, we have another figure whose heroic actions are etched in the colonial history of this region. His skull is still missing, last heard to be in the possession of an English arms manufacturer. He was another Australian patriot who was beheaded and denied the spiritual benefits of a proper funeral. The victim in the case was the Aboriginal rebel Jandamarra who, like Ned Kelly, died defending the value system he was bound to uphold. A great many Australians would insist that these are men to be treated with respect" (Baxter 2000).

These Kelly representations attempt to be inclusive of "Aboriginality"; they both justify the continuance of Ned Kelly as a major symbol of Australian identity by claiming he has been embraced by Aboriginals and attempt to incorporate Aboriginals into the Australian identity by opening up the Kelly legend to them. This is comparable to a contemporaneous inclusion of the Chinese into the memory, carried out almost singlehandedly by Ian Jones. Jones' painstaking research into the Kelly affair was published in two weighty books during the 90s: *The Fatal Friendship: Ned Kelly, Aaron Sherritt & Joe Byrne* (1992) and *Ned Kelly: A Short Life* (1995). In both, he makes a point of detailing the historical connections between the gang members and the local Chinese communities, claiming that the Kellys had Chinese sympathisers and that Byrne in particular was considered by one policeman to be "half a chinaman" (Jones 2003 [1992]: 24). He even implies that the Kelly armour was based on ancient Chinese designs which Byrne saw on display at Burke Museum. All of these gestures towards inclusion, in differing ways, are examples of the kind of multiculturalism associated especially with the 1990s, in particular with Paul Keating's government of the early part of that decade.

Jones' opening up of the Kelly memory to the Chinese can be seen as a genuine attempt at unity, based on important historical research into the Australian nation. On the other hand, the adhesion to and incorporation of "Aboriginality" and "Aboriginal affairs" parallels the mainstream Australian conception of reconciliation, which is in fact more about sidelining Indigenous people and maintaining the status quo than it is about mutual recognition and co-existence; indeed it is about *misrecognition* rather than recognition. As Damien Short explains, unlike the situation in South Africa, in liberal democratic settler states such as Australia, within the dominant discourse of reconciliation, "indigenous peoples' 'claims' are not seen as requiring a radical restructuring of the framework of the state itself, since the state is seen as democratic, and therefore legitimate, all that is required is greater 'recognition' within it" (3). In this case, Aboriginal concerns are to be given fair hearing within the framework of the existing nation-state, as long as these groups act within existing law, and are to be more fully integrated into the society. However, "the creation of modern nation-states has been partly achieved with the mastery and attempted assimilation of native or minority communities that has resulted in the formation of permanent minorities whose interests are persistently neglected or 'misrecognised' (Taylor 1995: 225) by the majority. The state apparatus and the dominant majority may be, in effect, a permanent bar

to the recognition of certain minority interests” and therefore, “by presuming the legitimacy of the liberal settler state’s jurisdiction over indigenous nations, such an approach presupposes exactly what is in question” (4).

Short’s analysis speaks to the matter dealt with in chapter four of relationships between Aboriginal people, the law, and the state responsible for law-making. In that chapter I showed how texts dealing specifically with Kelly’s trial, in combination with the social bandit “genre”, inadvertently pointed to the illegitimacy of the Australian state. The memory at that time was multidirectional despite itself, pointing towards missing histories of dispossession. In this case, the inclusion of “Aboriginality” into the nation via the Kelly memory dispositif on the contrary works to obscure the state’s illegitimacy and reinforce the appearance of its natural legitimacy. Instead of multidirectionality we see another form of colonial aphasia, “a simultaneous presence of a thing [colonialism and Aboriginals] and its absence, a presence and the *misrecognition* of it” (13 my emphasis). Indeed, in reality, the process of reconciliation has enabled further encroachment into Indigenous land by mining concerns and increased state power over Aboriginal populations (see Short). Under the banner of Howard’s “practical reconciliation” and recognition, the Racial Discrimination Act was revoked in 2007 so that the military could take control over the Northern Territory - where the Yarralin people are from. Despite subsequent Prime Minister Kevin Rudd’s federal apology to the stolen generations, the Act has not been reinstated and a government “intervention” is ongoing in the Northern Territory.

For Short, the presumed starting point for reconciliation should not be the legitimacy of the existing state and the more complete integration of the Indigenous minority into it, but its illegitimacy - hence the need for reconciliation in the first place - and the ensuing relinquishment of land and legal jurisdiction over Aboriginal groups. Deborah Bird Rose’s Kelly representation comes closer to this second idea of reconciliation, in which Australian identity is in the hands of the Yarralin group, which then incorporates Whiteness into the identity. The Kelly items that refer to Rose’s article, as it were incorporate the incorporation, acknowledge Aboriginal acknowledgement so that the White identity remains intact, while “Aboriginality” is marginalised through its presence. Take, for instance, the sentence quoted earlier, “the challenge is the towering iconic status Kelly has acquired... not just among us Anglo-Celts; the Yarralin people have also adopted a Christ-like figure into their Dreaming.” Here the “us”, the Australians, are very clearly “Anglo-Celts”. Again, the “Irishness” that was once marginal is now fully integrated at the expense of Aboriginals. We also see that the sectarianism fixated upon in the previous period is now completely glossed over: one case of aphasia enables another, later one. It is true that Rose also makes an “us-and-them” distinction but she attempts to position Europeans as the other of the Yarralin rather than vice versa. Moreover, in the references to Rose’s work in the other Kelly representations, *misrecognition* is evident. All focus on the Yarralin’s “conflation” of Kelly with biblical

figures, particularly Jesus, demarcating an Aboriginal misrecognition of Kelly while in fact misrecognising Rose's story of Dreaming life.

At the same time, while the Yarralin stories and Rose's rendition of them posit what Chatterjee calls "the heterogeneous time of modernity", most areas of Australian culture continue with their allochronism, whilst attempting to be inclusive of "Aboriginality". Take this quote from the website of the Australian Government Culture Portal, for instance: "Indigenous knowledge of the land is linked to their exceptional tracking skills based on their hunter and gather life. This includes the ability to track down animals, to identify and locate edible plants, to find sources of water and fish," as if Aboriginals have been untouched by "modernity". I could almost pick at random any mainstream articulation of "Aboriginality" to illustrate this allochronism, which continues to this day as a way to further marginalise Aboriginals whilst cannibalising Aboriginal culture under the guise of reconciliation. It functions, in the words of Ghassan Hage, as "political necrophilia", making metaphorical love to a culture, consuming it, after destroying it. The deferred Aboriginal identities produced by the Kelly memory dispositif are immediately misrecognised and distorted.

ii. The History Wars.

Though it might seem surprising, the "History Wars" and reconciliation can be seen as intimately connected, or even as the same process in reverse. Reconciliation is about sidelining Aboriginals through incorporation, the "History Wars" results in an incorporation of Aboriginality through attempts at expulsion. The appellation of "History Wars" is a little misleading because it was a very one-sided affair. The main participants and texts explicitly deny invasion, claim that the number of forced removals of mixed-race children has been grossly exaggerated and that those removals which did occur were for the children's own good. Keith Windshuttle's *The Fabrication of Aboriginal History* (2002) is the apotheosis of this trend. But the denial and the whitewashing of the identity infiltrates every area of the popular culture, and, as explained above, the discourse of reconciliation actually complements it. The "History Wars" are expressed in the Kelly memory in two ways: either through explicit or abstruse reference to them, or through the production of Australian history and identity without mention of dispossession and with Aboriginals completely absent or present only at the margins. Of course, this exclusion is nothing new, and has been charted throughout this work, but it possibly says more now than at any time since the initial dispossessions actually took place, because of the publicity and intensity of the "History Wars". The history and identity of the Australian nation is particularly turbulent at this time, its history flickering between presence and absence, present through its denial and absent through its recognition.

I will begin with an example of the second type of expression, one that is an indirect function of the “History Wars” through its whitewashing of the national identity. As mentioned earlier, Lyn Innes argues that the 2003 film *Ned Kelly*, through its bland Hollywood flatness, utterly depoliticises the Kelly story. I would rather say that it is precisely its glossy blandness that politicises the film, operationalising it on the right wing of the “History Wars”. Firstly, as with practically all the Kelly representations from 1878 onwards, the film authorises a non-indigenous claim to the Australian space. The above-mentioned tourist-board lingering shots of nature firmly lyricise the space, in which to position the police as other to Kelly’s spatial entitlement. In an easy appropriation of the conflation of “pre-modern” Indigenous people with the Australian landscape, the Kellys are nativised. Ned even speaks of literally becoming the landscape: “Lying low, living in caves, you get to learn some things. Eventually you can read soils and rocks like books...I’ve turned blood-red with cave mud. I’ve been a bloody rock.” Yet again, it is white working-class man who stands to lose the most from the imposition of colonial rule.

The conflation of white male identity with the position of victim is again nothing new when it comes to the memory of Ned Kelly. However its uncomplicated repetition in 2003 speaks volumes. This was a time in which right-wing politicians, journalists, and public intellectuals were fabricating a crisis in White male identity. The notorious Pauline Hanson, leader of the far-right One Nation party, stated publicly in 1999 that “the most downtrodden person in this country is the white Anglo-Saxon male. I think they’ve hit the bottom of the barrel” (Pinto and Boucher 16). As Sarah Pinto and Leigh Boucher point out, “In a context where the racial politics of Australian knowledge have been both highlighted and denied, *Ned Kelly* returns to an uncomplicated relationship between the white man and the Australian space” (18), seeking a “‘relaxed and comfortable’ relationship with the past” (17). Pinto and Boucher quote John Howard: “‘I believe the balance sheet of Australian history is a very generous and benign one...it is tremendously important [to remember] that the Australian achievement has been a heroic one, a courageous one and a humanitarian one’” (17). Pinto and Boucher term the “History Wars” an “historical crisis” but it is not the “crisis in historicity” Jameson describes. It is true that this film “assumes an identification between past and present” (17), which is, however, “premised on the obliteration of any Indigenous presence in an Australian present or future” (18). While this is a fairly straightforward case of whitewashing the past, again it would not be properly termed “colonial amnesia”. It is not a passive forgetting that is at stake but a “politics of disassociation” (Stoler 14) best described as aphasia: the term “aphasia” is not used to pathologise but rather to point to the thoroughly political nature of memory cultures.

While Ned can be seen to function on the right wing of the “History Wars”, as a way to whitewash the Australian past, he is also often designated as a natural inhabitator of the left wing. On *Ironoutlaw*, Alex McDermott’s edition of Kelly’s *Jerlilderie Letter* (2001) is discussed, in particular his introduction, titled “The Apocalyptic Chant of Edward Kelly”. McDermott

claims, in that book and in his other work, that Ned was a latter-day professional gangster (though no less heroic for it), a view rebuked by *Ironoutlaw*, Ian Jones, and most other pro-Kelly scholars. According to the following remarks, remembering Kelly positively is memory work for the left wing of the “History Wars”, whilst painting Ned as a criminal is on the right wing, and is virtually the same thing as denying the Aboriginal genocide. *Ironoutlaw* reads, “So we return to the beginning, the 130 year argument that will probably rage as long as there are Australians. Kelly’s story has from the beginning enthralled the entire world and the myth will keep evolving into the future. That is why Ned Kelly has been a major target of the ‘History Wars’, an attempt to rewrite, or wrestle Australian history from the perceived clutches of ‘left wing’ academics. Kelly seems to be perpetually on trial these days, but having been hanged by the neck until he was dead; it is still not enough punishment for his crimes. Kelly’s words still have a symbolic power that renders him more dangerous than we may realize.” And further, “By naming his introduction ‘The Apocalyptic Chant’ a sly reference to the 1978 movie ‘The Chant of Jimmie Blacksmith’, based on the 1972 novel by Thomas Kenneally, ironically related to J.J. Kenneally, an association with the main target of this ‘war’ – Aboriginal/Settler History – is cleverly made. Mr. McDermott may be aligned with this movement in his ‘violent’ and ‘malevolent’ reading of Ned Kelly, but he is a far superior and engaging writer than the usual ‘Ned Kelly was a murderous thug’ article that is printed regularly in the newspapers as part of the campaign to paint Kelly as a vengeful terrorist.”

An almost identical logic is to be found in an article on the ABC website, “Rudd Calls For End To ‘History Wars’”, from August 2009. Kevin Rudd is quoted as pleading for a truce between left and right over the interpretation of Australia’s past, at a book launch at Canberra’s National Library: it is time “to go beyond the so-called ‘black arm’⁵ view that refused to confront some hard truths about our past, as if our forebears were all men and women of absolute nobility, without spot or blemish,” he said. ‘But time, too, to go beyond the view that we should only celebrate the reformers, the renegades and revolutionaries, thus neglecting or even deriding the great stories of our explorers, of our pioneers and of our entrepreneurs.’” There is room for comment from members of the public on the website, and plenty of people have contributed. One remark reads, “No, no truce, as a nation we owe it to the younger generations to tell them the truth about our history, I strongly believe. The alternative is propaganda, and if we have demons we need to confront them, or we continue to live a lie. From the days of the landing to the Castle Hill Rebellion, the Rum Rebellion, Eureka, Ned Kelly the selective misinformation has deceived [sic] a population and denied Australia a true identity. Militarily, without ever taking anything from our volunteers, those with the ability to distort and misrepresent the facts have had a field day and it continues today.” Again, Ned is positioned on the left wing of the wars, either obliquely as a “renegade” in Rudd’s own words, or overtly, as another case in which the ruling classes distorted reality. It demonstrates exactly how skewed the Australian

⁵ This is a typing error: in fact the “black armband” view is the one that confronts the “hard truths”.

remembrance of its past really is when, in a fierce and fiercely polarized battle over Aboriginal genocide and dispossession, one which “began to infect every discussion of our nation's past”, only White historical figures and events are remembered on *both* sides of the divide. Again this can be described as aphasia: inappropriate memories are made to address a past and ongoing structure of internal colonialism, which ultimately serve to dismember and obscure not just the situation of dispossession but the very framework for its apprehension.

Surprisingly, it is the farcical *Reckless Kelly* that comes closest to being a genuinely reconciliatory contribution to the Kelly memory dispositif, apart from Rose's article. The opening music sets the tone for the film: a fusion of didgeridoo and soft rock. Here, Ned is actually mixed race. The second line of Kelly's introductory voiceover is “my uncle Dan was the most notorious Aboriginal outlaw of all time. Till he retired to run the family pub”. Uncle Dan is shown sweeping thousands of Aussie beer cans off the veranda of the pub – the Glenrowan Hotel. Old black-and-white photographs are shown, charting the history of the Kelly gang: all contain faded faces that are racially ambiguous or interracial. Meanwhile, the usual romantic depiction of Australian wildlife, as seen in *Ned Kelly*, is parodied: six kangaroos bounce around outside the pub, accompanied by exaggerated boinking sound effects. Wallabies sleep on the sofa; a koala wearing a party hat clings onto a pole. The Australian wilderness of the Kellys is contrasted with the shiny office blocks of Sydney, where Ned works as a bank robber. However, the conflation of Indigenous Australians with the land is parodied, whilst the usual White appropriation of the conflation is proscribed by the racial mix of the gang.

The head of the International bank which has just been robbed is outraged and decides to take revenge on the Kellys by selling the national park in which they live. A messenger arrives in the wilderness to break the news to the gang. There is a medium shot of a large motley crew standing on the veranda. There are close ups first on an Asian-looking face, then on an Aboriginal, then on two white faces. The scared messenger stutters, “uh, Mr. Kelly?” The whole group replies “Yeah?” Ned declares “We're all Kellys, mate”. The gang fights the bank by collecting the birth certificate of every Kelly that has ever lived on that piece of land; it finds that the first Kelly was an Aboriginal who arrived 40,000 years ago. It is thus Kelly tribal land and the Kellys have first right of purchase. This is a reference to the landmark “Mabo decision” of 1992, which recognised native title. The rest of the film is Ned's quest to raise the million dollars needed to buy the land.

This is the only Kelly representation to portray a mixed-race Kelly. Moreover, the whole crux of the film is the saving of Aboriginal land from corporate concerns. It may utterly dehistoricise Kelly but it is only this ludicrous decontextualisation that allows for a recontextualisation in the present in a radical way, disruptive of the hegemonic (white supremacist) order. The film also refuses allochronism, as exemplified in the visual

iconography of Dan: he is not marked as “traditional” at all, unlike most representations of Aboriginals. He wears slacks and a shirt – sometimes a plain white shirt and sometimes a garish Hawaiian one. He is thoroughly “modern”. At the same time, Aboriginals are still given prior claim to the Australian land, the foundation of the entire plot. There is thus an identification of past and present in which Aboriginals have first right to the land but are not seen as part of the land or as occupying a past time. It is perhaps only its postmodern kitsch self-awareness that allows this movie to contribute to Kelly’s memory in a progressive way.

iii. Ned Kelly post 9/11

The *Ironoutlaw* quote above indicates the connectedness of Ned’s place(s) in the “History Wars” and his usage within the post 9/11 oppositional discourses of terrorist versus freedom-fighter; security versus civil liberties, and, once again, the general obsession with identity - especially national and ethnic identities - that the attacks on the twin towers and pentagon and their aftermath have put into play. As with the “History Wars”, the figure of Ned has been situated on both sides of the binary opposition that has been erected to deal nationally with this new global climate, and he has come to stand for and proliferate anarchistic as well as disciplinary and exclusionary, especially anti-Muslim, identities. As will become apparent, my point is not that terrorism, terrorist hysteria, or its consequences are anything new; rather, after 9/11 we see a new, thoroughly globalised and escalated version of it.

When reading newspaper articles about Kelly from the period 1990-2010, it becomes immediately obvious which ones are written after September 11 2001. To give a few examples: Derek Ballantine writes, “the rampaging Kelly successfully portrayed himself as a freedom fighter...He would have been described as a terrorist today, particularly for his plan to massacre police”. In fact, Kelly was repeatedly called a terrorist by the press of his own day, which, as outlined in chapter one, used rhetoric very similar to that of the post 9/11 press. Not since his lifetime, though, have such identities been attached to him, until now. In an article countering claims that Carey, through the Kelly legend, has captured Australia’s “true voice”, Paul Gray writes that the novelist “has *not* expressed the essence of Australia’s past. That essence, to bring it down to tintacks, is the ability to use violence rationally. Not to use violence to overthrow the law.” Gray continues, in a vein that also shows what side of the “History Wars” he is on, and the interconnectedness of the two sets of discourses, “A call to arms, if answered, could easily have pushed Victoria into a spiral of violence similar to that experienced by many other communities in the world since that time. It didn’t. The fact that it didn’t is tribute to foresight and self-discipline of the largely Irish and British-based communities, who were the forebears of the nation we today call Australia. In a world that seems to be going crazier by the day, that lesson in how to peacefully deal with many injustices, hurts and grievances within a diverse population should be proudly trumpeted on the world stage. The world needs it. What it doesn’t need is another prophet of ‘justified’

violence" (Gray 2001). Kelly, it appears, is aligned with terrorist Osama Bin Laden. Australia's past belongs to "us Anglo-Celts", who shunned terrorism and worked within the existing law - the legitimate state - and were the forebears of Australia. Ned, despite being an Irish-Australian and therefore one of those forebears in Gray's logic, is, like Bin Laden, un-Australian because a terrorist. Australia, a nation amidst a world "going crazier by the day", and here defined *against* Kelly, must show the world how peacefully it deals with the grievances of a "diverse population", which lesson it has learnt from its Anglo-Celtic forebears. Here we see a form of aphasia that, via some bewildering rhetorical gymnastics, produces Australian identity as White and Anglo-Celtic to the exclusion of both Aboriginals and Muslims (though it is somehow still "diverse") whilst setting Kelly up against the nation by aligning him with an Islamic terrorist.

Conservative commentator Christopher Bantick is the most emphatic and prolific of the recent "Ned Kelly was a terrorist" school. He has written a series of articles on the subject, which has been received with outrage on websites such as *Ironoutlaw*. In "Ned Kelly: Terrorist" (2003) he writes, "No single figure divides Australians more strongly than Ned Kelly. Feelings oscillate between him being a hero of the Irish Catholic poor, oppressed by zealous police and largely Protestant colonial authorities, or a murderous outlaw. The reality is that Ned Kelly was something else. He was a terrorist. Kelly and his gang used the tools of terror to keep a significant proportion of the struggling farmers in northeast Victoria intimidated and fearful for their safety." He even goes so far as to claim that Ned "had planned for Glenrowan a Bali-type massacre." The rhetoric of Ned as terrorist has come full circle, and those writing for the Murdoch Empire are profiteering from it as much today as journalists did in the newly market-driven press of the late nineteenth century. Ned is othered by these articles by being for the first time since his outlawry implicitly disconnected from his "Irishness" and aligned with Islam, a strategy which simultaneously functions to other Muslims from the national identity.

On the other side of the terror divide, young leftist activists in Melbourne, particularly anarchists, ignited by Australia and the world's relentless clawing back of civil liberties and tightening of national borders, have taken Kelly up as a kind of latter-day street punk anarchist. Ned's image, masked or unmasked, is nowhere near as empty as it might seem these days, even though it is very dehistoricised. Melbourne street artist Ha-Ha has stencilled row upon row of Kelly's image, taken from the photograph Ned had taken before he was hanged, upon the city's walls. He is not the only one. Images of Ned have been stencilled around Melbourne by at least six different artists. One street artist wears a Ned Kelly mask to disguise himself when he works. One of them calls himself "Anarchy". Further, I was given a flyer for an anarchist punk music festival called "Such is Life" (Ned's alleged last words). Its logo, taking up half the paper, features Ned in his iron mask riding a rearing unicorn. The outlaw has a guitar strapped to his back and a round of ammunition thrown around his other shoulder and is holding a smoking gun. The unicorn is wearing a necklace

made of skulls. The backdrop is a graveyard lit by a full moon. These uses of Kelly's memory might indeed be flippant celebrations of past violence sometimes expressed in present acts of vandalism. They certainly turn Kelly into a decontextualised icon; they do reduce him to reproduction upon reproduction of one flat image on a wall. The Wikipedia entrance on Ha-Ha sums it up: "much of Ha-Ha's subject matter is taken directly from popular culture, with iconic images such as Osama bin Laden and Star Wars." All this may be true, but in a climate in which every aspect of our lives is being so tightly controlled, by states and by markets, the memory's attachment to vandalism and garage band music festivals – un-thought-through expressions of anger or moments of rebellion - might count as its latest form of radical politicisation. Let us not forget that it is the mainstream media, and especially the Murdoch Empire, that is largely responsible for the commodification of terror and its packaging as spectacle, reflected in the Wikipedia quote above.



Ha-Ha, Ned Kelly Graffiti, Melbourne.

Source: <http://melbournearcritic.wordpress.com>

In a light-hearted performance for Law Week in Melbourne back in May 2008, Kelly was given a retrial to see how he would fare under the new anti-terrorism legislation. The role of Prosecutor was played by Peter Faris, former chairman of the National Crime Authority. The Defence was played by lawyer Rob Stary, who is currently representing several men charged with terrorism offences in Melbourne. The jury, composed of members of the public, passed the verdict "not guilty" to loud applause, but the two stars ended the show with some serious words: "ROB STARY: 'They [Australia's terrorism laws] can encapsulate any conduct. Any person who promotes disaffection, any person who suggests or any person who thinks that there ought to be a change of government or that there ought to be some change in

the way society is structured really is vulnerable to the commission of a terrorist offence'... PETER FARIS: 'We have a genuine problem with Islamic terrorism in this country. We need to be as safe and secure as we can'" ("Ned Kelly: Terrorist?").

Like Britain, the US, and many other countries, Australia rushed repressive anti-terrorism legislation through parliament after 9/11, enshrined in the Anti-Terrorism Act of 2005. This allows for "preventative detention" whereby individuals may be interrogated by the authorities without evidence, and "control orders" allowing, on named individuals, for almost unlimited restrictions on freedom of movement and association (including with one's lawyer). Control orders allow for the banning of the performing of named actions and owning named items, including actions and things necessary to earn a living; they include unlimited requirements to be, or not to be, at specified places at any or all times of the day and week; wear a tracking device; and include encouragement to submit to "re-education". These restrictions may be granted for a period of one year before review and can be applied to individuals who have not even been charged, let alone found guilty in a court of law. The legislation also includes a controversial "shoot-to-kill" clause, to protect police in the event of a mistaken fatal shooting such as that of Jean Charles de Menezes in London in July 2005.

The post 9/11 terrorist panic has also been an opportunity for the Australian government to justify shoring up national boundaries, at least in terms of asylum seekers. Mandatory detention of those seeking asylum was introduced by the Labour Keating government in 1992 and was strengthened in 2001 via the Border Protection Bill. This was introduced before the US terrorist attacks, but the new climate of fear allowed the controversial practice to continue, when in 2004 the High Court of Australia ruled that the harsh conditions of detention centres did not render detention unlawful. Many of those held in detention are asylum seekers from Afganistan and Iraq, both of which wars were backed by Australia.

Islamophobia has become a serious problem all over Australia, as exemplified in the 2005 Cronolla race riots in Sydney. Thousands gathered to protest against the rising Middle-Eastern population in the area, some wearing slogans such as "We Grew Here, You Flew Here", "Wog Free Zone", "Ethnic Cleansing Unit", "Aussie Pride", "Lebs out", "Fuck off Lebs", "Lebs go home", "No Lebs." Interestingly none of these individuals was arrested under the provision of the counter-terrorism laws that no citizen may criticize or "urge disaffection" of the sovereign, the constitution, the government, the law, or "different groups". This racism is not restricted to street brawling but extends to the top of the political ladder. In March 2007 the leader of the Christian Democratic Party, the Reverend Fred Nile, called for a 10-year moratorium on Muslim immigration to Australia. We can see how lines of mediation within the Kelly memory dispositif intersect with political lines, with the press once again using the figure Kelly, this time a distant memory and a national hero,

to support tighter control over the population by government and produce racialised exclusionary national identities.

The most extraordinary use of Kelly's memory I have come across is related to this Islamophobia. A contact of mine, Iraqi-Australian artist "Mem", told me that in many places in Victoria, Muslim women wearing burkas are referred to as "Ned Kellys", presumably because of the face covering, with only a slit for eyes. I believe it is supposed to be a humorous, mildly derogatory term, but it is a fascinating deployment of the outlaw. A symbol of White masculinity is applied to ultra feminised and ultra ethnicised individuals. As unexpected an alliance as this is, it is not so off the mark. Women in burkas in Australia, as in other places, have come to stand for the same mixture of victim and threat as Ned once did. What was probably intended as an imposition of an empty image onto a marginalised group, upon reflection becomes a "politics of comparison" (Stoler 21) linking nineteenth-century Ned Kelly with present day Muslim-Australian women in multidirectional solidarity. Just as Kelly's alignment with criminality discussed in chapter one allowed for the potential to subvert the Australian identity whilst shoring it up, his association with Muslims, especially Muslim women, whilst functioning often to exclude both from the national identity, simultaneously serves to "Islamify" that identity. Ned "sticks" both to the established national identity and to othered Muslim identities, unintentionally conflating the two.

Some Kelly rememberers of a slightly older generation have compared the current terrorist hysteria with that of the 1970s, and have compared Ned to Che Guevara or Mao Tse Tung, bringing together three time periods in one memory. Peter Findlay and Malcolm Hill performed their version of the *Jerilderie Letter* in 2008. The simple production featured Findlay as Ned's death mask on a plinth, orating his own famous letter, backed by music written by Hill. The promotional material reads, "'One man's terrorist is another man's freedom fighter.' At what point do victims rise up against their oppressor? Or is violence a self-perpetuating cycle? The *Jerilderie Letter* by Ned Kelly links our colonialist beginnings with the 'War on Terror'". In an email to myself, Malcolm Hill wrote, "I likened Ned's rant to a radio broadcast by a revolutionary i.e. a Che Guevara or even Mao or any other leader of oppressed peoples. The sound quality of these broadcasts are usually harsh and poor - reflecting the political message. The 9/11 attack brought back all the talk of terrorism (as had been heard in the 70's) with its illogic. One man's freedom fighter etc etc. Osama is like Ned in Bogeyman status. In the 70's I love the stories of the American groups like the Patty Hearst and the SLA and the group that destroyed property(?) Some of music I referred Peter to were tracks like Piss factory by Patti Smith; Fuck the Police by NWA; The Gift Velvet Underground; War by The Fall." To give another example of the linking of Kelly's past to present identities and back into the past of the 1970s, British documentary maker Mark Lewis is quoted on *Ironoutlaw* as saying "'many historians, lovely chaps they are, also have their own spin. The historians who were writing about Ned Kelly in the '70s, '80s and '90s

who were responsible for the myth of Ned Kelly as a Che Guevara social rebel have their own beef, which is to push this Republican ideal”.

The current global climate of terror and terrorist hysteria, we can say, brings back memories of similar sentiments in the 1970s, also global, both of which attach to Australian outlaw Ned Kelly, from the late nineteenth century. Interestingly enough, Kelly representations from the 70s, though certainly, as described in the previous chapter, giving a social bandit cast to Ned, did not to my knowledge explicitly compare him to Che or Mao. Once again, these identities are deferred. Time here is not consumed by a cannibalistic present; nor is it seen as a continuum of past and present. Rather, it is layered and compressed, like Rigney’s version of a memory site or the dynamics of Dreamtime. Here we see the linkages between all three of the medial, political, and temporal lines of relation of the Kelly memory dispositif, producing a multitude of political identities.

Conclusion.

Ian Jones summed it up when he re-emphasised in 1995 a statement he had made in 1980: “Ned Kelly has become a commodity to be packaged and promoted. A till to clink, a drum to thump or a banner to be waved. The Kelly helmet has become a piggy bank. Or a sort of national suggestion box – a receptacle for theories and causes and ambitions...and even neuroses. None of this, of course, is new. In 1980 it is simply more frenetic” (Jones 2003 [1995]: 303). On one hand, Ned has become a flat and empty image, a spectacle, a commodity fetish, a vehicle for advertising or nostalgia. He has been dispersed over the globe and in global cyberspace, part of loosely networked communities that have nothing to do with his history. He is part of a “crisis in historicity”, of a “perpetual present”. His memory is a dispositif of medial, temporal, and political relations: part of an epochal postmodern change in temporality which produces and is produced by new media technologies, both part of the latest stage of capitalism. This ensemble in turn produces highly individuated though networked, kitsch, and self-knowing identities of spectator and consumer, proliferated through the figure of Kelly. He is at the same time bound to the most contentious matters of the current time, national expressions of global forces, such as reconciliation, the “History Wars”, and terrorist panic. He is involved with genuine cultural attempts at reconciliation, which articulate a heterogeneous national time and identity. He is also part of the distortion of reconciliation that situates Aboriginals as pre-modern and attempts to sideline and cannibalise Aboriginality. Ned works conscientiously on the right wing of the “History Wars”, whitewashing the Australian history and identity. He also appears on the left wing in solidarity with both oppressed Indigenous Australians and Muslim Australians. He is Osama Bin Laden, Che Guevara, and Chairman Mao. He is an anarchist icon and a woman wearing a burka. He is both global and national, both commercial and ideological. These are not oppositions: they combine to produce a highly

consumerist, intensely ideological and thoroughly national identity, attempting to mark a prominent position for itself, economically and culturally, on the globe.

Conclusion

The cultural memory of Ned Kelly is composed of a tangle- a dispositif - of medial, temporal, and political relations, revolving around the historical personage of Ned. They invest him with certain identities and he in turn functions to transform and proliferate those identities. The memory dispositif and the identities it produces change over time, the relations within the dispositif propelling meanings into the future. However, they are always also anchored in the past, with the figure of Kelly acting as a “fixed point” of memory (Jan Assmann 129). The identities generated are firmly linked to the nation, as, ever since his outlawry, Ned has in one way or another become virtually inseparable from concerns articulated as national and debates over the national identity. The identities are multiple and thoroughly contradictory. Kelly therefore has always functioned in both radical and conservative ways, often both at once: a turbulent, Janus-faced figure.

The Kelly memory was being assembled even as the events were ongoing, by the press, which was unanimously anti-Kelly but which nevertheless both historicised and immortalised him. It produced Kelly and a large group of sympathisers as antithetical to a desirable colonial-national identity, reinforcing the hegemonic identity and pushing for strict control over sections of the populace it feared could disrupt it. At the same time it opened up the possibility for the dominant identity to be overturned, by the very community it constructed. In a sense this community of the European “criminal class” replaced “Aboriginality”, which colonial culture and political practice attempted to *unwrite* out of existence. Kelly and his sympathisers became an important mechanism for doing just that.

In the late 1880s and 1890s, that British upper-class hegemonic identity did indeed come under fire by Australian radicals, who, through the figure of the bushman, attempted to articulate the national identity as working class, rural, often Irish, with convict and bushranging roots. The memory of Kelly – continued and strengthened through dialectics between truth and myth - layered with the bushman tradition to this end. However, both were overcome by continuing imperial and conservative forces, and during the First World War Kelly’s radical meanings were neutralised and his memory became militarised. Those meanings were displaced out of the present and into the past, “pastified”, while “Aboriginality” underwent a *double displacement* corresponding to the initiation of the White Australia policy – which also very much affected Chinese immigration and immigrants - and the first decades of devastating assimilation policies.

After 1929, and especially after the Second World War, Kelly was finally able to articulate the radical meanings he strived to express during his lifetime, through left-wing historiography, which sought to build a unified Australian identity not only separate from but in opposition to and suffering under the British empire and “Britishness”. During this time Ned became perhaps *the* leading symbol of the nation. *Deferred* radical identities were

attached to Kelly, which paradoxically served a conservative, homogenising, and exclusionary function in the “present” of 1930-1960. The subaltern “Irish” identity was bestowed on Kelly at a time when sectarianism in Australia was on the wane, and helped to overwrite or defer current subaltern southern European, Chinese, and Aboriginal identities.

The radicalising of Kelly’s Australian past continued throughout the counter-cultural 1960s and 1970s, as Ned became a national “social bandit”. Kelly became a way for cultural producers across media to explore Australia’s colonial history and bring to the fore the structural inequalities of colonialism which resulted in his outlawry. However, the remembrance through Ned of the national colonial past was actually its *misremembrance*, as colonialism was treated as an extension of Irish oppression, while the actual invasion and dispossession of the continent was virtually ignored. This duality of presence and absence, together with the spectral presence-absence of the “black trackers”, in a third flip of the coin, points to the massive gaping hole in Australia’s history. The White national identity was in that way both sealed and exposed as a violent construct. At this time as well, the combination of the “social bandit” texts and representations concentrating on Kelly’s trial suggested a slight dislocation of Ned from the nation, by highlighting the very contradictory and fraught relationship between the outlaw, the law, and the nation it “binds together”. At a time when Aboriginal groups were fighting public legal battles, it indicated the illegitimacy of the nation-state. The national identities Ned had hitherto reinforced thus began to break down in the period. This was also partly due to texts devoted to the Kelly women and debates about Ned’s sexuality, which ended up undermining the hyperheterosexual masculinity of “Australianness”.

Since 2000 Kelly has faced his most intense globalisation and commodification yet, with the aid of new communications technologies. His dislocation from the nation has in this way increased. However, he at the same time continues to function as a site for the contestation and proliferation of intensely national-ideological meanings, national expressions of global forces, such as reconciliation, the “History Wars”, and the post 9/11 climate of terror. Like the Chinese, Aboriginals have begun to be incorporated into the Kelly memory, “Aboriginality” being a new deferred identity. However, the incorporation of “Aboriginality” through Kelly is also its marginalisation, as, through it, the memory serves to legitimise the nation-state rather than reveal its illegitimacy. Meanwhile, Ned also functions to express resistance to recent repressive anti-terror legislation, and Muslims, the new “wogs”, are through Ned both othered and “stuck” to the national identity.

This work has been the first to analyse much of the vast body of highly diverse Ned Kelly representations, an important step in understanding how the man has been conceived by those inside his nation to whom he has meant so much. It has for the first time investigated in detail the contradictory meanings and functions his memory has had, helping to shed

light on how and why this young outlaw has been so central for so long to Australian identities.

In terms of cultural memory studies, this research might be fruitfully extended in multiple directions. The concept of the memory dispositif and the method which accompanies it could prove highly valuable in the field, to help us look at exactly how memories are made, their intricacies, complexities, and multiplicities, and how they develop over time. I hope it has also brought new dimensions to existing ideas in the field, such as multidirectionality, allochronism, and aphasia. This study has attempted to analyse forensically the intersections between mediation, temporality, and power relations which are fundamental in the composition of cultural memories, and further work could be done in this regard. An important new step would be to examine how these more discursive aspects link with the social actors, the agents involved with memory work.

Crucially, the memory dispositif allows for considerations of the manifold and contradictory *functions* of cultural memories, the “tendencies” they bring about, whether as their “dominant strategic function” (Foucault 195) or as an unintentional result of the tangle of relations which forms them. These are *identity* functions: I have tried to explore the hugely important linkages between memory and identity, two categories which cannot exist without each other, though their connection is far from simple. Further work needs to be done in this area, at a time when it seems questions of identity are particularly charged, national identity in particular. Again, this type of focus could come into productive contact with more sociological perspectives. This project shows that Australian identity is in fact never purely national but has always been trans- and sub-national, and that identity is always on the move. This type of work could be developed not only in the comparative sense of examining how different nations remember their pasts, but in the transnational sense of how their pasts have intertwined. As for Ned, as we progress into another new decade we can only wait and see what new articulations of identity his memory has in store for us.

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Nederlandse Samenvatting (Summary in Dutch)

De negentiende-eeuwse bandiet Ned Kelly is misschien wel Australië's bekendste historische figuur. Vanaf het moment in 1878 dat hij vogelvrij verklaard werd, is zijn verhaal eindeloos herhaald, in elk denkbaar medium. Hoewel over de waarde van de herinnering aan Kelly nog altijd stevig gedebatteerd wordt—en misschien juist daarom —blijft hij het nationale icoon van Australië.

Meer dan vijftig jaar geleden verscheen Kelly op het academische toneel, toen historici zowel de persoon als de legende intensief begonnen te bestuderen. Sindsdien verschijnen er onophoudelijk geschiedenissen en biografieën over Ned en zijn bende. Ondanks deze enorme verzameling van verschillende representaties van de bandiet in allerlei genres en media zijn de meeste van deze teksten nog nooit zelf onderwerp van onderzoek geweest. In het verlengde hiervan valt op dat hoewel bijna elke representatie van Kelly hem in verband brengt met de nationale identiteit van Australië, de diverse en vaak tegenstrijdige rollen die hij heeft gespeeld in identiteitsvorming en identiteitsonderhandeling nog nooit diepgaand zijn onderzocht.

Om deze kwesties rond representatie en identiteit beter te begrijpen, maak ik gebruik van concepten uit de studie naar culturele herinnering. Omgekeerd werpt het bestuderen van de zaak Ned Kelly zelf ook nieuw licht op de werking van culturele herinnering. De bestudering van de herinnering aan Ned Kelly door de jaren heen stelt ons in staat om duidelijker te zien hoe culturele herinnering nu precies werkt, en hoe zij bijdraagt aan de constructie van identiteit. Dit proefschrift volgt de herinnering aan Kelly vanaf het moment dat hij een jonge man was tot op de dag van vandaag. Elk hoofdstuk behandelt een aparte periode in de ontwikkeling van de herinnering, alhoewel het onderzoek laat zien dat herinnering gevormd wordt door multidirectionele temporaliteit: elke periode is van invloed op de ontwikkeling van de herinnering in de daaropvolgende periode.

Het eerste hoofdstuk laat zien hoe de herinnering aan Kelly al werd vormgegeven terwijl zijn criminele praktijken nog steeds plaatsvonden, namelijk door de pers, die in de negentiende eeuw behoorlijk veel macht had. De pers had de mogelijkheid om verschillende, soms tegenstrijdige uitingen in te lijven, om zo een oppositie tussen pro- en anti-Kelly kampen te creëren. Dit hoofdstuk richt zich op deze uitingen in de pers: de macht van de media om afwijkende meningen te kannibaliseren, de relatie tussen de pers en het establishment (het Britse Rijk), en de gevolgen voor het concept identiteit.

Hoofdstuk twee onderzoekt de herinnering tijdens de jaren tachtig van de negentiende eeuw, een periode waarin Australië intensief een nationale identiteit begon te construeren. De Australische mythe rond de 'bushman' werd rond deze tijd ontwikkeld, ook al was het

een periode waarin juist de verstedelijking verder toenam. Hoewel de krachtigste stemmen in de pers anti-Kelly bleven, werd hij desondanks de personificatie van de 'master bushman'. Daarnaast werd Kelly ook herinnerd in meerdere media van het Britse Rijk, zoals in de serie *Romance of Empire*. Dit hoofdstuk laat zien hoe Kelly zich op het snijvlak tussen natie (Australië), en koloniaal imperium (het Britse Rijk) bevindt, waar stormachtig onderhandeld werd over identiteit.

Tussen 1930 en 1960 werden enkele historische biografieën aan Kelly gewijd, veelal uit links-politieke hoek, waarin werd getracht het Australische verleden te radicaliseren om zo de Australische identiteit te versterken en te positioneren tegenover het Britse Rijk. Kelly's positie als opgejaagde, landelijke arbeider van Ierse afkomst werd hiervoor uitvergroot. De radicale identiteit die werd toegeschreven aan Ned en de natie kwam eigenlijk te laat, niets kon de politieke situatie nog veranderen, nog afgezien van het feit dat dergelijke identiteiten niet langer relevant waren tussen 1930 en 1960. Door het Australische verleden te radicaliseren, met Ned Kelly als prototype, werd de identiteit van minderheden zoals Aboriginals, Aziaten en Zuid-Europeanen, door de pers en andere media buitengesloten, overschreven en genegeerd.

Hoofdstuk vier gaat in op verschillende aspecten van drie identiteiten die naast de identiteiten 'Kelly' en 'de natie' bestonden, en beargumenteert dat deze begonnen te rafelen aan de randen om tenslotte helemaal uit elkaar te vallen tussen 1960 en 1990. Deze drie identiteiten omvatten concepten als blank zijn, masculiene heteroseksualiteit en de rechtsorde. Het betoog is gebaseerd op een verkenning van de dynamische werking tussen herinneren en vergeten, waarbij aangetoond wordt dat deze twee processen niet geïsoleerd plaatsvinden en dat de interactie tussen de twee verrassende effecten kan opleveren.

Het laatste hoofdstuk laat zien hoe over de hele wereld in cyberspace gemeenschappen en identiteiten rondom Kelly ontstaan, en hoe deze zich verhouden tot kwesties als commodificatie, commercialisering en wereldwijd kapitalisme. Tussen 1990 en 2010 zijn we getuige geweest van zowel de zogenaamde 'History Wars', gevoerd over Australië's koloniale verleden, als van een proces van hereniging of verzoening, maar ook van de betrokkenheid van Australië bij de wereldwijde 'war on terror'. Kelly werd hierbij net zo goed 'gebruikt' door overtuigd nationalistische en op uitsluiting gerichte bewegingen, als door de tegenbewegingen die juist strijden tegen nationalisme en uitsluiting. De relatie tussen het nationale en het globale, het commerciële en het ideologische, is dus het belangrijkste aandachtspunt in dit hoofdstuk.

Het proefschrift stelt dat culturele herinneringen niet alleen gemaakt worden door politici, monumenten of individuele representaties in verschillende media, maar zich ontwikkelen door een wirwar van relaties, verbanden en aanknopingspunten, gevat in de term *memory dispositifs*. In het concept *memory dispositif* combineer ik het werk van Foucault, Deleuze en

Agamben aangaande het *dispositif* met relevante concepten uit het onderzoeksgebied 'memory studies' zoals *allochronism*, *colonial aphasia* en *multidirectionality*. De ingewikkelde verbanden waaruit het Ned Kelly memory dispositif is samengesteld laten zien dat de Kelly-herinnering een complexe en soms tegenstrijdige bijdrage heeft geleverd aan de constructie van nationale identiteit. Sinds de tijd van Ned Kelly zijn de identiteiten gestoeld op Kelly en identiteiten gegrond in de Australische natie, in een wederzijdse dynamiek, een fusie aangegaan die beide identiteiten heeft versterkt, zodat Kelly nu op meerdere manieren een symbool voor de nationale identiteit is geworden. Kelly representeert een anti-establishment, working class, ondergeschikte en lers-beïnvloede nationale identiteit. Tegelijkertijd staat hij voor de blanke, hyper-heteroseksuele mannelijkheid en gewelddadigheid van 'Australianness'. Deze identiteiten zijn veelzijdig en volkomen tegenstrijdig. Hier wordt duidelijk dat Kelly tot nu toe altijd in zowel radicale als conservatieve hoedanigheid gefunctioneerd heeft, vaak zelfs tegelijkertijd: een dubbelzinnig figuur, een woeste Januskop.

Biography

Laura Basu studied American Literature at the University of Sussex and the University of California at Berkeley. She obtained her MA in Media and Culture from the University of Amsterdam. Her PhD was part of the NWO project 'The Dynamics of Cultural Remembrance: an Intermedial Perspective' at Utrecht University. She has been a visiting scholar at the Universities of Melbourne and La Trobe. Laura has taught in the Literary Studies department at Utrecht University and has given several lectures and talks, in both academic and non-academic spaces. She has published in journals and edited collections on issues of cultural memory and identity.