

Reading Rape in Colonial Australia: Barbara Baynton's 'The Tramp', The *Bulletin* and Cultural Criticism

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This article proposes a re-reading of Barbara Baynton's short story 'The Tramp', published in the *Bulletin* (1896) and later reprinted as 'The Chosen Vessel' in the short story collection *Bush Studies* (1902). The story concerns the rape and murder of a white woman by a tramp in the bush, depicting in painful detail her attempts to defend herself and her baby. Literary criticism of the tale has focused principally on 'The Chosen Vessel', the version of the story that Baynton carefully prepared for publication in England, in which she restored a critical sequence which A.G. Stephens famously excised from the original publication of 'The Tramp' (Krimmer and Lawson 11). This part of the text concerned the character of Peter Hennessey, a local Catholic travelling by the woman's hut on horseback, readying himself to cast a vote against the directions of his priest. He mistakes the woman's sudden ghostly appearance and cries for help as a vision of the Virgin Mary sent to guide him, and gallops on to cast his vote for the priest's candidate, while leaving the woman to her fate. As Kay Schaffer has shown, the restoration of this sequence to 'The Chosen Vessel' amplifies the story's evocation of a semiotic system in which the woman is destroyed not only by the physical predations of the tramp, but by a host of patriarchal phantasies which interpellate her as a signifier (168). As an apparently conceptually more complex and challenging story, 'The Chosen Vessel' has from this perspective warranted the exceptional critical attention that it has received.¹

However, it is also important to recognise that both the very power of 'The Chosen Vessel' as a literary fiction and the subsequent history of interpretation that has been preoccupied with it have inadvertently deflected the scholarly consideration that 'The Tramp' itself also requires. It has become a commonplace of Baynton criticism to characterise 'The Tramp' as a kind of 'mutilated text', the story of interest principally for the parts that Stephens cut out of it.² But 'The Tramp' is not just a story with missing parts; it is, instead, an intriguing literary event in its own right. Unlike 'The Chosen Vessel's' publication in London in a critically acclaimed short-story collection, one sent through transnational circuits of literary evaluation and review,³ 'The Tramp's' appearance in the 1896 Christmas Edition of the *Bulletin* installed it in a set of very local and complex *extra-literary* contexts. As I will argue here, the story's publication at this historical juncture and this textual location established it in a dialogic relationship with the remarkable debates about rape that were conducted in the colonies in the 1880s and the 1890s, and which to date have been neglected in the literary scholarship which deals with this period.

Of the numerous events that form potential intertexts here, this article will focus on the Mount Rennie rape case of 1886-7. This case was the subject of countless editorials, letters and cartoons in the colonial press, as well as catalysing petitions, public meetings and parliamentary debates. The *Bulletin*, in particular, was preoccupied with Mount Rennie, regularly editorialising on it until the end of 1896, when those defendants who had not been executed were finally released from gaol. I

hope to show here that by reading 'The Tramp' through the prism of this dense field of popular writing, new fronts are opened up for feminist analysis. In particular, it is possible to evaluate how 'The Tramp' intersects in both radical and conservative ways with the colonial mythology of 'real rape'.

Feminist legal scholar Susan Estrich devised the concept of 'real rape' to describe the values-saturated template which is used to distinguish supposedly 'true' rape allegations from 'false' ones, and which is deployed through both legal processes and the wider culture, where it works to legitimate some stories of rape while discrediting others. A distinctly colonial version of this narrative can be identified in operation in the pages of the *Bulletin* that deal with the Mount Rennie case, and in the parliamentary debates of the 1880s and 1890s that concerned the abolition of the death penalty for rape. As will be shown, the colonial narrative of 'real rape' was preoccupied with the rape of a white woman in the bush by a stranger. The challenge here is to consider Barbara Baynton's remarkable story in the light of this widely circulated cultural narrative about sexual violence.

As the Governor of NSW, Lord Carrington, wrote in his private account of the crime, the Mount Rennie case 'was a terrible story' (1). On Thursday morning September 9, 1886, a sixteen-year-old domestic servant called Mary Jane Hicks had set out to the registry office on Sussex Street in Sydney in order to look for employment. On the way, she was approached by a cabman, Charles Sweetman who, after overwhelming her refusals, drove her to the sandy wastes of Moore Park, just five miles from Sydney's GPO. Once there, he climbed into the carriage and began to assault her on a scrubby rise locally known as Mount Rennie. Mary Jane Hicks' screams drew the attention of the local larrikin push, who cunningly presented themselves to her as protectors (removing her from the carriage and chasing Sweetman away), but then shortly began to attack her themselves. A man called William Stanley heard her screams and tried to intervene, but was himself violently attacked with sticks and bottles and prevented from helping her. Stanley then walked for over an hour to the Redfern police station to get assistance. He returned with police officers more than two hours later to find Mary Jane Hicks barely conscious, her clothes in shreds.³

Nine men were tried for this gang-rape during a trial that became almost as notorious as the crime which occasioned it. After six marathon days of sitting—in which the jury was kept in court for sometimes as long as 14 hours—six of the nine accused were convicted and sentenced to death. The Governor, Lord Carrington, came under exceptional pressure to show mercy and offer a reprieve; in the end, four of the six men condemned to death were executed, with the remaining defendants sentenced to life imprisonment. In a separate trial, Charles Sweetman was found guilty and sentenced to a flogging and fourteen years in gaol. As Judith Allen has explained, Mount Rennie was the only gang-rape in this period in which the defendants were convicted as charged (54).

The Mount Rennie case was a colonial sensation. Through the summer of 1886, there was an avalanche of editorials and pages of correspondance about both the crime and its consequences; public meetings all over New South Wales from Maitland to Balmain, and petitions containing sometimes thousands of signatures were submitted to parliament, both from those who begged for mercy for the defendants and those who wanted to make sure they hanged.⁴ As Lord Carrington wrote 'meetings on both

sides are being held in all directions, the papers daily have articles and people seem to talk of nothing else.’ (4). The reasons for this activity and division were as much a result of the ‘actual’ debates provoked by the crime as they were about the newspaper page itself as a field of practice. Colonial newspapers were not just the venue in which the various arguments about the case were dutifully published; they were also, importantly, active agents in the debates themselves, shaping the presentation of the various hotly contested positions, endorsing some and undermining others through the artful arrangement of correspondence, illustrations and editorial narratives.

In the major conservative colonial newspapers (such as the *Sydney Morning Herald*, the *Daily Telegraph* in Sydney and the *Argus* in Melbourne), Mount Rennie was seen not as an exceptional event but instead as the apogee of a series of similarly appalling crimes. In particular, advocates of this view drew a line from Mount Rennie back to the Mount Carmel and Waterloo cases of 1883, in which the women involved had been gang-raped and left to die of their injuries (Allen 55-6). Neither case had resulted in a conviction, and it became a common-place of theorising about Mount Rennie to argue that had the defendants in these cases been convicted and executed, Mount Rennie itself may never have occurred. This argument was to be found in letters and editorials, and most powerfully in Judge Windeyer’s judgment itself. Mount Rennie was, he argued, ‘the outcome of the past’ (5). It was the result of the ‘immunity from the death penalty’ that young men in larrikin gangs accused of similar crimes repeatedly enjoyed. The only way to halt this sequence of barbaric acts, and reinstitute the values of chivalry that had been so grossly traduced was to punish the defendants in this case with death. This interpretation of the crime included a strong endorsement of the character of Mary Jane Hicks, who was presented sympathetically as a very young, inexperienced woman who had been horribly tricked and abused by a gang who had behaved not like men but animals.

The *Bulletin* self-consciously shaped its narrative of Mount Rennie against this widely-accepted understanding of the crime. For more than ten years, it would contest its predicates, arguing that the trial process was unjust, that Mary Jane Hicks was a prostitute who had colluded in what had befallen her, and that the death penalty was an inexpiable wrong. The *Bulletin*’s editor through this period, J.F. Archibald, had attended the final days of the trial and was profoundly affected by it; Sylvia Lawson has written that he talked of the case to the end of his life. Not only did it preoccupy him in private—more importantly, ‘the *Bulletin*’s readers were never allowed to forget’ (133). Archibald accused his opponents in the colonial press of using the Mount Rennie case in the service of their own entrenched social and class interests—such as demonising larrikin gangs (Bedrock, 5)—but his own copious writing on the subject revealed that he too used the case to conduct sallies against his own long-standing antagonists. Across the bows of Mount Rennie, he could take aim at bourgeois culture, the conservative newspaper press, the much-hated colonial courts (and in particular the figure of Justice Windeyer) and even women’s suffrage.⁹

But the *Bulletin* under his editorship also produced a distinct discourse about rape itself, traceable through its writings on the case in diverse genres and modes. Rape was written in the *Bulletin* through vituperative editorials on the rise of false rape allegations (‘The Tribe of Mary Jane Hicks’) and anonymous snippets of ‘gossip’ which satirised Mary Jane Hicks as a liar (‘Personal Items’); in chains of correspondence and vivid galleries of illustrations and cartoons which derided

women's fears of rape ('A Few Safeguards of our Own');¹⁰ and also in the critically neglected *Bulletin* pamphlets dealing with the Dean murder case (Stephens) and the Suffield rape case (Stephens), in which Mount Rennie was presented as a reminder of the danger of accepting a woman's word about rape and as an exemplary instance of the injustice of colonial law.

This heteroglossic field of writing and inscription built up a gendered narrative about rape with particular contours; in the most profound, material sense, a point of view. For the reader following the *Bulletin* through its colourful excursions into the topic, an argument of sorts would become increasingly clear: certain kinds of women lied about rape; the law conspired with lewd, deceitful women to strangle the life out of young Australian men; and rape—real rape—was rare as hen's teeth in the colony. Critical to the construction of these propositions was the argument that Mary Jane Hicks was not in fact an unworldly and innocent young girl, but instead a morally dubious and untruthful woman.

The *Bulletin's* depiction of Mary Jane Hicks as a woman whose word about rape could not be trusted drew from the rich reservoirs of misogyny that shaped the expert discourses of the nineteenth century. As Susan Edwards has shown, the notion that women were prone to making false allegations of rape was developed across the disciplines of medicine, psychology, law and medical jurisprudence (126). The rules of evidence underlying the law itself were defensively structured around the anxiety that rape was a crime that women could lie about. Evidence of strenuous resistance was expected to accompany allegations of rape, as well as corroboration if a charge was to be carried (59). Women's propensity to lie about rape was argued to derive from their proneness to hysteria and fantasy, while rape itself was argued to be physical impossibility. For example, an eminent gynaecologist and police surgeon argued that he was 'perfectly satisfied that no man can effect a felonious purpose on a woman in possession of her senses without her consent' (126). Prostitutes in particular faced severe obstacles when attempting to prosecute a charge of sexual violence, with medical jurists arguing that "'female harlots", or unchaste women, frequently made false charges of rape' (123). In the damaging interpretation of female sexuality on which such a judgement rests, the word of a woman designated as 'unchaste' was subject to doubt. The *Bulletin's* depiction of Mary Jane Hicks, and other women supposedly 'like' her, was shaped by just such disqualificatory discourses. The news that Hicks had had a relationship with a married man prior to the attack, and a statement documenting her supposedly 'dubious character' produced by the police sergeant with whom she stayed, were used as prompts by the *Bulletin* to vigorously write Hicks into the character of the prostitute. Juliet Peers has raised important questions about the reliability of the 'evidence' which was used to traduce Hicks' character (129), but whatever their provenance, such insinuations set the stage for the *Bulletin's* representations. Hicks was repeatedly described as and analogised to a 'complaisant street-walker' (The Impartiality of Police Prosecutions'), a 'wanton little pavement trotter' ('Unmarried Mothers'), a 'brazen harlot' ('Unmarried Mothers'), a 'fallen woman' ('Mount Rennie Germinals'), a 'professional prostitute' ('The Tribe of Mary Jane Hicks') and a 'lying little street tramp' ('Botany Bay Justice') in a textual strategy designed to cast doubt on both her allegations of rape and the justice of the defendants' convictions.

The *Bulletin* used other ingenious means to suggest that Mary Jane Hicks and others like her traded not in the truth but in suspect fictions. Mount Rennie became a touchstone in the *Bulletin's* discussions of other rapes that became news in the colonial press through this period, and it would regularly refer to the case as a 'tale'—that is, a tall story, a literary rather than a legal text, and also a template for accounts of similar crimes. Rather than telling the truth about sexual violence, numerous women were instead inspired 'to emulate the stirring story of Miss MARY JANE HICKS' ('The Tiger and the Ape'). Here, Mount Rennie was no longer an example of a violent sexual crime against an actual woman, but instead a suspect genre, a text-type which is invoked by women who wanted to tell untruths about rape.¹¹

The *Bulletin's* assiduous construction of its case against 'the lying woman' was accompanied by imperious pronouncements about the nature of the crime and its victims. Such pronouncements illuminated the contours of what might formally be described as the *Bulletin's* theory of 'real rape.' For example, shortly after the sentencing of the Mount Rennie defendants was announced, Archibald wrote that:

The offence, in its worst form, is scarcely known in the colony. One never hears of the forcible defilement of chaste and circumspect women. The Mount Rennie case is no exception. The outrage usually springs from a drunken orgy participated in by lewd men and women as lewd. ('The Lessons of Mount Rennie')

In this passage, the injury of rape is determined not by the nature of the act, but instead by the character of the complainant. 'Real' rape is committed against 'chaste women' and is 'scarcely known.' It follows then, that Mary Jane Hicks, having suffered such an unlikely attack, must not be respectable, but instead herself 'lewd', with the word's connotations of wantonness and lust. In its broad outlines, such adjudication is congruent with the broader colonial context in which judgements about a woman's character were frequently decisive in legal deliberations about rape, as Jill Bavin Mizzi has shown (67). But the *Bulletin* was largely alone in its application of such a principal to the Mount Rennie rape case—only the *Australian Star's* remarkable series of editorials about the case in 1895 evinced a similar vigour in discrediting the character of Mary Jane Hicks.¹² Importantly, Archibald's distinctions work to make the actual rape at Mount Rennie fade from view. In his account, Mary Jane Hicks was not really the victim of an outrageous crime, but instead the compromised co-conspirator in a grubby and commonplace sexual game. Men's sexual violence against women disappears, only to be supplemented by a story of complicity and seduction.

This kind of narrative work reached its apogee in the edition of December 5, 1896. In an editorial marking the release of the final Mount Rennie defendants from gaol on November 26 1896, the *Bulletin* concluded that the most serious crime had been committed not against Mary Jane Hicks—who had told only 'half-truths'—but instead the 'Goddess of Justice' herself ('Mount Rennie'). In the *Bulletin's* 'remembering' of Mount Rennie, men's violence against an actual woman was written away, only to be replaced with suffering of an abstract figure of the feminine and the cruelly wronged figures of the defendants themselves. What the *Bulletin's* reader might draw from this rich history of writing and interpretation was that rape was a problem not for the women in the colony—of whom the most virtuous, according to Archibald, might

only rarely be its victims—but rather a problem for the men, who were painfully susceptible to the scourge of false accusation, a malign conspiracy of deceitful women and blood-stained colonial law.

It is into this densely inscribed field of ideological debate that Barbara Baynton sent her story, which would in fact be published only one week after this last incendiary editorial. As a keen reader and admirer of the *Bulletin*—letters from Baynton to the literary editor A.G. Stephens register her pride in her story being accepted for publication—Baynton could not have been unaware of the *Bulletin's* treatment of a topic that she herself dealt with so boldly. Indeed, for a writer interested in fame and publicity (Gullet 12), the topic of rape and murder was a canny choice in a decade marked by such sensational real-life examples, including the Buttner, Dean and Denning cases.¹³ Intriguingly, A.G. Stephens himself was preoccupied with the subject of rape shortly before Baynton's story was published. On September 9, 1896, he wrote in his diary that he was 'Busy today on art. on case of Thos. Suffield, given 10 yrs. penal servitude by Judge Windeyer in 1891 for raping a servant girl named Annie Chambers. W. seems to have jumped to conclusion in favour of woman as usual and dominated country jury.' Stephens would go on to complete not just an article but a closely-written sixty four page pamphlet which argued that Suffield had suffered a gross miscarriage of justice and that the case should be reopened, which he published in November 1897, less than a year after the publication of Baynton's tale. In his preface to the pamphlet, Stephens dramatically characterised the risk of false allegations which he argued beset every man of N.S.W: 'Such a charge is frequently made, without cause, by malicious or hysterical females; and it is a charge peculiarly difficult to disprove' (n.p.). With its explicit echoes of Lord Hale's (635) famous 18th century formulation of the same sentiment, Stephens here cunningly exploited colonial anxieties about false rape allegations to compel the *Suffield* pamphlet reader to petition parliament about the case. Stephen's pamphlet is another critical document in the *Bulletin's* field of writing about rape that frames rape allegations and complainants themselves as suspicious. The challenge here is to reconsider 'The Tramp's' appearance in a publication which by the late 1890s had shown an unflinching commitment to this kind of characterisation of the crime and its victims.

To read 'The Tramp' through the framework of the *Bulletin's* arguments about rape opens up a new front on a tale that has conventionally been considered in terms of its relation to various literary genre—such as naturalism (Hergenhahn), gothic (Turcotte) and bush realism (Dillane, Jayaprada)—or else as the emanation of a painful private biography, the inscription of a series of psychic obsessions (Cowan, Frost, Phillips). Instead of being a text deriving from strictly literary or private sources, 'The Tramp's' publication in the *Bulletin* at this critical juncture invites a consideration of its transactions with the very public narrative about rape that the *Bulletin* had worked in 'different rhythms and voices' (Lawson 257) for at least ten years before the story appeared, and as such is an important component of the story's context. What such consideration will make clear here is literature's power to disrupt the transmission of the very cultural stories with which it is engaged, the irreducibility of the literary speech act to the ideological fictions in which it might be entangled. Because, while 'The Tramp' appears to instantiate certain aspects of the colonial narrative of 'real rape', it also critically exposes its blind spots and silences.

On first glance, ‘The Tramp’ might appear to contradict the premises of the *Bulletin*’s discourse about rape. The young mother in Baynton’s story is nothing like ‘The Mary Jane Hicks’ type so excoriated by Archibald in the previous decade. A married woman with a small baby at her breast, Baynton’s character typifies the Victorian archetype of feminine virtue, with its critical coordinates of whiteness and maternity. But this is perhaps precisely the point to uncover. The tramp’s rape of Baynton’s isolated, white, bush mother is in fact an example of exactly the kind of crime that Archibald insisted ‘one never hears’ of being committed (‘The Lessons of Mount Rennie’). Indeed, consider the following elaboration of this point in Archibald’s unpublished essay titled ‘An Appeal to Caesar’—his own private, hectic account of the Mount Rennie case—in which he attacked Lord Carrington’s support for the death penalty of the defendants:

[Y]ou may search the records of Australia for the last 20 years without finding more than three authentic cases where even in the lonely bush a really virtuous woman has been successfully assailed by a satyr. (17)

Read in the context of such narratives, ‘The Tramp’ unfolds the only plot-line about rape which Archibald was prepared to accept as ‘real’—that is, the rape of a ‘really virtuous woman’ in the ‘lonely bush’. ‘The Tramp’ does *not* depict the rape of the kind of woman that Archibald deemed as ‘lewd’—for example, a white city woman of ‘disreputable character’ whose testimony about rape was derided by the *Bulletin* as a malicious fable. Nor does ‘The Tramp’ depict the rape of an aboriginal woman by a white pastoral worker on the frontier, a very common and widespread form of sexual violence about which the *Bulletin* was silent.¹⁴ Instead, from this perspective, initially at least, ‘The Tramp’ can be read as a kind of dramatisation of the *Bulletin*’s theory of ‘real rape’, a powerful literary enactment of the only script of the crime which Archibald was prepared to endorse as truthful. In this light, ‘The Tramp’ is not just a remarkable literary narrative, but instead one of the many acts of writing through which the *Bulletin* itself put rape into discourse.

It is important to recognise that the story of ‘the woman who is raped in the lonely bush’ was not just a creature of Archibald’s notebooks, nor even Barbara Baynton’s singular literary imagination; instead, this story was in fact a trope of colonial discourse, where it played a critical role in parliamentary debates about rape and capital punishment in the late nineteenth century. To call this story a trope is not to suggest that accounts of such a crime were a fiction; sexual violence for both aboriginal and non-aboriginal women on the frontier was a serious problem (Lake 17). But what is important here is the *use* to which a highly schematised version of such violence was put in the broader colonial arguments about rape that took place in the colonial parliament.

The idea that the particular conditions of the country rendered women in the bush exceptionally vulnerable to rape was one of the principle rhetorical arguments that worked to secure the continuation of the death penalty for rape in New South Wales, long after Great Britain had abolished this sentence for the crime in 1841. Through the long period of heated parliamentary debates that preceded the Criminal Law Amendment Bill (1883), this story was regularly invoked.¹⁵ For example, in the Legislative Council debate of 1877, W. B. Dalley argued that the proposal to remove the death penalty from the law of rape was unadvisable. ‘[I]n the peculiar

circumstances of this country, many utterly unprotected and defenceless women in remote localities might be exposed to the ferocious violence of ruffians' (Woods 312). The failure of efforts to remove the death penalty for rape at this juncture was in part due to the powerful emotional effect of arguments of this kind. But importantly, it was always *this* story of rape that was told to the exclusion of any other. Indeed, it had become a cultural commonplace by the time of the Mount Rennie trial in 1886. Sir Henry Parkes, in his application to the Governor for mercy for the defendants, wrote that the story 'that women living in remote places, far away from friend and neighbour, require the protection of the death penalty against criminal outrage' was a 'stock argument' with no relevance to the present case (Carrington 3). Parkes' remarks here register the special status that the story of 'the woman raped in the lonely bush' enjoyed in colonial debates about rape, where it epitomised contemporary understandings of the kind of rape that was 'real' and thus justified the application of the most severe legal penalty.

The story persisted through the NSW Parliamentary Debates conducted around the Capital Punishment Abolition Bill in 1896, nearly twenty years later, and shortly before Baynton's story was published in the *Bulletin*. These later articulations made it increasingly clear that the woman whose vulnerability was so passionately lamented was white. For example, the Minister for Justice Mr Gould explained that the death penalty for rape had originally been imposed because of the 'nature of the country generally.' Rape, he continued:

was a crime for the committal of which opportunities were afforded in lonely and out-of-the-way places. In thickly populated centres there were opportunities for detection which did not exist in country places where women were left by themselves day after day. These unfortunate women were left at the mercy of men who might commit this offence and trust to not being found out. It was absolutely essential that the greatest consideration should be paid to the chastity and purity of our women, to whom we look as the mothers of those who were growing up. Unless we protected the purity of our womenkind, the nation could not meet with that measure of success to which it would otherwise be entitled. (1357)

In Gould's description, the 'unfortunate women' of the colonial frontier required protection because of their role in the production of the national narrative as mothers. As Lisa Featherstone has written, late nineteenth century debates about population, nationhood and maternity were defined by their conflation of motherhood with whiteness: 'In the colonies, motherhood was a racial construct with maternity understood entirely in terms of the white woman's reproducing body' (452). On this model, the Aboriginal mother figures only as an absence. Certainly in the parliamentary debates about rape, the notion of the Aboriginal woman as a 'mother of the nation' who required protection from sexual violence was unthinkable. The story of the '[white] woman raped in the lonely bush' was thus distinctly ideological, a cultural narrative that articulated a profound social problem on strictly racialised terms, in this way casting the disturbingly frequent commission of sexual violence against Aboriginal women into the shadows.

Read in this light, Barbara Baynton's story about a young white woman raped in the lonely bush is not just 'intensely subjective' (Phillips 15). It is instead a literary

iteration of a cultural commonplace about rape. But while ‘The Tramp’ appears to abide by the rules of the *Bulletin’s* theory of ‘real rape’ and also to put flesh on the bones of the parliamentary story (in both its setting and its whiteness), it also interrupts both accounts—in particular, through its remarkable *over-writing* of the position of the perpetrator. First, one might consider Archibald’s depiction of the rapist haunting the frontier in his ‘Appeal to Caesar’ essay. One could search as far as one liked, he wrote, ‘without finding more than three authentic cases where even in the lonely bush a really virtuous woman has been successfully assailed by a satyr’ (17). What is fascinating here are the transformations that this description underwent in Archibald’s drafts for this passage—he was particularly preoccupied with the words he chose to designate the woman and the assailant. His choice of adjectives to describe the woman undergo an intensification—in an earlier draft, she was simply ‘virtuous’, but by the final draft was ‘really virtuous’, the redundancy here apparently an index to his desire to underscore the alleged rarity of such an event in the colony. But more importantly, the ‘satyr’ of the final draft had originally been written as a ‘brutal libertine’. What his editorial alteration here accomplishes is a transformation of the rapist from a sexually licentious man to a terrifying part-animal hybrid. Thus, even within the coordinates of the only narrative about rape that Archibald was prepared to accept as ‘real’, it was not men who really raped but monsters.

While Archibald inscribes the rapist as a non-human figure from mythology, the parliamentary narrative prefers to denote him as ‘a stranger’. This is made clear in the debates that accompanied the Capital Punishment Abolition Bill on 21 October 1896, when one speaker argued that:

In a comparatively thinly populated country like this, where men in thousands of instances leave their homes and their wives and daughters unprotected in the bush it was absolutely necessary that we should have some punishment that would act as a deterrent. (4251)

In this version of the story, it is the *absence* of the husband that will expose the woman to a danger that will come from another quarter. Without the husband’s protection, wives and daughters will be exposed to the threat of rape by strangers. Neither Archibald nor the various speakers who contributed to the parliamentary debates countenanced the possibility that one critical threat to a bush woman’s safety might in fact come not from a passing stranger, but from her husband, an argument which had been made with exceptional force and originality in Louisa Lawson’s 1889 essay ‘The Australian Bush Woman’ (Zinkhan). Similarly in Baynton’s iteration of the ‘lonely bush woman’ story, it is the threat of the husband’s violence which founds the menace of the tale. In the opening sequence, he calls her a degrading name, ‘forces’ her to take on a cow that terrified her, and then ‘laughed at her white face’ (32). A.A. Phillips famously argued that this embellishment of the husband was unnecessary, writing that ‘his absence from the house is all the story demands of him’ (18). Certainly it is all the dominant *cultural* story demands of him, so that the responsibility for (sexual) violence can be deposited elsewhere. But ‘The Tramp’s’ concise depiction of the husband’s sadistic impulses punctures the parliamentary fantasy. From this perspective, the violence of the husband is not ‘unnecessar[y]’ (Phillips), but rather a critical transformation of the dominant discourse; by *adding* the husband to the tale, Baynton goes to work on that wider cultural narrative as well. Indeed, she depicts the husband as frightening the woman so much—‘in many things

he was worse than the cow' (32)—that after her desperate calculations about remaining at the hut with the threat of the tramp or flying to her husband for help, she decides to risk the former rather than the latter: 'More than once she thought of taking her baby and going to her husband, but as yet she had not set her will against his as with the cow, and so dared not' (32).

In anticipating that her plea for protection will be interpreted as a confrontation, the woman's reflections radically expose the power relations that underlie the code of chivalry and bring the figures of the 'husband' and the 'stranger' into a zone of indistinction. When the narrative condenses a repetition—'*more than once* she thought of taking her baby and going to her husband' [my italics]'—it poses the threat presented by both the husband and the tramp in a play of *différance*. She had not yet, the narrator writes, 'set her will against [her husband's]', leaving her then, with no meaningful power of either initiation or refusal in the wider conjugal discourse. Ironically, it is Stephens' much-criticised editorial excisions in this version of the tale which work to amplify the *undecidability* of the relation between these two figures, the flickering movement between them which brings almost to the edge of form the unspeakable subject position of rapist-husband, before it is effaced by the tramp's explicit violence. Susan Sheridan has written about how difficult it was for nineteenth century feminists to address the problem of rape, and indeed it would take nearly one hundred years before the term 'rapist-husband' would finally become speakable in Australian law (Scutt 471). Baynton's highly complex foreshadowing of the concept here remains an essential and disturbing residue of the tale.

'The Tramp', then, is very much more than a 'heavily cut' (Knight 75) text that would be restored to its proper fullness with the publication of 'The Chosen Vessel'. It is instead a significant story in its own right. As well as its remarkable internal relationships and deconstructive play, 'The Tramp' also offers a vivid demonstration of the porous borders of the literary text. The story's publication in the tumultuous pages of the *Bulletin* in the 1890s mean that it cannot properly be confined to a single genre (the 'literary'), but instead might be seen as a kind of 'utterance' in the much broader cultural dialogue about women, men and rape that gripped colonial society in the late nineteenth century. Indeed, attention to the dynamic, non-literary narratives and ideologies which teem around the margins of Baynton's text (and indeed take their place within it) can prompt us to keep a mobile focus between the singular, literary author writing about rape, and the larger cultural narratives and ideologies that similarly dealt with the crime. From this perspective, one might observe that rape was written in a multitude of ways in the 1890s, and that 'The Tramp' was one particularly important instance of this inscription in the wider social heteroglossia—important because it both reiterated and partially deconstructed the colonial plot of 'real rape' that was used so perniciously to prevent certain kinds of sexual violence from ever being written into the social text at all.

NOTES

¹ For examples of scholarship that demonstrate this focus, see Barrett, Cowan, Dillane, Green, Hergenhan, Knight, Lindsay and Ludlow.

² For examples of scholarship that discusses ‘The Tramp’ principally through the lens of Stephens’ omissions, see Schaffer, Barrett and Knight. For examples of scholarship that argues that Stephens’ omissions strengthened the story, see Phillips and Frost.

³ A collection of international press notices for *Bush Studies* is contained in the A.G. Stephens Papers at the Mitchell Library, State Library of New South Wales, Sydney.

³ This account of the Mount Rennie affair is drawn from a number of sources, including Lord Carrington’s Confidential Report on the Mount Rennie Case, the depositions produced for the Mount Rennie trial which are held at the NSW State Archives, and newspaper reports about the case, particularly *The Sydney Morning Herald* 11 September 1886—9 January 1887.

⁴ For a remarkable overview of the both the public agitation around Mount Rennie and the press’s reporting of the case, see Lord Carrington’s collection of newspaper cuttings about the Mount Rennie case held in Lord Carrington’s Papers, Mitchell Library, NSW. For an important discussion of the class interests at stake in the case, see Walker.

⁹ Archibald regularly attacked bourgeois culture and the colonial legal system in the long series of articles in the *Bulletin* dealing with the Mount Rennie case between 9 October 1886 and 8 January 1887. Judge Windeyer came to metonymise everything the *Bulletin* objected to about colonial law, and he was held up for exceptional opprobrium during this period. The repeated references to him as the ‘woman’s judge’ were apparently fuelled by both the remarkable series of judgments that Windeyer wrote in this period which were sympathetic to victims of rape, and also the fact that his wife Mary and daughter Margaret were leading figures in the NSW female suffrage movement in the late nineteenth century. Archibald also used the case as a platform to make particularly ferocious attacks against the colonial newspaper press in ‘Mount Rennie Germinals’ and against women’s suffrage in ‘The Great Woman Question’.

¹⁰ For an important discussion of the *Bulletin*’s visual narrative of the Mount Rennie rape case, see Peers.

¹¹ As Judith Allen has written, the ‘high rate of pre-trial dismissal of cases [in the 1880s and 90s] by magistrates assisted the discrediting of complainants’ (57). But both her own work and that of Bavin-Mizzi (17-41) shows that colonial women had significant difficulties in prosecuting rape allegations through the courts. The demand for eyewitnesses and corroboration, and Victorian judgements about female character and respectability, meant that many women’s complaints of rape were disqualified before being tried.

¹² As part of a push to have the remaining Mount Rennie defendants released from gaol, *The Australian Star* revisited the case with an extensive series of articles between 27 June and 24 August 1895. As well as including a fresh set of interviews with a number of people who had spent time with the defendants while they awaited their sentences, these articles drew heavily on the *Bulletin*’s writing about the case in the summer of 1886-87.

¹³ The Buttner rape case and the Dean murder case are discussed by Clune, albeit from a distinctly phallogocentric perspective; for example, the news that the complainant in the Buttner case had been a prostitute and had spent time in an asylum is taken as ‘evidence’ that her rape allegations must have been a fabrication (69). For a discussion of the Demming case, see Weaver.

¹⁴ For a discussion of rape committed against aboriginal women by white men on the frontier, see Lake. For analysis of what happened to aboriginal women who tried to

prosecute rape through the colonial courts when the perpetrator was white, see Philips and Bavin-Mizzi.

¹⁵ In the Legislative Council debates of 1877, Sir Alfred Stephens summarised the arguments against retaining the death penalty for rape. These included the claims that ‘the punishment of death was abolished in England [for rape in 1841]; that there was a possibility that with the certainty of the death sentence the ravisher would be tempted to make away with his victim; then that juries would be more likely to convict; and lastly that at present the sentence of the law was never carried into effect’ (Woods 311).

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