



# **‘I was a man of honour’: Masculinities and Theft in Early Twentieth-century Western Australia**

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*The interrelationship between masculinity and crime has been recognised when it comes to violent or explicitly ‘gendered’ offences. The role of gender in property offending has received less attention. This article draws on letters to judges and police character reports – items that went from being intermittent to almost standard inclusions in Australian legal briefs between the 1920s and 1950s – to examine the changing ideals of masculinity evident in men’s attempts to contextualise their property offending. These sources demonstrate that the conceptions of masculinity that men expressed were structured in relation to a range of changing social factors, from the evolution of the Australian economy and family unit to the psychological impact of war on the nation’s men. It will be argued that three models of masculinity – the tough man, working man and family man – influenced the ways in which male thieves presented themselves to Australian courts across the interwar period.*

In 1951, a man who shall be referred to pseudonymously as James Holt, wrote an impassioned plea to the judge for leniency in relation to the breaking and entering charge he was facing at the Perth Supreme Court.<sup>1</sup> Holt’s missive, like others of its kind, attempted to earn the judge’s empathy by recounting in some detail the events of his life. He explained that he had pled guilty because he felt ‘repentant & humiliated, tho [sic] admittedly the cause of my humiliation be self-inflicted’. He reiterated this shame when asking the judge to release him on bond rather than impose a term of imprisonment, declaring ‘I have suffered greatly in my personal humiliation as my references depict prior to my arrival here I was a man of honour’. Holt thus

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<sup>1</sup> Mark Finnane, Andy Kaladelfos, Alana Piper, Yorick Smaal, Robyn Blewer and Lisa Durnian, et al, *The Prosecution Project Database* (hereafter *PP*), <https://prosecutionproject.griffith.edu.au/prosecutions> (version 1, 17 July 2016), Trial ID #18523, Western Australia Supreme Court (hereafter *WASC*), Anonymous, 1951.

understood or at least sought to portray theft as an act that compromised not only his character, but also his identity as a man.

Holt's account of his personal history and of the circumstances surrounding his crime was calculated to reinforce his claim to have been a 'man of honour'. It did so by demonstrating his conformity to hegemonic models of masculinity. Holt revealed himself to be a former member of the Royal Air Force (RAF) with ten years' active military service. He represented himself as a hard worker who had left England seeking opportunities for 'settling down' on the land in rural Western Australia, and as a heteronormative man who hoped shortly to marry his fiancée, a relationship that reinforced his rehabilitative prospects. Holt's explanation for his crime was likewise grounded upon the pressures created by the demands of masculinity. Seeking to establish a new home and income had entailed a separation from his family and fiancée; Holt explained that 'being very very lonely & near to friendless a stranger in a strange land as it were I sought company & solace in the bar', where he quickly formed a liquor habit that eventually led to a rash and drunken burglary. A police character report largely backed up Holt's version of his past life, and the judge placed him on a good behaviour bond.

Defendants' letters and police character reports, preserved in the Western Australian Supreme Court's criminal indictment files, offer insights into changing understandings of masculinity in the early twentieth century.<sup>2</sup> Whether genuine or an attempt to exploit judicial sympathies, the way that men positioned themselves in their letters, and in the information they provided to police, reveals what defendants believed they were supposed to feel about their roles and duties as men. In particular,

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<sup>2</sup> Western Australia Supreme Court, Files – Criminal Indictment, State Records Office Western Australia, WAS 122.

this article will argue that property crime defendants sought to reconcile theft with their identities as men by aligning themselves with the masculine archetypes of the tough man, the working man and the family man. Given that most discussions of masculinities in criminal justice history focus on violent offending, this article offers a useful addition to the small but growing body of international literature on masculinity and theft.<sup>3</sup>

It also contributes to the burgeoning historical scholarship on Australian masculinities.<sup>4</sup> Little work has appeared to date on whether the unique conditions of Western Australia demanded that its inhabitants perform particular types of masculinity: though it seems likely that they might. Population imbalance between the sexes persisted longer there than any other state, with 114 males per 100 females in 1921.<sup>5</sup> This was due largely to the rural character of much of the state, where conceptions of land as frontier territory – and instances of frontier violence against Indigenous peoples – persisted well into the twentieth century.<sup>6</sup> Such landscapes and violence were inextricably linked in the cultural imagination to masculine identities. Policeman Richard Henry Pilmer thus tellingly entitled his 1937 memoir – which recalled his work policing the Aboriginal inhabitants of northern Western Australia – *Men's Work, an Australian Saga*.<sup>7</sup> If, as historian Raymond Evans writes, white

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<sup>3</sup> Eloise Moss, “‘How I Had Liked This Villain! How I Had Admired Him!’: A. J. Raffles and the Burlar as British Icon, 1898–1939”, *Journal of British Studies* 53, no. 1 (2014): 135–61; Matt Houlbrook, ‘Commodifying the Self Within: Ghosts, Libels, and the Crook Life Story in Interwar Britain’, *The Journal of Modern History* 85, no. 2 (June 2013): 321–63.

<sup>4</sup> Martin Crotty, *Making the Australian Male: Middle-Class Masculinity 1870–1920* (Melbourne: Melbourne University Press, 2001); Colin James, ‘Marriage, Masculinity and Law in Australia, 1900 to 1999’ (PhD thesis, University of Western Australia, 2001); Gregory Young, ‘Man Amongst Men: An Examination of Images of Australian Masculinity Across Time’ (PhD thesis, Monash University, 2002); Chelsea Barnett, *Reel Men: Australian Masculinity in the Movies, 1949-1962* (Melbourne: Melbourne University Press, 2019).

<sup>5</sup> Wray Vamplew, *Australians, Historical Statistics* (Sydney: Fairfax, Syme & Weldon Associates, 1987), 39.

<sup>6</sup> Russell Earls Davis, *A Concise History of Western Australia* (Sydney: Woodslane Press, 2012), 168.

<sup>7</sup> R. H. Pilmer, *Men's Work, an Australian Saga* (Manuscript, State Library of Western Australia, 1937).

settler colonialism ‘contributed a harder edge to Australian masculinity’, then hypermasculinity was likely to have been particularly aggressive in Western Australia.<sup>8</sup> On the other hand, by the 1920s the state’s isolation had grown less extreme.<sup>9</sup> Thus, many of the social and legal developments with which this article is concerned occurred throughout Australia, and, to some extent, the conclusions drawn in reference to male defendants in Western Australia likely apply also to those of other jurisdictions.

Across the early to mid-twentieth century, the criminal justice system within Western Australia and other common law jurisdictions demonstrated a growing interest in the wider social contexts of defendants’ crimes. As Mark Finnane has documented, from the 1880s through to the 1930s penal systems throughout Australia underwent significant change as new ideas in social policy influenced a shift towards greater individuation of sentencing based not just upon the crimes offenders had committed, but on estimations of their characters.<sup>10</sup> By the 1920s in Western Australia – as in other Australian jurisdictions – sentencing a person convicted in the Supreme Court was no longer merely a matter of determining the length of a prison sentence, but involved a determination of the type of sentence appropriate to each individual. If deemed salvageable, one might receive a suspended sentence; if deemed corrupted, one could be declared a habitual criminal and detained indefinitely. This individualisation of punishment was driven partly by the growing power of psychiatry

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<sup>8</sup> Raymond Evans, ‘A Gun in the Oven: Masculinity and Gendered Violence,’ in *Gender Relations in Australia: Domination and Negotiation*, eds Kay Saunders and Raymond Evans (Sydney: Harcourt Brace Jovanovich Group, 1992), 203.

<sup>9</sup> F. K. Crowley and B. K. de Garis, *A Short History of Western Australia* (Melbourne: Macmillan, 1969), 71.

<sup>10</sup> Mark Finnane, *Punishment in Australian Society* (Melbourne: Oxford University Press, 1997), 65.

in the early twentieth century, which Stephen Garton asserts impacted all levels of the criminal justice system.<sup>11</sup>

The letters written by defendants to judges and the character reports compiled by police prior to sentencing embody manifestations of the law's growing preoccupation with assessing the context and interiority of the individual subject in order to determine a sentence appropriate to their character. A five-yearly sample of 330 criminal indictment files pertaining to male defendants being tried for acquisitive property crimes by the Western Australian Supreme Court between 1921 and 1951 demonstrates that, across this period, the inclusion of personal information about defendants within court papers went from being intermittent to almost standard. As I have explored elsewhere, multiple shifts in the legal system encouraged this production of narratives about defendants' personal lives.<sup>12</sup> The main focus of this article is therefore not on what these documents reveal about the justice system, but rather on the documents as sources for exploring the emotional lives of men in a period fraught with tensions over gender identities.

In total, 124 character reports appeared in the sample. In these documents – typically based on police interviews with defendants about their lives – the way defendants sought to position themselves is obviously mediated by police perspectives, but this in itself offers opportunities for understanding how their emotional performativity and appeals to particular masculine ideals were judged by others. Letters from defendants were less common, but the 48 that appear in the

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<sup>11</sup> Stephen Garton, 'Crime, Prisons, and Psychiatry: Reconsidering Problem Populations in Australia, 1890–1930,' in *Criminals and Their Scientists: The History of Criminology in International Perspective*, eds Peter Becker and Richard F. Wetzell (Cambridge: Cambridge University Press, 2006), 23–52; Stephen Garton, 'Criminal Propensities: Psychiatry, Classification and Imprisonment in New York State 1916–1940,' *Social History of Medicine* 23, no. 1 (2009): 79–97.

<sup>12</sup> Alana Jayne Piper, 'To Judge a Thief: How the Background of Thieves Became Central to Dispensing Justice, Western Australia, 1921–1951,' *Law & History* 4, no. 1 (2017): 113–144.

sample offer detailed first-hand perspectives on how defendants attempted to make sense of their own lives. While rich in detail, both sources were obviously constructed for a purpose. Letters from defendants to judges were designed to place themselves in the best possible light. Character reports by police were written to emphasise information they felt would produce the outcome they considered appropriate. Nevertheless, viewed critically, these documents can be used to gain a better understanding of historical masculinities, and the perceived importance of toughness, work and family to masculine self-identity and community ideals.

### **Tough man**

Men and emotions have traditionally been constructed as antithetical, due to the value placed upon physical and emotional toughness in representations of idealised masculinity. During the nineteenth century in particular, the rational, self-contained male presented a counterpoint to the emotion-driven and potentially hysterical woman. Historical studies of masculinity and emotions have outlined how various cultural, social and legal forces encouraged men to repress or regulate their emotions.<sup>13</sup> For to be a man meant to be in control of oneself (emotionally), as well as being able to control others (physically).<sup>14</sup> It has been theorised that a growing emphasis on the former over the latter principle as part of a gradual ‘civilising

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<sup>13</sup> Milette Shamir and Jennifer Travis, ‘Introduction,’ in *Boys Don’t Cry?: Rethinking Narratives of Masculinity and Emotion in the U.S.*, eds Milette Shamir and Jennifer Travis (New York: Columbia University Press, 2002), 1–21; Jennifer Travis, *Wounded Hearts: Masculinity, Law, and Literature in American Culture* (Chapel Hill: University of North Carolina Press, 2005).

<sup>14</sup> Victor Jeleniewski Seidler, ‘Masculinity, Violence and Emotional Life,’ in *Emotions in Social Life: Critical Themes and Contemporary Issues*, eds Gillian Bendelow and Simon J. Williams (London: Routledge, 1998), 193–210.

process' was responsible for the long-term decline in violent crime in Europe from the early modern period onwards.<sup>15</sup>

The traditional associations of masculinity with physical toughness and emotional stoicism were intensified in Australia during the interwar period by the dominance of the Anzac legend as the masculine ideal.<sup>16</sup> Recent work by Arlie Loughnan suggests that this idealisation of warrior masculinity in Australian culture influenced the legal system, with twentieth-century veteran defendants receiving mitigated justice based on constructions of them as uber-citizens whose service automatically suggested criminality was out-of-character.<sup>17</sup> Men on trial repeatedly drew the attention of judges and the police to their war records.<sup>18</sup> Police were often inclined to be sympathetic to those with good war records, reporting of one defendant who had served in the Navy, including experiencing 'two years of actual warfare' during World War II, that he did not 'appear to be of the hardened criminal type'.<sup>19</sup> Conversely, police wrote dismissively of men who had 'not had any Military or any other service'.<sup>20</sup> (Despite both wars seeing far from universal enlistment by Australian men of eligible age.<sup>21</sup>) In 1936, police discovered that one defendant had been lying to his neighbours for years about having served in the Navy, perhaps suggesting contempt for lack of service was generally widespread in the community.<sup>22</sup>

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<sup>15</sup> Norbert Elias, *The Civilizing Process: The History of Manners*, trans. Edmund Jephcott. (Oxford: Basil Blackwell, 1978), 190–205; Steven Pinker, *The Better Angels of Our Nature: Why Violence Has Declined* (New York: Viking, 2011).

<sup>16</sup> Stephen Garton, 'War and Masculinity in Twentieth Century Australia,' *Journal of Australian Studies* 22, no. 56 (1998): 94.

<sup>17</sup> Arlie Loughnan, "'Society Owes Them Much": Veteran Defendants and Criminal Responsibility in Australia in the Twentieth Century', *Critical Analysis of Law* 2, no. 1 (2015): 106–34.

<sup>18</sup> *PP*, Trial ID 13970, WASC, Louis Raynor, 1921; *PP*, Trial ID 11597, WASC, Anonymous, 1946; *PP*, Trial ID 18522, WASC, Anonymous, 1951.

<sup>19</sup> *PP*, Trial ID 20428, WASC, Anonymous, 1946.

<sup>20</sup> *PP*, Trial ID 18521, WASC, Anonymous, 1951; *PP*, Trial ID 20430, WASC, Anonymous, 1946.

<sup>21</sup> Australian War Memorial, 'Enlistment statistics, First World War', <https://www.awm.gov.au/articles/encyclopedia/enlistment/ww1> and 'Enlistment statistics, Second World War', <https://www.awm.gov.au/articles/encyclopedia/enlistment/ww2> (accessed 1 April 2019).

<sup>22</sup> *PP*, Trial ID 8721, WASC, Cyril Wood, 1936.



Beyond the simple division of service and no service, it is clear that authorities did not view all veteran defendants as equal. Stephen Garton observes that Australian society found it hard to equate the Anzac legend with those who did not serve on the frontline, or were taken captive as prisoners-of-war, experiences that were seen as undermining, rather than enhancing, their masculine identities.<sup>23</sup> This is borne out by police character reports, which tended to be dismissive of the war service of men who had never been stationed outside Australia, or had seen active service for ‘a few months only’.<sup>24</sup> The premium placed upon having been engaged in actual conflict is emphasised by the police practice of listing the battles men had been involved in, with a defendant who had been present thirty years earlier at the Gallipoli landing earning a particularly glowing endorsement from police.<sup>25</sup>

Another group of veteran defendants who were seen as failures of the warrior ideal were those unable to withstand the mental fatigue of war. As Joy Damousi notes, for soldiers ‘to discuss emotions – let alone fears, anxieties and vulnerabilities – was considered unmasculine and socially unacceptable’.<sup>26</sup> Even within contemporaneous psychiatric discourses such dysfunctional servicemen tended to be represented as ‘feminised’ subjects.<sup>27</sup> Loughnan posits that as the twentieth century progressed sympathetic treatment of veteran defendants became increasingly premised on conceptions that the mental scars of war led to a special kind of

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<sup>23</sup> Stephen Garton, “‘Fit Only for the Scrap Heap’”: Rebuilding Returned Soldier Manhood in Australia after 1945’, *Gender & History* 20, no. 1 (2008): 49.

<sup>24</sup> *PP*, Trial ID 6623, WASC, Anonymous, 1951; *PP*, Trial ID 18637, WASC, Anonymous, 1951; *PP*, Trial ID 20389, WASC, Anonymous, 1946.

<sup>25</sup> *PP*, Trial ID 20384, WASC, Anonymous, 1946.

<sup>26</sup> Joy Damousi, *Freud in the Antipodes: A Cultural History* (London: University of London, Menzies Centre for Australian Studies, 2001), 39.

<sup>27</sup> Joseph Pugliese, ‘The Gendered Figuring of the Dysfunctional Serviceman in the Discourses of Military Psychiatry,’ in *Gender and War: Australians at War in the Twentieth Century*, eds Joy Damousi and Marilyn Lake (Cambridge: Cambridge University Press, 1995), 162–77; Joan Beaumont, *Broken Nation: Australians in the Great War* (Sydney: Allen & Unwin, 2014), 215.

diminished capacity when it came to criminal responsibility.<sup>28</sup> While many defendants alluded to war service in letters to judges, only a few discussed emotional pain resulting from it, such as one defendant who reported that after discharge from the Australian Imperial Force with an ‘unblemished record’, he found himself ‘unable to settle down’ to his former occupation as his ‘nerves were shattered’.<sup>29</sup>

References to the mental effects of war were sometimes made in police character reports, but most were diffident about the possibility that wartime experiences had contributed to men’s crimes. The police report was thus not particularly encouraging about a former POW who had labored on the Burma Railway, reporting that ‘apart from nerves, [he] suffers no ill effects from his war service’.<sup>30</sup> Experts themselves often displayed similar diffidence. Consulted in 1926 about a defendant who had served in France during World War I and had made three suicide attempts since his army discharge, the Inspector General of the Insane only allowed that it was ‘possible that his actions may have been due to war service’. He quickly followed this up by noting that upon examination he had been ‘unable to detect any signs of insanity in him’.<sup>31</sup> There was possibly greater sympathy for mental anguish associated with the physical ravages of war. Police assured the judge that a thief who had stolen to buy liquor was known as a ‘good man’ who had only become a heavy drinker following his return from war where he lost an eye.<sup>32</sup> Sympathy may have been more readily available to this defendant as his physical injury constituted tangible proof of his active service and warrior status; perceptions that his

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<sup>28</sup> Loughnan, 106–34.

<sup>29</sup> *PP*, Trial ID 11597, WASC, Anonymous, 1946.

<sup>30</sup> *PP*, Trial ID 18625, WASC, Anonymous, 1946.

<sup>31</sup> *PP*, Trial ID 11015, WASC, James McGregor, 1926.

<sup>32</sup> *PP*, Trial ID 12433, WASC, Hugh Donald Turner, 1931.

compromised physicality undermined his masculinity may have also made his mental suffering more explicable to authorities.

However, while physical and emotional hardness were valued in the early twentieth century as markers of masculinity, the legal context was one where attempts to play the tough man were less likely to be rewarded. Accused men – who across Australia were increasingly pleading guilty, with the guilty plea rate in Western Australia rising from 42 per cent of sampled defendants in 1921 to 87 per cent in 1951 – were expected to express feelings appropriate to their circumstances as criminal defendants. Police were thus unimpressed by one accused who ‘displayed no emotions whatsoever’ during their interviews of him.<sup>33</sup> Other men were likewise criticised for their non-cooperative attitude to police – in effect for their determination to play the ‘tough man’ by projecting a nonchalant criminal persona. There was a great deal of concern throughout the 1920s that the war had created a generation of hardened criminals by desensitising men to brutality, leaving them without empathy and unable to repress their aggressive instincts.<sup>34</sup> However, most men in their letters to judges did conform to the expected emotional language of the penitent offender, expressing a sense of ‘shame’, ‘disgrace’, ‘humiliation’ or ‘desperation’.<sup>35</sup> Yet in their articulation of such emotions, defendants simultaneously attempted to position themselves as tough men by dwelling on the trying circumstances that led to their crime, circumstances usually connected to their fulfilment of other male roles, such as that of working and family men.

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<sup>33</sup> *PP*, Trial ID 18701, WASC, Anonymous, 1951.

<sup>34</sup> Elizabeth Nelson, ‘Civilian Men and Domestic Violence in the Aftermath of the First World War’, *Journal of Australian Studies* 27, no. 76 (2003): 97.

<sup>35</sup> *PP*, Trial ID 8768, WASC, John Hay, 1936; *PP*, Trial ID 18523, WASC, Anonymous, 1951; *PP*, Trial ID 12429, WASC, Wallace Dusting, 1931.

## Working man

Work was central to twentieth-century constructions of masculinity in Australia.<sup>36</sup>

Although a sizeable minority of Australian women were engaged in formal employment by the dawn of the twentieth century, work was still generally identified as a masculine pursuit.<sup>37</sup> The ideal of man as provider and woman as dependent was even enshrined into Australian law with the 1907 Harvester judgement.<sup>38</sup> In this landmark labour law, Justice H.B. Higgins declared that a fair minimum wage for a male worker was one that was sufficient to support himself, a wife and three children in 'frugal comfort.' this minimum wage standard did not apply to women workers, whose income was presumed to be supplemental to the earnings of fathers, brothers or husbands. The connection between manhood and work was emphasised in rhetoric about Australia's returning soldiers following World War I; employment was even recommended as a treatment for shell-shocked soldiers, one it was believed would, in Joy Damousi's words, 'restore their masculine identity'.<sup>39</sup> These discourses were repeated after World War II: a man's worth was portrayed as contingent upon his productivity and ability to provide for dependents, while those forced into dependency on government pensions or their wives' labour were regarded as failures.<sup>40</sup>

Yet considerable economic turmoil across the early twentieth century meant that not every man was able to find stable employment. In the 1920s, unemployment averaged 7.7 per cent in Western Australia as the region's mining boom declined,

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<sup>36</sup> John Murphy, *Imagining the Fifties: Private Sentiment and Political Culture in Menzies' Australia* (Sydney: UNSW Press, 2000), 35.

<sup>37</sup> Beverley Kingston, *My Wife, My Daughter and Poor Mary Ann: Women and Work in Australia* (Melbourne: Thomas Nelson Australia, 1980), 7.

<sup>38</sup> Ex Parte H. V. McKay [1907] Commonwealth Arbitration Report 12.

<sup>39</sup> Damousi, *Freud in the Antipodes*, 39.

<sup>40</sup> Stephen Garton, 'Fit Only for the Scrap Heap' 48–67.

doubling to 15.3 per cent during the Great Depression.<sup>41</sup> While the 1940s and 1950s brought greater prosperity, these decades were also accompanied by anxieties that traditional masculinity and male job prospects were under threat from the widespread movement of women into the workforce.<sup>42</sup> The personal histories written by and about criminal defendants reflect these developments, serving both to valorise the workingman archetype and to reveal troubled or changing conceptions of it.

Defendants' identities as workingmen formed an overwhelming preoccupation of police character reports. Police obtained a full employment history for individuals from the time they left school up until the commission of their offence, often contacting previous employers for their assessments of the defendant, in order to separate the working men from the career criminals. In defining one convicted forger as a 'criminal type', the police stressed that he had 'a dislike for honest work and does not seem to mind going to Prison'.<sup>43</sup> Little hope was similarly held out for another who exhibited 'an aversion to work, being quite content to continue on in his career of crime'.<sup>44</sup> In contrast, men with a solid work ethic were presented as promising candidates for rehabilitation. Police thus endorsed a defendant whose employer still considered him 'honest and industrious', and was willing to continue his employment if he was released on bond.<sup>45</sup> The equation of work with masculinity is made clear by another employer's letter of recommendation that expressed his certainty that the

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<sup>41</sup> G. D. Snooks, 'Development in Adversity to 1946,' in *A New History of Western Australia*, ed. C. T. Stannage (Perth: UWA Press, 1981), 246.

<sup>42</sup> R. N. Ghosh, 'Economic Development and Population Growth in Western Australia since 1945,' in *A New History of Western Australia*, ed. C. T. Stannage (Perth: UWA Press, 1981), 271; Mark Peel, 'A New Kind of Manhood: Remembering the 1950s,' *Australian Historical Studies* 27, no. 109 (1997): 147–57.

<sup>43</sup> *PP*, Trial ID 20341, WASC, Anonymous, 1946.

<sup>44</sup> *PP*, Trial ID 20389, WASC, Anonymous, 1946.

<sup>45</sup> *PP*, Trial ID 20441, WASC, Anonymous, 1951.

defendant would make amends for his crime if given the chance, as he had ‘always found him ... hardworking and manly’.<sup>46</sup>

Defendants’ letters reveal they likewise understood the importance of their work history to disavowing a criminal identity. Frederick Hill assured the judge that he had ‘always been a worker’ and had ‘never had any desire to lead a criminal life’.<sup>47</sup> Only dire necessity, Hill said, had driven him to a single act of theft, after his clothes had become ‘ragged and threadbare’ and he had worn out the soles of his shoes seeking work around Perth during the depression. Leslie Brown likewise blamed his crime of passing valueless cheques on difficulties in obtaining work. He pointed out in his favour that out of a whole book of cheques he had taken only three, because ‘I prefer work to prison’. He trusted the judge would ‘take a lenient view of this lapse because I have honestly learnt which is the best way of getting a living’.<sup>48</sup>

Although defendants obviously understood the practical exigency of portraying themselves as workingmen to judges and the police, the emotive language used suggests that they also understood the ability to earn as central to notions of masculine pride and honour. Accused men often couched expressions of shame about their crimes in terms of the self-betrayal this act presented to their previous histories

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<sup>46</sup> *PP*, Trial ID 18873, WASC, Anonymous, 1941.

<sup>47</sup> *PP*, Trial ID 12471, WASC, Frederick William Hill, 1931.

<sup>48</sup> *PP*, Trial ID 10947, WASC, Leslie St John Brown, 1926.

as good workers. One defendant, explaining how he had been driven to theft by unemployment, declared that:

No one, Your Honor, who has been privileged to stand aloof from this struggle for a bare existence, can fully understand how low a man's morale can become under these circumstances. That I finally yielded to temptation is the greatest disappointment of my life.<sup>49</sup>

Similarly, Ernest Dawson, charged with breaking and entering in 1931, pled for a chance to be allowed to emigrate to 'regain the prestige elsewhere that I have lost in this State'.<sup>50</sup> After declaring 'I have worked hard all my life and can prove it', Dawson added that 'I can assure you from a man that has tried, that I don't want to remain a burden on any State'. While this can perhaps be viewed as a cynical attempt to secure sentencing leniency by subtly invoking the financial costs to the State of imprisonment, it should be remembered that during this period men were conditioned to view dependency as a feminine state. Perhaps this factored into their attempts to show that, despite their crimes, they were men who had 'tried' when it came to working life.

Many men evinced embarrassment over their unemployment. This is most powerfully portrayed in the character report of one 1951 defendant, who police discovered had for weeks before his arrest been misleading his wife into believing he was still employed 'by getting up early and taking his crib [lunch]'.<sup>51</sup> Another defendant – while admitting that many were experiencing the effects of the depression – asserted that few had suffered mentally as he had, referring in particular to the

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<sup>49</sup> *PP*, Trial ID 18922, WASC, Anonymous, 1941.

<sup>50</sup> *PP*, Trial ID 12449, WASC, Ernest Dawson, 1931.

<sup>51</sup> *PP*, Trial ID 18613, WASC, Anonymous, 1951.

anguish of ‘having to depend on a Public Fund in order to live’.<sup>52</sup> Defendants also frequently depicted their efforts to find work as an epic travail. A former seaman who had emigrated from Melbourne due to the scarcity of work there during the depression insisted he was not an ‘idle person’, telling the judge he had walked the streets of Perth ‘month after month half starved’ looking for employment.<sup>53</sup> It was only when finally penniless that the ‘resisting powers’ of his brain gave way to criminal impulse. While imbuing their struggles with an almost heroic quality was an obvious ploy to gain sympathy, it perhaps also served as a sop to the pride of men forced to admit they had failed to achieve one of the main markers of masculinity.

The tendency of rural defendants to dwell on the hardships of working on the land may likewise have served the dual purpose of shoring up their pride while appealing to the prevailing admiration for the type of masculinity associated with bush life. The ‘bushbred’ model of manhood, popularised in Australia during the late nineteenth century, was reinvigorated following World War I, with rural labourers seen, like soldiers, as being the ‘doers’, as opposed to ‘wasters’, of the nation.<sup>54</sup> Western Australia in particular was said to be ‘dominated by a rural ethos’.<sup>55</sup> Many defendants announced an intention to go ‘up bush’ to get a job if released on bond.<sup>56</sup> In contrast, offenders who had labored in rural areas depicted it as a test of endurance rather than idyllic existence. One described how he had been enticed to Western Australia by hearing about ‘the possibilities for the man on the land’. However, ‘months of hard pioneering work and being over anxious’ had led him to commit his

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<sup>52</sup> *PP*, Trial ID 12450, WASC, Charles Napier, 1931.

<sup>53</sup> *PP*, Trial ID 12470, WASC, George Barsby, 1931.

<sup>54</sup> Kate Murphy, ‘The “Most Dependable Element of Any Country’s Manhood”: Masculinity and Rurality in the Great War and Its Aftermath,’ *History Australia* 5, no. 3 (2008): 72.1–72.20.

<sup>55</sup> Geoffrey Bolton, *Land of Vision and Mirage: Western Australia since 1826* (Perth: UWA Press, 2008), 90.

<sup>56</sup> *PP*, Trial ID 10973, WASC, Douglas Black, 1926; *PP*, Trial ID 12445, WASC, George Colin Weldon, 1931; *PP*, Trial ID 18895, WASC, Anonymous, 1941.



first offence, an event, he wrote, that ‘broke me up’.<sup>57</sup> Louis Raynor was unapologetic about his predicament in his letter to the judge, stating that he believed he had ‘just cause for complaint against unfair treatment’ after the struggles he endured trying to establish himself as a farmer at the end of World War I.<sup>58</sup> Raynor had participated in a government scheme to educate returned soldiers about farming on the understanding that after six months’ training he would receive two hundred poultry and an incubator. Instead, he received ‘twenty scaly legged old fowls and less than a hundred small chickens more or less rumpy’. He struggled on but eventually realised he was engaged in a ‘hopeless undertaking’, returning to his former occupation as a hairdresser. Others, like Holt who was quoted at the start of this article, referred to the loneliness of life on the frontier, which was often exacerbated by newcomer status, following the introduction of several schemes in the 1920s to attract British migrants to Western Australia and encourage them to ‘go on the land’.<sup>59</sup>

Defendants’ files reveal the reality that, by the mid twentieth century, many Australian men were not engaged in the rural work or physical labour readily associated with manliness, but rather a growing array of white-collar occupations. Letters from these defendants point to a new conception of masculinity that rested not just on maintaining stable employment, but on achieving upward mobility. Several defendants had been frustrated in efforts to complete courses of further education. A hotel steward charged with stealing from his workplace had completed part of a law degree before being forced to withdraw due to financial considerations.<sup>60</sup> Another defendant, who was two courses shy of qualifying as a chartered accountant, was

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<sup>57</sup> *PP*, Trial ID 10774, WASC, Thomas Gladstone Ross, 1926.

<sup>58</sup> *PP*, Trial ID 13970, WASC, Louis Raynor, 1921.

<sup>59</sup> Bolton, 112.

<sup>60</sup> *PP*, Trial ID 6617, WASC, Anonymous, 1951.

described by police as not being ‘a thief in the true sense of the word’.<sup>61</sup> Other defendants presented themselves as men of ambition fallen upon hard times. Douglass Black described how he had ‘for a time done well farming and sheep dealing and made myself worth about £2,000’.<sup>62</sup> He then lost everything with a sudden fall in the wool price in 1924, but described picking himself up by taking over the management of a service station where he boasted having the ‘handling of about £16,000 per year’. Frederick Hill likewise presented himself as a man of means by claiming that when he arrived in Western Australia from Victoria with the ‘idea of going prospecting’ he had possessed savings of £1,400.<sup>63</sup>

Dwelling on past successes challenged assumptions that defendants’ current position demonstrated personal failure. Defendants perhaps also sought to associate themselves with a class position that they believed would afford them greater leniency. However, police tended to take a dim view of cases where men’s ambitions had opened themselves up to financial risk. There was a derisive tone to a character report for one defendant who left a steady job where he received seven pounds ten shillings a week to start a business erecting windmills.<sup>64</sup> While changing economic forces may have been encouraging men to adopt a more entrepreneurial spirit, authorities preferred men who conformed to older models of employment by remaining in the same job for many years. In some ways the letters reveal tensions

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<sup>61</sup> *PP*, Trial ID 18606, WASC, Anonymous, 1951.

<sup>62</sup> *PP*, Trial ID 10973, WASC, Douglas Harry Black, 1926.

<sup>63</sup> *PP*, Trial ID 12471, WASC, Frederick William Hill, 1931.

<sup>64</sup> *PP*, Trial ID 18522, WASC, Anonymous, 1951.

around the alignment of masculine and labour values – what was esteemed in workers was docility, whereas masculinity was equated with action.

The information contained in defendants' files also reveals the culture of consumerism that emerged in the postwar boom.<sup>65</sup> According to Michelle Arrow, the transformation of popular culture in the postwar years was one centred not just on consumer goods but on family activities such as owning a car or taking an annual holiday, luxuries no longer restricted to the elite.<sup>66</sup> By the 1950s, defendants increasingly described being driven to theft, not by poverty, but simply by the financial pressures of trying to provide a family with those amenities that were becoming a part of modern Australian life.<sup>67</sup> One defendant who had been working two jobs blamed his 'lapse' on the fact he had purchased a car which 'proved more costly than he thought it would', and was also trying to save enough money to take his wife on a trip to Victoria to see her mother.<sup>68</sup> Police reported that another man had resorted to theft as a means to pay off the costs of setting up house for his forthcoming marriage, in particular the £50 he still owed on a new bedroom suite.<sup>69</sup> A letter from a doctor who enquired into the defendant's mental health suggested that he had been feeling under pressure from his fiancée's parents to acquire enough money to marry. These materials not only reveal the primacy of men's ability to earn to constructions of gender, but also demonstrate how this was tied to a changing

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<sup>65</sup> Michelle Arrow, *Friday on Our Minds: Popular Culture in Australia since 1945* (Sydney: UNSW Press, 2009), 19.

<sup>66</sup> *Ibid.*, 20; 24.

<sup>67</sup> *Ibid.*, 14–15.

<sup>68</sup> *PP*, Trial ID 6841, WASC, Anonymous, 1951.

<sup>69</sup> *PP*, Trial ID 6611, WASC, Anonymous, 1951.

economic culture in which definitions of success and what it meant to provide for one's family were changing.<sup>70</sup>

### **Family man**

The dominance of work in constructions of twentieth-century masculinity was strongly linked to another central male archetype – the family man. Men's main role in the family during this period was perceived to be that of breadwinner and economic caretaker, while their wives undertook the emotional labour of supporting their husbands and raising the children.<sup>71</sup> Defendants often linked discussions of their employment to a need to provide for their families, emphasising the extent to which men's identities within family relations were tied to their economic functions. Yet the emotionality of family ties was also acknowledged by men, who often asserted it was not their own sufferings, but those of their loved ones that impelled them to criminal activity. One man whose family had to go on state assistance during the depression claimed he had committed theft for the sake of his wife, whom it pained him to see 'on many occasions was short of many little items on our meal table'.<sup>72</sup> For others it was a choice between the dishonor of crime and the dishonor of letting their families down. As one unemployed defendant explained to the judge:

In my need, I who was used to paying my way ... could not see my dear wife and children suffer for want of much needed money turned in my desperation to the wilful act of robbery...which I am sorry to say is a blot on my family name.<sup>73</sup>

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<sup>70</sup> Robert Rutherford, 'Fatherhood, Masculinity, and the Good Life During Canada's Baby Boom, 1945–1965', *Journal of Family History* 24, no. 3 (1999): 351–73.

<sup>71</sup> John Murphy, 'Work in a Time of Plenty: Narratives of Men's Work in Post-war Australia', *Labour History* no. 88 (2005): 215–31.

<sup>72</sup> *PP*, Trial ID 12486, WASC, Percy Tuckwell, 1931.

<sup>73</sup> *PP*, Trial ID 12429, WASC, Wallace Dusting, 1931.

It was not just wives and children but other relatives that men expressed responsibility for, with the sufferings of women in particular referenced as catalysts to crime.

According to Ernest Brown, it was the sight of his sister-in-law 'so distressed' after the death of her child and 'knowing that they had no money for a burial' that led him to an act that later filled him with 'horror and shame'.<sup>74</sup> A need to assist family members suffering from illness was also frequently raised as a cause of crime by defendants.<sup>75</sup> As Mark Peel has documented, until the 1950s working-class families lived in a permanent state of insecurity, and even a minor misfortune could devastate household finances.<sup>76</sup> While defendants may have used this precariousness to manipulate judges, claims that they been reduced to theft by accident or illness within the family should not be dismissed out of hand. Police confirmed one defendant's claims that he had incurred considerable debts due to the lengthy illness of his wife prior to her death.<sup>77</sup>

Nor should we entirely discount the fears men expressed that their incarceration would leave their families destitute, although for some such fears may have been largely performative. Leslie White wrote a brief appeal for mercy on the somewhat hackneyed grounds that he was the 'one and only support of my poor, old widowed mother'.<sup>78</sup> Even if strategic, men's pleas to be released on bond so they could continue to support their families reinforces the power of that claim, and its primacy to Australian masculinity. Some male defendants made it particularly clear that the inability to support their families while in prison was deeply troubling. A married man with two children and a third on the way expressed a particular desire to

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<sup>74</sup> *PP*, Trial ID 12443, WASC, Ernest Leo Brown, 1931.

<sup>75</sup> *PP*, Trial ID 18875, WASC, Anonymous, 1941; *PP*, Trial ID 20431, WASC, Anonymous, 1946.

<sup>76</sup> Peel, 'A New Kind of Manhood', 149.

<sup>77</sup> *PP*, Trial ID 20351, WASC, Anonymous, 1946.

<sup>78</sup> *PP*, Trial ID 10775, WASC, Leslie White, 1926.

avoid prison because his family would otherwise be left dependent on his wife's family 'which I don't like as I should be providing for them'.<sup>79</sup> Other men expressed horror at the idea that without their support their wives and children might be forced onto charity or even end up institutionalised themselves.<sup>80</sup>

Defendants' home lives were also a major preoccupation in police reports, with family responsibilities considered both indicators of character and determining factors in future rehabilitation. Police were thus censorious about a defendant described as 'one of the most active and cunning criminals in this State today', for whom the 'added responsibility' of his recent marriage and fatherhood had 'had no effect on accused's apparent desire to continue to live a criminal life'.<sup>81</sup> Conversely, they were sympathetic in commending another defendant as a 'good family man' who had enjoyed regular employment until the death of his adult daughter three years previously had sent him into a downward alcoholic spiral.

Police assessments of men's character were often clearly based on their ability and willingness to provide for their families. Marital breakdown was an increasingly common circumstance in reports from the 1940s, with police heavily critical of men who failed to contribute to the maintenance of wives and children. One defendant earned contempt for having contributed nothing to the upkeep of his wife and daughter since their separation two years previously.<sup>82</sup> Another defendant was censured for paying only £1 a week for the maintenance of his three-year-old child after his wife left him due to his drinking habits.<sup>83</sup> His co-accused was judged even more harshly for having never paid maintenance or even attempted to see an

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<sup>79</sup> *PP*, Trial ID 14146, WASC, Ben Taylor, 1921.

<sup>80</sup> *PP*, Trial ID 18675, WASC, Anonymous, 1941; *PP*, Trial ID 20448, WASC, Anonymous, 1951.

<sup>81</sup> *PP*, Trial ID 18613, WASC, Anonymous, 1951.

<sup>82</sup> *PP*, Trial ID 20341, WASC, Anonymous, 1946.

<sup>83</sup> *PP*, Trial ID 18625, WASC, Anonymous, 1951.

illegitimate child he had abandoned in Victoria.<sup>84</sup> Police comments about men who had children out of wedlock make it clear that while men undoubtedly enjoyed greater sexual freedom than women during this period, they did not escape moral judgment for infidelity. Police noted censoriously that one defendant charged with stealing had not lived with his wife for twelve months, but had instead been living ‘as husband and wife’ with a single woman who was currently pregnant by the defendant.<sup>85</sup>

Men who spent their time and money outside the family home by drinking and gambling were also censured. However, this censure is likely related to the crackdown on gaming and liquor offences that occurred in Western Australia during the interwar period.<sup>86</sup> Conversely, robbery defendant Wallace Dusting was endorsed as a man that ‘does not drink or gamble’, but rather ‘stayed a good deal with his wife and children when he had finished his work’.<sup>87</sup> John Hay was likewise praised by police as ‘a hard working man paying every attention to his wife and children’.<sup>88</sup> This special recognition of men who not only provided for their families financially, but also gave them time and attention, can perhaps be construed as evidence of changing values around men’s roles in the emotional home lives of their families.

Despite the traditional demarcation between the duties of mothers as children’s moral guardians, and fathers as financial providers, historians of family life have acknowledged that while ‘breadwinning did occupy men’s time and attention ... it did not necessarily shift all of their thought and emotion away from the home nor cause them to grant less importance to it’.<sup>89</sup> Shurlee Swain suggests that, in practice, a

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<sup>84</sup> *PP*, Trial ID 18630, WASC, Anonymous, 1951.

<sup>85</sup> *PP*, Trial ID 6878, WASC, Anonymous, 1951.

<sup>86</sup> Peter Conole, *Policing the Western Third* (Perth: Western Australia Police, 2009), 10.

<sup>87</sup> *PP*, Trial ID 12429, WASC, Wallace Dusting, 1931.

<sup>88</sup> *PP*, Trial ID 8768, WASC, John Hay, 1936.

<sup>89</sup> Jessie B. Ramey, ‘“I Dream of Them Almost Every Night”: Working-Class Fathers and Orphanages in Pittsburgh, 1878–1929,’ *Journal of Family History* 37, no. 1 (2012): 39.

more active role was expected by fathers, particularly in the aftermath of World War I when the large loss of male life and the return of men damaged by war raised concerns that the character of the rising generation would suffer in the absence of robust male role models.<sup>90</sup> By the 1950s, the dominance of the family in psychological discussions increasingly meant that while fathers did not share equally in child-rearing duties, they were expected to be involved in family life in ways that went beyond the mere provisioning of the household.<sup>91</sup>

These shifting conceptions of familial models of masculinity are perhaps most clearly articulated in trial materials by suggestions that strained familial relationships might act as mitigating circumstances to crime, particularly in relation to defendants aged in their late teens or early twenties. Both defendants and police tended to comment in particular on the relationships between men and their fathers as the salience of weak or absent father figures was already an established explanation for male delinquency in criminology discourse.<sup>92</sup> Many letters or character reports noted that defendants came from broken homes or had grown up in institutions. Percy Tuckwell declared he ‘never known what it is to have a mother’s or father’s love or attention’ having been placed in the care of the state at three years of age.<sup>93</sup> Other defendants reported that they had lost their connections to home life early as a result of being sent out to work while still adolescents, not an unusual circumstance for the time in Western Australia.<sup>94</sup> One defendant stated that when his parents’ marriage broke down they left him to fend for himself at twelve years of age, resulting in his

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<sup>90</sup> Swain Shurlee, “‘I Am Directed to Remind You of Your Duty to Your Family’”: Public Surveillance of Mothering in Victoria, Australia, 1920–40’, *Women’s History Review* 8, no. 2 (1999): 252.

<sup>91</sup> Murphy, *Imagining the Fifties*, 35; Johnny Bell, ‘Putting Dad in the Picture: Fatherhood in the Popular Women’s Magazines of 1950s Australia’, *Women’s History Review* 22, no. 6 (2013): 912.

<sup>92</sup> Chris Cunneen and Rob White, ‘Masculinity and Juvenile Justice’, *Australian & New Zealand Journal of Criminology* 29 (1996): 69–70.

<sup>93</sup> *PP*, Trial ID 12486, WASC, Percy Tuckwell, 1931.

<sup>94</sup> *PP*, Trial ID 14148, WASC, William Ivory, 1921; *PP*, Trial ID 18880, WASC, Anonymous, 1941.



seeking work among ‘a very rough element’, until he found himself serving in the AIF at fifteen.<sup>95</sup> Police reported that another defendant had had ‘no real home life’ since ten years of age when his mother died, after which his father boarded him out with various friends and relations until he was set to work as a messenger boy at fifteen. Although his father had remarried, the defendant had never lived with the new family.<sup>96</sup>

Such lack of parental, particularly fatherly, influence and affection was frequently raised as an excuse for crime. One defendant blamed his predicament on the fact he had ‘no father for the last several years and have had no one to guided [sic] me in my early life’.<sup>97</sup> Another told the judge that he had never ‘had the chance to become a reputable citizen’ as since early childhood he had ‘never known the loving care of a homelife or the guiding hand of a father’.<sup>98</sup> Claiming to crave ‘the affection and interest that other boys have’, he asked the judge to act as a father towards him in dispensing justice. Irrespective of whether such sentiments were real or contrived, the articulation of such feelings by defendants demonstrates an understanding of the paternal role as one involving the care of children’s moral and emotional needs, in addition to their physical ones. Some defendants also gestured towards this conception of the paternal role in pleading for clemency so they might work to offer their children a better example to follow and prevent them going down their own criminal path.<sup>99</sup>

Although potentially offering a mitigating circumstance by explaining criminal behaviour, disconnection from family relationships could also be viewed as a

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<sup>95</sup> *PP*, Trial ID 18880, WASC, Anonymous, 1941.

<sup>96</sup> *PP*, Trial ID 18625, WASC, Anonymous, 1951.

<sup>97</sup> *PP*, Trial ID 20353, WASC, Anonymous, 1946.

<sup>98</sup> *PP*, Trial ID 20451, WASC, Anonymous, 1951.

<sup>99</sup> *PP*, Trial ID 8768, WASC, John Hay, 1936; *PP*, Trial ID 20448, WASC, Anonymous, 1951.

threat to future prospects of rehabilitation. Defendants were often keen to assure judges that they had the support – financial and emotional – of parents and wives. Burglar John Hay declared, ‘My wife is still standing by me, although my actions have not been those of which she could be proud’.<sup>100</sup> Some even used the threat that imprisonment posed to the stability of these relationships as a reason for clemency. One defendant warned that ‘if I am put away again there will be no possibility of salvaging anything of my marriage which will be a ghastly wreck’.<sup>101</sup> Even police sometimes argued that defendants should be given the opportunity to rebuild their lives and families. In 1951, the report on one thief revealed that he had been married in 1947, when he was 19 and his wife was 16.<sup>102</sup> The marriage had allegedly been happy until he took to drink, following which he had assaulted his wife on several occasions. Consequently, his wife returned with their infant daughter to her parents’ home and had sought maintenance in court earlier that year, but the matter had been adjourned to allow the couple an opportunity to reconcile. The police report was encouraging about this possibility, the officer stating that from ‘personal observation’ he felt the couple had ‘a genuine affection for each other’. Despite the defendant’s history of alcoholism and domestic violence, the officer concluded that ‘given the opportunity he could rehabilitate himself and effect a reconciliation with his wife’. This indicates the significance placed upon familial emotional ties in determining the likelihood of rehabilitation. While the conception of the family man might still have rested largely on a capacity to economically provide, the emotional significance of family life for men was increasingly acknowledged.

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<sup>100</sup> *PP*, Trial ID 8768, WASC, John Hay, 1936.

<sup>101</sup> *PP*, Trial ID 18640, WASC, Anonymous, 1951.

<sup>102</sup> *PP*, Trial ID 18699, WASC, Anonymous, 1951.

## **Conclusion**

The materials that came to be included in criminal indictment files in Western Australia during the early twentieth century reveal how both the law and constructions of masculinity were changing. Defendants' backgrounds and character assumed new importance in criminal proceedings during the interwar period, as the justice system's growing interest in the psychological contexts of crime afforded greater opportunities to defendants for reflexivity about their lives and the forces shaping it, including the constraints of gendered expectations. Defendants were expected to present as stoic 'tough men'; at the same time, they were expected to engage in an amount of emotional performativity appropriate to their position as felons. To meet these competing demands, their expression of emotions was often couched within self-representations that reinforced their gender identity. The shame men expressed over their thefts was often less focused on the wrongs of the crime itself than on the ways they failed to live up to their previous attempts to embody the ideals of the tough man, working man or family man.

As a result, letters from defendants and the character reports of police reveal various shifts in and anxieties about masculinity, particularly in regards to the effects of war, the pressures upon men as breadwinners during periods of economic turmoil, and the increasing expectations placed upon them to contribute emotionally as well as materially to family life. While these documents thus express traditional conceptions of masculinity that involved emotional stoicism, capacity to earn, and to care for dependents, there was also a growing recognition by the police and defendants themselves of the complexities and significance of men's interior psychological lives.

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