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# Our Country's Good

by: Timberlake Wertenbaker

dramaturgical actor packet 2017

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<https://www.pinterest.com/emathieu14/our-countrys-good/>

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## timberlake wertenbaker

A very private person.  
Hates interviews.  
Few details offered about her life.

Born in New York mid 1940s.  
Grew up in Cibourne, a fishing village in Basque Country, France.  
She roamed the countryside.  
Read adventurous books and plays.  
Realized adventures were limited to male characters.

She was deeply affected by the political suppression of the Basque language and culture by French government.

*"the threat of the loss of language is one of the greatest threats."  
- timberlake wertenbaker*

Her parents were both writers.  
Father - a foreign correspondent for *Time* magazine.  
Mother - a journalist.  
They travelled a lot and played a minor role in her upbringing.  
She wanted to become anything other than a writer.

Father died of cancer in 1955.  
Relocated to New York.  
Saw American life as terrible.  
A sense of trauma and uprootedness, along with cultural and linguistic dislocation, are a common themes of her work.

Although,  
New York exposed her to more plays.  
*The King and I* and Genet's *Deathwatch* made her realize the power of theater and inspired her to follow a path in the field.

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Graduated St. John's College in 1966.

Her studies were based on philosophies of Plato.

Began Masters course in Russian at University of Georgetown.

Later abandoned it.

Worked as a researcher and caption writer.

Made good money.

Wasn't happy.

So she became a stable hand.

Taught French on a Greek island in 1976. Began working on plays shortly after.

Started establishing herself as a London playwright in the late 1970s.

Became writer in residence at Shared Experience in 1983.

Became writer in residence at Royal Court in 1984-1985.

Commissioned by Max Stafford-Clark, artistic director of the Royal Court, to adapt *The Playmaker* for the stage in 1987.

Since then,

she has continued adapting various novels for the stage.

Became professor of playwriting at University of East Anglia.

*“what interests me in all my plays is really the area where the public situation hits the private person, how it affects their courage and their decisions.”*

*- timberlake wertenbaker*

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## wertenbaker's plays

As a playwright, she is concerned with:  
theater's potential to change lives  
human ability to transcend circumstances  
power of language  
the price people pay for an ideal  
freedom and revolution  
freedom and privilege.

Her plays focus on:  
the dangers of the loss of voice  
what it takes to regain it  
questioning patriarchal structures  
feminist responses to patriarchal structures  
female perspective  
women's potential to redefine themselves.

Often relates the oppression of women to the oppression of nations, races, and classes.

Many of her plays show:  
multiple cultures/overlapping of cultural identity  
the importance of appreciating the natural world  
utopian impulse  
satirical drive  
the optimistic struggle for hope.

Known for basing plays on:  
historical narratives  
legends  
myths  
paintings.

She prefers working with historical context.

Believes history is always a way of looking at the present.

She approaches modern subjects indirectly, working with poetic and stylized language and the utilization of myth and history.

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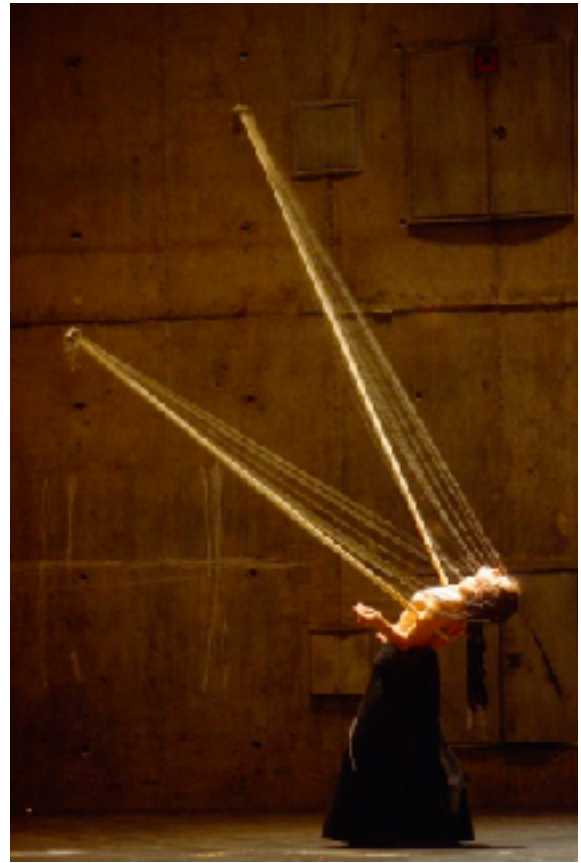
## development of the play

In 1987, Wertenbaker was commissioned by Max Stafford-Clark, artistic director of the Royal Court, to adapt Thomas Keneally's *The Playmaker* for the stage. The Joint Stock process was applied to the making of the play - it wasn't just created from her own research; she worked with a group of actors in improvisation workshops. The director (Stafford-Clark) would choose the subject and direct workshops, but the writer wrote the play alone.

The company was able to explore perspectives of different kinds of people, often playing roles with cross-gender and cross-racial casting. During the process, the cast visited prisons, interviewed convicts, and participated in "beating" workshops where actors just got beaten with newspapers to explore the nature of arbitrary brutality and the inhumanity of penal system.



From *Nordstrand*, Edvard Munch, 1892



Sasha Waltz, *Körper*, 2000

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Wertenbaker was also inspired by a production she saw by Clean Break - a company that devises with female prisoners. She saw that people in the prison system valued theatre because they could experience a world outside and could express themselves. She wanted to fight against Thatcher's mentality that those who committed a crime were unredeemable. The commonalities behind the characters in Keneally's book paralleled those in prison in Thatcher's Britain. Wertenbaker wanted to point at the fact that criminal behavior wasn't innate, but a product of society where there is economic inequality and little hope for those at the bottom of the food chain to get ahead. It was Wertenbaker's design that actors play both convicts and gaolers, pointing at the question of what being civilized means.

After workshops, Wertenbaker returned to her house with a dictionary of 18th century slang and convict diaries. She wrote for 3 months. During the rehearsal period, Wertenbaker would produce drafts and develop new scenes or edits daily.

The play displays an episodic and fast-paced structure with rich characterizations and robust language. The play took on a more feminist view than the novel, giving female characters more of a voice and giving them power to spearhead their own transformations. The play as a whole was an argument for the transformative power of theater - despite the fact that art is repeatedly interrupted by life in the play, with the obstacles of the cast not being able to read or being taken out of rehearsal for whipping or the potential the lead may be hung before opening.



*Gilbert Garcin*

It was first performed at the Royal Court Theatre in 1988, directed by Stafford-Clark and running in repertory with *The Recruiting Officer*. It is the most successful and widely produced play of Wertenbaker's.

#### Awards:

1988 Laurence Olivier/BBC Award for Best New Play.

1990 New York Drama Critics' Circle Award for Best New Foreign Play

1991 (Nominated) Tony Award for Best Play





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## british theater in the 1970s & 1980s

*“1980s Britain, a time during which the ruling Conservative government steadily dismantled the welfare state, destroyed the country’s manufacturing base, disempowered the trade unions, and sold off public utilities, and whose leader, Margaret Thatcher, even declared that ‘There’s no such thing as society’”*

*–Christine Dymkowski, “The Play’s the Thing: The Metatheatre of Timberlake Wertenbaker”*

1970s British theater shifts away from a male-dominated realm and theatre censorship has ended. More female playwrights were being recognized. There’s a spontaneity to drama because writers didn’t have to submit scripts to examination and productions could begin immediately. More venues and collaborative groups were created so there was more demand for material. The Joint Stock Method was workshopping with the cast, director, and writer in researching and developing a text.

In 1974, strikes and rising unemployment lead to a sense of disillusion and uncertainty. In 1975, theaters suffer with government funding and budget cuts. The 1970s became focused on individualism and materialism.

Thatcher’s 1980s reflected a culture of greed. Reduced funding for theater wasn’t because of financial necessity, but because the concept of government funding for the arts was questioned. Small companies suffered the worst. Every theatre was effected. Some went dark for months.

New work was risky and classical revivals that required large expensive casts were declined. The stage became a place for musicals or small cast singular set plays. Commercial theater was designed to capture tourists and appeal to the idea of escaping from the sad social climate.

It was extremely hard for new writing to compete in the 1980s.  
Most of Wertenbaker’s most successful plays were produced in the 1980s.

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## british theater in the 1770s & 1780s

### Theater in the 18th century:

After the restoration period, the bawdiness of theater died down a bit. Plays were a bit less risqué, however, women were allowed on stage for the first time, allowing for sexual fun and titillating drama. An evening lasted about 3 to 5 hours with multiple acts such as, singing, dancing, and acrobats. There were lots of booze and food which lead to lots of riots. There weren't any reserved seats in the audience, so it was a mix of the rich and poor.

The theater itself was run via an actor-manager system meaning, the lead actor directed plays that were pulled from a repertoire. Once actors trained in a role, they played it as long as they were in the company. They only rehearsed entrances and exits and lines were delivered to the audience. It was the age of celebrity actors and people mostly went to see plays just to see the people in them.



*The Drury Lane Theatre, London, watercolor by Edward Dayes, 1795*

### Restoration Comedy:

Usually in the form of comedy of manners, Restoration Comedy is a satire of upperclass society. It is period specific, focusing on the violation of social norms of the time. During the 18th century, it often highlighted material success and moral laxity. It was equipped with witty dialogue and plots were concerned with scandal and love affairs.

### David Garrick:

In addition to being the most famous and dominant actor at the time, David Garrick was also the Actor-Manager of Drury Lane Theatre. He was known for making radical stylistic advances in acting. Knowing 96 roles, Garrick brought more emotion and realism to the exaggerated expressions of the time.



*David Garrick in Richard III*



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## Recruiting Officer:

The Recruiting Officer opened April 8, 1706 at Drury Lane Theatre. It was performed more than 500 times in the 18th century and was famous for presenting a new kind of humor and maintaining the spirit of restoration comedy without the court wit that was losing audiences. Farquhar doesn't utilize Aristotelian plot, believing in writing for the time and for the people of the time. Comedy in this period was about exposing vices; though Farquhar intended the play to be a moral instruction that was a vehicle for counsel or reproof, he believed if people didn't enjoy themselves in the theater, the moral wouldn't come across.

*“an English play is intended for the use and instruction of an English audience, a people not only separated from the rest of the world by striation but different also from other nations as well in the complexion and temperament of the natural body as in the constitution of our body politic.”*

*- George Farquhar*



*Robert Wilks, as Captain Plume in 'The Recruiting Officer', painting by Phillippe Mericer*

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## the enlightenment: ideas & politics of the 1700s

The Enlightenment is an age that began to favor democracy and social equality. People began to overthrow old forms of government and social hierarchies that were based on aristocracy in favor of this new ideology. Enlightenment thinkers believed that one's birth should not give one power over others. Instead, reason and law should determine social structure.

### Innate goodness

In 1651, Thomas Hobbes wrote how man's natural state is selfish. He believed our decisions are motivated by the need to survive and we need a higher authority to keep us in line.

About 100 years later, Adam Smith claims that we are born with a natural sympathy for fellow humans. He believed society doesn't work because of laws, but because living together makes us more alike and aligns our needs.

### Right to govern

For hundreds of years, Europeans believed in the "divine right of kings". Supporting the idea that the monarch was approved by God and acted as God's representative on earth.

In the 18th century, John Locke said that men by nature are born free and equal, they have certain rights, governments are responsible to their citizens, and citizens have the right to overthrow their government if their rights are not being honored. There was a new belief that government exists not because it has a divine right, but because people consent to give it that right.

### Natural state of man

Jean Jacques Rousseau argued that man's natural state was one of innocence and equality and that education and society had a negative effect on this natural state. He believed that people derive a sense of self from others that is destructive of freedom and identity. As a whole, Rousseau believed that human beings are good by nature, but corrupt by society.

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## eighteenth century england

### wild streets

few streetlights. no police. narrow alleys.  
lack of security.  
even the king was robbed in his own garden.  
watchmen patrolled the streets  
with only a lantern and a pole.  
they kept a lookout for suspicious people,  
but they were unpaid  
so they usually slept on the job.  
horse-drawn traffic.  
cobblestones.  
trade carts.  
crowds.  
everyone trying to advertise and sell.  
house fires, accidents, fights, executions  
all draw attention.  
the smell of london,  
rivers, pollution, open sewers  
gutters carrying human waste  
leftovers from butchers  
horse manure.  
dusty in the summer.  
muddy in the winter.

### politics

only the wealthy were entitled to vote  
that's about 200,000 men  
out of around 11 million people.  
however, the influence of public opinion was strong  
with crowd action:  
rioting, strikes,  
the power of the mob.

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## health

very basic medical knowledge.  
minor diseases became fatal.  
many die of poor hygiene and infection.  
a doctor's visit was costly,  
so people went to barbers for surgery.  
cholera.  
typhus.  
smallpox  
was particularly horrible.  
ugly skin eruptions  
fatal  
and if survived,  
patients left scarred and blind.

## hygiene

city growth limits availability of housing.  
slums.  
flea and rat infestation.  
families in single rooms.  
damp cellars.  
no sanitation.  
no fresh air.  
contaminated water  
with sewage.  
rotting garbage in streets.  
poor disposal of corpses  
because the graveyards were full.

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## poverty

majority of the poor were  
women  
single mothers  
men in military.  
seen as  
a burden  
a threat to social order  
a producer of crime and violence.  
fluctuating grain prices  
people can't afford bread.  
illness and accidents prevent people from working.  
most of society believed poverty was caused by bad habits of the poor:  
laziness, drinking, gambling.  
workhouses were a form of charitable housing,  
but life in them was comparable to prison.  
many resorted to begging to avoid.  
many resorted to prostitution to avoid.  
many resorted to stealing to avoid.



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## eighteenth century crime

The 18th Century Industrial Revolution caused widespread economic displacement

class divisions

rise in consumerism,

increase of people moving to cities

increase of unemployment

increase of cheap gin.

increase of crime rate

as the population became riddled with people who were poor, crowded, wanting, and drunk.

Changing moral attitudes and cultural developments lead to

a decreasing tolerance of the death penalty

a growth in imprisonment

a belief in the reformatory nature of hard labor.



*Gin Lane, William Hogarth, 1751*

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## gender & crime

Views on gender effected patterns and responses to crime. Men were seen as the stronger sex, having qualities of aggression and courage, while women were seen as passive and controlled by their emotions. Men were seen as prone to violence because of these qualities. It was almost expected of them. Male crime was perceived to be more violent and more threatening so it was more likely to be prosecuted. Meanwhile, women were seen as lustful, lazy, overly passionate, or unacceptably bad-tempered. Though seen as more sinful, female crimes were seen as passive and only a small fraction were prosecuted.

Women were accused of fewer and different crimes than men.

Certain crimes were often associated with one sex:

Male - rape, sodomy

Female - offenses with childbirth, keeping a brothel, theft, kidnapping

Men had more access to employment. Women were left with low status and low paid work, typically in the domestic sphere. Women were less likely to carry weapons or spend a lot of time in ale houses, so they were less likely get in fights. They also had fewer opportunities because they spent more time at home and had less chances to commit crime. Women for the most part committed crimes involving theft because of their lower wages and economic hardships.



*Arrest of a Woman at Night, Thomas Rowlandson,*



Trial was intimidating for women because all the people in the court (apart from some witnesses) were male. Female victims weren't likely to prosecute because of the male-dominated court room as well. Only 1/7 of victims were female. Even if a woman's property was stolen, if she was married, her husband would be recorded as the victim.

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## prostitution

Attitudes towards “ladies of pleasure” were constantly changing in the 18th century. At first, they were seen as harlots who sought sex for pleasure. Later in the century, however, there was an understanding that women had few options to make a living, but also a moral conflict. Additionally, there was a growth in maritime trade. Which meant more ships. Which meant more sailors. Which meant more sex.

There was a demand for prostitutes  
with the increase in population  
and there was a supply of prostitutes  
with the increase in poverty.



Women who worked in the field were usually born into poverty, usually orphaned or abandoned, with little education and little work skills. The occupation was usually transitional and only meant to hold them over short term until they were more secured financially. Many prostitutes were servants who took to the occupation to support themselves when they were unemployed. Women were either forced into prostitution out of necessity for an income or decided they'd rather sell their bodies than work long hours as servants and get paid minimally.

Prostitution only made a few women rich,  
but it gave many social and economic independence.

Most were independent streetwalkers, who worked in pairs or small groups for protection.

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Very few worked in brothels with madams or pimps, so they kept their wages for themselves. However, some brothels enticed young girls into their employment.

Masquerades were very popular events that prostitutes would attend to attract customers. The aim of successful prostitutes was to raise to the status of a mistress by finding a person of high social status and make a long-lasting financial relationship with them.

They tended to gather in areas with loose police control, cheap housing, and lots of men. Gin shops were public places that brought prostitutes and customers together because of its social space and high population of men. Called the “blue ruin”, gin was often associated with prostitution and adulterous behavior.



**The best advertisement is a satisfied customer.**

### The Gin Craze

Distilling of gin was inexpensive because of low corn prices. It was available almost everywhere with over 6,000 institutions selling it, including street markets, grocers, barbers, and brothels. It was cheap and strong, giving people a quick release from reality. The average person drank 6+ gallons of gin per year. It was double the proof of gin today. People believed the gin craze was leading to a social crisis because of the increase in crime, poverty, and death rate.

Laws regarding prostitution were confusing and contradictory. Laws were very harsh and very lenient. They did not differentiate prostitution from women’s premarital or extramarital sex. But, they didn’t want to crack down too hard because their services were in demand. Police and prostitutes often compromised even though prostitution was clearly defined illegal.

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They were seen as

objects of pity  
condemned  
outsiders among the poor  
different from other women  
victims  
who were exploited  
by the economy  
by the men  
and had no true control  
over their own lives.  
1 in every 5 women  
worked as prostitutes.  
That's about 50,000  
working women.  
Some began at age  
10 or 12,  
(virgins were premium value).  
Many were exposed to  
and fighting against  
poverty  
disease  
violence.  
In 1785, it was reported  
that every year  
5000 streetwalkers  
died in the city.



*Found, Dante Gabriel Rossetti*



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## offenses

### **Felony:**

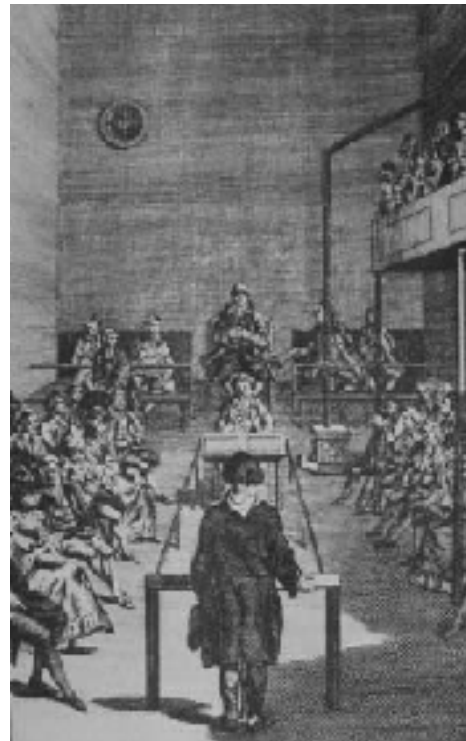
Capital crime including homicide, arson, rape, and all property crimes involving goods valued at 1 shilling or more. Death penalty was in theory applied to all felonies. However, benefit of clergy was added as a substitution of a more mild punishment for the punishment of death. For most of the 18<sup>th</sup> century, the main punishment for felonies was transportation, with treason being the one category punishable by death without question.

### **Misdemeanor (Lesser Offense):**

Included petty larceny or theft of goods valued at less than 1 shilling and assault that didn't end in severe injury or death. Death penalty not attached. Sanctions: fine, whipping, pillorying (wooden framework with holes for head and hands in which an offender was imprisoned and exposed to public abuse), short-term imprisonment, and transportation, which was allowed but usually not imposed.

#### **Bow Street Runners:**

In order to encourage crime reporting, rotation offices (equivalent to a police station) were established so civilians could report crimes to magistrates rather than apprehending criminals themselves. One particular rotation office was set up on Bow Street and in 1748, Henry Fielding began hiring thief takers to arrest culprits when a crime was reported. The police-like force came to be known as the Bow Street Runners.



*The Public Office, Bow Street magistrates office*

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## accusation

Victims of crime apprehended culprits and then contacted a constable or justice of the peace to arrest them. Civilians were responsible to apprehend criminals if they witnessed a crime and could even be summoned by constables to join the “hue and cry” to pursue a suspected felon. Eventually, financial rewards propelled the act of “policing”. Victims paid thief-takers (equivalent to a bounty hunter) to apprehend suspects, offered rewards, and offered pardons to accomplices who turned in others. Constables and night watchmen guarded streets and were required to arrest those accused of felonies and bring them before a justice of the peace. However, due to their low status and even lower payment, they didn’t always fulfill their duty and were mostly ineffective. Many were also suspected to be corrupt and developed a relationship with the crime world. Neither were professionally trained.



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## trial

Trials didn't have many protections against wrongful convictions - trials were quick, there were no lawyers, and there were no laws of evidence. The victim was responsible for bringing the case to court and acting as the prosecutor, though they often didn't have a background in law. In fact, there was no branch of the judiciary specializing in criminal law.



The Old Bailey was considered the central criminal court and was where all trials took place for serious crimes. It sat 8 times a year with each session lasting 3 to 4 days — in this time, courts conducted between 50 and 100 trials.



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## procedure

The clerk read the charge and then the defendant pleaded. The vast majority of prisoners plead not guilty and were encouraged to do so. If a defendant confessed to a crime there was no flexibility in the punishment they could receive. If a trial occurred, a lesser sentence or a pardon could be possible. Defendants who refused to plea were considered to be guilty.



The victim-prosecutor presented their case against the defendant. Witness testimonies were the most common source of evidence. Defendants weren't allowed to see the evidence against them before trial, but were expected to argue spontaneously against the evidence. It was believed that if they were innocent, they should be able to prove it. Defendants were at a severe disadvantage in their defense. Defendants were without benefit of legal assistance. Lawyers were rarely present and even if they were, they were believed to be ignorant. They were

forced to organize cases on their own, usually in prison. There was no presumption of their innocence and they had no right to remain silent. Defendant could cross-examine and call their own witnesses, but couldn't force witnesses to attend like prosecutors. Trials were not scheduled, so it was impossible to predict when a defendant's witness would have to come to court.



### The Judge:

Judges were well educated, wealthy, and older. They often condemned those of a lower social class. Typically, they saw prisoners as guilty or very guilty. The judge supervised the conduct of the trial and when objections were made against evidence, the judge decided their validity. The judge also had the power to question witnesses. People who were tried were usually young and in the working class. They were judged (and sometimes condemned to death) by men of a very different age and social background

### The Trial Jury:

Cases were tried in batches. Trial juries heard multiple trials before breaking to consider verdicts. Each case only lasted about 30 minutes. The rapidity of trials was a disadvantage for defendants who never had time to accustom themselves to the courtroom. The same jury heard many cases in a single session leaving them with an accumulating bias.

The trial jury consisted of men between the ages of 21 and 70. They had to own property and produce a certain annual income. They were typically low, ignorant, country people who were often found drunk and fell asleep during trials. They usually didn't leave the courtroom to deliberate. They were kept without fire, food, or drink until they agreed on a verdict - so their decisions took very little time.



*"the greatest criminals of this town are the officers of justice"*  
- Horace Walpole, politician and member of British parliament



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## verdict

In theory, the jury decided the prisoners guilt and the judge decided their sentence, but they often worked together. There was no legal division of power between judge and jury.

After the trial, the judge summed up the evidence often in a way that shaped facts to project his own beliefs about the case for the jury. All the jurors had to agree upon their verdict in order to convict, but there's no evidence of this ever not happening. The jury's verdict didn't have any legal reasoning, so there were few possibilities for appeal. If the jury had a verdict that displeased the judge, the judge could reject it. Usually, the juries didn't convict against the opinion of the judge.



The most popular sentences were death, transportation, or whipping. Criminal law was sanction-specific and had set punishments, but the jury and judge had the power to give a different punishment.

Until 1774, prisoners found not guilty had to pay back the jailor's fees. Many of them couldn't afford to pay, so they were put back in prison as debtors.

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## sanction

### Hanging:

It was believed executions would deter crime, so they were a very public affair. Most convicts were hanged at Tyburn until 1783, when hangings were held outside Newgate Prison. Executions were held 8 times a year where up to 20 people could be hanged at the same time. They were driven from the jail where they were previously held to the gallows in a cart with a crowd usually following them. It was a very public affair, bearing more of a resemblance to a fair than an unfortunate ceremony. The sharp drop promised a long painful death by strangulation. People often helped put them out of their misery by pulling on their legs.



*Execution at Tyburn, 1760*

In the 1780s, public unease about the death penalty put strains on its effectiveness. Victims usually refused to prosecute because they didn't want the responsibility of another's death. The number of executions was also limited out of fear that too many deaths would unleash hostility in respectable classes and lead to disorder.

Many argued for severity of punishment and advocated for capital punishment. Reverend Martin Madin's "Thoughts on Executive Justice" advocated for the death penalty and had a big effect on judges resulting in many lives lost.

In 1783 there were 51 executions.

After it was published in 1785, there were 97.

Between 1771 and 1783, there were 467 executions.

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## Imprisonment:

Prisons were mainly used to hold those awaiting trial or awaiting punishment. It wasn't considered a form of punishment itself. In the later half of the century, it was believed prisons could reform convicts into more productive citizens. After the American Revolution, it was utilized more as transportation wasn't an option.

When awaiting trial, new prisoners were required to pay an entrance fee to fellow-prisoners. It varied by prison, Newgate's fee was 2 shillings. If they couldn't pay, they were forced to strip.



### prisons:

*Newgate Prison — City of London*

*New Prison — Middlesex*

*Gatehouse Prison — Westminster*

Women were separated from the men at night, but not during the day.

Prisoners were often strung together with chains so that when they were released they were hardly able to move. There was no ventilation and few windows because they had a tax on them.

Food was insufficient and diseases killed many. It was ordered that prisoners from Newgate be washed with vinegar before trial because their disease sometimes killed officials when they went to trial.



*Newgate Prison*



### **Pillory Punishments:**

A pillory was a wooden framework with holes for the head and hands where a person was locked up and exposed to public abuse and criticism. They were pelted with rotten eggs, vegetables, dead animals, and horse manure by crowds. They became rare by the 1800s because crowds were unpredictable — they could be violent and stone prisoners to death, or protective and shield them.

Other punishments for lesser crimes included:

Fined. Branded on the hand. Shamed in public. Whipped.

### **Hard Labor:**

Hard labor was meant to contribute to the reformation of convicts by teaching them to be industrious. It was also meant to deter others from committing crime. Many were sent to improve the navigation of the Thames by dredging it. They were incarcerated in hulks, which were old ships anchored on the river and did their labor on the shore. Those incapable of working on the river were sent to the house of correction or remained in prison.

### **House of Correction:**

Bridewell was originally meant to provide work for the unemployed, schooling for the young, and punishment for petty crime. Over time, they became solely used to punish crime usually with prisoners set to beating hemp.



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## Bloody Code:

The continuous growth of crime fed the concern that many got off too easily, causing many offenses to be listed non-clergyable. If an offense grew common, it was believed it must be stopped by making it capital. During the 18th century, England's legal system was labeled the Bloody Code because of the vast number of crimes that could be punishable by death.

222 crimes were punishable by death.

Some including:

- stealing a sheep
- stealing a horse
- stealing gathered fruit
- stealing a boat on a navigable river — but not a canal
- slitting a person's nose — but not if the nose was still intact
- breaking down a fish pond
- cutting down trees
- pretending to be a pensioner
- destroying a turnpike gate
- falsely swearing



60% of those sentenced to death in the 18th century were pardoned.

Benefit of Clergy spared those given the death penalty by assigning them a different punishment. Recipients of benefit of clergy were never offered it again so they were branded on the thumb.



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## transportation

### **The Transportation Act of 1718:**

The act was enlisted because of the overcrowding of jails and the inability to deter crime with current punishments. Judges sentenced felons convicted of certain crimes to transportation overseas to a British colony (America, Africa, etc.) thereby removing them from streets and jails while simultaneously permanently taking away their lives. It helped the American colonies who were in need of cheap labor.

Convicts had been banished before in the 16th and 17th centuries, but it typically was the result of a pardon from the Crown and criminals were responsible for removing themselves (which they usually didn't do). The Transportation Act of 1718 made this type of punishment official and kickstarted the government's responsibility for transporting and giving judges the power to pass sentences. Transportation quickly became the preferred form of punishment for lesser felonies because it emptied jails and rid the country of undesirables.

### **The New Transportation Act of 1784:**

Concerns over crime rate continued during the mid 17th century when an increase in population and unemployment gave rise to offenses and sparked a fear in England. After the Revolutionary War in 1776, transportation to America was stopped and able bodied offenders were sent to the hulks, anchored ships used as a prison, where they did work on the Thames. High death rates, escapes, mutinies, and continued overcrowded prisons accentuated the need to resurrect transportation. It was believed that criminals were inherently defective and couldn't be rehabilitated so they required a separation from the genetically pure. Courts started sentencing transportation even though they didn't have a destination for the offenders yet. Convicts waited in Newgate Prison until they decided on a location. Transportation officially resumed in 1787. The First Fleet was born from the idea that convicts should be exiled and used as free laborers specifically to create a naval outpost in Australia.



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## the first fleet

*11 ships. 736 convicts. 252 days.*

*The only colony founded that was primarily based on convicts.*

Most people resisted transportation out of fear of surviving the long journey and doing forced labor in a foreign place. Convicts transported to Australia were sentenced to 7 years, 14 years, or a term of their natural life. Once freed, they were allowed to return to England, but most stayed, leaving the journey to Australia a permanent effect on their lives.



The Fleet set sail for Australia's Botany Bay in May 1787 under the command of Arthur Phillip. Botany Bay ended up being unsuitable for settlement, so the ships moved north and reached Sydney Harbor in January 1788.



Distribution of the Detachment of MARINES for NEW SOUTH WALES, with the Number embarked on board of each of the Transports upon that Service.

Ships Names.	Names of Officers.	Captains.	Subs.	Second Lieuts.	Corporals.	Drum and Lds.	Privates.	Embarked.
Lady Benrhy,	Captain Campbell Lieut G. Johnston Lieut. William Collins	1	2	0	0	0	3	Portsmouth.
Scarborough,	Captain Shea Lieutenant Kellow Lieutenant Morrison	1	2	2	2	1	26	Ditto.
Friendship,	Captain Lieut. Meredith Lieutenant Clarke Lieutenant Faddy	1	2	2	3	1	36	Plymouth.
Charlotte,	Captain Tench Lieutenant Creffwell Lieutenant Poulden	1	2	3	3	1	34	Ditto.
Alexander,	Lieutenant J. Johnston Lieutenant Sharp	0	2	2	2	1	30	Woolwich.
Prince of Wales,	Lieutenant Davy Lieutenant Timmins Provost Martial	0	2	2	2	1	25	
Total of the detachment		4	12	11	12	5	154	
		0	0	1	0	3	6	put on board his Majesty's ship Sirius, as supernumeraries.
		4	12	12	12	8	160	

Forty women, wives to the Marines, permitted to go out with the Garrison.





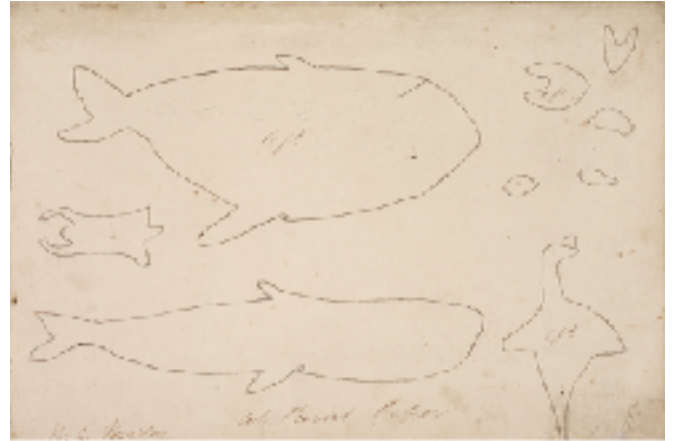
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## eora aborigines

The Aborigines indigenous to Sydney Cove identified themselves as Eora (pronounced 'yura'), meaning simply 'the people'. A word derived from *Ee* (yes) and *ora* (here, or this place), it revealed their deep connection to the land. They lived as hunter-fisher-gatherers in family groups along the coast. Strong kinship and a common language tie them together.



*Sydney, 1813*



*Eora engravings of totemic figures in sandstone*

The environment was full of bushland, cliffs, sandy beaches, and swamps.

Eora territory was spread throughout the coast and each family had a particular area with a distinctive name.



*Eora territories in Sydney Cove*



Band	Language Group	Location	Band	Language Group	Location
Gadigal	Dharug (Eora)	Sydney	Kurrajong	Dharug	Kurrajong
Wangel	Dharug (Eora)	Concord	Boo-bain-ora	Dharug	Wentworthville
Burramattagal	Dharug (Eora)	Parramatta	Mulgoa	Dharug	Penrith
Wallumattagal	Dharug (Eora)	Ryde	Terramerragal	Guringai	Turrumulla
Muru-ora-dial	Dharug (Eora)	Maroubra	Cammeraigal	Guringai	Cammeray
Kameygal	Dharug (Eora)	Botany Bay	Carigal	Guringai	West Head
Birrabirragal	Dharug (Eora)	Sydney Harbour	Cannaigal	Guringai	Manly (coast)
Borogegal-Yuruey	Dharug	Bradleys Head	Goruaigal	Guringai	Fig Tree Point
Bediagal	Dharug	North of George's River	Kayimai	Guringai	Manly (harbour)
Bidjigal	Dharug	Castle Hill	Gweagal	Dharawal	Kumell
Toogagal	Dharug	Toongabbie	Norongerragal	Dharawal	South of George's River
Cabrogal	Dharug	Cabramatta	Illawarra	Dharawal	Wollongong
Boorooberongal	Dharug	Richmond	Threawal	Dharawal	Bong Bong
Gannemegal	Dharug	Prospect	Tagary	Dharawal	Royal National Park?
Gomerigal-tongara	Dharug	South Creek?	Wandeandegal	Dharawal	
Muringong	Dharug	Camden	Ory-ang-ora	Dharawal	
Cattai	Dharug	Windsor	Goorungurragal	Dharawal	

Source: J L Kohen and Ronald Lampert 'Hunters and Fishers in the Sydney Region', in Mulvaney, D J and White, Peter, 1987, *Australians to 1788*, Fairfax, Syme & Weldon, Sydney, p.351



*Painting by Governor Philip Gidley King of Aboriginal people cooking and eating fish around a campfire soon after the arrival of the First Fleet*



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## Arabanoo:

In December 1788, Governor Phillip ordered two boats (one under the command of Lt George Johnston) to capture natives to learn more about them. The boats arrived at Manly Cove where several Aborigine people were standing on the beach and enticed them with conversation and gifts. The British went to seize the natives, but only one was secured. Arabanoo was the first Aborigine to be kidnapped by the British.

The rest of the Aborigines unsuccessfully attacked the boat from the shore as Arabanoo, fastened in the boat with ropes, cried in distress.

He was taken in chains to the governor's residence.

There, he was observed.

His hair was cut. He was scrubbed clean. He was given clothes.

No one tried to learn his name, so they called him Manly after the cove he was kidnapped from.



To prevent his escape, a handcuff with a rope attached to it was tied to his left wrist. At first, he thought the handcuff was an ornament and was pleased, but became enraged when he discovered its purpose.

Arabanoo's time at the settlement was spent with a convict who was selected to guard him.

*(on flogging of convicts) "Arabanoo was present at the infliction of the punishment; and was made to comprehend the cause and the necessity of it; but he displayed on the occasion symptoms of disgust and terror only."*

*- Watkin Tench, A Complete Account of the Settlement at Port Jackson, 1793*

During the smallpox outbreak in April 1789, several Aborigines were brought to Sydney and Arabanoo helped care for them.

He died May 1789 from the smallpox epidemic after languishing in it for six days. He was buried in the governor's garden.

*"Curiosity and observation seemed, nevertheless, not to have wholly deserted him; he showed the effect of novelty upon ignorance; he wondered at all he saw: though broken and interrupted with dismay, his voice was soft and musical, when its natural tone could be heard"*

*- Watkin Tench*

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## early encounters

Aboriginal people were encountered prior to the first fleet. In 1770, James Cook took his first great voyage to the Pacific and dubbed Botany Bay property of Britain. He advocated for Botany Bay as a site for convict settlement, claiming there was little chance the Aboriginal people would resist and that they'd easily abandon their land to the British. Captain Phillip was instructed to get the Aboriginal population to live in peace with the British, however, this peace turned into erasing their culture to British standards and norms.

The First Fleet came into contact with the Cadigal (or Gadigal) people who were native to Port Jackson. David Collins documented early encounters between the British and Aboriginal people. He painted them as unoffending and accepting of the settlement despite the numerous Eora attacks on convicts.

Collins would blame the convicts for provoking the Aborigines.

Collins never admitted that the Aboriginal people were retaliating against British presence, downplaying the sense of threat the British posed.



*“It must however be observed, that at Botany Bay the natives had hitherto conducted themselves sociably and peaceably toward all the parties of our officers and people with whom they had hitherto met, and by no means seemed to regard them as enemies or invaders of their country and tranquillity. How grateful to every feeling of humanity would it be could we conclude this narrative without being compelled to say, that these unoffending people had found reason to change both their opinions and their conduct!”*

*- David Collins, An Account of the English Colony of New South Wales, 1798*

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In the 18th century, Europeans thought agriculture was a sign of truly owning land. If a society didn't cultivate the land, they didn't have a strong claim to it. The Aborigines didn't have a farming culture as hunter-fisher-gatherers, so the British didn't attempt to negotiate with the Aborigines who were seen as lazy and an non-advanced society. They adopted a de facto policy known as "terra nullius" and legally assumed that the indigenous inhabitants had no right to the land.

*The Aborigines "seemed to live like beasts of the forest in roving parties, without arts of any kind, sleeping summer like dogs, under the hollow sides of the trees."*

- John Rickman, Lt. on the *Discovery*, one of the companion ships to Cook's third voyage



In March 1788, convicts were being speared by the Aborigines when they left the confines of the settlement. The convicts continuously denied Collins' claim that they provoked the attacks, but no one believed them. In fact, the attacks on the convicts on the outskirts of the settlement were seen as beneficial to the British officers in helping control the population of prisoners and keep them confined.

*Story of Mauwagu by senior Borroloola artist Nancu McDinnu*

In December 1788, the British attitude toward the Eora switched as more violence towards the settlers occurred. It was thought the Eora were becoming too hostile, so the British began kidnapping them to manage attacks. It allowed the British a chance to learn their language and gave them leverage in Eora attacks if they had a hostage.

Over time, the Aboriginal population was destroyed by massacres, malnutrition, and disease.

Today, indigenous people make up 2% of the entire Australian population.



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## Smallpox:

In 1789, an outbreak of smallpox killed thousands of Aborigines and weakened resistance to the settlers. There is debate as to if the pandemic was an accident or a deliberate act, however, Watkin Tench's journal states that the settlement possessed bottles of smallpox. Deploying smallpox was an established military tactic. British used smallpox against Native American tribes in 1763 by infecting their blankets. The First Fleet was in a vulnerable position, they left England without their supply of ammunition and had a small marine force which would never be able to supervise convicts and protect against the Aborigines. In less than a year, over half the Eora population died from smallpox.



*Lily Karadada, Wandjina Rain Spirit*

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## aboriginal assimilation

In the early 1800s, the way colonists treated Aboriginal people shifted. The Crown wanted reform and civilize the Aboriginal people. Missions, reserves and stations were reserves of land where Aboriginal people were forced to relocate.



The Governor Sir Charles and Lady Gardner with Abbot Goaniz inspecting the children of St. Joseph's Orphanage, New Norcia, WA

Missions were in the control of churches and missionaries with little or no government involvement.

Reserves and stations were generally run by the government, although churches were sometimes active. Aboriginal reserves were overseen by government 'protectors', who controlled many aspects of the lives of Aboriginal people.

### Stolen Generation:

The dehumanization of the Aboriginal population was furthered by the removal of Aboriginal children from their families to undergo a British-style education. There were systematic removal practices being implemented through "protection policies". The Aborigines Protection Act of 1869 allowed for the removal of any Aboriginal child "neglected" by its parents or left "unprotected" to be removed to a mission station.

Between 1883 to 1969,  
at least 100,000 children  
were removed from their families  
when they were 4  
and were sent to settlements to work  
when they were 14.  
Many children, after their separation,  
suffered physical, sexual, and mental abuse.





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Aborigines had been living on the continent  
for more than 65,000 years  
before settlers arrived.

In 1788  
there were between  
1 - 1.5 million aboriginals.

By 1901  
less than  
100,000 remained.  
They weren't granted suffrage until 1962.  
They remained non-citizens until 1967.

Today,  
the Aboriginal population  
is around 300,000.  
1.5% of Australia's total population.  
They suffer from a high arrest rate.  
They suffer from a high infant mortality rate.  
They suffer from a high alcoholism rate.  
They have an unemployment rate  
3 times  
the Australian average.  
They receive an income  
25% lower  
than the Australian average.  
They have a life expectancy  
15 years lower  
than the Australian average.

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## the dreaming

The Dreaming is the name given to Aboriginal people's worldview. It describes and refers to their creation story, their law, and the overall knowledge pertaining to the people.

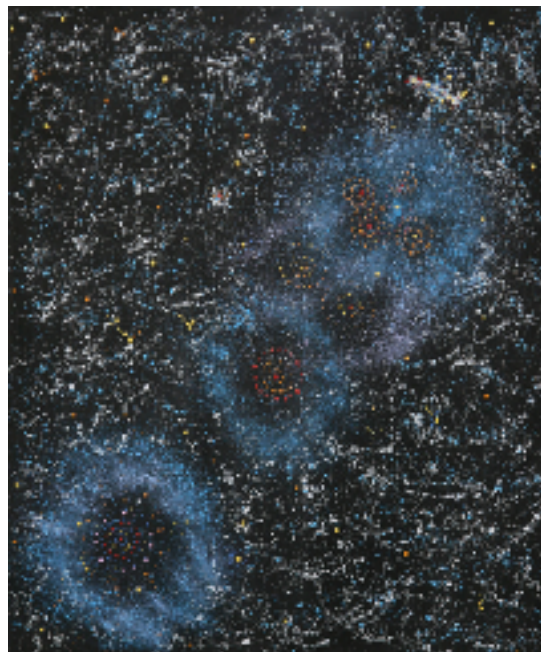
There is no word in English for the concepts behind "the Dreaming", so the term was selected in 1896 despite its inadequate translation.

In their story of origin, the world emerged out of nothing. The Aboriginal people's ancestors had world-making power to create themselves and the world around them. The ancestors left their marks on the land, so the land is both a map of the ancestors movements and a direct connection them. Aboriginal culture does not have linear time. The Dreaming is "everywhen". This means that past and present exist together and are experienced at the same time.

*"The land and the Dreaming are one and are linked by a spiritual kinship to the extent that one thing cannot be separated from the other: animals, birds, country, human beings and Ancestors are inextricably linked for all time."*

*- Lynne Hume, Ancestral Power: The Dreaming, Consciousness, and Aboriginal Australians*

Aboriginal people have a vivid connection and responsibility to their land. There is a relationship between the land and the Aboriginal people who are guardians of it. Through their ceremonies they protect the well-being of the land itself, along with their spiritual ancestors. The Dreaming is their law of how to maintain world balance and how to act as guardians to the land. All things, both non-living and living, have a life force and a connection to the land.



*Alma Nungarrayi Granites, Yanjirlpirri or Napaljarri-warnu Jukurrpa  
(Star or Seven Sisters Dreaming), 2011*

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## theater in prisons

*Theater humanizes; prison dehumanizes.*

We go to the theater to spend time with other people. We go to watch stories of crazy characters and recognize ourselves in them. We go to recognize our own humanity by witnessing the humanity of others. The role of theater in prisons isn't to educate as much as it is to celebrate humanity and self-recognition.

*"When I was in graduate school, I co-taught an acting course in a men's maximum security prison. We often think of acting as a process of taking on other roles, wearing 'masks,' being 'someone else.' But the men in that room saw it differently. They saw it as a chance to drop the mask that prison life required of them. When they came into that room, they could put down the role of 'tough guy.' They could be vulnerable, funny, silly. For them, playing a theatrical role was more liberating than playing the role that prison demanded. More than any other students I've worked with, these men understand that life is a series of roles, ones we often play for survival. To play some roles for pure fun, expression, and art – that was something to be treasured."*

*– Lindsay Cummings*



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## questions the play asks

what is humanity?  
what is inhumanity?  
what roles do we put on?  
what roles are put on us?  
can roles be taken off?  
is residue left?  
what sort of actions define us?  
what is the purpose of prison?  
should it be to punish?  
should it be to rehabilitate?  
are criminal tendencies innate or acquired?  
are humans inherently good?  
who has the right to govern?  
what is the natural state of man?