

Account for the endurance of the Ned Kelly legend in Australian culture.

The legend of Ned Kelly contains many fantastical stories that, though questionable, cannot be disproven through historical evidence. The contested nature of his story has allowed a legend; a story not based on fact but rather embellished over time¹, to flourish. Across the world nations look to events from the past to define their identity in the present², and John Howard promoted the primacy of the ANZAC legend in relation to Australian character³. However, Ned Kelly's iconic narrative has relied on less powerful advocates gripped by a tale of unflinching daring and resistance in the face of a corrupt colonial power structure. The survival of Kelly's justification of his life and actions in the form of the 'Jerilderie Letter', which directly challenges official versions and newspaper reports, has created a complex debate that has continued into the present. In attempting to account for the endurance of the legend we can observe that Kelly fits into a broader, worldwide tradition of the outlaw hero fighting against corrupt authority for the cause of the oppressed, whilst also representing a particular understanding of masculine, stoic, defiant Australian identity⁴.

Ned Kelly had become a folk hero even before his capture, but over time his legend has become important to the growth of ideas about a distinct Australian identity. Widespread support for Kelly can be assumed from the 32000 signatures on a petition calling for his sentence to be changed from death to life in prison in 1880⁵. Newspapers reported that most of his supporters belonged to the working class, one stated that when "Ned himself was captured and sentenced to hang; larrikins were chief among the thousands rushing in protest onto Melbourne's streets⁶." Larrikins of the 19th Century were discontented working class youths, known for excessive drinking, aggression, violence and other criminal behaviour, and Kelly's most active supporters were a group of larrikins called the 'Greta Mob'⁷. Bellanta explains that 'larrikin' is used in modern Australia to describe the humour and daring of the Anzac soldiers⁸, but the meaning of the word has changed over time. Prime Minister John Howard often stated that all Australians shared the trait of larrikinism.⁹ Carmody tells us that the First World War reinvented Ned as a hero when phrases such as "as game as Ned Kelly" became commonplace among soldiers¹⁰. Anzacs looked to Kelly as a role model because of his larrikin traits such as fearlessness and daring nature, and we can see that Ned's legend has spread beyond the working classes, as the idea of "larrikinism" has become central to Australian identity.¹¹ The enduring of the Kelly legend can be attributed in some part to the development and spread of the Anzac legend of Australian military skill.

The legend of Ned Kelly shares ANZAC common elements with enduring outlaw hero narratives globally. Historian Seal states that "an outlaw is an individual who has been cast out of society, either for a crime or because he has become a threat to those in power – sometimes a combination of both¹²". Furthermore, Seal outlines a number of conditions required for an outlaw to become a hero. He claims that the outlaw must be born into a society where disparities between groups exist and the outlaw must belong to the subordinate group who provide support. Furthermore, the unfair rules must be enforced by corrupt authorities that force the hero to become an outlaw in a catalysing event.

¹ Blair, Dale, *An Army of Warriors, these ANZACS*, Department of Asian and International Studies, Faculty of Arts, Victoria University of Technology, July 1998

² Clark, Anna, "Politicians using History" *Australian Journal of Politics and History*: Volume 5, Number 1, 2010, pp 119-130.

³ Lake, Marilyn, "Beyond the Legend of ANZAC" ABC radio National, April 26, 2009, <http://www.abc.net.au/radionational/programs/hindsight/beyond-the-legend-of-anzac/3145132#transcript>

⁴ Seal, Graham, *Anthem World History: Outlaw Heroes in Myth and History*, Anthem Press, p10. <http://site.ebrary.com/id/10523527?ppg=10>

⁵ Tranter, Bruce, Donoghue, Jed, *Ned Kelly: Australian Icon* : University of Tasmania, School of Sociology and Social, Hobart, Tasmania, p10

⁶ Bellanta, Melissa. Leary kin: Australian larrikins and the blackface minstrel dandy. *Journal of Social History*. 42.3 (Spring 2009): p677. p2 <http://chnm.gmu.edu/jsh>

⁷ Morrissey, Doug, (1978): Ned Kelly's sympathisers, *Historical Studies*, P.293 <http://dx.doi.org/10.1080/10314617808595593>

⁸ Gillard, Julia, Anzac Day speech 2012 in Barker, Anne, *Thousands mark Anzac Day at Gallipoli*, ABC News, <http://www.abc.net.au/news/2012-04-25/thousands-mark-anzac-day-at-gallipoli/3971984>

⁹ Howard, John, *Howard says Anzac legend defines nation*, The Age, 24/04/2005, Howard, John, <http://www.theage.com.au/news/National/Howard-says-Anzac-legend-defines-nation/2005/04/24/1114281441799.html>

¹⁰ Tranter, Bruce, Donoghue, Jed, *Ned Kelly: Australian Icon* : University of Tasmania, School of Sociology and Social, Hobart, Tasmania, p10

¹¹ Lake, Marilyn, "Beyond the Legend of ANZAC" ABC radio National, April 26, 2009, <http://www.abc.net.au/radionational/programs/hindsight/beyond-the-legend-of-anzac/3145132#transcript>

¹² Seal, Graham, *Anthem World History : Outlaw Heroes in Myth and History*, Anthem Press, p4 <http://site.ebrary.com/id/10523527?ppg=10>

Account for the endurance of the Ned Kelly legend in Australian culture.

Additionally, the outlaw must carry out significant feats and become a martyr for their cause, often they die gloriously in their prime. Kelly's legend fits into Seal's criteria, putting Kelly alongside folk heroes like Mexican Pancho Villa, Indian Phoolan Devi and the fictional Robin Hood. Ned Kelly's legend, of a freedom fighter for the oppressed, has endured and made him a national hero who remains important in contemporary Australian culture.

Any discussion of the Ned Kelly legend requires a debate on whether his actions were a product of injustice¹³. Interestingly, though the working class who feel that injustice still exists in Australia most actively support the legend¹⁴; many more privileged Australians celebrate the story as evidence of stoicism and resistance in a brutal colonial past.¹⁵ The Kellys were certainly raised in a difficult economic environment where selection of small parcels of land promised wealth and security but delivered very little due to the poor soil conditions. As a consequence, some turned to crime to meet payment and keep the land.¹⁶ Kelly's social context is often referred to as the 'squattocracy' as squatters dominated the economy, having claimed large parcels of prime land¹⁷ in the 1830s in Victoria illegally, and prior to the establishment of independent government in the 1860s. In the legend, Ned was victimised by the police, and it is important to note that he was jailed multiple times as a teen for minor acts. Symbolic of the corruption of the authorities is Constable Alexander Fitzpatrick, responsible for the catalysing event where he allegedly tried to drunkenly kiss Kate Kelly and was assaulted by Ned,¹⁸ forcing Ned into hiding. That Fitzpatrick was expelled from the police for corruption¹⁹ makes his claims questionable, resulting in Kelly's version of events gaining validity. Considering whether Kelly was forced into crime, we should note that after being released from prison at age 18 (for a questionable horse stealing charge), he made a decent living from tree-felling, but chose to return to his family horse-stealing racket²⁰. Thus, the injustice may not excuse Kelly's actions as he had other options, but it is important to consider whether his early contact with the police shaped his future behaviours. The Kelly legend claims that he was forced into crime by corrupt authorities, and assertions that he was a victim are hard to disprove. Kelly's legend has enshrined him as a freedom fighter against discrimination.

Ned Kelly composed the Jerilderie letter in an attempt to justify his actions, and this has shaped the dominant understanding of the bushranger. Prior to Kelly's final stand at Glenrowan, the gang robbed two banks. During the Jerilderie robbery, Kelly dictated the poorly punctuated letter arguing that corrupt authorities had forced him to act. Despite the fact that Fitzpatrick had no further contact with Kelly after the catalysing incident, a quarter of the letter refers to the constable²¹. In Kelly's view, Fitzpatrick was significant in causing Ned to become an outlaw. Kelly states "that Fitzpatrick will be the cause of greater slaughter to the Union Jack than Saint Patrick was to the snakes and toads in Ireland", showing how strongly he felt. Kelly blamed Fitzpatrick for Stringybark Creek, arguing that he was defending himself when he killed three police officers in an ambush. He also denies newspaper claims that he was a "cold blooded murderer" and "liar"²². Recent films²³ and novels²⁴ show that the legend of Ned Kelly has been shaped according to the outlaw's version of events. Because of the Jerilderie letter, Kelly's claims that he was forced into crime by unethical authorities have survived and shaped the legend.

Kelly's physical prowess and amazing ability to survive have drawn people to his story. Through the lengthy period of Police evasion, Kelly gained a reputation as a survivalist. However, the fact that the gang likely endured because of

¹³ Miller, Gregory, Dowdall, Barrie, *Besieged – The Ned Kelly Story*, Ned Kelly Pictures, <http://youtube.com/watch?v=eQrZrE46wFQ>.

¹⁴ Tranter and Donohoe

¹⁵ White, Richard, *Tourists, students and Australian history: the good, the bad and the boring*. Teaching History, Vol. 47 No.2, June, 2013.

¹⁶ *Victorian museum exhibition – land section* <http://prov.vic.gov.au/whats-on/exhibitions/ned-kelly/land>

¹⁷ *Victorian museum exhibition – land section* <http://prov.vic.gov.au/whats-on/exhibitions/ned-kelly/land>

¹⁸ Miller, Gregory, Dowdall, Barrie, *Besieged – The Ned Kelly Story*, Ned Kelly Pictures, <http://youtube.com/watch?v=eQrZrE46wFQ>.

¹⁹ Miller, Gregory, Dowdall, Barrie, *Besieged – The Ned Kelly Story*, Ned Kelly Pictures, <http://youtube.com/watch?v=eQrZrE46wFQ>.

²⁰ Miller, Gregory, Dowdall, Barrie, *Besieged – The Ned Kelly Story*, Ned Kelly Pictures, <http://youtube.com/watch?v=eQrZrE46wFQ>.

²¹ Kelly, Ned, *Jerilderie Letter*. 1879 P.23 - 40

²² Kelly, Ned, *Jerilderie Letter*. 1879 P.23 - 40

²³ Jordan, Gregor. *Ned Kelly*. Australian Film Commission. 2003. USA

²⁴ Carey, Peter, *True History of the Kelly Gang*. Faber & Faber, London, 2000. p101.

Account for the endurance of the Ned Kelly legend in Australian culture.

assistance from supporters, rather than survival skill, is often left out of the narrative.²⁵ Kelly's reputation as a survivor is better supported by the fact that, at the Glenrowan siege, Ned was able to survive more than 20 bullet wounds against 34 policemen whilst wearing a 45 kilogram suit of armour. Kelly's almost superhuman survival at Glenrowan, which primary evidence supports, is essential to his celebration as a hero. It is also argued that without the iconic armour, the story would not be as memorable and would have finished sooner.²⁶ Claims of Kelly's survival, strength and resilience, part truth and part exaggeration, have helped create a legend. This has ensured that he remains a national hero to many in contemporary Australia.

Seal argues that without a glorious death, the outlaw figure will not be remembered and celebrated. When a person dies young we remember them in their prime and the imagining of the possibility of their life is grander than the reality.²⁷ Jones argues that if Kelly had lived, he would have faded from memory as legend status requires a glorious death²⁸. The legend claims that Kelly's final words were "such is life", and this is likely because of all the differing reports of his death, this version is the most appealing. Kelly's statement after being sentenced by Judge Redmond Barry that "a day will come at a bigger court than this when we shall see which is right and which is wrong"²⁹, and Barry's eerie following of Ned into the grave within two weeks, further adds to the legend surrounding Ned's death. Seal argues that a heroic death is one of the most important aspects of an enduring folklore narrative, and the claim that Ned died in glory is essential to the endurance of his legend.

The words 'such is life' have become central to Kelly's legend, symbolising the traditional unemotional masculinity of standing through struggles, even death. In the novel 'True History of the Kelly Gang', the author depicts Ned uttering "such is life" when it is required that he kill a wounded horse with a sledge hammer.³⁰ This captures exactly the meaning of the phrase, that in life, we must sometimes endure great hardship and it is better to stoically accept the facts than to try and deny them. Newspapers reveal multiple different versions of Kelly's last hours and execution. For example, The Argus depicts Kelly as a broken man in his final moments: "there was a frightened look in his eyes... It was his intention to make a speech, but his courage evidently failed him".³¹ This article seems intent upon persuading the reader that Ned shouldn't be treated as a hero and that his final moments revealed that he was a coward. In contrast, another newspaper claimed that Kelly said "such is life" as he was informed of the time of his execution, "and generally maintained still an air of defiance until his death."³² Although the claim that Kelly's last words were "such is life" cannot be verified by consulting primary sources, it cannot be completely discounted and is ultimately the end that is widely recounted, reinforcing his claimed stoicism and unbreakable courage. That Ned said "such is life" cannot be definitively denied, and because of this Kelly continues to be used as a role model for stoicism by Australians.

Many argue that Kelly's story has endured because it is a masculine story that has appeal for a country obsessed with masculinity.³³ Historian Lake believes that conceptions of Australian identity are dominated by masculinity and violence, and that this shapes our culture.³⁴ Historian aPinto argues that stories about violent, masculine heroes have renewed popularity in the contemporary period because many men feel threatened by the rise of women's

²⁵ Morrissey, Doug, (1978): Ned Kelly's sympathisers, Historical Studies, P.293 <http://dx.doi.org/10.1080/10314617808595593>

²⁶ Carmody, Shane, "The Identity Game/ How Irish is Australia?", National Museum of Australia podcast, State Library of Victoria.

²⁸ Carmody, Shane, "The Identity Game/ How Irish is Australia?", National Museum of Australia podcast, State Library of Victoria.

²⁹ Carmody, Shane, "The Identity Game/ How Irish is Australia?", National Museum of Australia podcast, State Library of Victoria.

³⁰ Carey, Peter, *True History of the Kelly Gang*. Faber & Faber, London, 2000. p101.

³¹ The Argus, November 12 1880, <http://trove.nla.gov.au/ndp/del/article/5982177>

³² Bunyip (Gawler, SA : 1863 - 1954), Friday 12 November 1880, page 3

³³ Boucher, Le & Pinto, Sarah. "Fighting for legitimacy: masculinity, political voice and *Ned Kelly*". University of Melbourne.

³⁴ Lake, Marilyn, "Beyond the Legend of ANZAC" ABC radio National, April 26, 2009, <http://www.abc.net.au/radionational/programs/hindsight/beyond-the-legend-of-anzac/3145132#transcript>

Account for the endurance of the Ned Kelly legend in Australian culture.

rights. The Kelly legend is a tale of masculine action where women are victims or invented love interests.³⁵ Just as was the case in Kelly's time, his staunchest followers are men.³⁶ The legend is wide spread in contemporary Australia in paintings, music, novels and films, car decoration, sports team logos and body art. Ben Cousins, an Australian AFL player revealed his "Such is life" tattoo, attempting to demonstrate his strength and determination during a drugs scandal. Because Australians continue to define national identity through masculinity, Ned Kelly's legend endures.

A legend endures through time when historical evidence cannot disprove it. Globally, nations draw on historical legends to define their identity. The Kelly legend acts as a narrative that many modern Australians look towards, because he offers traits of courage, stoicism and the willingness to fight against oppression as characteristics to aspire to. His story has all the elements of an enduring folk hero tale and through successful communication of his perspective he managed to ensure that his version of the story is the dominant one. Kelly's captivating story continues to engage the modern audience which is evidenced by the frequency with which the story is told and retold. Though the Kelly folklore has transformed over time, it endures as Australia values the sense of identity the narrative provides.

³⁵ Boucher, Le & Pinto, Sarah. "Fighting for legitimacy: masculinity, political voice and *Ned Kelly*". University of Melbourne.

³⁶ Tranter, Bruce, Donoghue, Jed, *Ned Kelly: Australian Icon* : University of Tasmania, School of Sociology and Social, Hobart, Tasmania, p10

Account for the endurance of the Ned Kelly legend in Australian culture.

ANNOTATED BIBLIOGRAPHY

Bathurst Free Press and Mining Journal (NSW: 1851 - 1904). Friday 3 March 1893. Page 4.

The article covers numerous instances such as Ned Kelly's attack on the police train, Fitzpatrick's drunken harassment of Kate Kelly, Ned Kelly's survival of the Glenrowan siege. The article does not detail but provides a general understanding of significant parts of the Kelly narrative.

Bellanta, Melissa. *Leary kin: Australian larrikins and the blackface minstrel dandy*. *Journal of Social History*. 42.3 (Spring 2009): p677. <http://chnm.gmu.edu/jsh>.

This article documents the rise of larrikinism within Australian cities in the second half of the nineteenth Century. The article tells us that larrikins were among Ned Kelly's biggest supporters because they shared his disdain for what he saw as an unfair economic divide.

Blair, Dale. *An Army of Warriors, these ANZACS*. Department of Asian and International Studies. Faculty of Arts. Victoria University of Technology. July 1998.

Blair compares the ANZAC legend with the real experiences of Australian soldiers whilst explaining the differences in the stories told and events that occurred.

Border Watch (Mount Gambier, SA: 1861 - 1954). Wednesday 3 November 1880. Page 4.

<http://nla.gov.au/nla.news-article77590035>

Written prior to Kelly's execution, the article reports the trial and brief information on the execution but does not show the details. However, the article informs the readers on the trials including the actual dialogue used in the trials.

Boucher, Leigh & Pinto, Sarah. *FIGHTING FOR LEGITIMACY: MASCULINITY, POLITICAL VOICE AND NED KELLY*. University of Melbourne. 2009.

The article discusses why Ned Kelly is such a dominant figure in a society that is "built on" violent young white men. The article looks at nostalgia for masculine heroes in the contemporary period.

Bunyip *THE EXECUTION OF NED KELLY* (Gawler, SA : 1863 - 1954). Friday 12 November 1880. Page 3.

The article under the heading of "THE EXECUTION OF NED KELLY" reports his final hours leading up to his execution. The Bunyip states that Ned Kelly said "Such is life. The article looks at Kelly's trials, execution and death.

Carey, Peter. *True History of the Kelly Gang*. University of Queensland Press. 2001.

Carey draws on history to create a fictionalised account of Ned Kelly's life. Carey's writing style is based on Ned's language in the "Jerilderie letter" and takes the form of a series of letters written to Ned's fictional daughter. The book is sympathetic to Ned's version of events and therefore reinforces the dominant version of the folklore.

Carmody, Shane. *The Identity Game/ How Irish is Australia?* National Museum of Australia Podcast. State Library of Victoria. 2011.

This podcast focuses on the history of the Irish in Australia. The lecture discusses that the Irish were subject to discrimination in colonial Australia, focussing on the example of the Kelly outbreak. The lecture also discusses why Kelly's legend has spread so widely in Australia.

Clark, Anna. *Politicians using History*. *Australian Journal of Politics and history*: Volume 5, Number 1. 2010. pp119-130.

In this article, Clark discusses how politicians use particular versions of history to define their version of their country in the present, focussing mainly on John Howard, the history wars and the ANZAC legend.

Curthoys, Ann. *Expulsion, Exodus & Exile in White Australian Historical Mythology*. 2008.

This article talks about the trend in Australian history where victimhood has a strong presence. She conveys that Australians want to see themselves as victims through the use of numerous historical references. Victimhood's existence fits perfectly into Ned Kelly's narrative.

Jordan, Gregor. *Ned Kelly*. Australian Film Commission. 2003. USA.

"Ned Kelly" is a straight-forward re-telling of the legendary Australian who has a powerful symbolism as both an outlaw and a revolutionary. Based on the novel 'Our Sunshine', the story it tells is quite similar to the "True history of the Kelly Gang"-very sympathetic to Ned's point of view.

Account for the endurance of the Ned Kelly legend in Australian culture.

Kelly, Ned. *Jerilderie Letter*. 1879

http://digital.slv.vic.gov.au/view/action/nmets.do?DOCCHOICE=2825096.xml&dvs=1374499010451~256&locale=en_AU&search_terms=&adjacency=&divType=&usePid1=true&usePid2=true

Within the letter dictated to Joe Byrne, Ned Kelly provides reasons for his actions. The letter displays Kelly's personality and style of writing as well as what he considered to be important and valuable. Throughout the letter, Kelly continuously refers to the police, especially constable Fitzpatrick, and the outlaw claims that he had no other choice but to commit crimes that he has been "forced" into.

Kent, D.A. *The Anzac book and the Anzac legend*. Historical Studies. P376-390.

<http://dx.doi.org/10.1080/10314618508595713>

Although the entirely article is strictly about the development of the ANZAC legend, it explains what makes a story a legend and how this develops over time. "A legend is a story which, whether or not it has any historical foundation, acquires a popular acceptance verging upon belief."

Lake, Marilyn. *Beyond the Legend of Anzac*. ABC Radio National. Sunday 26 April 2009.

<http://www.abc.net.au/radionational/programs/hindsight/beyond-the-legend-of-anzac/3145132#transcript>

Although this lecture focuses on the ANZACs, it was certainly worth looking at in terms of the importance of historical legends. In Australia. The lecture looks at the development of the masculine legend through numerous wars such as the Vietnam War and World War II. The article argues that the legend has been used as a political tool that marginalises other stories from Australian history.

Miller, Gregory & Dowdall, Barrie. *Besieged – The Ned Kelly Story*. Ned Kelly Pictures. 2004.

<http://youtube.com/watch?v=eQrzeE46wFQ>

This documentary recounts Ned Kelly's life along with various interviews with intellectuals and family members of important figures in the tale in order to gain a thorough understanding of the narrative.

Morrissey, Doug. *Ned Kelly's sympathisers*. Historical Studies. 1978. P288-296.

<http://dx.doi.org/10.1080/10314617808595593>

The article well-documents the sympathisers Ned Kelly relied upon during his life time, including the Greta Mob and other larrikins. It provides a thorough explanation and description of the two major groups.

Seal, Graham. *NED KELLY: The Genesis of a National Hero*. History Today Ltd. NOVEMBER. 1980. Vol. 30 Issue 11. P9.

<http://ehis.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=3d7a636d-a346-4c97-80d3-a0c13e23f721%40sessionmgr11&vid=2&hid=4>

Written a century after Ned Kelly's execution, this article encapsulates unravels, answering questions such as "How did this bandit, who shot policemen and was hanged for murder, become Australia's folk hero and the subject of many paintings by that country's finest living artist?" It discusses the way that Kelly's legend has grown and changed in Australia.

Seal, Graham. *Anthem World History: Outlaw Heroes in Myth and History*. Anthem Press. 2011.

Seal discusses the world wide phenomena of outlaw heroes, giving examples of Pancho Villa, Robin Hood, Phoolan Devi and even modern terrorists. He explores how Ned Kelly fits into this category, and provides an explanation of why the Kelly legend successfully endures.

Singleton Argus NSW : 1880 - 1954. Saturday 13 November 1880. Page 2

The article published under the headline of "Execution of Ned Kelly" explains the execution of Ned Kelly from the Police's point of view as many newspapers at the time also did. The article does not report the utterance of the

Account for the endurance of the Ned Kelly legend in Australian culture.

statement “Such is life” being Kelly’s last words but rather, portrays Kelly as a coward and no more than a criminal who deserved the punishment.

Tranter, Bruce & Donoghue, Jed. *Ned Kelly: Australian Icon*. University of Tasmania. 2010.

<http://www.tasa.org.au/uploads/2011/05/Donoghue-Jed-Session-10-PDF.pdf>

The article discusses what Ned Kelly represents for modern Australians. The Authors use data from opinion polls to gain an understanding of what Kelly means to Australians and why.

White, Richard, *Tourists, students and Australian history: the good, the bad and the boring*. Teaching History. Vol. 47 No.2. June, 2013.

White ponders the reasons why foreign tourists seem interested in Australian history, yet many school students have been found to despise it. He looks at the appeal of heroes like Ned Kelly that aren’t embraced by authority.

Victorian State Library, *Ned Kelly: Squatters exhibition*.

<http://prov.vic.gov.au/whats-on/exhibitions/ned-kelly/land>

This article outlines and explains the historical setting of the squatters in Victoria and New South Wales in the late 1800s. It explains the relationship between the squatters and the government as well as how the land owning system worked involving families called “selectors”.