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**Killing in Ireland at the turn of the centuries:
Contexts, consequences and civilizing processes**

Ian O'Donnell, University College Dublin

I

There have been several attempts to explore the dimensions of interpersonal violence in Ireland from a historical perspective. Considering the period from the mid-1860s to the early 1890s, Conley has provided valuable insights into the different manifestations of violence in Irish society after the Famine, how these acts were reported by the press, and the ways that courts attempted to distinguish between degrees of heinousness.¹ Conley's contribution is complemented by a number of studies that have charted long-term trends in violence and noted the downward direction of change.²

This diminution in violent death has been found in other countries and over longer time periods. Stone observed that: 'It looks as if the homicide rates in thirteenth-century England were about twice as high as those in the sixteenth and seventeenth centuries and that those of the sixteenth and seventeenth centuries were some five to ten times higher than those today.'³ Stone's article generated a lively debate around questions of methodology and interpretation, in particular the extent to which rates could be derived with confidence when population estimates were uncertain, the degree to which shifts in annual counts of homicide reflected changes in quotidian brutishness and hostility, and the relationship between better medical treatment and the death rate from assaults.⁴ However, it is probably fair to say that a consensus now exists concerning the trajectory of lethal violence, while competing claims may remain regarding its magnitude and meaning. In his wide-ranging cross-national review of historical trends in violent crime, Eisner concluded that 'the evidence is so consistent, the secular decline so regular, and the differences in levels so large, that it seems difficult to refute the conclusion of a real and notable decline'.⁵

But how to make sense of this pattern? Some scholars have drawn on the work of Norbert Elias to elaborate a theoretical frame of reference that aids understanding of the changing nature of aggression.⁶ In broad terms, Elias argued that the passage of time was marked by increasing internal controls on the expression of violence. The

growth of the state led to higher levels of personal security and stability. These allowed the development of a market economy and the establishment of complex webs of interdependence. Open displays of aggression were replaced by codes of etiquette and manners; violence was pushed behind the scenes. These social and psychological changes, described as a 'civilizing process' by Elias, took place over several centuries. A tension existed between an emerging civilized mentality that idealized self-restraint and abhorred naked aggression, and more deeply-rooted customary notions that saw direct confrontation as legitimate, necessary and even playful. The customary mentality was defined by a preference for physical retribution, an emphasis on community autonomy, and the maintenance of norms through fist and fear. The tendency towards refinement was characterized by a progressive narrowing of the circumstances where violence could be justified (with the remainder dismissed as the product of unfathomable rage and atavistic savagery), together with a determined linking of violence to social causes and effects. This process started with the élite and then filtered down the social hierarchy. The further that the middle classes distanced themselves from violence the more they were repulsed by the working-class enthusiasm to resolve conflict through blood letting.⁷

What follows is an attempt to test and further develop these hypotheses by focusing on the island of Ireland. Introducing a contemporary dimension may suggest different ways of understanding what is thought to be a quintessentially modern malaise; a violent past does not necessarily beget a violent present. By setting out an account of the dynamics of homicidal behaviour, in so far as they can be established, it is hoped to add to a line of intellectual inquiry that has been opened up by other scholars regarding the interplay of civilizing processes, criminal justice institutions and individual actions. The novelty of the account presented here lies partly in the breadth of sources that are drawn upon and partly in the use of Elias's ideas to explore the qualitative significance of behavioural changes in an Irish setting.

II

There are several principal types of information, varying in scope, that in combination allow us to construct an account of homicide in Ireland at the ends of the nineteenth and twentieth centuries. Given the scattered nature of the sources, what they contain and where they are to be found is spelled out next.

The judicial statistics for Ireland show, for each year during the 1890s, the incidence of murder and manslaughter in every county.⁸ These figures are based on returns from two authorities: the Dublin Metropolitan Police (DMP), which had responsibility for the capital city, and the Royal Irish Constabulary (RIC), which policed the rest of the island. The RIC also prepared brief narrative accounts of individual homicide incidents, which appeared as part of the Outrage Reports.⁹ These documents were studied for each year 1890 to 1899 (inclusive) to establish the date and place of death, age of victim, gender of victim and perpetrator, relationship between the parties, cause of death and sentence of the court. Infanticides were not included in these narratives, although the number of such killings known to the RIC was published separately. The published returns of the DMP are less comprehensive than those available from the RIC. They yield simply the number of incidents together with brief details of persons apprehended, how they were disposed of (i.e. discharged, bailed or committed for trial), and a limited amount of information on the sentence imposed.¹⁰

As far as the 1990s are concerned, the annual reports of the Garda Síochána (the national police force for the Republic of Ireland) present the overall number of incidents initially recorded as murder and manslaughter.¹¹ No breakdown is provided of the characteristics of the perpetrator, relationship between the parties, weapon used, cause of death, or motive. In effect, the only useful information that can be extracted from the Garda Síochána figures is the annual number of unlawful killings.¹² It is interesting to contrast the richly detailed nature of the Outrage Reports with the sketchy data made available a century later. This is all the more striking given advances in information technology and reductions in homicide levels. It speaks volumes about late nineteenth-century confidence that meticulous record keeping and accurate measurement were indispensable to social planning - what Connolly has described in the context of judicial statistics as 'the great Victorian attempt to press the infinite complexity of human life into neat statistical categories.'¹³ Such optimism seemed singularly absent in the 1990s.

The mortality statistics compiled by the Central Statistics Office in the Republic of Ireland (CSO) give age group and gender of victim as well as details of cause and place of death.¹⁴ They are incomplete for two reasons. First of all, the CSO receives the registration of a death after the inquest has been completed. In the case of a homicide this can be well over a year after the death. They then send a form to the

Garda Síochána with a request for further information, and a response can take some time to be furnished. The combination of these delays can mean that they receive information on the homicide only after the publication of their annual report.¹⁵ Secondly, the coroner's certificate does not always indicate that there was a homicide. It may, for example, just describe the nature of the fatal injury (e.g. blunt trauma to the head). The form sent by the CSO to the Garda Síochána should clarify that the death was a homicide, but does not always do so (or may not be returned). These factors explain the discrepancy between the number of incidents of lethal violence recorded by the Garda Síochána between 1990 and 1999 (n=410) and the number of homicides about which details can be extracted from the mortality statistics (n=293). In the analysis presented in this paper the Garda Síochána data are used to indicate the total number of killings each year and the vital statistics are employed for breakdowns, in so far as these are possible, by victim characteristics, place and cause of death.

The Royal Ulster Constabulary (RUC) published information on recorded crime in the six counties that, after partition, became Northern Ireland. The Chief Constables' reports show the number of cases of murder and manslaughter and indicate how many can be attributed to the 'security situation'. The latter are omitted for the purposes of the analysis presented here.¹⁶ As far as the vital statistics for Northern Ireland are concerned, deaths with an occupation code indicating membership of the police or army have been removed.¹⁷ It was not possible to filter out other terrorist-related deaths, most of which involved civilians, and this means that, by contrast with the situation in the Republic of Ireland, the mortality statistics yield a larger estimate of the number of cases of ('non-political') lethal violence than the police figures (542 vs. 246). On request, the Central Statistics Unit of the Police Service of Northern Ireland (which replaced the RUC in 2001) provided a breakdown of non-terrorist-related deaths by age and sex of victim.

Infanticides are excluded from the results shown below on the basis that very little information other than the number known to the police (invariably a significant underestimate of the total) was available for the late nineteenth century, and that this type of crime had all but disappeared by the end of the twentieth century. During the 1990s no infanticides were recorded by the Garda Síochána, and just two were recorded by the RUC (one each in 1994 and 1995).¹⁸ Also, by definition the age of the

victim, gender of the perpetrator and relationship between them is fixed in these cases, so they offer little of analytical value for present purposes.

III

The annual number of incidents of murder and manslaughter on the island of Ireland in the closing decade of the nineteenth century ranged from 65 (in 1899) to 104 (in 1892). At the end of the twentieth century the overall numbers were smaller, with the worst year (78 deaths in 1998)¹⁹ showing a lower death toll than any year in the previous series, except 1899. The annual average in the 1890s was 89.1 deaths; a century later this had fallen to 65.6.²⁰ Taking account of wider demographic changes, this equates to a decline in the annual average homicide rate per 100,000 population, for the island as a whole, from 1.9 to 1.2.

There was substantial variation in the geographical distribution of homicide in the 1890s, with every county contributing to the total.²¹ One hundred years later the pattern had changed, with a more pronounced concentration in the two major cities and their environs (Antrim and Dublin's combined share increased from 31.5 per cent to 52.7 per cent), and half a dozen – predominantly rural – counties not registering any deaths attributable to homicide (i.e. Carlow, Clare, Leitrim, Roscommon, Waterford and Westmeath).²² In the 1890s, 21.7 per cent of killings (193 out of 890)²³ occurred in the counties that later became Northern Ireland.²⁴ In the 1990s the percentage accounted for by this region had risen to 37.5 (246 out of 656 killings). In the 1890s the homicide rate per 100,000 population for the area that became Northern Ireland was 1.6 compared with 2.0 for the rest of the island. In the 1990s these figures were 1.5 and 1.1 respectively, the apparent stability in Northern Ireland contrasting with a pronounced decline elsewhere.²⁵

Summary narratives were available in the Outrage Reports for 500 cases.²⁶ Examination of these accounts allows us to unpack incidents of homicide along a number of dimensions, such as age, gender and victim/offender relationship. These patterns are contrasted with those for the 1990s, drawing on the less complete official sources available for this period, supplemented, where possible, by the sole extant piece of relevant empirical research.²⁷

Turning our attention first of all to gender, male homicide victims were predominant, with the breakdowns for the island of Ireland for the two decades under examination as follows:

1890s	350 male (70.0 per cent) and 150 female (30.0 per cent)
1990s	385 male (71.4 per cent) and 154 female (28.6 per cent)

While the overall gender balance hardly changed there were proportionately more female victims in the area that became Northern Ireland. This was true in both the 1890s (41.3 per cent vs. 27.5 per cent) and the 1990s (35.0 per cent vs. 23.2 per cent), with the magnitude of the difference changing very little.²⁸

[Table 1 about here]

In the 1890s victims were often elderly; 23.2 per cent were aged sixty or above compared with 11.7 per cent during the 1990s (see Table 1).²⁹ When discussing victim age, differences in longevity across the span of one hundred years need to be taken into account. The life expectancy for a male child born between 1870 and 1872 – who would have been aged in his twenties during the 1890s – was 49.6 years compared with 68.8 years for a male child born in the period 1970 to 1972.³⁰ This makes the preponderance of elderly victims in the earlier period seem disproportionate. Against this must be considered the age structure of the population which, in the 1890s, had been shaped by more than four decades of heavy and steady emigration, particularly of young people.³¹

A comparison of census figures by age group with the profile of victims shown in Table 1 reveals that in the 1890s there were more elderly victims than one would expect based on their numbers in the population, a situation that was reversed in the 1990s.³² In other words it appears that the relatively high number of older victims in the earlier period cannot be accounted for in demographic terms. The disrespect for infant life that characterised much of the nineteenth century has been noted elsewhere.³³ Perhaps to this should be added a lack of concern for the old and decrepit? There are other possible explanations. It may be that senior citizens, perhaps more so than their younger compatriots, did not survive encounters that would not have been lethal with the quality of medical care on offer in the 1990s.³⁴ Also, changing economic structures may have played a role. As older people lost their positions controlling domestic wealth and resources in an agrarian society – and as

state protections grew – some good reasons for their involvement in bitter conflicts may have disappeared by the 1990s.

There was a seasonal pattern to homicide at the end of the nineteenth century, with the winter months registering the fewest incidents (20.4 per cent took place in December, January and February) and a gradual upward trend thereafter (22.6 per cent happened in the spring, 27.2 per cent in the summer, and 29.8 per cent in the autumn). The fewest deaths occurred in January (n=29; 5.8 per cent); the short days and cold, wet nights probably playing a role by reducing the opportunities for potential victims and offenders to meet, dispute and clash.³⁵ There was some variation also by day of week, with Saturday being the deadliest day (n=103; 20.6 per cent) and the occasion for twice as many fatalities as Friday, which was the most pacific of days (n=55; 11.0 per cent).

Just as the victims were predominantly male, so too were the perpetrators. Indeed the gender bias was even more pronounced here, with more than nine out of ten incidents involving one or more male antagonists (Table 2). Sometimes attackers acted in concert or death resulted from a fight with multiple participants involved on each side. But more often two men sparred and one fell.

[Table 2 about here]

As Table 2 shows, an incident with several protagonists was not uncommon, although by the 1890s organised faction fights, where the parties met by arrangement, had virtually disappeared. The Bogboys and Tubbers, the Three Year Olds and the Four Year Olds, had decommissioned their blackthorn sticks, ash plants and various other cudgels some time previously.³⁶ There were occasions where political or sporting differences resulted in a *mêlée* but these were rare. It was more usual for a dispute that erupted in company to draw reinforcements to one or other side. Sometimes incidents with several aggressors were retaliatory in nature and part of a pattern of violent exchanges.³⁷ While entanglements involving several parties were regular occurrences, accounting for more than a quarter of cases, the most typical combination was one man pitted against another. Again the fatal incident was sometimes part of a pattern, with the precipitating factor a minor slight, such as a remark passed concerning who was the ‘better man.’³⁸ An accumulation of hurtful words, layered on top of a simmering grievance, could create a murderous context.

It was exceptional for a woman to kill; this happened in only forty out of 500 cases, and in eight of these men were involved as well. When women killed, their

victims were likely to be intimately known to them, usually as members of the same household. Reflecting the organisation of domestic and social life, there were no cases of women involved in killings at a place of employment or during the commission of a crime. On the few occasions where they killed outside the home, such as during a drunken row, their victims were almost always women too. The rarest combination was a man or boy killed by more than one woman. There were just two such cases. The first involved a nine-year-old girl who, at the instigation of her mother, administered poisoned sugar to several other children causing a four-year-old boy to perish.³⁹ The second involved a 27-year-old groom whose skull was fractured in an altercation with two prostitutes who set upon him with their umbrellas.⁴⁰

Very little has been written about the characteristics of perpetrators of homicide in the 1990s, but we know from an examination of Garda Síochána files for the five-year period 1992 to 1996 that the killer was female in only 10 per cent of cases (see Table 2). Their crimes were distinctive in that they usually killed spouses or family members.⁴¹ The gender bias in homicide could be described as a criminological constant, given its pervasiveness across cultures and over time.

IV

The late nineteenth-century cases involved a variety of relationships between the parties which, broadly speaking, could be categorised in four ways. Some took place within family structures and some during the commission of crimes such as robbery or rape. Others were workplace conflicts that turned lethal, or disputes between neighbours over access to land. The remainder occurred in a variety of contexts with the bond between the parties, in many cases, exclusively a bibulous one.

The family was the site of much deadly violence, accounting for 27.2 per cent of the narratives contained in the Outrage Reports. This could involve spouses, parents and children, or other blood relatives. Occasionally a son or daughter (almost always a son) killed a parent, but it was more common for a child to die at the hands of a parent (with mothers and fathers equally represented as perpetrators). Familiarity did not breed mercy and the home did not provide a sanctuary from those with whom it was shared. Three sources of tension within the family structure of late nineteenth- and early twentieth-century rural Ireland have been identified, any one of which could increase the likelihood of violence. These were disputes between families over land; exploitation of family labour by parents; and the selection of one son to inherit the

entire farm, thus condemning his brothers (and any sisters for whom a dowry could not be found) to servitude or emigration.⁴² To this list could be added ill-will between spouses. If homicide has one enduring characteristic in addition to its maleness, it is the frequency with which it emerges among intimates.

Overall, 5.6 per cent of outrages involved killings that occurred during the commission of a crime, usually robbery or rape. Those operating at the margins of respectability were at risk. Sex workers were vulnerable to disease and injury from their clients, faced prosecution for soliciting and disorderly conduct, and saw lenient treatment meted out to those who offended against them.⁴³

Lethal disputes between employers and employees, or among colleagues arguing at work, accounted for 15.2 per cent of the total.⁴⁴ These killings are encounters that seem somewhat out of the ordinary today; there is a casual roughness and recklessness to them. Death and serious injury were regular occupational hazards, especially in industrial settings, throughout the nineteenth century, and a small number of incidents recorded by the RIC related to such matters (e.g. a manslaughter conviction followed the death of quarry workers in Cork on 20 July 1892). But, generally speaking, at issue here were interpersonal altercations rather than criminally injurious work conditions.

Little things could become lethal in the pressure cooker of a sour relationship between close neighbours.⁴⁵ Disputes over land, grazing and rights of way accounted for 11.6 per cent of homicides in the 1890s, as far as could be ascertained from RIC reports. At a time in Irish history when tenant farmers were beginning to become landowners, when there were few other sources of wealth, and when the memory of crop failure and starvation remained vivid, it is not surprising that ownership of, access to, and cultivation of small plots of ground could become highly emotive matters.⁴⁶

The remaining cases can be divided into two groups. In 15.2 per cent, all that is recorded is an account of a drunken row that led to death. Further search for an explanation was seen as redundant by police investigators.⁴⁷ For the final 25.2 per cent the relationship between the parties was not clear or, as often happened, it is likely that they were known to each other because of how events unfolded (e.g. a dispute that took place on the way home from a social event, an exchange of words calling a mother's or daughter's virtue into question, a sectarian squabble, the

existence of legal proceedings between the parties), but the closeness of the connection could not be established.

Reading through the constabulary narratives that formed the basis of this study, one was repeatedly struck by the degree to which intoxicated men lashed out at their similarly situated peers with tragic consequences. Domestic quarrels were intensified by alcohol, as were brawls on the street and harsh words in the workplace. In this context it is easy to understand how the drives for temperance and abstinence grew so quickly throughout the nineteenth century and became wrapped up in the quest for self-determination; if it were to take its place among the nations of the world Ireland could not continue to be in thrall to alcohol.⁴⁸

In the 1990s alcohol was still a significant factor with either perpetrator, victim or both parties intoxicated in over half of the cases.⁴⁹ The pub, and its environs, remained primary sites of confrontation. Where alcohol was consumed and young men gathered, some of the key conditions for violent disorder were in place, whichever the century. The temporal distribution of incidents may have changed somewhat, with the night-time economy playing an important role at the close of the twentieth century.⁵⁰

V

It is possible to group the killings of the 1890s and 1990s into several broad categories (see Table 3). The change in cause of death patterns suggests more weapon use (guns and knives) in the latter period. This in turn may imply a rise in deliberate killings and a fall in brawling, where the outcome is more fluid and the prospects of a ‘melancholy accident’ are greater.⁵¹ Fights in the 1890s involved fists and feet and sometimes sticks and stones. Occasionally, in a domestic context, a household implement like a saucepan, brush or poker was introduced into the fray. If a weapon was used, and it was a tool of the trade that was understandably to hand during an altercation (such as a scissors or pitchfork), this was seen as qualitatively different to an assailant having recourse to a knife or gun. The latter indicated a degree of planning and a deliberate attempt to stack the odds in the perpetrator’s favour, thus moving the encounter out of the realms of a ‘fair fight’.

[Table 3 about here]

Compare the number of lethal brawls on the island of Ireland in the 1890s (n=302) with the 1990s (n=55). A decline of this magnitude most probably indicates a

downturn in the incidence of rowdy violence as well as an amelioration of its consequences. Deaths by strangulation, drowning or poisoning were rare events in each of the decades under review. The shift away from outbursts of violence that could be seen as spontaneous, in the extent to which they were rooted in the immediate situational context, is a key part of a civilizing process.

Table 3 also shows that Northern Ireland mortality statistics, even when army and police personnel are omitted, remain skewed by the uncertain political context, with three-quarters of cases (74.5 per cent) involving firearms or explosives.⁵² These figures are unavoidably distorted by the security situation, as they are based on mortality statistics that include civilian deaths related to the conflict.⁵³ Nonetheless, the scale of the decline in fatal fighting – a cause of death unlikely to be related to the political situation – cannot be gainsaid.

We can learn something of the consequences for perpetrators from the Outrage Reports. Around one in four cases (24.2 per cent) resulted in no penalty being imposed because the defendant was discharged or acquitted or because the prosecution was discontinued. In a number of other cases (12.6 per cent), the proceedings had not been concluded by the time the reports were completed, or no proceedings were taken because the identity of the perpetrator could not be established or he had absconded. In 3.2 per cent of cases the individuals concerned took their own lives and a further 8.8 per cent were committed to a lunatic asylum. Female offenders were more likely to be hospitalised than men and they were less likely to receive heavy penalties; none were sentenced to death and of those who received prison terms, around half were jailed for less than six months.⁵⁴ Looking at the mid-1990s, a similar proportion of killers was known to have committed suicide (2.9 per cent) and a small number were found unfit to plead, or guilty but insane,⁵⁵ thereby resulting in their indefinite detention in the Central Mental Hospital, in the same buildings that were used to house mentally-ill offenders one hundred years previously.

The longest sentence for an individual who was not sentenced to death, or to penal servitude for life, was twenty-four years. This was imposed on a 20-year-old man (Michael Hopkins) who murdered a 14-year-old boy (Michael Fox) by striking him on the head. The youth did not die immediately and named his assailant (the two had been travelling together when he sustained his injuries). The attempt by the defendant to raise a defence of mistaken identity was unsuccessful.⁵⁶ By contrast, two

manslaughter convictions resulted in no more than the offender being detained until the rising of the court. In one of these Patrick Brennan fractured Patrick Walker's skull by dealing him a 'heavy blow' to the head with a yard brush. The men worked together and were 'constantly quarrelling'.⁵⁷ In the other, 82-year-old Edward Byrne was hit with a sweeping brush because he had neglected to share his whiskey with Patrick Kinsella, but had not been so remiss with the latter's wife. The killer in this case was described as of 'weak mind' and the wound inflicted was slight but proved fatal 'owing to the advanced age and intemperate habits of the deceased'.⁵⁸

[Table 4 about here]

When successful prosecutions took place the range of disposals was wide; from judicial execution to a brief period of imprisonment. Table 4 presents the breakdown of sentences for outrages that resulted in a conviction in the 1890s, alongside the pattern of sentencing outcomes in cases that were successfully prosecuted to a conclusion a century later in the Republic of Ireland.⁵⁹ In Northern Ireland, 86.0 per cent of offenders convicted of manslaughter were incarcerated, with the average sentence length being greater than five years (ranging from 52 months in 1995 to 119 months in 1996).⁶⁰ Convicted murderers attracted an automatic life sentence.

Looking across the span of a century, a clear shift towards longer sentences is easy to discern. In the 1890s, just over half of those convicted were sentenced to less than one year in custody. Penalties this lenient had disappeared a century later – in the 1990s, two thirds of sentences were for more than five years – and would be unimaginable today.⁶¹ The likely impact of a prison term was greater in the 1890s, when the removal of a worker, even for a short period, could have placed a family at risk of destitution. This eventuality may have tempered judicial decision-making. Modern welfare arrangements mean that such considerations are much less pertinent. When cause of death is related to outcome it becomes apparent that heavy sentences were most often used for those who employed a knife. The chances of acquittal or a short sentence were much better for beating a man to death than for stabbing him.⁶²

Those whose brawling led to death were least prone to take their own lives or be consigned to an asylum.⁶³ It seems reasonable to infer from this that morbid remorse was less likely in the aftermath of a sequence of events where death had not been planned, or perhaps even anticipated, and where, in many cases, either party could have been the victim, making survival a matter of timing, strength and good fortune rather than criminal intent. Those who were behind the wheel of a car, driving a cart

or riding a bicycle were occasionally prosecuted for knocking down and killing a pedestrian. They did not get long sentences if convicted. The most onerous sentences were usually reserved for cutting and shooting, with 17 out of 27 death penalty cases involving knives or guns.

[Table 5 about here]

There was considerable variation in sentencing outcomes according to the relationship between victim and perpetrator, as shown in Table 5. Killings that took place during the commission of a crime were most likely to result in the death penalty;⁶⁴ almost one in three intra-familial killings led to suicide or the asylum;⁶⁵ drunken rows and workplace killings most often resulted in less than six months imprisonment.⁶⁶ When it came to the legal classification of death, beatings, fights and brawls were unlikely to be defined as murders, thus distancing the perpetrators from the possibility of execution. While, overall, around one in four cases (27.4 per cent) were classified as murder, this was true for two thirds (68.4 per cent) of gun killings but only one in six (17.9 per cent) fatal beatings. Traffic fatalities were never treated as murder and drownings almost always were (84.6 per cent), although the numbers in each category were small.⁶⁷

VI

The patchwork nature of the available information means that qualitative changes cannot be teased out in great detail, but the patterns described in this paper seem sufficiently robust to suggest a number of real differences in the contexts and consequences of lethal violence in Ireland in the 1890s and 1990s. It is difficult to dispute the decline in deadly squabbles at the workplace and the disappearance of brawling as the defining type of interpersonal violence leading to death. Similarly, there has been a rise in the popularity of knives and guns. Looking at the national picture the level of homicide was lower in the 1990s and more geographically concentrated.

In some ways the observed patterns are similar in the 1890s and 1990s. This is particularly true with regard to the gender disparity (and, indeed, difference in overall homicide rates) between the six counties that became Northern Ireland and the rest of the island. The apparently entrenched nature of such differences, especially in a country as small as Ireland, merits closer scrutiny than there is space in this paper to give. In other ways there is marked change to be seen. This is evident in the declining

proportion of elderly victims, the concentration of violence in the cities, the virtual disappearance of the lethal brawl (at work or on the street), and the emergence of planning as part of the *modus operandi* of homicides, in so far as weapon use can be viewed as a proxy for preparedness. The response of the criminal justice system to those accused of murder or manslaughter also became significantly less merciful. While the death penalty had disappeared from the statute books by the end of the twentieth century, brief terms of imprisonment were no longer an option chosen by the courts. For those convicted of destroying a human life, the punishment was measured in terms of years of custody, any other sanction being considered unconscionably lenient.

The findings reported in this paper offer some support for Conley's conclusion that 'recreational' violence was common, in the sense that killings were unpremeditated, or involved a challenge that was issued and accepted, or emerged from carousing. The maintenance of a sense of personal honour was another factor. Displays of courage and fighting prowess were among the few ways for younger brothers, who were unlikely to marry or inherit and unable to emigrate, to achieve status in their communities. Wanting to be the 'better man' was, on occasion, something to die for. So too was the desire to secure an advantage in a poor rural economy where access to good quality land, animals and feed was hard won and not easily yielded. The findings also chime with Conley's observation that killers were treated leniently by the courts, especially if it could be established that the death had resulted from a 'fair fight'.⁶⁸

As well as adding to the body of knowledge about the changing situational contexts of interpersonal violence, it is hoped that this paper makes a contribution to theoretical perspectives by adding to the evidence in favour of the importance of the idea of a 'civilizing process'. It points to the emergence of stronger internal controls contributing to a decline in impulsive outbursts of violence.⁶⁹ Over time, it would seem that the gradual pacification of interpersonal interactions accrued to the tangible benefit of the elderly and enfeebled.⁷⁰

The analysis presented here might cause us to rethink the relationship between the monopolisation of violence by central authorities – one facet of a civilising process – and the accompanying decline in lethal violence. Policing and prosecutions were centralised and professionalized in Ireland early in the nineteenth century, but nonetheless in the 1890s the notion of a 'fair fight' retained strong cultural

significance.⁷¹ Despite the change in legal arrangements and institutional structures, the locus of many disputes was still seen to reside in the parties directly involved and not between the accused and the state. The vocabulary of violence is one index of the extent to which the state has managed to achieve its monopoly. As long as the language of 'fair fight' has currency this process remains incomplete; the local and the personal continue to triumph over abstract legal relations.

The centralisation of policing and prosecutions took place earlier in Ireland than in England. To some extent this was in an effort to enforce impartiality, by removing control from partisan local hands. But in addition it was in response to the perceived illegitimacy of the law among the majority of the population, the reluctance on the part of individuals to initiate private prosecutions for fear of reprisals, and the difficulty of finding amenable witnesses and jurors who would convict, especially in cases of agrarian crime.⁷² Attempts by the state to define what constituted acceptable interpersonal conduct and to seize control of the mechanisms for dealing with it had to compete against strong cultural interpretations of what violence actually *meant* and when a contretemps was *really* criminal. To some degree these views must have been shared by judges who were lenient with those who killed in the context of a brawl or drunken row, but meted out harsh penalties to those who took life while perpetrating a crime.

A century later and the threshold for tolerating illegality had shifted dramatically. What had previously been seen as harsh treatment became the norm and there was less room for individualisation of punishments. Over the same period the achievement of national self-determination meant that the criminal justice apparatus of the state had gained widespread legitimacy, with the result that the population had shed its former reluctance to accede to a higher authority.⁷³ In other words, to trace the monopolisation of violence by the state requires an examination of popular regard for the law and judicial motivation when sentencing, as well as of the emergence of a formal infrastructure of criminal justice.⁷⁴

It is possible that sentences were light in the past because the behaviour in question was not seen to threaten social solidarity. Although undoubtedly understood to be against the law in the 1890s, killing was usually not the kind of activity that had wider destabilising consequences; rather it was bounded and highly personal. Perhaps casual brawling, the cause of so many deaths, fell outside the category of law-breaking where exemplary punishments are required so that the boundaries of

acceptable conduct can be drawn and redrawn.⁷⁵ Why would society feel threatened by young men slapping, punching and beating each other (especially when a fatal outcome was not intended)? This might even reinforce the social bond through catharsis, rather than weakening it. Only when weapons were used or violence was employed instrumentally, say during the commission of a crime such as rape or robbery, did the need for a stern response become paramount. It could be argued that the legal response to convicted killers at the end of the twentieth century reflected an attempt to address a prevailing ethos of individualism by punishing rule-breakers with increasing harshness, in an effort to police social boundaries with more vigour as they became less well-defined.

Summarising the circumstances of lethal violence revealed by the records examined for this paper, Ireland of the 1890s could be described as a place characterised by widespread belligerence, indifference to victim age and judicial leniency. Deaths resulted from spontaneous outbursts, often taking place in a haze of alcohol. A century later, the locus of violence was more likely to be urban, planning was evident in that the perpetrators brought weapons to the scene, and the response of the courts was less varied and more severe. These were criminal acts which could no longer depend on popular ambivalence or legal compassion. What had not changed was the pernicious presence of alcohol and the strongly gendered nature of lethal violence, with males dominating as offenders and (less markedly) as victims. Set against the historical antecedents in this way, the contemporary preoccupation with violence seems oddly disproportionate.

Table 1 Victim Age

	<u>1890s</u>		<u>1990s</u>					
	No.	Per cent	Republic of Ireland		Northern Ireland		Island of Ireland	
			No.	Per cent	No.	Per cent	No.	Per cent
< 20	64	(13.1)	35	(11.9)	40	(16.3)	75	(13.9)
20-29	99	(20.3)	70	(23.9)	64	(26.0)	134	(24.9)
30-39	78	(16.0)	66	(22.5)	64	(26.0)	130	(24.1)
40-49	69	(14.2)	60	(20.5)	37	(15.0)	97	(18.0)
50-59	64	(13.1)	26	(8.9)	14	(5.7)	40	(7.4)
60-69	53	(10.9)	16	(5.5)	10	(4.1)	26	(4.8)
70 +	60	(12.3)	20	(6.8)	17	(6.9)	37	(6.9)
Total	487	(100)	293	(100)	246	(100)	539	(100)

Sources: 1890s, Outrage Reports (no age recorded in 13 cases); 1990s, mortality statistics for Republic of Ireland and police data for Northern Ireland.

Table 2 Protagonists' Gender

	<i>Victim</i>						
	<u>1890s</u>			<u>1990s</u>			
<i>Perpetrator</i>	Male	Female	Total	Male	Female	Total	
Single male	208	109	317	}	134	46	180
More than one male	116	15	131				
Single female	11	19	30	}	15	5	20
More than one female	2	0	2				
Males and females	3	5	8	—	—	—	—
Not Known	10	2	12	—	—	—	—
Total	350	150	500	149	51	200	

Sources: 1890s, Outrage Reports; 1990s, Dooley, *Homicide in Ireland*, pp. 11-12 (relates only to Republic of Ireland, 1992-96).

Table 3 Cause of Death

	<u>1890s</u>		<u>1990s</u>					
	No.	Per cent	Republic of Ireland		Northern Ireland		Island of Ireland	
			No.	Per cent	No.	Per cent	No.	Per cent
Fight / brawl	302	(60.4)	42	(14.3)	13	(2.4)	55	(6.6)
Cutting / piercing	65	(13.0)	94	(32.1)	35	(6.5)	129	(15.4)
Firearms / explosives	38	(7.6)	72	(24.6)	404	(74.5)	476	(57.0)
Drowning	13	(2.6)	3	(1.0)	4	(0.7)	7	(0.8)
Strangulation / hanging	10	(2.0)	22	(7.5)	19	(3.5)	41	(4.9)
Poisoning	5	(1.0)	□	□	□	□	□	□
Train / horse / cart	26	(5.2)	□	□	□	□	□	□
Other	41	(8.2)	60	(20.5)	67	(12.4)	127	(15.2)
Total	500	(100)	293	(100)	542	(100)	835	(100)

Sources: 1890s, Outrage Reports; 1990s, mortality statistics for Republic of Ireland and Northern Ireland.

Table 4 Making the Punishment Fit the Crime

	<u>1890s</u>		<u>1990s</u>	
	No.	Per cent	No.	Per cent
6 months or less	90	(35.2)	0	(0)
6–12 months	42	(16.4)	0	(0)
12 months–5 years	49	(19.1)	35	(31.2)
Over 5 years (incl. life)	48	(18.8)	77	(68.8)
Death penalty	27	(10.5)	—	—
Total	256	(100)	112	(100)

Sources: 1890s, Outrage Reports; 1990s, Dooley, *Homicide in Ireland*, pp. 20-21 (relates only to Republic of Ireland, 1992-96).

Table 5 Relationship between Parties and Outcome, 1890s

	Family	Workplace	Crime	Land	Drunken Row	Other	Total
Acquitted / discharged / nolle prosequi	15 (11.0%)	24 (31.6%)	8 (28.6%)	14 (24.1%)	24 (31.6%)	36 (28.6%)	121 (24.2%)
Asylum	33 (24.3%)	1 (1.3%)	1 (3.6%)	3 (5.2%)	0 (0%)	6 (4.8%)	44 (8.8%)
Suicide	9 (6.6%)	6 (7.9%)	0 (0%)	0 (0%)	0 (0%)	1 (.8%)	16 (3.2%)
Death Penalty	15 (11.0%)	1 (1.3%)	5 (17.9%)	4 (6.9%)	0 (0%)	2 (1.6%)	27 (5.4%)
6 months or less	14 (10.3%)	23 (30.3%)	1 (3.6%)	9 (15.5%)	22 (28.9%)	21 (16.7%)	90 (18.0%)
Between 6 months and 1 year	7 (5.1%)	4 (5.3%)	1 (3.6%)	6 (10.3%)	12 (15.8%)	12 (9.5%)	42 (8.4%)
1-5 years	11 (8.1%)	2 (2.6%)	1 (3.6%)	12 (20.7%)	6 (7.9%)	17 (13.5%)	49 (9.8%)
More than 5 years	22 (16.2%)	2 (2.6%)	4 (14.3%)	3 (5.2%)	6 (7.9%)	11 (8.7%)	48 (9.6%)
Proceedings not concluded	7 (5.1%)	9 (11.8%)	2 (7.1%)	6 (10.3%)	4 (5.3%)	13 (10.3%)	41 (8.2%)
Not known / no suspect	3 (2.2%)	4 (5.3%)	5 (17.9%)	1 (1.7%)	2 (2.6%)	7 (5.6%)	22 (4.4%)
Total	136 (100%)	76 (100%)	28 (100%)	58 (100%)	76 (100%)	126 (100%)	500 (100%)

Source: Outrage Reports.

Note: Of the six workplace deaths that were followed by suicide, five involved the same perpetrator, a police constable in Kildare, who on 31 October 1892 killed a police sergeant and his wife and three of their children; four other children survived.

ENDNOTES

I am obliged to Angela Ennis for her assistance in the archives and to Jack Anderson, Cormac Behan, Piers Beirne, Shane Kilcommins, Richard McMahon and Eoin O'Sullivan for their observations on previous drafts of this paper.

¹ C. Conley, 'The Agreeable Recreation of Fighting', *Journal of Social History*, 33 (1999), 57-72; C. Conley, *Melancholy Accidents: The Meaning of Violence in Post-Famine Ireland* (Maryland, 1999); C. Conley, *Certain Other Countries: Homicide, Gender and National Identity in Late Nineteenth-Century England, Ireland, Scotland and Wales* (Ohio, 2007).

² For example, S. J. Connolly, 'Unnatural Death in Four Nations: Contrasts and Comparisons', in S. J. Connolly (ed.), *Kingdoms United? Great Britain and Ireland since 1500: Integration and Diversity* (Dublin, 1999); M. Finnane, 'A Decline in Violence in Ireland? Crime, Policing and Social Relations 1860-1914', *Crime, History and Society*, 1 (1997), 51-70; R. McMahon, 'A Violent Society? Homicide Rates in Ireland', *Irish Economic & Social History*, 36 (2009), 1-20; W. Wilbanks, 'Homicide in Ireland', *International Journal of Comparative and Applied Criminal Justice*, 20 (1996), 59-75.

³ L. Stone, 'Interpersonal Violence in English Society, 1300-1980', *Past and Present*, 101 (1983), 22-33, p. 25.

⁴ See J. A. Sharpe, 'The History of Violence in England: Some Observations', *Past and Present*, 108 (1985), 206-15; L. Stone, 'A Rejoinder', *Past and Present*, 108 (1985), 216-24; J. S. Cockburn, 'Patterns of Violence in English Society: Homicide in Kent 1560-1985', *Past and Present*, 130 (1991), 70-106.

⁵ M. Eisner, 'Modernization, Self-Control and Lethal Violence: The Long-Term Dynamics of European Homicide Rates in Theoretical Perspective', *British Journal of Criminology*, 41 (2001), 618-38, p. 628.

⁶ N. Elias, *The Civilizing Process* (1939, Oxford, 2000). For reviews of Elias and his critics see P. Spierenburg, 'Violence and the Civilizing Process: Does it Work?', *Crime, History and Society*, 5 (2001), 87-105; Helmut Thome, 'Explaining Long Term Trends in Violent Crime', *Crime, History and Society*, 5 (2001), 69-86.

⁷ This trend has been charted by J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The Shadow of our Refinement* (London, 2004).

⁸ The criminal and judicial statistics were published annually as part of the House of Commons Parliamentary Papers. The total number of cases of manslaughter and murder (excluding murder of infants aged one year and under) came to 891 over the ten year period 1890 to 1899.

⁹ National Archives of Ireland, Dublin, CSO, ICR, Return of Outrages Reported to the Constabulary Office in Ireland, 1890-99.

¹⁰ National Library of Ireland, DMP IR3522 D6, Statistical Tables of the Dublin Metropolitan Police. Leaving aside the killing of infants, the DMP recorded 176 incidents of homicide between 1890 and 1899.

¹¹ An Garda Síochána, *Annual Report*, (Dublin, various years). See also I. O'Donnell, E. O'Sullivan and D. Healy (eds), *Crime and Punishment in Ireland 1922 to 2003: A Statistical Sourcebook* (Dublin, 2005), pp. 22-5.

¹² Between 1990 and 1995 only 'murders' were broken down by victim age-group and gender, and by the police division where the incident occurred. Unfortunately, police divisions do not match county boundaries. A further complication is that cases initially defined as murder may end up as a charge or conviction of manslaughter; this

is a decision for the Director of Public Prosecutions, or the jury if the matter proceeds to a criminal trial. Similarly, some cases categorised by the Garda Síochána as manslaughter may end up as murder, but the figures are not revised to take account of these facts. From 1996 to 1999, gender and age group were also provided for 'manslaughter' cases.

¹³ Connolly, 'Unnatural Death', p. 207.

¹⁴ Central Statistics Office, *Vital Statistics* (Dublin, various years). Homicides are classified under codes E960 to E969 in Tables 19, 19A and 20.

¹⁵ In such cases the death is tabulated as a 'late death' in the following year's publication. It is not possible to disaggregate the deaths by homicide from these tables as, being few in number, they are included in a miscellaneous category.

¹⁶ Such deaths were more common in the early part of the 1990s, prior to the declaration of paramilitary ceasefires in 1994. According to the annual reports of the Royal Ulster Constabulary they numbered 76 in 1990, 94 in 1991, 85 in 1992, 84 in 1993, 60 in 1994 and 9 in 1995. At their peak, deaths due to the security situation reached 470 in 1972. In the latter half of the 1990s the annual numbers of such deaths were as follows: 1996 (15), 1997 (22), 1998 (55, of which 29 resulted from a single bomb attack in Omagh, Co. Tyrone), 1999 (7).

¹⁷ These data were provided by the Northern Ireland Statistics and Research Agency. Classification is by year of registration rather than year of death.

¹⁸ Personal communication, 17 January 2008, Central Statistics Unit, Police Service of Northern Ireland.

¹⁹ Comprising 51 in the Republic of Ireland and 27 in Northern Ireland.

²⁰ Across the island of Ireland during the 1890s, and in the Republic of Ireland during the 1990s, the number of deaths due to organized political violence was not numerically significant.

²¹ The annual average homicide rate per 100,000 during the 1890s (using population estimates from the 1891 census) ranged from 0.8 in Sligo to 4.4 in Dublin.

²² The figures relating to geographic variation in the 1990s are the subset of all homicides contained in the mortality statistics for the Republic of Ireland, as it is not possible to obtain Garda Síochána figures on a county-by-county basis.

²³ Due to an error in the statistics (an extremely rare event given the meticulous attention to detail which characterised the compilation of these reports), it is not possible to assign to one of the Ulster counties a case of manslaughter that occurred in 1893. For this reason the denominator in this calculation is 890 rather than 891.

²⁴ These were Antrim, Armagh, Down, Fermanagh, Londonderry and Tyrone.

²⁵ It is important to note that the analysis presented here is based on two snapshots taken a century apart. A complete time series might suggest a greater degree of regional variation and indicate the extent to which the more recent figures were influenced by a spill-over effect from the political to the non-political sphere of life.

The very low levels of lethal violence in Northern Ireland in the middle of the twentieth century have been described by J. Brewer, B. Lockhart and P. Rodgers, *Crime in Ireland 1945-95: Here be Dragons* (Oxford, 1997), pp. 34-40, 237-9.

²⁶ It has not proven possible to discover why the figures based on the judicial statistics are consistently higher than the sum of the RIC and DMP returns upon which they are based. The judicial statistics provide a breakdown for the Dublin area; this tallies with the figures extracted from the DMP reports, so the reason for the difference must lie in the recording procedures adopted by the RIC. It is possible that the RIC completed

a narrative only for those homicides where a minimum standard of information could be met and that, as a result, the Outrage Reports are a subset of the total number of unlawful killings known to the RIC. Infanticides are not reported on in detail as outrages, although the number known to the police each year is stated in the RIC returns. Perhaps the number of undetected homicides was similarly reported to the central authorities for the purposes of collating the judicial statistics, but further particulars could not be given in the detailed accounts of outrages that were prepared each year. Another possibility, raised by Conley, is that there was some variation in how outrages were defined, with police in some counties reporting every unnatural death as an outrage, while in others some domestic homicides were omitted, presumably on the basis that they were insufficiently ‘outrageous’ (*Certain Other Countries*, p. 9). Further study is required to test the relative importance of these explanatory factors. (Narratives were available for only five cases relating to 1899.)

²⁷ This is a survey of 200 Garda Síochána files relating to killings that occurred over a five-year period in the Republic of Ireland (E. Dooley, *Homicide in Ireland: 1992–1996* (Dublin, 2001)).

²⁸ The analysis for the 1890s is based on the Outrage Reports and so excludes Dublin, which accounted for around one in five homicides at this time. For the 1990s the following breakdown of homicide victims was obtained from the mortality statistics for the Republic of Ireland: 225 male (76.8 per cent) and 68 female (23.2 per cent). (This is very similar to the ratio found by Dooley, based on his survey of police files, and shown in Table 2.) According to the PSNI, the gender breakdown in Northern Ireland was 160 male (65.0 per cent) and 86 female (35.0 per cent) (personal communication, 10 March 2008, Central Statistics Unit, PSNI).

²⁹ There was little difference in the two jurisdictions on the island during the more recent decade, with 12.3 per cent aged at least sixty in the Republic of Ireland and 11.0 per cent falling into this category in Northern Ireland. In the 1890s the relevant figures for elderly victims in the two regions were 22.4 per cent and 26.7 per cent respectively.

³⁰ Central Statistics Office, *Irish Life Tables No. 14, 2001-2003* (Dublin, 2005), p. 8.

³¹ In a study of migration patterns from the mid-nineteenth to the early twentieth century most of those leaving Ireland were found to be aged under 30 years, with the highest rates found for people in their early twenties (T. Guinnane, *The Vanishing Irish: Households, Migration, and the Rural Economy in Ireland, 1850-1914* (Princeton, 1997), p. 182).

³² Census returns show that 10.5 per cent of the population resident on the island of Ireland was aged at least 60 in 1891, compared with 15.8 per cent in 1991 (15.2 per cent in the Republic of Ireland and 17.0 per cent in Northern Ireland).

³³ I. O'Donnell, 'Lethal Violence in Ireland, 1841 to 2003: Famine, Celibacy and Parental Pacification', *British Journal of Criminology*, 45 (2005), 671-95.

³⁴ The lethal impact of assaults in the US, for example, declined dramatically during the second half of the twentieth century due to advances in trauma care and more speedy delivery of medical treatment (A. Harris, S. Thomas, G. Fisher, and D. Hirsch, 'Murder and Medicine: The Lethality of Criminal Assault 1960-1999', *Homicide Studies*, 6 (2002), 128-66).

³⁵ September was the peak month, accounting for 10.8 per cent (n=54) of homicides known to the RIC.

³⁶ No faction fights were officially reported between 1871 and 1877, although some of the events classified by police as 'riots' were likely, in reality, to have been faction

fighters. The number of riots peaked at 1,001 in 1827 and averaged around thirty each year in the 1870s. See Patrick O'Donnell, *The Irish Faction Fighters of the Nineteenth Century* (Dublin, 1975), p. 28.

³⁷ It has been suggested that the long-term weakening of social ties and the emergence of the state led to a growth in individualism and a reluctance to take sides in the conflicts of others. Group violence such as feuding and lynching goes into decline and a greater proportion of violence comes to involve one-on-one fights among intimates. Cooney describes this as the 'privatization' of violence. Where the state is weak or non-existent, and social ties are strong, public violence is potentiated. See M. Cooney, 'The Privatization of Violence', *Criminology*, 41 (2003), 1377-406.

³⁸ For example, the RIC reported that: 'James Rourke, tailor, aged 22 years, was stabbed by Martin Bryan, tailor, during the course of a dispute which occurred between them on the public road about 11.15 p.m. The weapon used was a pair of scissors, which penetrated the heart, and death was almost instantaneous. There appears to have been some dispute between deceased and Bryan as to which was the better tailor, and this is the only motive that has been assigned.' *Outrage Reports*, Kilkenny, 5 July 1897.

³⁹ The deceased boy was Edward O'Hara. The girl, Mary M'Allister, was 'handed to a clergyman for transmission to an industrial school'. Her mother, Sarah, was found to be insane and ordered to be confined in a lunatic asylum during the pleasure of the Lord Lieutenant. *Outrage Reports*, Antrim, 19 July 1892.

⁴⁰ Thomas Leahy survived for ten days before succumbing to the injuries inflicted by Minnie M'Carthy and Lizzie M'Auliffe. *Outrage Reports*, Cork, 10 February 1894.

⁴¹ Dooley, *Homicide in Ireland*, p. 11.

⁴² See C. McCullagh, 'A Tie that Binds: Family and Ideology in Ireland', *Economic and Social Review*, 22 (1991), 199-211.

⁴³ Consider the case of Mary Anne Tarrant, a 50-year-old prostitute whose body was found on the roadside. According to the police: 'She had received a contused wound on the right eyebrow, and another on the centre of her forehead. Her right ear was split in two, her left eye burst, one of her jaws fractured, and several teeth broken. The wounds had apparently been inflicted with some heavy blunt instrument. She was seen at about 10.30 p.m. in company with a soldier, and was then in a drunken state. It is believed she was killed because she would not allow her assailant to have sexual intercourse with her. James Hawkes was arrested and discharged.' *Outrage Reports*, Cork, 8 June 1893.

⁴⁴ There were two sub-categories of workplace deaths: poachers and gamekeepers, and drivers who collided with pedestrians or killed their passengers.

⁴⁵ Mennell captured the toxic nature of these social arrangements when he wrote that: 'The small, relatively isolated rural community of the past was not all cosy homesteads and comely maidens. We too often look back admiringly at the intense solidarity and strong emotional identification found in such communities, but fail to remember the equally strong but less admirable hostility to outsiders that went with it. We also often fail to take account of the intense rivalries and hatreds which could be engendered *within* such social pressure cookers' (S. Mennell, 'Civilization and Decivilization, Civil Society and Violence', *Inaugural Lecture*, University College Dublin, 1995, pp. 11-12).

⁴⁶ The following vignette illustrates this kind of altercation: 'Kieran Kenny, farmer, aged 78 years, died from the effects of injuries inflicted by another farmer named Michael Turley. A dispute took place between them, about 5 p.m. on 22nd October, in

consequence of Turley having claimed a right of way through a gate leading to land on which he had some hay. Kenny refused to let him pass, whereupon Turley struck him on the head with a pitchfork and forced his way through the gate. Patrick Kenny, son of the deceased, who came on the scene, was also assaulted by the accused. Kieran Kenny's skull was fractured, and he died on 24th October.' Outrage Reports, King's County, 22 October 1897.

⁴⁷ For example, when Patrick Reilly killed John Brady as the pair of them returned home from a fair the RIC recorded simply that 'the crime appears to have been solely the result of a drunken brawl'. Outrage Reports, Cavan, 10 September 1895.

⁴⁸ For a variety of perspectives on Ireland's relationship with alcohol see S. Kilcommins and I. O'Donnell (eds), *Alcohol, Society and Law* (Chichester, 2003). On the significance of the temperance movement more particularly, see D. Ferriter, *A Nation of Extremes: The Pioneers in Twentieth-Century Ireland* (Dublin, 1999); E. Malcolm, *Ireland Sober, Ireland Free: Drink and Temperance in Nineteenth-Century Ireland*, (Dublin, 1986).

⁴⁹ Dooley, *Homicide in Ireland*, p. 19. See also I. O'Donnell, 'Violence and Social Change in the Republic of Ireland', *International Journal of the Sociology of Law*, 33 (2005), 101-17.

⁵⁰ A study of public order incidents in 2001 and 2002 found the highest concentration between midnight and 4 a.m. on Saturdays and Sundays. See Institute of Criminology, *Public Order Offences in Ireland* (Dublin, 2003), p. 55. Dooley reported that almost two out of three homicides occurred between 8 p.m. and 4 a.m. (*Homicide in Ireland*, p. 14).

⁵¹ Borrowing the evocative phrase from the title of Carolyn Conley's book.

⁵² Many of these deaths clustered around Belfast, the location for 42.3 per cent of them.

⁵³ The mortality statistics for Northern Ireland relate to 542 deaths excluding security personnel and the RUC figures are for 246 non-terrorist related deaths. This means that even if all of the conflict-related killings involved guns and bombs, the use of such weapons was still much higher for the remaining incidents than in the Republic of Ireland.

⁵⁴ On the relationship between gender and ‘criminal lunacy’ see P. Prior, ‘Murder and Madness: Gender and the Insanity Defence in Nineteenth-Century Ireland’, *New Hibernia Review*, 9:4 (2005), 19-36. On gender and sentencing, see Conley, *Certain Other Countries*, pp. 82-94.

⁵⁵ Dooley, *Homicide in Ireland*, pp. 19-20.

⁵⁶ Outrage Reports, Longford, 17 October 1891. This is an unusual case because of both the length of the sentence and the circumstances of the conviction; a dying declaration is an exception to the general rule that hearsay evidence is inadmissible in court. It is based on the legal maxim of *Nemo moriturus praesumitur mentire* (i.e. that a man will not meet his maker with a lie in his mouth).

⁵⁷ Outrage Reports, Carlow, 1 September 1895.

⁵⁸ Outrage Reports, Wexford, 3 August 1895.

⁵⁹ Dooley, *Homicide in Ireland*, pp. 20-21. Not all of the sanctions imposed on Dooley’s sample had immediate effect. The 112 sentences shown in Table 4 comprise 44 life sentences and 68 determinate sentences, with 13 of the latter being suspended. Almost half of the cases examined by Dooley were not detected, or a decision was made not to initiate a prosecution, or the defendant was acquitted after trial.

⁶⁰ Personal communication, 4 March 2008, Northern Ireland Office.

⁶¹ This changed sentiment is captured in the statement by the chairman of the Parole Board in the Republic of Ireland that: ‘The days of [life sentence] prisoners who have served 10 or 12 years expecting to be released from custody are now over. The sentence they must serve must be a long and salutary one.’ See Parole Board, *Annual Report 2005* (Dublin, 2006), p. 3. Clearly, the perception of what constitutes a long sentence has undergone a significant upward shift.

⁶² For 28.8 per cent of brawlers the proceedings resulted in acquittal or were discontinued; for another 21.2 per cent a sentence of six months or less was imposed. The figures for those who had stabbed their victims to death were 4.6 per cent and 7.7 per cent respectively.

⁶³ Of those who killed in the context of a brawl, 7 per cent committed suicide or were sent to an asylum. This compared with 20 per cent of those who used a knife and 26.3 per cent of those who used a gun.

⁶⁴ ‘Ellen Lawlor, petty huxter and widow, aged 75 years, was found dead in her house ... The body bore marks of violence; two wounds were found on the head, the eyes were blackened, and the teeth loosened by blows. Death appeared to have resulted from shock and partial strangulation. No purse or money was found in the house and it is concluded that the object of the murderer was robbery. James Murphy, Patrick Brophy and Patrick Holmes were arrested. The two first named were discharged, and Holmes was tried at Waterford Winter Assizes, 1898, when he was found guilty and sentenced to be hanged. The sentence was duly carried out.’ *Outrage Reports, Kilkenny*, 4 July 1898.

⁶⁵ ‘Ellen Quinn, aged 77 years, was shot dead by her brother, John Quinn, farmer, about 10 o’clock a.m. ... the deceased, who lived alone in the house with him, became afraid and went to spend the night with another brother, who lived next door.

On the following morning, the accused forced her to return to his house and shortly afterwards fired a shot from a gun at her, inflicting a wound in the right groin, which caused almost immediate death. It is believed that the accused was insane when he committed the crime. He was arrested and brought up for trial at Omagh Spring Assizes, 1898, when he was ordered to be detained in a Lunatic Asylum during the pleasure of the Lord Lieutenant.’ *Outrage Reports, Tyrone, 1 December 1897.*

⁶⁶ ‘Patrick Gallagher, labourer, aged forty-five years, died from the effects of injuries received on 18th March. He was working in a field with other men, when an altercation arose between him and a young man named Patrick Rogan as to which was the best worker. Gallagher challenged Rogan to fight, and a few blows were exchanged when Rogan kicked the deceased in the abdomen. The latter thereupon dealt Rogan several blows about the face and head. Edward Rogan, brother of Patrick, then kicked the deceased, after which the parties were separated. Gallagher died on 20th March from collapse, due to inflammation and rupture of the bowel, the result of one of the kicks. Patrick and Edward Rogan were arrested. The former was bailed for trial at Assizes and the latter was discharged. At Carrick-on-Shannon Summer Assizes, 1892, Patrick Rogan was convicted and sentenced to one month’s imprisonment.’ *Outrage Reports, Leitrim, 18 March 1892.*

⁶⁷ Of the 500 outrages for which narratives were available, 26 involved traffic fatalities and there were 13 deaths by drowning (see Table 3).

⁶⁸ As Conley put it: ‘To give a heavy sentence for an injury or death as the result of a brawl was comparable to punishing someone for an injury or death sustained in a hurling match. As long as the participants had followed the rules, deaths and injuries from fighting were simply the acceptable costs of “pleasant fighting”’ (‘Agreeable Recreation of Fighting’, p. 68).

⁶⁹ At least when the analysis is confined to non-political interpersonal violence.

Understanding the decline in violence associated with the Troubles in Northern Ireland requires a different set of analytical tools.

⁷⁰ This may be a corollary of the disappearance of infanticide in the sense that a civilizing process entails increasing respect for those made vulnerable by age, whether incapable as infants or enfeebled by advancing years. When life expectancy is short, and pleasures are few, the niceties of humane treatment are not a pressing concern.

⁷¹ On the origins of policing in Ireland, see S. Palmer, 'The Irish Police Experiment: The Beginnings of Modern Police in the British Isles, 1785-95', in I. O'Donnell and F. McAuley (eds), *Criminal Justice History: Themes and Controversies from Pre-Independence Ireland* (Dublin, 2003). On prosecutions see J. McEldowney, 'Policing and the Administration of Justice in Nineteenth-Century Ireland', in C. Emsley and B. Weinberger (eds), *Policing Western Europe: Politics, Professionalism and Public Order, 1850-1940* (Westport, CT, 1991). On the evolution of the machinery of justice more generally, see B. Vaughan and S. Kilcommins, *Terrorism, Rights and the Rule of Law: Negotiating Justice in Ireland* (Cullompton, 2008), pp. 51-66.

⁷² On the role of the prosecution witness, and the extent to which participation in criminal trials was facilitated by the prospect of a reward and hindered by anxieties around personal safety, see R. McMahon, "'For Fear of the Vengeance': The Prosecution of Homicide in Pre-Famine and Famine Ireland', in Richard McMahon (ed.), *Crime, Law and Popular Culture in Europe, 1500-1900* (Cullompton, 2008).

⁷³ After the establishment of the Irish Free State the number of homicides dwindled and by the time a Republic was declared in 1949 it had fallen to unprecedented levels, reaching a historic low in 1954 when only five killings were recorded (including two of infants).

⁷⁴ This contrast should not be overstated. Just as members of the public in the late nineteenth century were sometimes active participants in bringing offenders to justice, their counterparts one hundred years later sometimes declined to assist in any way with the prosecutorial process, whether through fear of the consequences or distrust of the authorities.

⁷⁵ There are echoes here of the ‘tolerated illegality’ described by Michel Foucault in *Discipline and Punish: The Birth of the Prison* (London, 1977), p. 82. This refers to the selective implementation of, and compliance with, rules and regulations, and ambivalence about what were sometimes quite serious offences. While a feature of life for all social classes, this ‘space of tolerance’ was most significant for those who found themselves in the poorest situations for whom, Foucault argued, it was an ‘indispensable’ condition of existence.