

# Opening speeches: an introduction

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A man never begins by positioning himself as an individual of a certain sex; he is a man, it goes without saying. (Simone de Beauvoir, 1949)

I am a man and I am a gentleman. (Peter Hoolihan, 1844)

Writing within a discussion of female alterity, De Beauvoir's claim located men as the norm against which women were defined. She argued that the ability of men to be 'sexless' – to never have to acknowledge or affirm their gender – was a position of power.<sup>1</sup> Peter Hoolihan claimed his gender and his class after being arrested by the Dublin Police for disturbing the peace due to his drunken singing.<sup>2</sup> His claim, 'I am a man and I am a gentleman', was an assertion of that same power De Beauvoir understood 'man' to hold. But, it was necessary because the political category of 'manhood' that Beauvoir identifies was not universally available to all in early nineteenth-century Ireland. In claiming to be a man, Hoolihan resisted the emasculation that he believed was inherent in the act of being arrested, something he associated with men lower down the social ladder – men who had fewer claims to political authority. In this, he was not alone.

The history of masculinity is now a burgeoning field with the way men created and understood their identities explored in different contexts, from marriage to the military.<sup>3</sup> Whilst early studies aimed to explore hegemonic, or dominant, perceptions of manhood and compared ideals to experience, it is now known that multiple masculinities can exist alongside each other, competing for control in different contexts (or not competing at all).<sup>4</sup> The relationship between masculinity and femininity is highlighted, where men make sense of themselves by what they are not, but, increasingly, it is recognised that it is how men made sense of each other that is key to their conception of self.<sup>5</sup> In the context of the late eighteenth and early nineteenth centuries, masculinity was not only central to identity, but to political rights, where gender determined access to suffrage and public office.<sup>6</sup>

This monograph contributes to a history of masculinity through an exploration of how men discussed and enacted manliness in the context of the Irish justice system. It has three main objectives: to explore how men from different social groups interacted in courtrooms; to highlight how they created, understood and used different resources for manliness in this process; and to think about the implications of their interactions for power relationships across class, ethnicity and in the context of

political rights. This is a history of the important role that gender played in the production of social, legal and political power within courtrooms. Ultimately, it seeks to ascertain how men's performances of masculinity impacted on the justice which they received from the legal system.

Whilst Ireland's tumultuous history has ensured that the relationship between men of different social classes has not been ignored, there is very little work on Irish masculinity in any context or period.<sup>7</sup> Two notable exceptions are Padhraig Higgins' *A Nation of Politicians* and Joseph Valente's *The Myth of Manliness in Irish National Culture*. Higgins explores the politicisation of the Irish population through the Volunteer Movement in the 1770s and 1780s, highlighting that political participation was a gendered practice.<sup>8</sup> Valente situates the Irish nationalist movement of the late nineteenth century within a number of Victorian cultural motifs of masculinity, showing how the Irish used and failed to use these ideals in their claims for political rights.<sup>9</sup> *Men on Trial* situates itself between these works, focusing on the period after the 1798 Revolution and before the Irish famine, decades marked by agrarian unrest, the campaign for Catholic Emancipation and to repeal the 1801 Union of Britain and Ireland, increasing social control, seen in the expansion of policing and the broadening of the court system, and increased literacy, which led not only to a growing number of local newspapers but also increased reportage of Irish affairs. Whilst Higgins and Valente each look at a nationalist phenomenon and provide important insights into how they operated in gendered terms, this work focuses on men and works outwards to look at the implications arising from their behaviour in court for social class relationships and political power. It is a study of the ways that power is negotiated through social interaction, highlighting the significance of everyday gendered behaviours in the creation, maintenance and instability of the law, social class and national identity.

*Men on Trial* also contributes to a conversation about the functioning of legal systems across the United Kingdom. How courts operate, and why, and why people think they work like that, has changed over time, providing historians of the law and legal systems opportunity to discuss not only what happened, but the implications for present legal practice.<sup>10</sup> One of the key questions that emerges from this scholarship is whether the legal system is or was a space to determine 'truth' (whatever that may mean), or perhaps simply a consensus about what happened, and how these things relate to justice.<sup>11</sup> In a late eighteenth- and early nineteenth-century context, metaphysical debates aside, most people accepted that the legal system was meant to seek truth, where truth was an objective set of facts about what happened that was closely tied to

normative judgements about how such facts should be interpreted. For many, this was underpinned by a belief in a deity that knew the truth of all things and would act on that knowledge in the afterlife. There was also a healthy level of scepticism around whether finding truth was achievable in practice.<sup>12</sup> Such attitudes were perhaps exasperated by the expansion of lawyers into the criminal courts in the eighteenth century (they had long been part of civil practice), which raised questions at the time and for historians about how their interventions shaped access to truth.<sup>13</sup> Yet, as has been shown, lawyers were not the only dynamic element in the courtroom, with jurors, judges, plaintiffs, defendants and others shaping the production of justice.<sup>14</sup>

This period also saw changes in evidentiary procedures. Whilst the credible witness remained key, and documents, clothing and other goods had always been used to support testimonies, scientists and doctors were bringing new forms of evidence to court and endowing it with the authority of their (sometimes newly) professional identities.<sup>15</sup> This book takes account of such developments whilst also looking seriously at men's performances of identity as part of what juries, judges and the general public used to determine both truth and justice. *Men on Trial* emphasises how wider social relationships and values were inextricably tied into the processes of justice, in a space that was made as much by the people as blackletter law.

### The Irish court as a 'performative space'

At the heart of the nineteenth-century justice system was the court, where men and women from different social backgrounds were prosecuted, sued or defended, often through middle-class, cosmopolitan male lawyers, using witnesses from all walks of life, before middle-class and elite all-male juries, and presided over by a male judge, usually from the middle or upper classes. It was a place where men, and occasionally women, told stories to men with the aim of convincing them to believe their version of events or the law. In this process, they drew on wider cultural discourses, including literature and folklore, as well as different spatial and rhetorical strategies, such as speech-making and banter, to help bring meaning to the disparate events of everyday experience.

Thinking about courts of law as spaces where performances occur is increasingly central to analyses of the law and to social histories built on legal records. The use of popular culture by lawyers and witnesses in shaping the stories that they told in court, the costumes worn by lawyers and judges within the United Kingdom court system, and that the

courts provided a central form of entertainment to past societies, have been highlighted by historians and sociologists to emphasise the theatrical nature of legal practice.<sup>16</sup> The importance of courts as ‘spectacles’ designed to convey authority to a watching public, or alternatively as spaces for ‘counter-theatre’ where power could be contested, forms a central strand in scholarship of eighteenth-century law and order. Debate ranges from those that emphasise the legal system’s judicial majesty and its importance in cowing the lower orders to those that argue that the ability of the ordinary person to intervene in courtroom dynamics acted as an effective restriction of its power.<sup>17</sup> The public is given heightened importance in shaping power dynamics in the nineteenth century, due to the increasing size of court audiences and because of the fixture of the court reporter, who transformed legal proceedings into copy for local or national papers.<sup>18</sup>

The performance of manliness was central to a legal system where men dominated as judges, juries and lawyers, and formed the majority of plaintiffs, defendants and witnesses. As Phillip Mackintosh and Clyde Forsberg argue, ‘masculine behaviour in all its varied forms generates masculine identity’.<sup>19</sup> That the law was dominated by men was invisible in scholarly analysis for many years. As attention turned to women, their access to justice and later their ability to enter the profession, the maleness of the legal system has come into sharp relief.<sup>20</sup> The law is now understood as an instrument moulded by deeply held assumptions about gender. The classic historical example is the legal construction of homicide. Definitions of provocation that reduced the severity of a murder charge were built on experiences and emotions more closely associated with men than women. Women by their location in different spheres, such as the home rather than the alehouse, and because emotion is both cultural and gendered, had difficulty evidencing a performance that fulfilled the legal definition of provocation.<sup>21</sup> The masculine culture of the Inns of Court and the courtroom thus shaped how the law was accessed and practised.<sup>22</sup>

Court records have long been used by historians to reconstruct the past. The court is recognised as a site where ideas about gender and gendered behaviour were articulated, negotiated, redefined and legitimised.<sup>23</sup> Several important studies have demonstrated the reciprocal relationship between social constructions of gender and the law, with the courtroom a key site for enforcing and enabling gender norms.<sup>24</sup> Masculinity has been given some attention here. Martin Wiener, for example, argued that growing expectations that men exercise emotional self-control in the nineteenth century were initially contested by juries but ultimately

led to harsher sentencing.<sup>25</sup> Historians have paid less attention to the *masculine culture* of the legal profession and how it shaped the practice of the law.<sup>26</sup> As importantly, and because historians typically access the legal system through process papers, how men negotiated masculinity in court – their use of bodies, clothes, language – has been ignored in favour of how people articulated ideas about gender or their gendered experiences. A focus on courtroom behaviours draws attention to the negotiation of competing masculinities and how they became central to justice.<sup>27</sup> Such performances turned the metaphorical theatre of the courtroom into an actual theatre where identity and power could be explored.

The court was more than a physical stage on which the actors involved in legal dramas played their parts for a watching community, it was a ‘performative space’. As Henri Lefebvre suggests, and has since been developed by several theorists, space is both constituted by and produces social relations.<sup>28</sup> It is created through the interaction between physical location, landscape and architecture, the activity and bodies of people in that place, and the social norms and cultural meanings associated with all of the above. In this sense, the court is not the building, but the cultural product that results from bringing together plaintiffs, respondents, lawyers, judges, clerks, witnesses (and more) in the courtroom in the performance of legal business. The court is not a fixed entity, but inherently unstable, created in the everyday.<sup>29</sup>

Central to performative space is the idea that identity is constructed through performative practices. This ‘dramaturgical model’ was famously articulated by the anthropologist Erving Goffman, who thought that social reality was created through interaction between individuals within ‘situations’. In these ‘situations’, individuals presented the most appropriate version of themselves required to achieve their aim in a specific social context (‘a performance’). In effect, individuals had multiple ‘selves’.<sup>30</sup> Judith Butler developed this model with her concept of ‘performativity’, where the repetition of culturally normative gestures generates the gendered self.<sup>31</sup> For Butler, the self does not pre-exist its performance, but is constituted through it. The self is therefore inherently unstable, ‘becoming’ through action.<sup>32</sup> Following Gilles Deleuze, as the self is created through interaction – through the negotiation of meaning – the self incorporates difference, so that it cannot be understood without its ‘other’.<sup>33</sup> This model of selfhood is useful as it disrupts Western, individualised ideas of ‘the self’ as a stable and unified entity, which groups that are defined in terms of their alterity – that is in opposition to a norm – cannot access. It is more inclusionary, rebalancing

power differentials through destabilising the ‘norm’, and emphasising the relational nature of self and its embeddedness within society.<sup>34</sup>

A performative model for self has implications for how power relationships within the court are understood, where power is defined loosely as the ability of people to influence the outcome of legal proceedings.<sup>35</sup> Rather than power being located in the ‘institution’ of the court, as a stable entity, with different actors within the legal system holding varying amounts of social, cultural and political capital, and using that capital to either enforce or resist the power of ‘the court’, instead both authority and resistance are created through negotiation.<sup>36</sup> This is not to deny that social capital exists or that people within the legal system had different levels of authority, but it relocates power from larger external institutional structures or systems on to the gendered bodies of individual actors. In doing so, it highlights how power is created, maintained and negotiated *through practice*, in the Bordieuan sense.<sup>37</sup>

Social power is only partially within the control of the individual. In this, ‘the law’ provides a useful exemplar. The law can be understood as an external regulating force that shapes social norms and which people either follow or resist. ‘The law’, however, has no physical being outside of its application. It only exists at the level of ‘representation’; that is, the law is a ‘text’ that can be drawn on by people in the creation of meaning. It is only when the law is practised (and practise here can include its uses as a norm in everyday contexts) that it becomes implicated in power relationships. Resistance to the law therefore is not an actor pushing against an external entity, but contesting or negotiating what the law means. In this, the ‘resistant’ actor, the plaintiff or defendant, is no different from the ‘dominant’ actor, the judge, jury or legislature, as all are engaged in the same practice of negotiating meaning.

This model for power requires a particular understanding of agency. The self that is constituted through practice has been criticised for lacking intention or motivation.<sup>38</sup> Here Goffman’s performances, which imply the existence of a subject, if one that is still socially constituted, appear useful, if under-developed.<sup>39</sup> Yet, as Karen Barad notes, such models portray a division between representation and the material world, with discourse coming to constitute a reality that is layered upon an inert physical body.<sup>40</sup> This has led scholars to focus on language and description in interpreting social phenomenon, which downplays the role of physical environment, material culture and human body in producing meaning.

Within the New Materialist tradition of which Barad is a part, agency is located in the generative capacities of the material world, which are constituted reciprocally with language.<sup>41</sup> Here the division between

language and the material is collapsed as artificial, and instead phenomena (which can range from an atom to the human to the universe) are material-discursive practices, where both matter and language work together. This is not to say that language has no representational quality, but that in the production of phenomenon both language and matter are engaged, each constraining and shaping what they seek to produce. Barad's example is of wave formation. When the peak of two waves meet, they are joined to become a new larger wave; whereas a trough and a peak cancel each other out. Artificially dividing the components of phenomena (two waves) therefore risks losing sight of the fullness of its dimensions (a smaller or larger wave). This approach redirects agency from either discourse or prediscursive matter to their intersections, drawing attention to the ways that agency is distributed.<sup>42</sup> Like the performative self, agency is not located in one place but in relationships with others and the environment. In the context of courtrooms, agency is distributed across its actors, physical environment and discursive structures, with each contributing to the outcome of the trial and so justice itself.

A focus on phenomena as material-discursive structures also draws attention to the role of embodiment in the production of power. At its most literal, embodiment refers to 'the biological and physical presence of our body as a necessary precondition for the experience of emotion, language, thought and social interaction'.<sup>43</sup> It more usually is explored in terms of how the experience of being 'in body' operates as part of subjectivity.<sup>44</sup> The counterpart of this is that embodied subjectivity is shaped through engagement with others – how others respond to the actor's body, the value they place on that type of body, and how those valuations fold into systems of power that inform both agency and selfhood.<sup>45</sup> As power is negotiated by bodies and their performances, the embodied nature of humanity becomes central to analyses of power systems. Thus, this book gives attention to how power in the court is produced by physical bodies, visible behaviours, material cultures and environment, by the actor 'in body' and in the world.

This exploration of power varies significantly from Marxist interpretations, which have been prominent in Irish history, and where 'consciousness', in the sense of political self-awareness, has been key to explaining Irish nationalism, as well as political activity more broadly.<sup>46</sup> For many historians, for example, peasant 'resistance', such as barn-burning, could only be viewed as 'political' to the extent that peasants were aware that they were engaged in a broader political movement, not a local economic grievance. Performance theorists, however, are interested in the impact of resistances, exploring how they were received

by their audience and their political effects. As a result, such activities may be viewed as political acts, regardless of the intention of the actor. Similarly, male behaviour in court may contribute to a broader social discourse on manliness, Irishness and political rights, even if that was not the intent of the men in question.

### Masculinity, power and performance

As a methodology for studying power relationships between men, performativity acts as a critique of the key model for understanding power within masculinity studies, Raewyn Connell's 'hegemonic masculinity'.<sup>47</sup> Connell argues that in every society there is an ideal masculinity that all men should aspire to, but few achieve, and against which all other forms of masculinity are measured. The ability to achieve the hegemonic ideal provides men with power. Men who cannot achieve the hegemonic archetype and all women, who are excluded by gender, are restricted in their exercise of power. Given that the model of performativity used here recognises the importance of cultural discourse in shaping social practice, these perspectives are not incompatible, with 'hegemonic masculinity' operating as the model for manliness that held the most cultural recognition and authority. However, in focusing on social practice, rather than representation, the concept of hegemonic masculinity is emptied of power.

When attention is directed to social practice, what becomes visible is not different 'types' of masculinity, but individual men drawing on a range of cultural resources to negotiate their identities and relationships. In doing so, the contingent, contested and distributed nature of those identities comes to fore, as does the range of resources available in the production of the self. These might include wider cultural ideals, values and models for gendered behaviour, but they equally include material resources, such as clothing and money, skills and talents including wit or charm, personality and the variable physical body. The ability of people to combine such resources, and the constraints on them doing so, allow for the production of individuals, both socially constituted and resolutely unique. Moreover, the capacity for individuals to exercise power or agency is not simply located in their relationship to a single representational mode, but is distributed across this multitude of resources and the environment with which they are interacting.<sup>48</sup> The intersectionality and hybridity of identity is thus better accounted for.<sup>49</sup>

External observers may note the prominence of particular models of masculinity in a culture and the ways that human practices correspond

and thus can be generalised about. But the operation of power is not reduced to the achievement or similitude to a hegemonic model alone. Instead, it is coherence that comes to be significant, where the 'ideal' model of masculinity for a given individual (manliness) is that which reads as 'authentic', where a person's external performance is viewed as successfully conveying her or his internal 'self'. It is a model that is useful for contexts like early nineteenth-century Ireland where there is genuine contest, and even open conflict, over who holds, and who should hold, power in society.

It is also a model that may have had some resonance with a nineteenth-century Irish public, who placed authenticity at the centre of their readings of manliness. Whereas outward appearance, including biological sexual characteristics, family resemblance, accent and clothing, had since the medieval period been used to help identify a person's social class, occupation, gender, as well as piety and temperament, over the course of the early modern period, these expressions of identity became associated with an internalised and individualised personality.<sup>50</sup> This placed a different emphasis on the long-standing concern with the authenticity of external appearances and their relationship to 'truth', by creating a dualism between the internal and external person.<sup>51</sup>

From the late eighteenth century, the authentic internalised self of the individual was discussed using the vocabulary of 'character'. As Stefan Collini argues, character was a complex entity.<sup>52</sup> On the one hand, it was a moral code instilled during youth and which determined action in later life and so reflected an internalised set of values that could be either negative or positive (character could be bad as well as good); on the other hand, it was a set of behaviours that could be viewed and assessed by others and so references to character were allusions to an external code of behaviour that people were expected to follow. The use of the word 'character' often implied that it was synonymous with self, if an aspect of self that was formed through socialisation.<sup>53</sup> Character was thus performative, with men becoming of good character through their daily behaviours. Reflecting a contemporary concern that action might not display intention, however, the nineteenth-century public also worried about the deceptive nature of appearances, looking for cracks that might give insight into the internal self and so allow 'true' character to be revealed.

### Performing 'the court' in the press

A monograph exploring behaviour within the court might be expected to draw heavily on court records. Unfortunately, the destruction of the

Public Record Office in 1922 obliterated most of Ireland's historical legal records, requiring the historian to look elsewhere. This book draws mainly on newspaper reports drawn from fourteen regional newspapers, spread across the country, and accessed through a comprehensive survey of papers on microfilm or (on occasion) in original paper form; this core sample is supported by regional papers that appeared online towards the end of this project. It encompasses several thousand reports over a half century. News reports are complemented by over sixty printed pamphlets describing court cases and several trial compilations and collections of lawyers and judges' speeches.

Printed pamphlets based on legal suits were available in Ireland throughout the eighteenth century and continued in popularity well into the nineteenth, usually focusing on high-profile, politically important or scandalous cases. The earliest newspapers in Ireland date to the seventeenth century, and a provincial press flourished from the 1780s.<sup>54</sup> Despite this, not every town had a local paper in the early nineteenth century and many only survived for short periods. Three papers used in this study, Dublin's *Freeman's Journal*, Kilkenny's *The Leinster Journal* (renamed the *Kilkenny Journal* in 1830) and the *Belfast Newsletter*, survive across the period 1798 to 1845 with only minor gaps in their surviving runs. This is supplemented with eleven regional papers, chosen to give geographical breadth, which often had shorter runs, as well as keyword searches of digitised provincial papers.<sup>55</sup> Regional coverage is wider than this suggests as many papers borrowed freely from each other (the same stories appeared across the country) and, particularly in counties where local papers were scarce, many papers provided coverage over a reasonably wide geographical area. Across the period, court cases were a popular source of news. The Four Courts in Dublin provided high-profile trials all year round, and regular accounts of the assizes reflected its significance to urban life as they processed twice a year across the country. After their restructuring in the 1820s, reports from the petty sessions and police courts also became a staple in many papers.

For a study of performative space, newspaper reports are often a stronger source of information than court records. Official court stenographers did not exist in the early nineteenth century, and court records usually consist of documents of process (such as depositions or writs), minute books that provide summaries of the case written by the clerk, and occasionally the personal notes of the prosecutor, judge or other participants of a trial.<sup>56</sup> Evidence of what happened during the trial is therefore usually limited to brief summaries or notes with a particular focus on recording testimony and legal decisions (although judges'

notes can vary enormously in quality). In contrast, court reports could offer detailed descriptions of events. As well as staples, such as transcriptions of speeches and testimony, they may include descriptions of the courtroom; of the various people in the court, their bodies, clothing and expression; the behaviour of the central cast within the courtroom drama, including how they moved across the space or whether they wept or laughed; and the behaviour of the courtroom audience and how they responded to the events they witnessed. As a result, such accounts provide greater detail on social interaction, allowing a performative reading.

As reports written primarily for public information and entertainment, there were no formal guidelines on what to record and some variety in what was considered important and worth reporting. Reports that were subsequently printed in newspapers or trial compilations were often edited to 'fit', so that different lengths of the same report can be found across newspapers, occasionally with missing information given as summaries. On the few, usually high-profile, occasions where cases were recorded by more than one reporter, there could also be variation between different reports.

As a form of entertainment, newspaper reporters were comfortable with adding editorial commentary; some reports are heavily stylised, containing a narrative structure and leading to a climatic ending, often the verdict or sentence.<sup>57</sup> They were frequently conducive to being read aloud, which was particularly evident in the structure of tales from the lower police courts and petty sessions. Cases that were reported (selected from the numerous that happened every day) were chosen for their newsworthiness, emphasising those of political importance, involving high-profile individuals, or which were 'sensational', ranging between the sublime, the gruesome and the ridiculous. Yet, this should not be overstated. Much court reporting was quite functional, edited down to terse lists of convicted felons and their sentences, brief summaries of the legal significance (particularly in civil cases), or restricted to the dialogue of central witnesses and speeches of lawyers and judges. Whilst brief summaries are not unimportant, often reported as the public had a vested interest in the outcomes, this monograph uses longer accounts that provide insight into social interaction in court.

Despite genre conventions, there is evidence that reports were considered to be reasonably accurate.<sup>58</sup> Various forms of shorthand had been available since the medieval period, and this was further refined in the 1830s.<sup>59</sup> Reporters were able to record events and particularly speech in some detail.<sup>60</sup> Many journalists sent their copy to judges and barristers to allow them to approve the copy of their speeches, and conversely

judges and lawyers sometimes provided this copy directly to journalists.<sup>61</sup> Judges often recognised the value in newspaper reports in an era before formal transcriptions. Some added newspaper reports to the official record; lawyers and judges also drew on reports and the fuller printed pamphlets when making arguments about legal precedence or during appeals.<sup>62</sup> The journalist Thomas Shinkwin, and importantly his written notes, was even called as a witness in a perjury case, where he recounted the testimony of the perjured defendant.<sup>63</sup> Stylistic flourishes therefore do not appear to have been at the expense of providing an account that was felt to represent events by participants.

As this suggests, the historian's access to events in the court is mediated through the eyes of the reporter and through the writing and editing process. Apart from those by well-known lawyers (who were male and typically from the upper middle classes/gentry) who generally provided accounts of the higher courts, reports are anonymous. During the early nineteenth century, most were written either by lawyers and other court personnel, journalists directly employed for newspapers or freelance writers who were paid for copy. In the case of smaller papers, 'journalists' may have been the editors and even owners of the press, as in the case of Thomas Carroll, who at different times edited the *Carlow Sentinel* and the *Carlow Morning Post*, and who personally reported on events from Carlow's courts.<sup>64</sup> The social class of newspaper owners, editors and journalists appears to have varied, although the need for capital to start a newspaper tended to put owner-editors in the lower-middle and middle classes.<sup>65</sup> Potentially, as some provincial papers were edited by women, such as Frances Knox, proprietor of the *Clare Journal* for over thirty years from 1807 (possibly the daughter of the previous proprietor, Thomas Saunders Knox), and because women were known to be present at many court cases, some of these accounts may have been written by women.<sup>66</sup> If gender made a difference to the style of reporting, it is not immediately evident to the reader.

The content of many newspaper articles suggests that reporters were usually well-educated, with reports making literary allusions to novels and high literature as well as showing an awareness of broader political and cultural events. Journalists and newspapers also ranged across the political/religious spectrum. It is not surprising therefore that the social positioning of the journalist shaped their practices of observation, so, for example, some characters or events are portrayed more sympathetically than others. Importantly, most nineteenth-century reporting explicitly acknowledged the 'journalist as observer' function of the genre. Court reporters situated themselves as 'outsiders' to what they

described, producing ethnographic accounts that denaturalised events. This external position was designed to reinforce the journalist as ‘objective’, without denying that it was a singular ‘objectivity’, the product of one perspective. In concert, these techniques emphasised the ‘truthfulness’ of the account for the reader by setting boundaries on its claims to ‘truth’. Moreover, it permitted reporters to provide social commentary, to render accounts comic, or provide sarcastic observations without such additions undermining their legitimacy.

The court reporter provides the central access point to the court for the historian and it is her or his decisions about what to include and what to ignore that produce meaning. How the historian accesses the operation of power in court is therefore largely an effect of what the reporter thought was significant in shaping events. It is therefore risky to claim that the outcome of any particular case was the product of what the journalist described. Rather what is suggestive is that reporters across the country focused on similar things – bodies, clothes, behaviours, testimony – as central to the production of meaning and so power. What such reports provide is not unadulterated access to courtroom experience, but insight into wider cultural beliefs about how power is produced within them.

This not only informs our interpretation of these accounts as representational sources for the past, but is suggestive of their function in the nineteenth century.<sup>67</sup> Not only did much of the public access the court through such reporting, informing their relation to the court and justice, but the fact that the court would be reported also shaped behaviour within it. As I argue at length elsewhere, courtroom actors – from judges to audiences – recognised that events in courts could be published. For some, this enforced the need to retain a gentlemanly air; for others, it provided opportunity for publicity.<sup>68</sup> The lawyer and politician, Daniel O’Connell (1775–1847), used the court to give political speeches and so circumvent censorship; the Dublin ballad-singer Zozimus (Michael J. Moran) advertised his wares and his political opinions from the courtroom.<sup>69</sup> The court reporter was part of ‘the court’ as a performative space, such that these representations came to inhere in social practice.

That these cases became part of public discourse through the press is also part of their historical importance. For many theorists of the eighteenth and nineteenth centuries, the press played a leading role in creating the citizen. For Jürgen Habermas, it enabled the creation of a public sphere, separate from the state, that was essential to giving a voice to the disenfranchised and to allowing the eighteenth-century public to imagine itself as part of the polity.<sup>70</sup> Benedict Anderson goes further,

arguing that community formed through the press created the modern nation-state.<sup>71</sup> In an Irish context, Padhraig Higgins demonstrates that the provincial press allowed men and women across the social ladder to ‘participate imaginatively in the national community’.<sup>72</sup>

Court reporting similarly inserted the activities and voices of the participants in legal dramas into a wider public debate around the nature of Irishness, the Irish community and its political significance. At local and national levels, court reporters created community through regular reporting, ensuring that magistrates and judges were not just the impartial face of justice, but individual characters with particular politics, values and quirks. Lawyers, policemen and those involved in repeated anti-social behaviour became known to the regular reader. The court became a familiar space with recognisable characters even to those who used it irregularly. Readers were thus encouraged to identify with the ‘leading actors’ of these dramas, learning to understand why they behaved as they did. In doing so, they were asked to emotionally invest in justice, but as importantly, in identifying with these characters, to accept the models of behaviour and values they displayed.<sup>73</sup> Readers could reject such identifications, but the plurality of voices that appeared in the courts provided considerable variety to engage with, whilst still constraining choice. As a central source of representations, reports on court activities became implicated in a public debate around what it meant to be Irish.

This was an increasingly democratic discussion as newspaper reportage expanded over the decades, covering not only high-profile cases, typically featuring well-known and elite individuals, but also everyday events in the lower courts. Such coverage was mirrored in the expansion of the readership for the press. In a British context, from the beginning of the century, but especially from the 1830s, newspapers reached further down the social scale with a take-off in sales after 1836 with the reduction of the newspaper tax.<sup>74</sup> This trend also appears in Ireland, although the reduction in tax did not reduce newspaper costs. Most provincial papers cost between 4d and 7d an issue before and in the years after 1836.<sup>75</sup> Some of the larger papers reduced their prices, but often not significantly. The popular Dublin paper, the *Freeman’s Journal*, only fell from 5d to 4d. Despite these prices, circulation figures remained strong, with the fourteen Dublin papers selling 45,000 issues a week in 1774, and even a provincial paper, like the *Belfast Newsletter*, reaching sales of 2,100 in 1789. If the British figures for readership also apply to Ireland, most individual papers were read by between twenty and fifty people.<sup>76</sup>

Court officials recognised that newspapers reached a broad audience, asking journalists to report particular cases to encourage further

witnesses, often in instances where such witnesses could not have been expected to afford the cost.<sup>77</sup> Working-class biographies demonstrate the many ways such people accessed local news, from group-purchases and reading aloud to visits to coffee shops, public houses and circulating libraries, where newspapers were cheaply available to patrons.<sup>78</sup> Through being represented in the press and increasingly acknowledged as a potential readership, people from across the social classes in Ireland were able to participate in the construction of Irish identity, as they did in other contexts like the theatre or boxing ring.<sup>79</sup>

### The Irish courtroom in context

Like in much of Europe, late eighteenth- and early nineteenth-century Ireland was experiencing rapid social, economic and political change. Between 1750 and 1840, Ireland's population exploded, growing from 2.5 million to eight million.<sup>80</sup> In 1800, Dublin city had a population of 170,000, which had almost doubled to 318,000 by 1850. In a British context, this growth was not exceptional, but by the end of the century, Dublin had some of the worst over-crowding in the United Kingdom and a significantly higher death-rate.<sup>81</sup> Its expansion was mirrored in some of the larger regional towns. Belfast's population grew from 19,000 in 1800 to 70,000 by 1841.<sup>82</sup> Cork's growth had primarily taken place in the later eighteenth century, but it also rose from 80,000 to 85,000 people between 1820 and 1851.<sup>83</sup> Most Irish towns were commercial and transport centres, with some minor manufacturing concerns, notably in brewing, distilling and flour-milling. Ireland also had a successful wool and cotton trade until the 1820s when they failed to compete after the introduction of free trade across the United Kingdom.<sup>84</sup> The only area of Ireland to significantly industrialise was the north-east, particularly Belfast and Londonderry, which developed flourishing linen and ship-building concerns.<sup>85</sup>

Like elsewhere, Irish towns were home to the growing middle classes, made up of merchants, professionals and, in some areas, industrialists, as well as 'functionaries' (ministers, teachers, police, customs, etc.), tradesmen, domestic servants and similar workers (like washerwomen, messengers and taxi drivers), and a growing group of 'poor', who were sometimes itinerant and made a precarious living.<sup>86</sup> Some towns, especially cities like Dublin, housed the gentry and aristocracy for part of the year, although the politically active and rich tended to winter in London after 1800.<sup>87</sup> Throughout this period, Ireland predominantly remained a rural society. In 1841, three-quarters of people solely or principally relied

on agriculture as their means of support, whilst almost 90 per cent either lived rurally or in towns of less than 2,000 people.<sup>88</sup>

Below the level of the aristocracy and gentry, social structure in rural Ireland was related to land, with secure farmers situated near the top of the social ladder. Farmers were typically divided into classes by farm size, with small (one to ten Irish acres), medium (ten to thirty acres) and large or strong (over thirty acres) farmers, but social class did not always correlate with the amount of land held. Wealth was shaped by farm size, but also quality of land and the types of farming conducted.<sup>89</sup> In the 1840s, one estimate suggests that 'strong' farmers made up around 15 per cent of all farmers with more than two acres, around 128,000 families; beneath them were the very heterogeneous group of middling farmers, whose 253,000 families formed around 30 per cent of the farming class. Finally, there were c. 410,000 smallholding and joint tenancy families, who were effectively engaged in subsistence farming with limited engagement with markets.<sup>90</sup> Rural society also incorporated cottiers, who usually held less than one acre and had to supplement their incomes (similar to many small farmers), and farm labourers, who were landless and waged. In the prefamine period, the latter two groups expanded dramatically to about 56 per cent of the rural population, providing ample cheap labour that kept wages low and contributed to the increasing poverty of this social group.<sup>91</sup>

The prefamine period was one of economic instability. This should not be exaggerated: the industrial north-east thrived, and farming outputs generally grew across the period. The end of the Napoleonic War, however, opened up European markets, driving down agricultural prices, sometimes by more than 50 per cent, whilst the introduction of free trade across the United Kingdom provided tough competition for Ireland's under-developed manufacturing industry.<sup>92</sup> Dublin experienced recurrent economic depressions due to the closure of the Irish Parliament and changing fashions that reduced demand for local textiles.<sup>93</sup> There were also periods of harvest failure, notably in the early 1820s, which led to subsistence crisis.<sup>94</sup> A large amount of the Irish population lived precariously and such downward fluctuations could be devastating, pushing poor families into destitution.

The economy informed and was informed by political developments. If the eighteenth century saw the entrenchment of the Protestant Ascendancy in Ireland, where protestant landowners secured their political and economic domination, it was also an era where the make-up of the political community was contested. In addition to a vocal middle-class Catholic population, Ireland's public sphere flourished, with an

expanding print trade and newspaper industry, coffee houses in Belfast and Dublin, and the rise of militia and volunteer organisations.<sup>95</sup> Literacy improved during the period, enabling greater access to print culture. Whilst in 1841, 27.6 per cent of the population could read and write and a further 19.8 per cent read alone, just under two-thirds of men born between 1820 and 1830 could do both, largely a result of the expanding national school system.<sup>96</sup> Increased literacy was combined with a decline in the Irish language (although with great regional variation), with 28 per cent of children born between 1831 and 1841 speaking Irish, compared to 45 per cent of people born in the 1770s.<sup>97</sup>

The American Revolution heightened the debate about who formed the political community, as well as making the question of national governance more pressing.<sup>98</sup> As a result, there was a push for greater legislative independence for Ireland from the United Kingdom, which was finally granted in 1782 in the limited form of ‘Grattan’s parliament’.<sup>99</sup> The French Revolution rejuvenated politics in Ireland, where ideas of liberty, fraternity and equality were quickly popularised. In 1791, the United Irishmen was formed. Like many radical organisations of the era, it had an elite, university-educated leadership, heavily influenced by Thomas Paine and French Republicanism, and a large plebeian following, mainly amongst urban artisans, whose politics were more varied, often falling at the radical end of constitutional reform. They promoted civic humanism, which drew on a broadly defined ‘public’, with the goal of introducing ‘virtue’ into public life, countering the corruption and tyranny of the current government.<sup>100</sup> The movement was given mass support through promising the lower classes that political reform would bring resolution to local grievances, including high tithes, high taxes and high rent, and transformation of their social position, ensuring greater respect by their social betters and a system of national education.

The United Irishmen movement grew into a quickly quashed open rebellion in 1798.<sup>101</sup> Whilst the rebellion failed, it was a central event in the imaginary of the Irish people, featuring in numerous songs and ballads, where ‘1798’ became a byword for political radicalism.<sup>102</sup> Whilst not explicitly nationalist, that much of the grievances the United Irishmen sought to address were caused or exasperated by their perceived colonial status (a status many United Irishmen rejected), and a lack of political rights for Catholics, meant that the movement came to be understood in terms of protecting the Irish ‘nation’.<sup>103</sup>

In 1800, Ireland was granted full political union with Britain, dissolving the Irish Parliament. In 1803, there was a minor rebellion in Dublin led by the United Irishman Robert Emmet, and its failure ended

the movement.<sup>104</sup> By this date, there was an overt nationalist movement led by Daniel O'Connell, which aimed through constitutional reform to emancipate Catholics and later to Repeal the Union of 1800.<sup>105</sup> Like the United Irishmen, O'Connell pointed to reform of tithes, taxes and rent to encourage popular backing.<sup>106</sup> Simultaneously, from the flourishing economy in the north-east emerged 'Unionism'. Growing similarly out of the United Irishmen movement, several Irish people, particularly in the north-east and Dublin, endorsed the Union with Britain, and particularly the rhetoric of British constitutionalism that provided a language of rights for a greater part of the population. In these early years, this was a cross-party movement.<sup>107</sup>

The prefamine period was also marked by social unrest, particularly in rural Ireland during times of poor harvest. Various secret societies, such as Rockites, Ribbonmen, Shanavests and Caravats, engaged in violent protest to enforce their idea of a moral economy. Whilst these movements were often inspired by local and regional grievances, they drew on the rhetoric of the United Irishmen and O'Connell, as well as millenarianism and even British constitutionalism, placing their complaints into a larger political framework.<sup>108</sup>

Political tensions in Ireland were informed by the religious context. In 1834, a Royal Commission showed that 80.9 per cent of the population was Catholic; 10.7 per cent were Church of Ireland and 8.1 per cent were Presbyterian.<sup>109</sup> Catholics were widely spread out and in no area were less than 20 per cent of the population. Church of Ireland members never made up more than 40 per cent of any diocese, with the largest numbers found in south Ulster and Leinster. Presbyterians commonly lived in Antrim and Down, but even there they never made up more than 60 per cent of the population.<sup>110</sup> Both Catholics and Protestants were found at all social levels, although Catholics were generally under-represented amongst the skilled trades, the liberal professions and landed proprietors.<sup>111</sup> Protestants, particularly Church of Ireland members, tended to be concentrated in towns.<sup>112</sup> As a result, urban areas were often religiously mixed. Dublin was a predominantly Protestant town at all social levels, but inward migration in the eighteenth and nineteenth centuries brought large numbers of Catholics to the city.<sup>113</sup> Similarly, Belfast was a Protestant town, with a large Presbyterian population, but it was to see its Catholic population grow from 8 per cent in 1785 to 32 per cent in the mid-1830s. Some estimates suggest that the Catholic population reached 40 per cent before the famine.<sup>114</sup>

During the late eighteenth century, penal restrictions on those who were not members of the established Episcopalian Church of Ireland

were reduced, providing space for Catholic and Presbyterian Churches to form openly recognised (if not uncontested) institutions.<sup>115</sup> Many people of all denominations welcomed these developments, but some protestants were equally concerned about the implications for their traditional privileges. This led to sectarian tensions that on occasion broke into outright violence, and the rise of sectarian-political organisations, such as Peep O’Day Boys, Catholic Defenders and the Orange Order.<sup>116</sup> Sectarianism should not be overstated, nor understood as a simple determinant of political belief. O’Connell’s movement for Catholic Emancipation was supported by people across the religious spectrum, whilst not every Catholic was a nationalist, nor every Protestant a unionist. Nonetheless, religion was a central aspect of pre-famine identity that informed people’s sense of self, how they interacted with others and shaped wider beliefs about Irishness and political rights.

Similarly, gender identity was central to how people interpreted the world with political conflict mapped onto the bodies of men. In a wider European context, the concept of ‘independent manhood’ that was central to civic humanism shaped understandings of political rights for much of the eighteenth century.<sup>117</sup> The social elite and increasingly the middle classes had defined ‘independence’ in terms of property ownership, but, from the 1790s, Thomas Paine’s *The Rights of Man* transformed this political landscape by grounding political rights in human rights. Lower-class men sought political participation on the merits of the individual, emphasising the importance of ‘personality, intellect and gender’.<sup>118</sup> Whilst gender had long limited women’s political participation, it was now given increased emphasis, reinforced by the location of political culture within fraternal organisations. Amongst the elite, this included all-male learned societies, universities and clubs, whilst lower-class groups founded working-men’s associations and secret societies.<sup>119</sup> It was also informed by a patriarchal model for family life that reinforced the position of men as head of the household and representative of their families.<sup>120</sup> The emphasis on gender as a basis of political rights invited increasing critique of the behaviour of individual men and of men as part of wider social groups, placing manliness and male behaviour at the heart of politics.<sup>121</sup>

What manliness looked like was not only refracted through class, ethnicity and sexuality, but underwent notable change over the nineteenth century in both Britain and Ireland. John Tosh identified this as the shift from ‘gentlemanly politeness’ to ‘manly simplicity’.<sup>122</sup> Gentlemanly politeness, as a mode of masculinity, was not only associated with ‘gentlemen’ and independence, but suggestive of a specific

mode of socialisation, requiring polished manners, education and knowledge of the world, a cosmopolitan outlook and a particular aesthetic of dress. It required engagement with the 'culture of sensibility' and so required the controlled display of some emotion and the restraint of others. For some men, it could incorporate a sense of honour and chivalric treatment of women.<sup>123</sup>

'Manly simplicity', closely tied to the middle class, was by contrast rooted in 'rugged individualism' and 'personal integrity'. It was associated with 'muscular Christianity', due to its emphasis on the virile healthy male body, militarism and team-work.<sup>124</sup> It could also incorporate honour and chivalric treatment of women, placing less importance on heterosociability than its predecessor.<sup>125</sup> Manly simplicity was stoic, not only emphasising emotional self-control, but closing down the opportunities to express manly emotion.<sup>126</sup> It sat alongside 'respectability', an increasingly important value amongst both the middle and upper-working classes, and, with independence, tied to political rights. Respectable men showed good taste and manners, were sober, earnest, hard-working and industrious, kind and charitable, and aspired to moral and intellectual self-improvement.<sup>127</sup> They were often evangelicals, rooting their respectability in Christian morality, whether Catholicism or one of the branches of Protestantism.<sup>128</sup>

With the benefit of hindsight, the larger shift from gentlemanly politeness to manly simplicity might be evident, but on the ground things were less clear. Particularly in the early nineteenth century, different models for male behaviour competed and were challenged through men's performances. Manly ideals were complicated by the men who could or did not conform to such values, and the tension that arose within a model of masculinity rooted in a 'rugged individualism' that simultaneously limited self-expression.<sup>129</sup> How the 'eccentricity' that the British prized as a symbol of their freedom fits into this context is still to be told.<sup>130</sup> Moreover, as Valente reminds us, masculinity was complicated in Ireland by colonialism, which not only rendered the colonised male body feminine, but limited political protest by tying it to unmanly and uncontrolled expression of emotion.<sup>131</sup> It is this complexity, and the implications for social power relationships, that lies at the core of this book.

### Performing manliness in the Irish court

Within this book, the courtroom is: an arena for law and justice; a microcosm of Irish society that provides a partial perspective on its wider social, economic and political power relationships; and, through the

press, an agent in shaping Irish national identity. Across the book, different components of the phenomenon that is the court are explored with the goal of teasing out its nature and the way that justice was produced. Whilst many previous studies of courts have focused on particular angles – whether architecture, lawyers, passionate speech or race and gender – few have sought to explore the broad range of dynamics at play in the production of justice. This book argues for a model of power rooted in negotiated and embodied practices that better explains why certain individuals get superior outcomes than their social characteristics (race, gender, class) might suggest. It also contributes to understandings of the court's capacity to exercise power and the implications for social order.

As explored above, power in this context is produced through negotiations between men, who draw on a broad range of cultural resources in a performance that is embodied and located in place. As will become evident across this book, these performances are also emotional. Like other embodied experiences, emotion here is recognised as a temporally and spatially specific, materio-discursive practice, which is performed by individuals and groups and acts as a cultural resource to be drawn on in the production of meaning.<sup>132</sup> Emotion then can be compared to clothing, witty banter or education in its ability to function as a mode of communicating identity for an audience. As is explored in Chapter 3 and again in Chapters 4 and 5, reading the emotional body could provide key evidence for observers about character, guilt and innocence.

Emotion also performed other functions within courtrooms, some of which were distinctive to the nineteenth century. As is explored in Chapter 4, emotion – in this case sympathy – was understood as vital to successful communication between actors, providing important information about the truth or otherwise of somebody's words or behaviour. This was a form of emotional contagion that passed between bodies. As a mechanism for communication, emotion became implicated in a range of courtroom negotiations, whether that was the way the responses of the public gallery shaped the mood of the court (Chapter 2) or how certain types of humour and laughter inflected on how other evidence should be interpreted (Chapter 5). Whilst other studies of emotion in group dynamics have emphasised how emotional communities or regimes act to shape emotional norms and thus power, this book looks at how emotion was used as a tool within negotiations of power.<sup>133</sup> Broader cultural beliefs (such as shaped by communities and regimes) are of course vital to shaping how emotion was understood and experienced by people in court, but it is how emotion is put to use that is of interest in this book.

Whilst the courtroom is a distinct space with its own dynamics, it also played an important role in society. The court acted reciprocally with wider social, economic and political systems, with the latter feeding into the performance of justice and the former shaping both individual behaviour and normative actions. Thus, a study of the court can provide evidence of the nature of Irish society itself. *Men on Trial* uses this opportunity to offer a social history of men's behaviours and identities in early nineteenth-century Ireland, about which very little has been written. It provides insights not only into law and order but clothing cultures, perceptions of beauty, education, popular culture, humour and joking, character, and engagements between men across ranks. Through exploring performances in court, the daily lives of ordinary people are uncovered. Some of the examples explored resonate with the picture we have for the rest of the United Kingdom and the United States, but they also highlight how wider trends are explored and redefined within national contexts.

Men are the centre of this history, but this is not a book that seeks to produce a new set of masculinities for an Irish context. It rather interrogates the key role that gender – and particularly manliness – played in shaping power relationships in Ireland. Investment by men and women in their gendered identities, reinforced by contemporary biology and scripture, ensured that gender was a key framework through which people interpreted their experience and the world. When embedded within contemporary constructions of patriarchal and political power, gender became implicated in a broad range of social power structures.<sup>134</sup> What it meant to be a man or woman, however, was more open to negotiation. In focusing on how men, and occasionally women, constructed their gendered identities, this book highlights gender as a creative, dynamic force and not simply as constrictive.<sup>135</sup>

Part of the creativity offered by gender was its capacity – through the circulation of its performances in the national press – to construct Irish national identity. This final line of argument in *Men on Trial* takes seriously newspapers not just as evidence of past events, but as an active component in the construction of Irish society. The stories told of the court and the people who used them were given life beyond the moment; on occasion, their wide circulation extended to the rest of the United Kingdom and its colonies.<sup>136</sup> During a moment where a nationalist Irish identity was in production, these texts played an important role in shaping what it meant to be Irish, its boundaries and scope. Importantly, it enabled men and women from all walks of life to contribute to this conversation.

This book is structured to highlight a range of components that the nineteenth-century press identified as significant to shaping power relationships within the court. It breaks down the court into parts to provide insight into how each section of the whole was a creative, dynamic process, and thus how the whole itself was unstable. This is by necessity an artificial imagining of the court, and indeed the human, for whom these varying dynamic parts worked together in the formation of identity and meaning. It is for this reason that I have not given much consideration to the outcome of trials. It is rare that only one element of a trial can explain a verdict; rather the same trial might involve a moving speech by a top prosecutor, some vigorous and entertaining banter on cross-examination, and an attractive and compelling defendant. The jury had to weigh each of these performances, and usually many others, against each other when deciding justice. The structure of the book does not allow these competing dynamics to be held against each other. Rather in exploring several key parts of the whole, it enables a better insight into the diversity of factors involved in the operation of power.

Situated at the intersection of law and society, the court was a space where both interacted. Chapter 1 explores this dynamic, highlighting how authority situated in the law, in traditional sites of power (land), and in a newly burgeoning public, competed in that space and shaped the nature and gendering of negotiations within it. It particularly emphasises ‘the lawyer’ as a key figure in the imagining of the law, coming to ‘embody’ the law for the public. Chapter 2 continues this discussion through an exploration of courtroom architecture, the ways it acted to constrain and situate gendered legal actors and the law itself, and how some members of the court sought to disrupt its logic. Chapter 3 concentrates on men’s bodies, particularly appearance, clothing and displays of emotion. The physical body acted as both a constraint on identity and an opportunity for creative play that enabled men to communicate complex messages to their brethren. All three of these chapters share a concern with the relationship between material structures, space and performance in producing the court, the law and the nation.

The next three chapters explore oral performances, recognising the emphasis placed by the law on legal speeches and oral testimonies. What people said in court has long been a staple of historical analysis; *how* people said it has been given less consideration. Chapter 4 focuses on the legal speech given by professional men in courtrooms, exploring the role of formal oratory in enabling sympathetic communication, and so the transmission of truth, between speaker and listener. Chapter 5 looks at the cross-examination, and particularly banter on the stand, as a site

where legal truth was produced through confrontation between men. Chapter 6 continues this discussion in an exploration of informal storytelling and the uses of popular culture in speeches and testimony. Across these chapters, the creativity of spoken performance is brought to the fore, particularly its capacity to shape the emotions of audiences, not least through the carnivalesque, and its ability to situate class at the heart of a contested national identity.

If the first chapter moves from society to the court, the last substantive chapter moves back to society and the law. Chapter 7 explores how men's performances in the preceding chapters relate to 'character', which was so central to determining guilt or innocence. If character was one form of proof, it must be located against the physical and oral evidence that was increasingly informed by the new forensic science. Thus, this chapter explores how the claims to truth made through embodied courtroom performances became part of the logic of the legal system.

The conclusion draws together the different components of courtroom performance to argue for a justice made not in parts but in their interaction. It emphasises the important emotional dynamics of nineteenth-century courtrooms, from the sympathy that communicated truth to empathetic engagements with the embodied performance of character by individuals. It argues for a law that, whilst having its own logic and procedures, was rooted in Irish society and provided an important space for the negotiation of social power relationships. Finally, it demonstrates how these courtroom performances did not remain in court, nor even in the pages of the local paper, but moved outwards to inform the making of Irish national identity.

## Notes

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