In offering these opinions I do not desire to suggest what indeed my experience negatives, that a foreigner as such has any monopoly of brutality over an Englishman. There are forms of brutality which are committed by Englishmen which a Frenchman or an Italian, for instance would never dream of. But there are also idiosyncrasies of crime which are, as it were, peculiar to particular countries, both in their conception and mode of execution. (The Times, 4 October 1888, 10d)

In the nineteenth century for the first and only time, the four nations of the British Isles were united under one parliament in Westminster. The nationalities of the English, Irish, Welsh, and Scots were, at least in theory, subjugated to a greater identity as Britons. Though the extent to which the new nationality was ever a reality in Ireland is certainly a moot point, the dominant interpretation has been that at least in Wales and Scotland the dual identity was accepted for the most part. But the political union did not mean that the differences among the nations were erased. In fact the union sometimes heightened tensions as the various nations defined themselves in opposition to their neighbors.

The largest nation, England, faced the most difficult task of self-identification. At a Metropolitan Choral Schools concert at the Crystal Palace, three thousand children sang “The Campbells Are Coming” in honor of Scotland and “Men of Harlech” in honor of Wales. “The children also sang ‘Home Sweet Home’ which is almost the only English melody which may truly be termed national.” Even the Times admitted that “there is no Englishman in history or now living who has not the blood of many races in his veins.” The
explanation was simple. “An Englishman has but one patriotism because England and the United Kingdom are to him practically the same thing.”

In keeping with the idea that the United Kingdom had superseded other identities, the Times frequently suggested that nationalism in the Celtic nations was either nonexistent or ludicrous. When the Irish nationalist Charles Stewart Parnell accused Scotland of having lost her nationality, the Times replied, “Scotland has lost her nationality in Mr. Parnell’s sense by accepting her place as a constituent member of the greater nationality of the United Kingdom; Ireland has not lost her nationality for she never had a nationality to lose.” The Times went on to suggest that the Irish were not capable of true nationalism. “Ireland apart from her connection with Great Britain has either no history or no creditable history. She has done nothing, she represents nothing and she gives promise of nothing.” Though the tone was slightly less acidic, the Times was also sure that Welsh nationalism did not exist. An article headlined “What Is Wales, and Who Are the Welsh?” concluded, “The differences which exist between some Welshmen and some Englishmen are those gradually shaded off distinctions which exist between a partly and imperfectly assimilated fraction of a nation and the main body of the same people. They are not the deep and well marked lines which sever nations.” The Times did acknowledge that the good sense of the Scots might render them capable of maintaining dual loyalties. “A Scotchman has two patriotisms, but he is sensible of no opposition between them. He is none the less loyal to the United Kingdom because he is also loyal to Scotland.”

### ENGLISH AND NOT ENGLISH

Though the English often saw Britain and England as synonymous, there was little question that they also saw themselves as the superior breed. In a House debate on capital punishment, MPs concluded that the English were inherently better behaved than other people, though they were not infallible. “It was no doubt in large measure owing to the calm temperament of the British people that murder and assassination were so much less frequent in this country than in many others. But it was also owing to the certain knowledge that if life was maliciously taken the penalty would be death.” During the Jack the Ripper terror a Times correspondent argued that the killer must be of foreign origin because

in the whole record of criminal trials there is no instance of a series of crimes of murder and mutilation of the particular character here involved
committed by a person of English origin; whereas there are instances in some foreign countries of crimes of this peculiarly horrible character. The celerity with which the crimes were committed is inconsistent with the ordinary English phlegmatic nature.\textsuperscript{10}

The assessment was factually inaccurate. The \textit{Times} reported at least nineteen cases in which the body parts of mutilation victims were found in England between 1867 and the beginning of the Ripper murders in the fall of 1888 (not including cases in which husbands had used mutilation to dispose of their wives). But even at the height of the Ripper hysteria, the \textit{Times} still described Ireland as the land of murder: “Another shocking murder is reported from Kerry, though so far it appears to have been more the outcome of a family quarrel than of an agrarian dispute.”\textsuperscript{11} The total numbers of homicide victims in Kerry in 1888 was only one more than the number of victims of the Ripper.

But the belief persisted that violent crime was un-English as was tolerating it.\textsuperscript{12} After convicting a man who had kicked a drinking companion to death, an Exeter jury added a criticism of the bystanders that “we cannot separate without expressing our indignation that any English men should have run away when this brutal conduct was committed.”\textsuperscript{13} English criminals were often accused of behaving like uncivilized foreigners. The \textit{Times} reported an assault in Birmingham under the headline “English Savages.”\textsuperscript{14} When a young man was murdered by a gang in Regent’s Park, the \textit{Times} recorded a sense of shock. “It was not generally realized that London is the theater of systematic local feuds almost as real as the tribal feuds of the Arabs and the Red Indians.”\textsuperscript{15} After the discovery of the corpses of eleven infants in London, the \textit{Times} admitted, “Had such a discovery been made in any other country than our own, most of us would have drawn harsh inferences as to the condition of feeling which made such indecorum and indignities to the dead possible.”\textsuperscript{16}

The \textit{Times} sometimes implied that civility declined with distance from London. In 1872 the \textit{Times} took the Winter Assize for the North of England as its subject. “A succession of murder and minor outrages has presented a picture of drunken brutality such as might be more fitly expected in some savage island in the far Pacifics where the natives had just tasted for the first time the terrible poison of drink.” In describing the crimes of Durham, the \textit{Times} suggested the people were barely human: “They are not Murders of the deliberate and malignant class but simply outbreaks of brute ferocity which indicate an existence little better than that of savage animals.” Such behavior brought into question whether the North belonged to England. “Are these
not a sufficiently sad collection of scenes from common life in a country which boasts to be civilized, Christian and the enlightener of the world? In the sort of existence thus revealed there is not even a trace of the commonest feelings of humanity.”

Over a quarter of all executions for murder in England were in the northern district.

The Spectator described the workingmen of Liverpool as a separate species:

Naturally a rough race, habituated to violence, always armed—for the steel-tipped shoe on a strong man’s foot is a deadly weapon—feel themselves almost above the law and begin gradually to delight in the exercise of their powers. In Liverpool murder is committed without motive of any sort, except a kind of enthusiasm of ruffianism, a delight in a monstrous exercise of physical power.

In 1890 the Times reported a murder which “illustrated the manners and customs of Birmingham Corner-men.” But such cases were not taken as evidence of flaws in English character or society but rather as evidence that alien savages were peopling the North. The Pall Mall Gazette suggested that the North of England should be treated as a foreign country.

A body of police should patrol the district to make the inhabitants aware that there is not an angry word or a loud cry or a rough jostle which will not bring the eye of a constable upon them. These are the methods by which disorder has been put down in Ireland and India, and there is no reason why the disease should be harder to control in Liverpool.

As the analogy between Liverpool and Ireland suggests, in the English press the Irish were more likely to be viewed as aliens than as fellow citizens of the United Kingdom. At best the Irish were unfathomable. An editorial asked in 1877, “How often will it have to be confessed that Ireland is England’s enigma? Before we have half understood the meaning of one Irish mood, Irishmen are out of it and well-nigh through another. Their haste bewilders us.” The editorial suggested that the Irish might have attributes the English lacked. “While we are slow, Irishmen are quick, while we are anxious and careworn they are careless and negligent of the future; and so it follows that our forecasts of Irish conduct are empty delusions.” Ultimately, however, the Irish failed to live up to English standards. “Our unwritten law is that everything is to be done in the best way possible, and that everybody is to act up to the most exalted canons of duty.”

The English press rarely missed an opportunity to expose the “revolting
cruelty which is the distinguishing note of Irish crime.” Though English crimes were attributed to deviant individuals who were alien to the true English nature, Irish crimes were inevitably interpreted as a reflection of national character. In 1882, when an entire family was murdered at Maamtrasna in rural Galway, the *Times* suggested that the murder “differs in degree rather than in kind from the crimes which are, unhappily, only too common over a great part of Ireland. . . . When all due allowance has been made for agrarian motives, there remains an element of savage ferocity.” After pointing out that poverty and squalor were found all over the European continent, the *Times* complained, “Yet in none of these countries do we find anything to compare with the violence and cruelty which are the standing disgrace of Ireland . . . when there are no longer landlords to plunder it will not be found easier than now to restrain the indiscriminate brutality which ignores the claims alike of race and humanity.”22 The Maamtrasna murders were horrifying.23 They were also unique. The only other case in which an entire Irish family was murdered involved a police officer who killed his sergeant and the sergeant’s family before killing himself. The Irish homicide rate of reported homicides was lower than England’s for most of the period and the Irish were the least likely of all the nations to kill children. In the initial report, even the *Times* had acknowledged that the Maamtrasna murder was not typical. “It is very much within the truth to say that it has no parallel for absolute barbarity.”24 Further, the locals helped with the investigation. “Never was there an occasion in which the public of all classes were so penetrated by an earnest desire that the perpetrators of a crime should be made to feel the avenging arm of justice.”25 Yet in editorials the *Times* insisted that the crime represented the unique savagery that was innate to the Irish character.

But if the Irish were perceived as savages, the Scots were exceptionally well behaved. “The quietness, not to say the neglect with which Scotland had become used after the experience of years, is the penalty for which an orderly, reasonable and on the whole well-behaved country must lay its account.”26 In fact, Scottish prudishness was sometimes the subject of jokes. In an article titled “Scotland’s Weak Points,” the *Times* reported that “Scotland is proverbially a staid, sober and thrifty nation and for general respectability of demeanor and observance of the Sabbath, among the whole family of nations there is not one which bears so high a reputation. At the same time it must be confessed even Scotland has her weak points.” The article went on to mockingly quote a Free Church report on “religion and morals,” which warned that “[s]ome London journals of a sensational character are occasionally sold and read. Dancing during the winter is reported to be a ‘great hindrance to the young.’ A growing class in the towns are addicted to
Sabbath walking, dog coursing and excursions to the seaside for bathing purposes.” After citing other complaints about such things as “balls about the time of New Years,” and the fact that in Glasgow “the general community are remarkable for profane swearing, intemperance and uncleanness,” the article wryly concluded, “With the exception of these little shortcomings the general condition of Scotland appears to be satisfactory.”

Most often when the Welsh were mentioned, it was to report an example of their bumptiousness.28 Under the headline “Welsh Humanity,” the Times reported that a man who had fallen off a cliff and dragged himself to the door of an inn “was refused admission because the Lord Lieutenant was staying there.”29 An article headlined “A Welsh Wedding” reported that a pair of “well-to-do” farmers coming home from a wedding had gotten into a drunken scuffle and that one of the men had died from his injuries.30 Deaths from drunken scuffles after celebrations were hardly unique to Wales, but the tone of the item indicates that there was something particularly comical about “tipsy” Welsh farmers. A year later the Times also reported that “[a] Welsh district newspaper devotes a considerable space to reporting the proceedings of an Eisteddfod held last week at Ynyaybwl, which, to insure identification is described as being ‘near Llanwonno.’” Having established the remoteness of the area, the article then described the sorts of honors that might appeal to such folk. “Adjudications were made upon a wide range of subjects, prizes being awarded, inter alia, for the best pair of white stockings; the best pair of black stockings; and for the best essay upon ‘the duties of ratepayers with regard to the Reform Bill.’”31

Except for such odd human-interest stories, the Welsh merited little attention in the English press. “The principality indeed seems the chosen home of the commonplace. For some reason which we cannot here attempt to penetrate, Wales does not turn out her due proportion of great men.”32 However, another editorial suggested that there was some comfort in Welsh backwardness.

They do not excite the jealousy of the English by dashing to the front as the Irishmen do, or by slowly and safely working their way to that position, with the certainty of success as Scotchmen do. It is pleasant to glance over the shoulder and see at least one of our neighbors always steadily in the rear, and more than satisfied with that position.

The implication was that they might make good mascots. “They are a picturesque ingredient in our too tame and matter of fact community. Truth to say their most charming quality in English eyes is their pretty little vanity;
their sweet self-complacency, their lovely self-conceit [...], their absolute satisfaction with what they suppose to be their poetry and history." Welsh backwardness was attributed to their failure to assimilate. "Scotchmen and Irishmen are great as far as they are also Englishmen. They are not great without us and apart from us, but as members of our own family and sharers of our unsurpassed stock of common words, ideas and associations. . . . The Welsh language, like the Englishman's home, is his castle and his prison."33

A Times correspondent despaired of the difficulties "in dealing with a language which treated by the process of literal translation yields such phrases as 'Boys, I must break my hair, she is too fat.'"34 However strange their language, he was certain that the Welsh were "prudent patriots." Welsh loyalty to the crown was never in question. "They quite understand the value of belonging to this United Kingdom, to say nothing of such minor matters as prestige. They value the English market for their cattle, their ponies, their coal, their slate. They do not despise the English tourists who every year fill their watering places."35

The fact that they were generally either ignored or patronized by their neighbors was not lost on the Welsh. The Welsh press warned that "journalists must not believe all they hear about Welsh doings. Much that they publish is spiced for the English market."36 The North Wales Chronicle thought that "the manufacture of Welsh news paragraphs for the London papers is singularly curious and at times amusing."37 An editorial in the Carmarthen Weekly Reporter stressed that the Welsh valued their distinctiveness. "The Irishman has no patriotic objection to conversing in English. The Highlander is as ready to give up his Gaelic as to give up the kilts which have for years been abandoned to gamekeepers, children and English tourists. But the Welsh behind the shelter of the mountains, into which they retired before the Saxon invader, have tenaciously preserved their national language." But while they had maintained their distinctive language, they were also the best of neighbors. "The Welsh are a satisfied, industrious, law-abiding people who have long ago accepted their connection with England as the best thing that could have happened to them."38

The Welsh were also certain that they were the most law-abiding characters in the British Isles. "Murders are rare in Wales—would they were rarer—and no witness has need to fear assassination for giving evidence against the destroyer of human life. Welshmen may poach, may steal, may commit
minor offenses yet it appears that they do less of these things than our English, Irish and Scottish neighbours do.” The point was well made. Judges frequently remarked on light calendars at Welsh Assizes. While on circuit in Wales, Justice Cleasby said that “in most of the [English] counties I have visited I should have thought the calendar before me was a light one, but it seems that here it is regarded as a heavy one.” Justice Cockburn told the grand jury at the South Wales Assize that “its population is one which is entitled to the highest possible praise for order, good conduct and obedience to the law.” Even the *Times* occasionally admitted the Welsh were a peaceful lot: “It was certainly remarkable and gratifying circumstances that in the four counties [on the South Wales circuit] there should not have been one case in which any violence had been offered to any man or woman.”

Welsh newspapers were full of sensational reports of crimes among their neighbors. The headline for a report of two murders, one of them on the Isle of Man, was “Two Typical English Tragedies.” The Welsh also shared the English assumptions about Irish behavior. The *North Wales Chronicle* announced that “we daily hear of Irish murders. Cut-throats are increasing in number and loyal and obedient subjects go about in fear of their lives.” Welsh newspaper editors also seemed to take particular delight in stories which reflected badly on the Scots. In an editorial headlined “Our Country’s Crime” (throughout Britain, references to “our country’s crime” almost invariably referred to one of the other nations), a Welsh newspaper warned that “Scotland makes us fear that there is no crime too revolting for wicked men to commit for the sake of gain.”

In addition to featuring the crimes of their neighbors, the Welsh press sometimes took on the tone of a slighted sibling. “There are a few old fogies so blinded with prejudice that everything Welsh is bad. On the other hand, England is all good and especially Scotland, the latter being held up to our gaze as all but the pink of perfection while Ireland and Wales are fit only to point a moral or adorn a tale.” The editor of the *Carmarthen Weekly Reporter* was determined to show that the Scots were overrated. “Scotland, the most cultivated and civilized portion of her Majesty’s dominion and with the most conservative and religious people in the world—so it is assumed—can still set some of the worst examples possible to the present age. One of these is drunkenness.” However, in the desire to show the Scots in the worst light, the editor did seem rather desperate for ammunition: “[T]here was cock-fighting in Glasgow. If this be civilization and proper work for any day we have no wish to partake. Better run naked and sink into barbarism than be guilty of such deeds.”
Though the Scots may have ignored such criticism from the Welsh, there was a concern that their southern neighbors remained willfully ignorant of Scottish concerns. Edinburgh’s leading newspaper, the Scotsman, complained, “We want some credit for our country and we want it on the true facts of the case and not upon these strange and persistent mistakes as to persons and places which our London counterparts in particular seem somehow to prefer making up for themselves.”47 The complaint may have been well founded. In 1872 the Times reported that a school board committee member in Birmingham insisted that educated Scots did not speak English.48 According to the Scotsman, part of the problem was a lack of comprehension. “The truth is that of all classes of men in the British dominions your genuine Londoner has the least perception of either wit or humour.”49

Regarding the Scottish character, the Scottish press was critical but only mildly so. The Glasgow Herald acknowledged that “[w]e are apt to have too much work and too little play in Scotland.”50 An editorial in the Scotsman began: “Perhaps it is well not to deny that we Scotch have as much conceit on certain subjects as we are entitled to or is as good for us and that we are occasionally under obligation to our English friends for taking some of it out of us.” But national pride was clearly justified. “The national institutions of Scotland were preserved from demolition by no generous sufferance on the part of the English nation, but for the fact that Scotland, although a little nation, merely by the moral power that animated it, contrived to inspire fear and respect in one much its superior in numbers and every other element of strength.”51 In an editorial arguing for the placement of a memorial at Bannockburn,52 the Scotsman argued: “We cannot really afford to forget that at terrible odds we fought against our great neighbor throughout twelve generations for our existence as a nation, and that at last we won it on that spot whereon we hope the ruddy lion rampant in gold will float as long as men shall class patriotism as a virtue and freedom as a blessing.”53

But the union on the whole was a good thing. “We have not felt that we did ourselves dishonour or disservice by becoming part, not of England but of the United Kingdom.” Certainly the Scots felt morally superior to Irish nationalists. The Scotsman proudly pointed out that no Scots “political philosopher ever presumed so far upon our want of rationality or our superabundance of nationality as to suggest that it would have been justifiable, if not preferable to have betaken ourselves to murder and arson, as a means to the restoration of disunion and conflict.”54 Instead, Scotsmen preferred “the nationalism of a poet and a patriot—a fine and in some respect noble sentiment with which all true

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Scotsmen of whatever politics have sympathy.” Despite the Scots’ retention of a separate legal system, they were also willing to see the commonality of Britons: “The minds of prisoners are much the same on both sides of the Tweed, and so are the minds of juries.”

Regarding the Irish, the editorial position of the Scotsman changed dramatically over time. In 1869 the newspaper recognized Irish grievances and looked to Irish progress. “The task we have before us is to create in the Irish character a respect for law, and this can only be done by separating the law from all alliances with injustice.” But the Scotsman also portrayed the Irish as whiners who needed to buck up. “Irishmen show a wonderful incapacity for helping themselves, and a wonderful capacity for getting others people’s help. . . . An infusion of Scotch habits and characteristics would we rather think be a great blessing to Ireland, not even excepting Kerry.”

In 1879, as the Land League movement began in Ireland, the Scotsman took a measured approach. “The circumstances of Ireland are to a great extent different from those of Great Britain and different because of past misgovernment of Great Britain.” It had been hoped that better treatment would make Ireland “as orderly and easily governed a country as Scotland.” Unfortunately the Irish had still not given up “foolish agitations for impossible objects. The reasons, it may be assumed, are first, the character of Irishmen, and secondly their feelings as to the land.” But even so, the Scotsman admitted that Irish character “is very much though not wholly what it has been made and it may be expected to change, in process of time with good and just government.”

During the height of the Irish land agitation in 1881, the Scotsman echoed the Irish press in warning that reports of crimes in Ireland might be exaggerated. “There was a greater necessity at this time to receive the news which comes from Ireland with much allowance. Outrage and disorder are common enough in that country, and they do not need exaggeration to make them matters for serious consideration.” The Scotsman also offered a sophisticated analysis of the problem. “The Reason is three-fold. It begins in the imaginative tendency of the Irish mind; and inaccuracy is encouraged by the Parnellites on the one side and by the Conservatives who are crying for more coercion, on the other.” A year later, while a little more skeptical about Irish character, the Scotsman was still willing to blame the British for much of the problem. “The lawlessness of the criminal class in Ireland may be due in some measure to the hot recklessness of the Celtic blood. It is certainly largely due to the bad laws under which Irishmen have been forced to live. Ireland is now receiving better and fairer laws but the character of a race cannot be changed in a day or in a year.”
By the mid-1880s, however, the patience with the historic suffering of the Irish had been exhausted. “How long is this whine about the penal laws to continue: . . . Irishmen instead of putting their shoulder to the wheel, fall into the cant about the penal laws and tell us that in Ireland they have nothing to be loyal to but coercion.” Not only was history no longer an excuse, even the history was being rewritten. “It should be understood once and for all that the people of Ireland have and have had their times and chances just as good and as bad as the people of the rest of the three United Kingdoms. They have been raised from tribal barbarism into comparative civilization and decency, much more by their connection with Great Britain than by their own unaided efforts.” Complaints about prior injustice would no longer be tolerated.

It will not do to have this everlasting harping upon past mistakes or references to a golden past in Ireland which never existed. The most skilled and civilized observer of Ireland before the English law was introduced are at one in the opinion that there was nothing to be found but oppression by native chiefs and utter barbarism among native occupants.

The nationality card was also rejected. “The nationality which every reasonable person desires to cultivate is the great nationality common to the Englishmen, Scotsmen and Irishmen alike.” Regarding the purely Celtic Irish, “It would be a dereliction of clear duty as well as a want of political sense not only to leave these ignorant people to themselves, but to give them power to reduce their better countrymen to their own level.” The Celtic Irish were inferior and dangerous. “Irishmen are not fit to possess in existing circumstances the ordinary freedom of British citizens.” Without reference to past problems, the editorials now claimed that the Irish character was fatally flawed. “It is the misfortune of most Irishmen that they cannot conceive the possibility of arguing a case without resort to violence. Their first action against the man they believe to be wrong is, not to try to convince him of his error by arguments, but to attack and beat him down by noise or outrage.” After sectarian riots in Belfast in June 1886, the Scotsman concluded that “nothing short of a political miracle could suddenly transform the Irish people into a sober, self-restrained, self-governing nation.” But the condemnation was evenhanded. “The Orangeman would probably be as little to be trusted with supremacy as the nationalist.”

By the late 1880s, headlines in Scotland reported “Civil War in Ireland.” The newspapers regularly reported murders in Ireland in sensational terms. A case in which a mentally unbalanced young woman in rural Ireland had
killed her mother was reported in the Scotsman with the largest possible headline: “Irish Matricide.” But two cases of matricide by women in Scotland that same year, one of which included the use of a hatchet, were not reported in the Scotsman until they came up for trial and then in minimal detail. Further, many of the homicides reported as dreadful agrarian murders in the Scottish press in the late 1880s do not appear in any official records and appear to have been exaggerated versions of minor assaults. The Times corrected some of the erroneous reports of nonexistent Irish homicides, but no such retractions appeared in the Scotsman.

The Scotsman rejected the idea that all Celts were doomed to be savages, insisting that only the Irish had perversely clung to bad habits. If the Irish chose to behave as irredeemable savages, the Welsh were civilized. “The Welsh farmer though Celtic to the core, is unlike his Irish kinsman in that he prefers honest work to agitation; he is industrious and frugal almost to a fault, and would willingly if he were left alone, return to the peaceful cultivation of his farm.”

THE IRISH

For their part, the Irish accepted that they might be particularly prone to passionate outbursts. The editor of the Cavan Weekly News admitted that “in Ireland the religious tendencies and moral habits are stronger and more elevated . . . but the passions are more easily excited.” The passions meant that the Irish may have been more inclined to violence. As Justice Battersby explained to the Kilkenny Assize in 1875, “Although the people, as far as regards larceny, are the most moral and less guilty of offences of the kind, still in some parts of this country, the people seemed not to consider murder under certain circumstances a crime at all and cannot be got to assist the ends of justice.” Another judge warned that “there was a class of persons in this country who considered picking a man’s pocket a grievous offence, but the breaking of a neighbor’s head was of no consequence.”

But there were also suspicions that British authorities deliberately inflated the Irish crime figures to justify coercive policies against the Irish population. The Roscommon Journal reported that the police had been ordered to manufacture agrarian outrages. The Limerick Reporter complained in 1881, “No well informed person now believes a word about the alleged perilous condition of Ireland. What possibly can be the cause of all his misrepresentation as to our condition and of the actual facts before our eyes?” Indeed the Irish criminal records reflect a very different situation from that reported in the
British press. In 1892 Justice O’Brien reported from the Tipperary Assizes, “I think its present condition would compare favorably with any shire in England or any country in Scotland.”

Irish newspapers not only complained about the unfair treatment of the Irish in the British press, they also took every opportunity to report on crimes in England. In 1889 the *Kilkenny Journal* pointed out that “never was the business for the Winter Assize so light. . . . How different it is in England.” The *Munster News* argued that the English made excuses for English criminals but were determined to see every Irish crime as proof of sedition and barbarism.

The English and Orange organs do not triumph when they receive accounts of the British shootings and stabbings, throat cuttings, poisoning and infanticides . . . no, they would treat you to homilies containing palliatives and sets off in this or that class or condition. But there is no allowance for crime in this kingdom. They raise a cry for the enactment of indiscriminate despotism.

The Irish press also argued that the English were particularly cruel. An editorial in the *Kilkenny Journal* offered “as plain proof of beastly brutality, the love of the lash as a government institution in England.”

**IRISH IMMIGRANTS**

In each of the British nations there was a suspicion that crime within their country was largely the fault of Irish immigrants. Confronted by statistics showing that crime rates were markedly higher in England than in Ireland, the *Times* suggested that “the Irish make up for their innocence at home by an excessive criminality abroad.” But after a lengthy analysis of the claim that the Irish were responsible for crime in Britain, the *Times* reluctantly concluded that “the theory of a supposed excessive criminality of persons of Irish birth in England and Wales as accounting for the greater number of crimes is erroneous.” The article also acknowledged that “among persons over the age of twenty in London, Liverpool and Manchester the Irish born were less criminal than the natives.”

But despite the statistics, to many in Britain, the simple fact was that the Irish were savages. During a trial at the Old Bailey in which an Irish laborer was accused of killing his roommate, the *Times* reported that “the victim was one of ninety-seven people, all of them Irish who lived in the same lodging
house and the landlady said it was a point with her not to keep a poker in the house.”

In newspaper accounts “Irish” was often shorthand for “violent” or “disreputable” even when no Irish were involved. A London magistrate told a nineteen-year-old pauper charged with using threatening language toward a relieving officer, “He must be taught that such violence would not be tolerated in England, whatever might be the case in Ireland.”

When an Irish woman was charged with assaulting an English neighbor “for no cause other than some little water spilt in the hall and because she was an Englishwoman,” the magistrate said he “was satisfied that an unprovoked and violent assault had been committed. It was but too characteristic of the class of Irish to which the defendant belonged to commit savage assaults and then try to screen themselves by falsehood. He would never allow such things to be done with impunity.”

The initial reports of crimes involving the Irish always assumed the worse. In September of 1868, under the headline “Brutal Murder Near Altrincham,” the Times reported that a gang of Irish laborers “without any provocation set upon the foreman at the tile works and batted in his head with bricks and palings. The murder is one of unprecedented atrocity.”

But the trial testimony revealed that Irish and English laborers had been throwing brickbats at each other and the victim had been caught in the crossfire. Justice Lush instructed the jury to acquit the accused as they were “defending themselves from the violence of English people who were following with clubs and sticks to capture them.”

Though fewer than 7 percent of those tried for killing someone in a brawl in England were described as Irish in the Times, 11 percent of those who were sentenced to penal servitude or death for killing someone in a brawl were described as Irish.

The Scots also distrusted the Irish among them. Irish immigrants were suspected of being responsible for much of the violence in Britain. The suspicions in Scotland were perhaps more well founded. Thirty percent of the persons tried for homicides in brawls in the western circuits of Scotland were Irish. The Scotsman complained that the Irish immigrants were not only belligerent, they also used foul tactics. “A peculiarity of an Irish disturbance is that no fair play is given or expected.”

Irishmen accused of homicide in brawls in Scotland were more than three times more likely to be convicted of murder than were Scottish defendants.

The Scotsman also complained that the Irish were never content to fight one on one: “[T]he man who is down is certain to be kicked and maltreated not only by his immediate opponents but by the latter’s friends.”

“Agrarian crime in Ireland, with its cowardly shooting without warning or opportunity for defence is repeated in the assaults, robberies and house-breaking which disgrace the Irish population in such centers as Glasgow.”

Southwestern
Scotland had received an enormous influx of Irish immigrants during the nineteenth century. Driven by rural poverty in Ireland and attracted by better wages in the heavy industry of Scotland, the Irish were an important source of cheap labor but they also inspired considerable resentment. “It is painful; the Scotch Census Commissioners say ‘to contemplate what may be the ultimate effect of this Irish immigration on the morals and habits of the people and on the future prospects of the country.” Nineteen percent of homicide defendants in Glasgow between 1867 and 1892 were Irish. The *Glasgow Herald* concluded a report on capital crimes in Glasgow, “[It] is perhaps not unworthy of note that of eight culprits, six were Roman Catholic.” Roman Catholic was certainly code for Irish.

During the 1870s, Irish Protestants poured into the area, creating a situation in which the sectarian tensions of Northern Ireland were played out in the streets of Glasgow. Two homicide trials in Scotland between 1867 and 1892 could be traced to sectarian violence and both involved Irish immigrants. One victim was Catholic, the other Protestant. The outcomes were very different. In 1870, in Linlithgow, a gang of drunk Protestants shouting “Down with Papists! Down with Fenians!” attacked the house of James Docherty, a Roman Catholic. Docherty was dragged from his home and beaten to death. Their defense attorney claimed that one of the Protestants had been struck by a man who had run into Docherty’s house. The jury returned a unanimous verdict of not proven, the verdict often used to give the benefit of the doubt to sympathetic defendants.

Two years later the roles were reversed. On 12 July 1872, the Orangemen held a procession in Wisham in North Lanarkshire. Later that night two Catholics were pretending to duel with railroad ties when John Skillen joined them. The next morning Skillen was discovered dead of head wounds. According to the *Glasgow Herald*, Skillen was not an Orangeman but “may have used provocative language.” The two men with the railway ties were accused of murder. Both said they remembered being drunk and in a fight, but that was all. Their defense attorney stressed “the unlikelihood of their assaulting in the manner described a man they did not know, without the slightest provocation and against whom they could have no malice.” But the judge was indignant: “These party processions were a disgrace to a civilized country. Drink had put Wisham into a state of tumult and disorder. Parties of men ready for a quarrel and perhaps not caring very much what the conclusion might be were strolling the street.” Despite the fact that the party procession had been by Orangemen and the defendants were Catholic, the judge charged for conviction. He also discounted the defense’s suggestion that the case could not be one of murder.
If the accused struck these blows with the weapon intending to do seri-
ounous bodily injury, it was of no merit, in regard to the legal character that he did not intend to kill or that he had no malice. . . . He could only say that except in a case where a clear personal motive had been adduced, he had seldom seen proved in a court of justice a more cold-blooded, brutal and savage homicide.

By a vote of fourteen to one the jury returned a murder conviction.

The Scottish courts were determined to restrain the Irish. When accused of homicide, the Irish were more likely to be convicted and the sentences were heavier than those given to native Scots. The differences were clear in two cases involving the death of police constables. In 1869 James Gallin, an Irish shipbuilder, got drunk and created a disturbance in a candy store. When asked to leave, he punched the owner in the mouth and ran. A police inspector in plain clothes encountered Gallin in the street and urged him to go home. They struggled and Gallin stabbed him under the left ear. The man bled to death within ten minutes. At his murder trial, Gallin tried to plead guilty to culpable homicide but the advocate general refused to accept the plea, insisting that “neither absence of malice, nor intoxication, nor previous good character would suffice to reduce the charge.” The defense pointed out that the struggle had lasted for ten minutes and Gallin had not known that the victim was a policeman. Eight of the jury members voted to convict Gallin of culpable homicide; seven voted to convict him of murder. He was sentenced to twenty years.

The attitude of the advocate general and the heavy sentence given to Gallin were in marked contrast to the response when a respectable farmer in Inverness fatally stabbed a uniformed policeman who had tried to stop him from smashing hotel windows during a drunken spree. He was sentenced to just five years and the judge announced that the purpose of the sentence was that “he should learn to live without liquor.”

In 1886 the Scotsman insisted that it was the racially suspect Irish aborigine who was responsible for most of the crime and violence in Great Britain. “The lower Irish race whether they are Celts or aboriginal pre-Celtic Irish are well known in the great cities and mining districts of England and Scotland where they are to be found the cause of a large proportion (one-half or one-third) of the worst crime.” The Irish Celts represented a particularly reprehensible sort of violence.

It is they who have demoralised the mob by their frightful examples of brutal assaults on men when down to the utter forgetfulness of English and Scottish notions of fair play. It is not enough for an Irish combatant
as he is known in this country, to knock his man down, he must proceed to kick and stamp upon his opponent when helpless in a way which betrays the savage.

Irish criminals were also a drain on revenues. “Every Criminal Court in England or Scotland knows of such brutalities and but for this Irish immigrant population, low in civilization, there would be no need for many courts and for many policemen.”

The conviction rate of Irishmen accused of homicide in Scotland rose from 66 percent between 1867 and 1879 to 84 percent between 1880 and 1892. The likelihood of an Irishman arrested for homicide in Scotland being executed nearly tripled during the 1880s.

Welsh newspaper editors shared the suspicions that crimes were the work of their neighbors though they were suspicious of Scots and English immigrants as well as the Irish. The *Carmarthen Weekly Reporter* announced that “it is a notorious fact that the bulk of convictions at Welsh Assizes are of English tramps.”

When a young woman was found murdered in a Welsh port, the local press insisted that “there is not a scrap of evidence to show that she was murdered by a Welshman or that a solitary Welshman knows who the murderer was. The probability therefore is that she was slain by one or more of those tramps from England, Scotland or Ireland who continually infest Welsh society and who cost the Principality so much for prosecution and imprisonment.”

But, like their neighbors, the Welsh were especially quick to describe the Irish as savages. The *Llannelly Guardian* reported, under the headline “An Irish Row,” that “in a quarter of town where a race of people live some of whom are celebrated for breaking each other’s heads” a brawl had taken place inside a house where “about a dozen true sons and daughters of the Emerald Isle were all jabbering together.” Instead of shillelaghs they “took a more modern course, viz, seize hold of the first earthen utensil that comes to hand and let fly.”

When a local gentleman was murdered by his gamekeeper, the *Carmarthen Weekly Reporter* suggested that “the fatal shot once fired there seems to have awakened in [the killer] that wild beast thirst for blood which (perhaps inherited from some ferocious and barbarian Irish chieftain) had so long slumbered unsuspected or unnoted in his nature.”

The sterling character of the native Welsh was implied in a report of a stone-throwing riot between the Welsh and Irish. According to the *Carmarthen Weekly Reporter*, the incident began when some Irishmen pelted some Welshmen with stones. “The Welsh remonstrated with them for their conduct and a fierce quarrel ensued.” When the police separated the groups and attempted to arrest one of the Irishmen, the stone throwing resumed.
“Some of the Welshmen present cried out, ‘Don’t abuse the police, they are only doing their duty.’” At this point, “a general row took place between the Welsh and the Irish.” When the police again separated the crowds, more stones were thrown and the Welsh began to throw stones at Irish houses. The report concluded, “It is not true that the police called on the locals to assist. It is not true that the Welshmen sought revenge on the Irish. They threw the stones at the doors and the windows in self-defence.”

**ETHNIC BATTLES**

Conflicts between locals and outsiders were common throughout Britain though migration within the United Kingdom could create uncertainty as to what constituted an outsider. Under the headline “The Welsh and the Irish,” a Welsh newspaper reported that an eleven-year-old Welsh boy was being tried in Liverpool for killing an Irish boy “in a dispute about nationalities.” The victim had taunted the boy about being Welsh. “He strongly repelled this insinuation although he admitted that his father was guilty of belonging to that branch of the Celtic race.” The victim “remarked that it was just like the Welsh who were a deceitful lot and could not stay in their own country. The prisoner made the obvious retort that the Irish were afflicted with the same roving tendency.” The Welsh boy “then kicked out at the deceased who was kicked in a dangerous part of the body and was killed.” The report is interesting in the use of passive voice; the Welsh boy “kicked out” and the victim “was killed” but the report does not say that the Welsh boy kicked the victim. The report also demonstrates that ethnic identities were a source of tensions but were also in flux for second-generation immigrants. It is also worth noting that the death of an Irish boy was perceived as humorous.

Riots between workers from the various nations of Britain were frequent. Forty-two homicide trials in England and Wales were the results of ethnic battles. When an Englishman was beaten to death with a brick in a fight between English and Welsh railway workers in 1875, the *Carmarthen Journal* explained that “what took place seems to have arisen from the jealousy of races, and partly from that which so often accompanies crimes of that description the excitement of drink.” At the trial a witness testified to hearing one of the accused say “that the next English —— that was out of the hut I’ll knock the brains out of his head.” Three men were arrested, but the evidence as to who struck the fatal blow was conflicting and the accused all swore that the true culprit had not been apprehended. After a half-hour deliberation the jury acquitted them. The *North Wales Guardian* complained that such
behavior was un-Welsh: “The Welsh as a nation have ever had the credit of being hospitable to strangers. It should be remembered that there are many Welshmen working in English districts.” The paper also suggested that “it is also silly to find prejudices of race in a land where all are Britons and should live together in good fellowship.”

Railway gangs were particularly likely to fight. Work on the Midland railway near Carlisle led to at least two fatal riots.

The men consist of Englishmen, Irishmen and Scotchmen, divided into distinct gangs who work together, drink together and fight together too. The English appear to have fancied that the Irishmen were working for less money than themselves and this suspicion engendered much ill-feeling, which vented itself in a very forcible manner when the men had drunk deep.

Three young Englishmen had gone to an Irish pub. When they arrived, the publican had taken his wife and children and hidden in the cellar. A battle erupted and an Irishman was killed when he was “held up and kicked in a very savage manner while another man battered his head with a spade.” Three Englishmen were acquitted of his homicide. A year later three Irish navvies were convicted of the attempted murder of a Scot. “It appears a feud had sprung up between the Irish and the English navvies with the latter of whom the Scotch navies were classed.” An Irish worker was convicted of attempted murder and sentenced to five years.

A report of a Durham murder trial began: “[F]rom the opening statement of learned counsel it appeared that the deceased man was an Irishman and the prisoner was an Englishman and at the time of the deceased meeting with his death there was ill-feeling existing between the English and the Irish in Willington.” Both the accused, Joseph Turnbull, and the victim, Martin Hogan, were pitmen attending the races. At the race Turnbull told an Irishman to “go back and tell the Irishmen to prepare for tonight; but let them come in ones and not in gangs.” That night sixty to seventy people gathered for the fight. When Hogan asked for a match, he was knocked to the ground. Turnbull “danced upon Hogan's chest saying 'I'll tramp his Irish guts out!'” Hogan died before they could get him to the hospital. Turnbull was convicted and sentenced to death though the sentence was commuted.

Chief Justice Coleridge was concerned about the pattern after hearing a case from Liverpool in which a gang of Irishmen had killed an Englishman in the streets. The victim had allegedly challenged the Irish, saying, “Come on I'll have satisfaction now, there is plenty of us.” Justice Coleridge said: “Prisoners would seem to have engaged in the disturbance from a spirit of
national animosity, which induced them to have recourse to disgraceful violence. Such outrages must be put down by the strong hand of the law, and if persons engaged in such fighting and sad results followed, they must be taught that such conduct could not be allowed.” The two Irishmen described as the ringleaders of the group were sentenced to penal servitude. But there was also a sense that the victims of such violence might not merit much sympathy. After hearing trials involving riotous brawls between Welsh and Irish laborers, Justice Bowen said: “[F]or two days they had been engaged in what was really a war of savages.” Forty-five percent of the homicide trials in England involving ethnic brawls ended in acquittals. When the defendant was English, the acquittal rate was 70 percent.

FOREIGNERS

Though the peoples of the United Kingdom fought among themselves, they agreed that those from outside the British Isles were far more violent. The Times often devoted more column inches to murders in France or Italy than to homicide trials heard in London. The commentary usually focused on the savage nature of the population and the stupidity of their courts. Though foreigners were assumed to be innately inferior, foreign examples might be used to encourage the British to mend their ways.

The fate of foreigners in English courts varied considerably by nationality. Foreign nationals tried in England, Ireland, and Wales were entitled to have their consul present, they were provided with an interpreter, and they had the option of a jury made up of six British subjects and six foreigners. When a Belgian servant was tried in London for the murder of her French mistress, the presiding judge warned the jury that “more patience, attention and vigilance should be exercised through the trial of a foreigner than in a similar proceeding against a British subject.” Sometimes judges even made allowances for national failings. When a Greek sailor was accused of stabbing an Italian sailor, Justice Willes charged against a murder verdict because “foreigners when from home acted differently from what they did when they were surrounded by their friends and neighbors.” Some attorneys argued that violence came naturally to certain people. When one woman killed another in a boardinghouse “in a locality almost exclusively inhabited by Italians,” the defense “besought the jury picturing to themselves the scene of a party of angry Italian of both sexes fighting promiscuously in a dark underground kitchen where it would be impossible to determine what really occurred.” The jury acquitted. When an Italian ice-cream dealer was con-
victed of murder in Glasgow, a memorial was presented to the Home Office for commutation of the death sentence. The Scotsman ran an editorial urging the public to sign the petition because, among other reasons, “the prisoner and the deceased are both natives of Italy which has no capital punishment and prisoner belongs to a hotblooded race.”

The UK courts were hardest on Americans (a quarter of those tried were executed). There was a consensus that Americans were more savage and placed less value on human life than any of their British or Irish cousins. The Times lamented, “[O]ne is sometimes tempted to think that the life of a man is thought little more of in America than the life of a rat.” An Irish judge explained one homicide by noting that “the prisoner was sometime in America, and he was afraid the prisoner had learned there to regard other men's lives more cheaply than they were regarded in this country under our law.” Continental European defendants were also more likely to hang than British defendants, though they were still thought to be better off than they might be in other courtrooms. When a Swedish sailor was tried for murdering a shipmate he thought was bringing bad luck to their ship, the defense attorney referred to his client as a “wretched creature whose swaying from side to side was sufficient to show he was demented. . . . Happily, he was being tried by a jury composed wholly of Englishmen and they with that innate sense of justice by which Englishmen were always governed would doubtless acquit him.” The attorney was disappointed in his hopes as the man was found guilty of murder and sentenced to death though the sentence was commuted. The Scots were also less sympathetic toward foreign defendants. Foreigners were nearly three times more likely to hang than were native Scots.

But though Americans and Europeans were punished severely, only one of the twenty-eight Africans and Asians tried for homicide in England and Wales was executed. English judges also gave lighter sentences to defendants from “uncivilized” countries. Justice Cotton explained that he was reducing a sentence from fifteen to ten years as “the prisoner was a man of colour and therefore the use of the knife under provocation he had received was somewhat more excusable than it would have been had he been a white man.” The Scots also sympathized with those from less civilized nations. When a mulatto from Canada was convicted of culpable homicide for killing a local man in a drunken brawl in Dundee, the local newspaper editorialized that “the Jury only embodied the public opinion when they restricted their verdict to one of Culpable Homicide. The Judge’s merciful treatment of the negro has been generally approved of by public opinion.”
WEAPONS AND NATIONAL CHARACTER

The presumption that the British were less savage than the people of other nations included a belief that the British were less likely to use lethal weapons. The English had long taken pride in the notion that Englishmen fought with their fists. In fact, even judges might share the pride in the notion that the Englishmen used nature’s weapons. After hearing a case in which four soldiers had killed a man in a pub brawl, Justice Brett assured them they would “return to their regiments without a stigma on their character, as it had been a fair stand-up fight and the knife had not been used.” Justice Wightman was even blunter, insisting that “during a quarrel” people should use “the weapon with which nature had provided mankind—the fists.”

Since the defining feature of murder is intent, whether or not the killer used a weapon was an important factor in trial outcomes. In each nation about a fifth of homicides that came to trial involved no weapon. Everywhere beating deaths were less likely to lead to murder convictions than other types of homicides and sentences were lighter than average (a year and a half lighter in England and Ireland). But if the killer used his or her feet as well as hands the outcomes differed. In England kicking was associated with foreigners and roughs. Officials in England were particularly eager to stop kicking, both as a form of fighting and as a tactic of wife abuse. English juries convicted in 80 percent of homicide trials in which the victim had been kicked to death. Sixteen percent of kicking trials led to murder convictions even though no lethal weapon had been used. When the victim had been kicked as well as beaten, the average sentence in English manslaughter cases increased by nearly three years. In Scotland, kicking was taken more seriously by judges than by jurors. Though Scottish juries were no more likely to convict in kicking homicides than in beating ones, the average sentences given by Scottish judges were nearly two years longer when the killer had used his feet. In Ireland there was no significant difference in either conviction rates or sentences when the homicide had been caused by kicking rather than beating. This may give credence to the claims in English and Scottish courtrooms that kicking was characteristic of the Irish.

Beatings either with fists or with handy objects such as rocks or sticks accounted for over half of all Irish homicide trials as opposed to only about a third of homicide trials in Britain. Though such beatings were the cause of death in over a thousand Irish homicide trials, only fifteen of these trials led to murder convictions and only ten of the death sentences were carried out. In Ireland 82 percent of homicide convictions that involved no weapon led
to a sentence of less than two years as did 75 percent of cases in which the victim had been beaten to death with an object.

But if fisticuffs were a natural form of combat, the use of a knife was considered alien. In 1880 Justice Grove complained after a case in which a man had been stabbed to death during a brawl, “There was a time when such a use was called un-English, but the term did not apply now having so many cases of this sort where people used weapons, instead of having recourse to the habit when the English fought with their fists.” He also implied that some Englishmen were even worse than foreigners. “People were accustomed to speak of Spaniards and Italians being addicted to the habit of using weapons, but he doubted whether there was anything like the homicide and wounding with intent to do grievous bodily harm by the knife in any country greater than in England.”

Twenty percent of English homicide trials involved stabbing. Seventy-four percent of these trials led to convictions and over a quarter of those tried were executed. Scottish courts were even harder on stabbing deaths. Stabbing was the cause of death in 17 percent of Scottish homicide trials, but it was the cause of death in 54 percent of murder convictions.

The Irish also viewed the use of the knife as alien. As one judge told a Limerick jury, “Now this habit of using the knife is most cowardly it is certainly un-Irish and should be checked.” Another judge explained that the increase in stabbing could be attributed to the great intercourse with America, where people were in the habit of carrying knives in the street and using them with the greatest freedom and there was hardly a quarrel anywhere there in which parties did not take out knives and use them with deadly effect.” But even though stabbings were more likely to lead to conviction in Ireland than other homicides, over half of those convicted of stabbing someone to death were sentenced to less than two years. In Ireland the knife was used in brawls—only guns were associated with premeditation.

Though only 11 percent of Irish homicide trials involved guns, they were the weapon in 40 percent of homicide trials involving political, sectarian, or agrarian issues. Because gun deaths in Ireland were so often related to political unrest, the courts took them very seriously. But, for the same reason, finding witnesses was often very difficult. Convictions were 20 percent less likely in gun homicides than in other homicide trials, but a person convicted of killing with a gun was over four times more likely to hang than other convicted killers in Ireland. Not all political shootings were intended to be fatal. Firing into houses (or moonlighting as it was more popularly known) was listed as a separate category in the Irish crime statistics. In fact, the use of guns to make a point rather than to kill was sometimes accepted even in circumstances...
that might seem highly suspect. Charges against a tailor in Cavan who had fired a double-barreled shotgun at a drinking companion were dismissed because there had been "no bad feeling." The Irish outrage papers regularly noted that some "cases entered in the numerical return as 'firing at the person' are unimportant, intimidation and not injury being the apparent object." The Cork Examiner suggested that a local physician who was charged with firing a shot from a revolver was being treated unfairly: "[T]hat a shot was fired there seems to be no doubt whatever but it appears equally certain that it was not fired at anything in particular and it may very well be that some fellow going that way fired off a shot 'in the gaiety of his heart.'"

Gun deaths were rare in England. Only 7 percent of English homicides that came to trial had involved guns. The English press presented gun violence as an American vice. In fact, merely being American sometimes sufficed as a defense in English shooting cases. When Luke Emerson shot William Robinson outside a bar, the defense explained that he "drew a revolver which he was in the habit of carrying in America and fired it for the purpose of frightening him." Emerson was acquitted after the U.S. consul gave him a good character. But in another case Justice Hawkins spoke of what many probably viewed as the crucial distinction between Britain and the United States when he complained of the "impropriety of men in this country where the law is sufficiently strong for their protections, going about armed with revolvers which in the momentary provocation they may be tempted to make use of." Justice Stephen concurred. "A more barbarous practice than that of carrying about loaded arms such as the revolver he could not imagine. . . . There might be places where it was right to carry a loaded revolver but that any man should think it necessary to have a loaded revolver on his mantelpiece in London was almost inconceivable."

Confident that their people were civilized and their law enforcement efficient, English courts saw gun use as an affront to national dignity. The issues were brought to the forefront in the case of Walter Hargan, a veteran of the British army who had spent several years in the United States. Hargan had interfered when two drunks began harassing the landlady of a pub. Once outside, when Hargan saw the two men behind him on the street, he turned around and shot them both in the head though he insisted to police he had merely fired shots in the air to frighten them. When the shooting first occurred, the Times reported it under the headline "Double Murder at Kingsland." Hargan was described as a stranger and the Times reported that local residents had run to capture him: "[A]n excited mob of men and women was now congregating and whilst one man fetched a rope and wanted to hang the fellow at once, others kicked and cuffed him. . . . Had it not
been for the timely arrival of police constables, the murderer must have been killed.” The initial report described the victims as common laborers in their sixties and the incident as an example of American contamination. “The accused is said to have remarked that the deceased affronted him and he served them as they would have been served in America.” Hargan was convicted of manslaughter and Justice Charles sentenced him to twenty years penal servitude.

The case did not end there, however. After the Home Office reduced the sentence to twelve months, an MP took up the cause and called for a full pardon on the grounds that Hargan was of good character and the victims were not, insisting that “Hargan in what he did obeyed an older law than any on the Statute book—namely, the law of self preservation.” The home secretary replied, “The question of whether the men were of good or bad character had nothing whatever to do with the case. The best man in the world had no right to take the life of the worst man in the world, unless he were in danger of his life.” He also cautioned that such notions were not English. “The right hon. gentleman had implied that it was necessary for persons to go armed, and that to use a weapon upon such provocation as Hargan received was justifiable homicide. These appeared to him to be assertions more fitted to the atmosphere of a South American bar than to any district of London.” The Times warned that were Hargan to escape unpunished it would be “an evil example. . . . If the notion were to be encouraged that ‘shooting at sight’ was secure of impunity when a man was threatened by ‘roughs,’ we might soon lapse into the state of private warfare that is said to prevail in the Far West.”

The home secretary and the Times agreed that the crucial issue in gun deaths was the threat to the state’s monopoly on the preservation of law and order. In late Victorian England public safety was preserved by duly appointed authorities. Guns threatened both public safety and the state’s position as its guarantor. References to the United States and Latin America demonstrated that citizens needed to carry weapons only in other less civilized countries. When an English farmer was shot to death while riding to market, the coroner’s jury “expressed an opinion that the murder could not have been committed by an Englishman.” But because the number of gun deaths supported the belief that guns were not the weapon of choice for English homicides, there was no great sense of urgency regarding their availability and use.

But even though gun homicide trials in England were rare, they were increasing. The average number of gun deaths tried as homicides per year in England went from eleven for the period 1867–1874 to eighteen for the period 1884–1892. As a percentage of homicide trials, gun deaths doubled between 1867 and 1892. In 17 percent of gun homicide trials in England the
defense argued that the death had been accidental. In the early part of the period such incidents rarely led to convictions. In 1867, when a sixteen-year-old boy was tried for fatally shooting his fourteen-year-old sister, both the judge and the *Times* reporter showed considerable sympathy for the accused. “These children and some others had been playing and laughing together. The prisoner was going to church with his mother, when she sent him back for an umbrella. The prisoner went back, found his sister in the parlor and they laughed together.” He then picked up a gun, pointed it at his sister, and pulled the trigger. “The contents entered the poor child’s head and she fell dead. The gun had been loaded unknown to the prisoner.” The account, with the reference to play and laughter and describing a sixteen-year-old as a child, was exceptionally sentimental. But the view was shared by Justice Willes, who said that “no one would think of punishing the prisoner.” After the young man pled guilty, the judge described the case as “a melancholy instance of the danger of playing with firearms. He had no doubt the prisoner had suffered more punishment in his feeling than the Court could inflict. The prisoner, who appeared to suffer very much, was then discharged.” The sympathy shown in this case was in marked contrast to the next one in which Justice Willes sent an eleven-year-old boy to a reformatory for five years for stealing a letter.

But as the death toll mounted, such shootings were increasingly viewed as culpable negligence. Though no accidental shootings led to convictions between 1867 and 1875, 40 percent of them led to convictions between 1885 and 1892. The sentences were light but the point was made. In 1881 Justice Hawkins complained, “People seemed to think the reckless use of revolvers was really no crime at all . . . very few days passed without one seeing, reading or hearing of some mischief done by the use of revolvers.” The *Times* agreed: “There has been far too much use of the revolver in England of recent years. They are at least as dangerous as poisons and it would be well if their sale could be restricted in a somewhat similar manner.” There were also suggestions that the blame be distributed. In 1890 two teenage boys were charged with killing a teenage girl with what they thought was a “toy pistol.” Justice Day said the guilt lay “with the man who sold the pistol to a lad of the prisoner’s age” and suggested the laws should be changed.

As in Ireland, judges accepted that the use of a gun might not necessarily imply intent to kill. Justice Piggott said about a man charged with killing a friend when he fired into a crowd of people standing outside a pub: “If they thought he only went into the yard in a state of excitement intending only to raise consternation and alarm and not to kill or do harm they might find him guilty of manslaughter.” In 1876 George Underhill, “a man of considerable means,” shot a passerby because in a drunken haze he thought someone was
attacking him. Though there was no evidence that the victim was in any way a threat to Underhill, the judge told the jury: “If a man in a public thoroughfare without calling for the assistance of bystanders uses a dangerous weapon the crime is manslaughter not murder. Merely firing in a place when someone would likely be struck would not be sufficient to constitute the more serious offense.” He sentenced Underhill to twelve months. In 1887 Justice Stephen heard a case in which one American had shot another in Woburn Place. He told the jury, “If the jury thought he fired the pistol at the deceased’s body intending to hit him, taking the chance where he hit him that would be murder. If on the other hand they thought that he had fired it vaguely, without any special intent at all—that would be manslaughter.”

Even when there was evidence of malicious intent toward someone else, English judges were surprisingly tolerant of guns. Alfred Hawse, a lodging house keeper, had been locked in his room with a loaded revolver, prompting a worried servant to fetch a policeman. When the constable knocked on the door, Hawse opened the door and fired the revolver. The shot killed a passerby. Hawse claimed that “he had no animosity to anyone and had been amusing himself with the revolver which he bought to shoot his wife with.” Justice Hawkins said that “it was one of those cases in which they all regretted the facility with which people obtained and used revolvers” and sentenced Hawse to eighteen months. English courts were willing to accept that guns were as much symbols as weapons. Guns might be fired “vaguely” or to create consternation. Perhaps because bullets were harder to target than knives, in England the average sentence for manslaughter with a gun was two years less than for manslaughter with a knife.

Gun deaths in Scotland were actually less likely to lead to murder convictions than other types of homicides, and Scots who were convicted of killing with a gun were actually more likely to receive a sentence of under two years than were those convicted of homicides involving beating or kicking. In keeping with Scottish principles, wrongs had to be atoned for, but because the number of trials for shooting homicides was not increasing in Scotland, as it was in England, there was no great concern about using prison sentences as a deterrent. Only 3 percent of Scottish homicide trials involved shootings, and though over three-quarters of the trials ended in convictions, nearly half of the convictions led to sentences of less than two years. Scottish gun deaths most often involved misfires. In other words, the shootings were deliberate—the outcomes unplanned. For example, in 1877 a watchman had fired a shotgun at three boys who were pelting him with stones. He pled guilty to culpable homicide though the defense pointed out that “[h]e had been much provoked. However when firing the gun he had
no intention of hitting any of the boys.” The judge “remarked that it could
not be too widely known or clearly understood that the reckless use of
firearms was a very culpable act, but as on the whole he was satisfied that the
prisoner had no intention of harming the lads, he thought this punishment
[three months] was sufficient to meet the ends of justice.”148 In another case
a gentleman staying at a sanitarium in Inverness had shot at a cat and
missed. The bullet struck the managing director of the establishment, who
was killed instantly. The presiding judge explained that “where human life
had been sacrificed, a fine could not be imposed” and sentenced the man to
one month. Again the sentence was a very light one but the principles of
accountability were upheld.149

Even in cases in which the recklessness was more culpable, the Scottish
courts took the same moderate approach. In 1878, after a drunken quarrel
with his wife, James Martin found a crowd outside his window hooting him
for being a wife beater. Martin responded by firing his rifle out the window,
killing a seventeen-year-old girl who was walking by. He pled guilty to cul-
pable homicide. The prosecution accepted that he “may have been alarmed
by the crowd and unintentionally loaded bullets instead of blanks; however,
to fire a rifle even loaded with blank cartridges among a body of women is
a most grave offense.” He was sentenced to twelve months.150 Heavy sen-
tences in shooting homicide trials in Scotland were reserved for poachers.
The only nonpoacher convicted of murder with a gun in Scotland during
the period was a fisherman who had deliberately shot his sleeping wife in the
head.

Very few gun accidents appear in the Welsh courts, which may indicate that
such cases were not considered homicides and gun deaths were not considered
a serious problem. In North Wales in 1891 a fifteen-year-old boy was able to
purchase a revolver for five shillings. He had kept the gun hidden from his
mother, but his twelve-year-old brother found the gun and shot his nine-year-
old sister. The coroner’s jury ruled the death accidental, but the coroner added
that he “wished to know how the pistol came into the possession of the child
and would not remain satisfied until the affair had been thoroughly investi-
gated.”151 Language problems could also be involved in gun accidents. In 1892
William Morgan was shot to death in Swansea by a seaman named William
Smith. Morgan was sitting in the kitchen of the hotel when Smith came in.
Morgan was holding a revolver and Smith asked to see it. Morgan said since
it was loaded he would not let it out of his hands. But Smith insisted, started
playing with it, and shot Morgan. The coroner’s jury ruled it death from mis-
adventure as Morgan had been speaking Welsh when he said it was loaded and
Smith did not speak Welsh.152 Like their neighbors the Welsh associated guns
with Americans. When a labor leader at Swansea shot his wife, the newspaper noted that the man “had lived in the US and adopting a habit of many people of that country, always kept a loaded pistol in his house.”

HOMICIDE AND NATIONAL IDENTITY

Everywhere, the assumption was that homicides were committed by outsiders, with weapons imported by foreigners acting on instincts that were alien to the true national character. For the English, there were two crucial issues: first, that English civilization was such that violence was no longer necessary, and second, the English tradition of the fair fight. The two were in conflict, and as Wiener, Emsley, and Wood have argued, over the course of the nineteenth century the control of traditional violence was a major focus of the government. But killers also allowed the English to identify themselves. Englishmen who killed were not behaving like Englishmen—they were behaving like savages or Irishmen or Americans. Killing (except on the field of valor) was not English.

The Irish were willing to assume that most homicides were inadvertent so much so that killers were often worthy of as much sympathy as their victims. Most Irish homicide trials were for deaths in brawls and most did not involve a lethal weapon. Even when guns were used the courts were willing to assume there had been no lethal intent. Homicides might happen because of drink and passion, but murder was un-Irish. The Scots also failed to see their fellow citizens as murderers but Scottish courts insisted on atonement for sins. Scottish killers were the most likely to be convicted but the least likely to be executed. But the Scottish press was convinced that the only true murderers among them were the Irish immigrants. Homicide trials were so rare in Wales that generalizations are particularly difficult, but the Welsh, like their neighbors, were convinced that murders were committed by foreigners (though ironically the foreigners they most often had in mind were the English).

However, most homicide trials did not involve homicidal strangers or robbers or rapists. How do judges and jurors respond when the killer is not inherently Other but is a local man or woman responding to difficult but not unusual circumstances? The choices made reveal a great deal about underlying assumptions regarding gender, power, class, and the boundaries between public and personal responsibility.