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Ian O'Donnell and Finbarr McAuley, *Criminal Justice History: themes and controversies from pre-Independence Ireland*

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- 1 To speak of pre-independence Ireland and criminal justice in the one breath could once mean only one thing – the uses of state power in defence of the authority of the ascendancy. Ireland under the Union was more often ruled in a state of emergency than of normality. The political conflict of the period and the social catastrophes of famine and mass emigration suggested a context in which agents of criminal justice played a role largely focussed on the maintenance of social order in the interest of the Ascendancy. Such a conception still dominates the popular historiography of modern Ireland, imprint or on television. Talk of police and we are likely to be shown a picture of an eviction or gunfire in the streets of Dublin in 1916.
- 2 Social historians over the last thirty years have largely overturned such views. There are two stories about Ireland under the Union, and they are not incompatible. On the one hand, it was frequently a disordered society in which sovereign authority was (usually ineffectively) challenged and the forces of order marshalled to respond: occasionally this meant the use of the armed forces in aid of the civil power. On the other, there is a story about Ireland as a modernising society, in which urban and rural changes commonly

experienced throughout Europe were accompanied by the development of the modern institutions of criminal justice and other instruments of government. Some have brought these two stories together – recognising that the particular conditions of Ireland (its jurisdictional separateness within a political union, and a seemingly intractable social condition) allowed a peculiar degree of governmental innovation. Hence Ireland developed a prisons administration, police, a paid magistracy, a state system of prosecutions, a national system of lunatic asylums in advance of such developments in England itself.

- 3 The collection reviewed here traverses some of the ground travelled by recent social historians in search of these criminal justice innovations as well as understanding of the particular stories that might be told about crime in Ireland in the eighteenth and nineteenth centuries. It is to the credit of the editors that they have gathered together a body of work that demonstrates that this field has developed a solid historiography, quietly and by accretion. Yet an opportunity has been missed in the introduction to survey the field more generally – to show why it might matter that (as they observe) an Irish perspective has generally been missing from ‘international debates about crime control, policing and imprisonment’. Such a reflection might have something to say about the fate of social policy generally in post-independence Ireland, which for many decades was more characterised by stagnation than the kinds of innovation that had attracted attention during the nineteenth century. Instead the overview limits itself to a summary of the chapters in the book, while a concluding bibliography will be of use to those wishing to follow up what has happened in Irish criminal justice since 1922.
- 4 The chapters are all previously published, generally in journals, and sectioned into three divisions, dealing with crime, policing and penal innovation. Such divisions are not always comfortable – there would be a case for including in ‘Penal innovation’ Pauline Prior’s chapter on the Dundrum Criminal Lunatic Asylum, the opening of which preceded Broadmoor by more than decade. The uneven impact of such innovation is shown in Prior’s demonstration of the substantial benefit which might flow to the well-heeled murderer from a successful insanity defence. The chapters that do get into ‘Penal innovation’ deal variously with the application of the penitentiary idea and its successors, as well as the later century innovations of graded penal discipline in the work of Walter Crofton and inebriate reformatories (less an innovation than an imitation which failed).
- 5 The chapters on policing reflect the most substantial research area in Irish criminal justice history. They include an early piece by Stanley Palmer on the eighteenth century police experiment in Dublin, as well as studies of the constabulary system in the nineteenth century, its articulations to the magistracy and prosecution and intelligence systems, its pay and conditions and its role in the policing in famine Ireland. These chapters valuably show the importance of attending to the normal functions of policing, even in a society which had as much of its share of abnormal conditions as Ireland. As Bridgeman suggests, much might be learned about the Irish constabulary by an ‘analysis of the policing of the peace’ as by attention to its role at moments of crisis.
- 6 Perhaps the most ambitious and wide-ranging of the chapters is that in the first section on crime and society, in which James Kelly explores the social and cultural contexts of the crime of rape in eighteenth century Ireland, showing how seriously it was punished as well as how real a threat it was to women of the time. This study, of a period before the development of substantial criminal justice bureaucracies, reminds us once again of the importance of sources for the history of crime that lie outside the records of police and

court depositions: in newspapers of course, but also in letters and diaries, as well as popular literature. Which is also to suggest why the subject matter of the book cannot be divorced from a social history of the culture in which crime and punishment take place.

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